

Land and Land Conflict in the Palestinian-Israeli
Peace Process: 1990-1999

By

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**The candidate confirms that the work submitted is his own and that
appropriate credit has been given where reference
has been made to the work of others**

To All Those Martyred for the Freedom of Palestine

To the Martyrs of My Family

To The Palestinian Prisoners

Acknowledgements

Having completed my Ph.D. thesis, I am required as a matter of convention to include certain acknowledgements. However, for myself this is a matter which is not only essential but carries moral and spiritual significance.

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Abstract

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This thesis examines the importance of the debates and struggle over land in the Oslo Accord and immediately post-Oslo. It does this by first situating the conflict over land in the historical context of the spread of Zionism from the 1880s, culminating in the establishment of the State of Israel in Palestine in 1948. It then reviews and contrasts the policies on land and settlement of the Israeli Labour and Likud parties. The focus of the thesis is an assessment of Israeli settlement policy on the West Bank and Gaza-Strip after the Oslo Agreement of 1993. It examines the sequences of Israeli-Palestinian agreements that have divided Palestinian land into different categories and argues that these categories and the problems they have created have ignored the historical importance of land in the conflict between Israel and Palestine.

The thesis argues that the classification of land is intended to further subjugate Palestine to the political and economic dominance of Israel, and that the formulation for discussing land issues undermines the possibility for the establishment of a strong and economically independent Palestinian state. The thesis submits that the persistence of Israeli settlement policy and the manner of Israeli withdrawal from the West Bank has not encouraged the Palestinian National Authority (PNA) to conduct a comprehensive land survey and registration procedure. Moreover, Israeli strategy in the post-Oslo period has been to promote the cantonisation of Palestine to ensure that any future Palestinian state will remain economically weak and politically disjointed.

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Abbreviations

DFLP	Democratic Front for the Liberation of Palestine.
DOP	Declaration of Principles.
ESCWA	Economic and Social Committee for West Asia.
ILA	Israeli Land Authority.
IZO	International Zionist Organisation
JCA	Jewish Colonial Association
JEC	Joint Economic Committee.
JNF	Jewish National Fund
JNF	Jewish National Fund
JWC	Israeli Palestinian Joint Water Authority
MCM	Million Cubic Metres.
NGO	Non Governmental Organisation.
PCBS	Palestinian Central Bureau of Statistics.
PFLP	Popular Front for the Liberation of Palestine.
PICA	Palestine Jewish Colonial Association
PLA	Palestinian Land Authority.
PLC	Palestinian Legislative Council.
PLO	Palestinian Liberation Organisation.
PMA	Palestinian Monetary Authority
PNA	Palestinian National Authority.
PWA	Palestinian Water Authority
UNCTAD	United Nations Conference on Trade and Development.
UNRWA	United Nations Relief and Working Agency.
WBGS	West Bank and Gaza-Strip.

Introduction

Palestinians and Zionists have been in conflict in Palestine for more than a century and the conflict has passed through many different stages in the struggle to control land. This thesis examines the conflict and struggle over land between Israel and Palestine particularly in the period following the Oslo Agreement of 1993. Land questions are central to the Israeli-Palestinian conflict. In order to better understand the process of land ownership and transfer during different periods of Palestine's modern history we have to briefly review land issues during the Ottoman rule, the period of the British Mandate, after the imposition of the Israeli state, and in the period after the 1967 War. We then begin to assess what the impact of these different periods may have had on Palestinian communities. The historical revision of the struggle over land during the last four decades of Ottoman rule until the signing of the Oslo Agreement clarifies and reinforces the significance of the struggle which took place in the last decade of the twentieth century.

By exploring these stages the study examines why the Palestinian-Israeli agreements are difficult to function in the presence of the Israeli policy of confiscating Palestinian land, building new settlements, expanding the present settlements, controlling the majority of the Palestinian territories, and regulating Palestine's international border crossings.

Resolving land problems and disputes between Israel and Palestine are the key to any hope of establishing a real and just peace in the long conflict between the two sides. Many studies have been written about the Palestinian-Israeli quarrel and covered many sides of this conflict but the debates about land in the post-Oslo Agreement has not been examined in detail. The majority of studies that examine this period are concerned with the possibilities of finding political solutions that advance the peace process, and give it a chance to work and succeed. The contribution of this study is to investigate to what extent the control over land

affected Palestinian-Israeli relations and the effect of this control on both parties politically, socially, and economically.

The issue of land encompasses many different issues such as the future of Jerusalem, the solution to the refugees question, the final border between Palestinians and Israelis, and the settlements in the West Bank and Gaza-Strip. This thesis examines specifically the struggle over land between Palestinians and Israelis particularly those conflicts relating to Israeli settlement in Palestinian territories after the Oslo Agreement period.

Background

Palestine is a small Middle Eastern country about the size of Wales, which is linked to Asia and Africa. It borders on Lebanon in the north, Egypt and the Gulf of Aqaba in the south, Jordan and Syria on the eastern border, and the Mediterranean to the west (see map 1.1). It covers about 27,000 square kilometres (Simpson, 1930, 12) excluding the Dead Sea and the Lake of Tebrias, which together cover 690 square kilometres, but including Lake Huleh (Peel, 1937, 235). Palestinians number more than seven million; three million live in Palestine, the remaining include those who were expelled during the wars of 1948 and 1967, plus their descendants. Jews in Palestine number around five million (al-Ayyam May 20, 1998).

Palestine could be divided into four areas; a) The hill areas which estimated 8,862,000 dunums, there is 2,450,000 dunums are cultivable. b) The Five Plains which consists of the Maritime Plain, Acre Plain, the Vale of Esdraelon (excluded the Vale of Jezreel -Marj Ibn Amir-), the Hule Plain and the Plain of Jordan (included the Vale of Jezreel). The total area of these plains are approximately 5,424,000 dunums and the cultivable area are 4,094,000 dunums. c) The Beersheba region which its area estimated at 3,200,000 dunums and there is 1,500,000 dunums are cultivable. d) the desert area which estimated about 9,189,000 dunums. In 1930 the total cultivable area were estimated about 8,034,000 dunums (Simpson, 1930, 12).

As a result of the issue of the Ottoman Land Code, in 1858 Palestinian Arabs became for the first time acquainted with land registration and title deeds (*kushan*). The Land Code brought fundamental change to land ownership, however, many Palestinian Arab peasants did not register their land because first, they were unable to pay the registration tax because they were too poor, and second, they feared that if they registered the land, their names would appear in the Ottoman official records, and they would be subject to conscription. Peasants continued to cultivate the land according to their customs and ignored the new law of land ownership, but Arab absentee merchants and Palestinian Arab notables registered some millions of dunums (one dunum equal 1000 square metre or 1/4 acre) in their own names (Ruedy, 1971; Stein, 1984; Said and Hitchen, 1988; Smith 1992; Divine, 1994).

The Zionist political movement developed as a result of Eastern European persecutions and pogroms conducted against the Jews in the late nineteenth century. Zionists wanted a national home which they stated could be Argentina, Uganda, Cyprus, or Palestine (Stevens, 1971; Heikal, 1996a; Jiryis, 1996;). Eventually in 1905 the Zionist congress adopted Palestine as their Jewish Homeland to which Jews could return and settle, they successfully established the Israeli state in 1948, fifty years after the first Zionist Congress in 1897 (Smith, 1992; Tessler, 1994; Heikal, 1996b).

The Zionist settlement enterprise began in 1882. Its aim was to mobilize a large number of Jews to go to Palestine and purchase the largest area of land they possibly could in the most fertile areas, so that they could establish many settlements to form the nucleus of their planned state in Palestine (Simpson, 1930; Peel, 1937; Ruedy, 1971). The Jewish settlements depended on two factors; the land and immigrants. The land to be purchased or confiscated and people to be brought from outside. The term “settlement” in the Palestinian mind means replacement by new-comers (immigrants).

As a result of subsequent waves of Jewish migration, and the Zionist policy of purchasing land, Palestinians and Zionists entered into one of the most difficult

conflicts in the twentieth century, which is still unresolved. It has caused five devastating wars (1948, 1956, 1967, 1973, and 1982) between Israel and its Arab neighbours and Palestinians that killed and injured hundreds of thousands of people, mostly Arabs (al-Nahal, 1981; Heikal, 1996b).

In the early 1990s both Palestinians and Israelis reached an interim agreement known as the Oslo Agreement or the Declaration of Principles (DOP) which was signed in Washington on September 13, 1993. The agreement solved many issues such as the mutual recognition between the Palestinian Liberation Organisation (PLO) and the government of Israel, Palestinian self-government, the establishment of Palestinian police forces and so on.

The agreement however left the main and most important issues unresolved. It confirmed that these issues would be resolved in the permanent status negotiations which were to commence as soon as possible, but not later than the beginning of the third year of the interim period. The critical issues are: firstly, the Israeli settlements, which have spread everywhere in the West Bank and Gaza-Strip after the 1967 War (see maps 1.5 & 3.1). Secondly, the status of Jerusalem, valued by all religions which was annexed by the Israelis challenging the will of the international community in 1967. Thirdly, Palestinian refugees who were expelled by force by the Israelis in the 1948 war. These constitute more than sixty percent of all Palestinians. Fourthly, the borders between the State of Israel and the emergent Palestinian entity. This is in addition to the solution of the water crisis (Said, 1995a, Karmi, 1999).

The solution of these four issues formed the real challenge to the Palestinian-Israeli peace process which started in Madrid in October 1991. The agreement did not determine if the new Palestinian entity would become an independent state or continue as a form of Palestinian self-rule.

Statement of the Problem

This study explores the conflict over land and land rights between Palestinian Arabs and Zionists and it does so by situating the struggles over land in a historical context. The Ottomans published the Land Code in 1858, which resulted in a big change in the ownership of land in Palestine. They classified land into six categories *Mulk* (Private land), *Miri* (State land), *Waqf* (Land guaranteed to pious foundation or revenue from land guaranteed to pious foundations), *Mahlul* land (state land), *Matruka* (Communal profits or land subject to public easement in common), and *Mewat* (Dead or undeveloped land) which made the question of land ownership very complex for both the Palestinians and the Zionists during the British rule (Anglo-American Committee of Inquiry, 1945; Hyamson, 1955; Smith, 1992).

The conflict over land began from the second wave of Zionist immigration in the first decade of the twentieth century (Simpson, 1930; Said and Hitchen, 1988) where the new-comers needed land to settle, so with the Zionist settlement project, the conflict arose, due to the settlers' purchasing land from the Arabs. Zionists tried to buy as much land as they could, they concentrated their efforts in the northern and the coastal areas of Palestine which are the most fertile areas in Palestine and where there are large tracts owned by Arab absentees which could be purchased easily. This does not mean that they did not acquire land in the hilly and the southern areas of Palestine; they did so but in small numbers (Simpson, 1930; Peel, 1937).

The process of purchasing land (transfer of land to the Zionists) started in 1882 during the reign of the Ottomans and accelerated during the British Mandate who by and large supported the Zionist movement to establish a Jewish national home (State). According to the Balfour Declaration in 1917, it promised the Jews that they could establish their homeland in Palestine (Said and Hitchen, 1988;). But this process created a new and a bitter clash with Palestinian Arabs, particularly when the landless peasant class wildly appeared as a result of the land-purchasing.

After the establishment of the State of Israel in 1948, new laws relating to land were issued. First of all, a law concerned with private land belonging to Palestinian absentees who had been expelled from their villages and cities, put it under Israeli custodianship and then leased it to Israelis. Second, the so called 'state land' was distributed under the previous rulers to enable the Israeli settlers to acquire more land (Ruedy, 1971; Jiryis, 1996).

Israel was able to occupy the remaining part of Palestine that is, the West Bank (including Eastern Jerusalem) and Gaza-Strip in the war of June 1967. After the occupation of these new territories the Israeli Government started organising settlements. There is no doubt that the Israelis concentrated their settlement policy in some areas of the West Bank more than others. The main aim of this expansionist policy was concerned with security, where they could establish a series of security belts of settlements linked together and having access to the protection of Israeli security. But this policy was carried out at the expense of Palestinian sovereignty and is totally at odds with Palestinian aspirations and interests. The settlements and their by-pass roads fragmented Palestinian society which now lived in cantons and separate enclaves (Alone, 1970; Arab League, 1985; Lukacs, 1990; Palestinian Information Service, 1997a).

The Israeli Government confiscated Palestinian land for the establishment of settlements. It resorted to every method in order to do so; all categories of land were subject to expropriation. It was only natural those people whose land was taken by force should react with every means against occupation. What has happened in Palestine is the outcome of Israeli seizure of Palestinian land. According to the resolutions of the U.N. Security Council and General Assembly, the West Bank and Gaza-Strip are considered occupied territories (see foot-note to chapter one No.4). Despite this, Israel continues its settlement policy turning a deaf ear to the pledge of the international community (Alone, 1970; Kale, 1978; Arab League, 1985; Lukacs, 1991).

From 1967 on, the political thought of both sides started to change and developed because of the new situation which the Israeli settlements created. Both sides started searching to find a durable solution to Palestinian political aspirations and the Israeli security needs (Peers, 1994). The DOP or the Oslo Agreement that came about as a result of the secret negotiations between the Palestinian Liberation Organisation (PLO) and the government of Israel were as much a product of the need to assuage increased tensions within Israeli society, as a circumspect attempt to deal with the national aspirations of the Palestinians of the West Bank and Gaza-Strip (Jones, 2000). The agreement aims at solving the problem through a series of stages. The agreement did not offer any solution to the question of the Israeli settlements. It did not even state clearly the halting of Israeli settlement activities in building new ones or expanding those already in existence (Said, 1995b). Palestinians believed that building and expanding of the settlements was contrary to the spirit of the DOP for establishing peace and mutual understanding, because they were convinced there could be no peace with the settlement policy. On the other hand, Israel consider that the issues were delayed till the final status negotiations, so when this stage will come, they will negotiate the issue.

The settlement issue is a sensitive and crucial one for any long-term peace settlement. It is no surprise that the irony of the Oslo Agreement is that the Israelis confiscated ten per cent of the areas of West Bank after the signing of this Agreement (al-Ayyam, January 27, 1997).

The thesis focuses on the post-Oslo Agreement period or what is known as the interim period of the conflict over land. The Oslo Agreement generated general concepts about the interim period and the permanent status negotiations. Soon after the signing of this Agreement, negotiations commenced on the implementation of the interim agreements (www.Israel-mfa.gov.il/mfa/go.asp?MFAH00q00).

The first interim agreement was that of Gaza-Jericho, which was signed in Cairo on May 1994. It dealt with the Israeli withdrawal from the greater part of the Gaza-Strip and Jericho area, transferring authority to the Palestinians, power and

responsibility to the Palestinian National Authority (PNA), and others (Agreement on the Gaza-Strip and the Jericho area, 1994). Israeli military forces withdrew from more than 60 per cent of the Gaza-Strip and Jericho area, which is estimated at 65 square kilometres (al-Fatah Movement, 1994). The land of the Gaza-Strip was divided (see map 4.1) into the following categories:

a) Area A that under the full control of PNA. b) The Yellow area, from which the Israeli authorities had overriding responsibility and security powers, while the PNA had responsibility and powers for civil affairs. The Mawasi Area in Rafah and Khan Younis in the south of the Strip is a part of the Yellow area (This area will be one of the two case studies of the thesis). c) The areas and the settlers of the Israeli settlements are under the full control of Israelis (www.merip.org/rabbani.htm).

The Third agreement signed between Palestinians and Israelis was the Palestinian-Israeli Interim Agreement on the West Bank which was known as Oslo II, where Israel redeployed its military forces from the main Palestinian towns (see map 1.4). The land of West Bank was divided into three categories;

a) Area A, where the PNA had full control. This area occupies approximately 3 per cent of the total land surface of the West Bank. It consists of the Palestinian cities, and contains 26 per cent (excluded the Palestinians of Jerusalem) of the Palestinian population of the West Bank (Abu Hameed interview, February 8, 1999). b) Area B, where the majority of towns and villages are located. In this area the internal security control is under the Israelis, while the civil and police affairs over the residents is under that of the PNA. This area forms about 27 per cent of West Bank and contains 70 per cent (except for the Palestinians of Jerusalem) of the Palestinian population. c) Area C which forms about 70 per cent of the land (including the Israeli settlement areas) is under Israeli control and is governed by both the Palestinians and the settlers (www.merip.org/rabbani.htm). Both Palestinians and Israelis agreed that Israel will make further redeployment in another two phases. the first would start direct by after the election of the Palestinian Council. The two phases should be completed within 18 months where areas A and C would be transferred to PNA jurisdiction except for the issues to be

negotiated in the permanent status negotiations (www.Israel-mfa.gov.il/mfa/go.asp?MFAH00qa0).

Under the Likud Government (1996-1999), Israel signed two agreements with the PLO. The first dealt with the Israeli redeployment of its military forces from the great part of Hebron City, while the second was the Wye River Memorandum (November 1998) which gave details of the Israeli redeployment of 13 per cent of the West Bank.

The Israeli redeployment from Palestinian cities and the formation of categories according to the interim agreement of September 1995, led to the fragmentation of the West Bank into Zones of Palestinians and promoted the atomisation of Palestinian society. Because area A is not contiguous, and Israel remained in command of the road network connecting the different towns of area A, all movement of goods and persons in and out of, and between these enclaves can be interdicted at will (www.merip.org/rabbani.htm).

In area B in the West Bank and in the Yellow area of the Gaza-Strip, the Israelis have security control, so on the pretext of security needs, Israelis continue their previous policy of confiscating land, arresting Palestinians, demolishing houses, prolonging curfews, and other measures.

The situation of area C which form the largest area of the West Bank, remains under full Israeli control. In 1994 according to the Gaza-Jericho First Agreement, 30 per cent of the Gaza-Strip remained under full Israeli control, then no further Israeli withdrawal took place in the Gaza-Strip. In 1995, according to the Oslo II Agreement, this area consisted of 71 per cent of the total West Bank. Then, in 1998, according to the Wye River Memorandum (which was implemented in late 1999, early 2000) area C consisted of 58 per cent of the West Bank (Asfour Convocation November 11, 1998). There is no fundamental difference between area C and the Yellow area in the Gaza-Strip according to the Israeli practice in this area, so Israel is controlling the largest number of areas in the Palestinian territories.

After the signing of the agreements instead of transferring land to the Palestinians, thousands of dunums of Palestinian land were confiscated, new settlements were built and some that already existed, expanded. Thousands of dunums were also confiscated for the by-pass roads in order to demolish the boundaries between Israel and the settlements in the West Bank. The number of settlers (excluding those in Jerusalem) increased, for example, according to the Israeli Bureau Census, by 11,600 in 1996 to reach 148,000; an increase of 8.5 per cent, where as the Israeli Peace Now Movement estimates that the number of settlers increased by 7,000-8,000 in the West Bank and Gaza-Strip in 1997 (Cited in al-Ayyam January 27, 1998).

Palestinians rejected the Israeli activities in regard to land and settlements, arguing that Israel created facts that might kill any hope of transferring land to them as well as the foreclose of the Palestinian hope in the final status settlement, where they are looking to establish their independent state in the West Bank and Gaza-Strip (Habbash interview, December 12, 1998).

The thesis examines the following main issues when discussing the post-Oslo period:

- 1) The early stage of Zionist settlement in the reign of the Ottoman, the British Mandate. And the Israeli settlement strategy and activity in the West Bank and Gaza-Strip in post-June 1967 War and its impact on Palestinians and Israelis. This is to provide a context within which the struggle over land in the 1990's.
- 2) The struggle over land in the Palestinian-Israeli negotiations from Madrid Conference (October 1991) till the end of the interim period (May 1999). This struggle took place in the negotiations halls, rather in the battles and wars as usual.
- 3) The explanations behind Israeli activities in the post-Oslo Agreement since 1993, confiscating new land, building new settlements, expanding the existing settlements and increased the number of settlers and constructing by-pass roads to link the

settlements with Israel. The analysis of the Israeli official statements and parties programmes will clarify this point.

4) Oslo Agreement and the other agreements which were signed in Cairo and Washington 1994, 1995, 1997, and 1998, which classified the land of West Bank and Gaza-Strip into different interim categories of different degree of controlling the land and people among the two sides. I would study these interim categories and their impact on the Palestinians and the stages of its change.

5) The PNA efforts resolve questions of land ownership, inherited for more than a century that left much ownership of land without a just solution to the original owners (Palestinians). The different levels of control of land between PNA and Israelis in the post-Oslo Agreement affected the land registration and ownership in the West Bank and Gaza-Strip

Research Objectives

One of the aims of the study is to show how the Zionist strategy regarding the control of land succeeded through different contemporary historical stages. The thesis focuses on this Zionist strategy during the post-Oslo Agreement period. The study will also show that Palestinian political thought regarding the control over land has entirely changed since the late 1980's. This strategy of controlling land was crowned by the Palestinian acceptance of the phased solution to the Palestinian question. There is no doubt that Palestinians have learned from Zionists to accept what is proposed and then struggle to obtain more.

The second aim of the study is to investigate the importance of land in achieving a lasting, just and comprehensive peace to the Palestinian-Israeli conflict. For land is central to the conflict. It is also important to understand the process of land ownership and transfer during different periods of modern Palestinian history: Ottoman rule, British Mandate, Post Israeli state, post-1967 War and post Oslo Agreement. How and why the agreement was done in different stages and its impact to the local community. By exploring these stages I will show why Palestinian-

Israeli agreements are difficult to achieve in the presence of the Israeli policy of confiscating Palestinian land, building new settlements and expanding the present settlements according to their security plans. The Palestinians have rejected Israeli activities and demands. Therefore, the study will investigate these problematic aspects of the peace process within the interim period (1994-1999), indicating how land and settlement issues largely explain that this process did not work.

The Oslo Agreement tried to solve the problem of Palestinians regaining control of land through several stages. As each phase has its complexities of implementation, the study will attempt to investigate if these phased solutions were appropriate. It will also examine if these solutions make sense in establishing mutual confidence between Palestinians and Israelis, and thereby contribute to attaining a successful final solution through the negotiation of the permanent status issue.

The thesis suggests that:

Settlement policy was adopted after the war of 1967, to achieve political, strategic, and security for the occupier's. The aim of this policy remained the same in the interim period with some adjustments made by the Labour government, which concentrate and intensify the settlement activities over specific areas as an introduction to the annexation of these parts to Israel in the final status settlement.

Israeli victory in the war of 1967, prompted settlement policy in the occupied territories to secure security in what were perceived to be strategic areas. At the same time these settlements would change the situation of land ownership. Some settlements have no strategic importance yet they were built. The selective Labour policy of intensifying the settlement policy in strategic places shows the Labour settlement theory of exchanging some land of the West Bank in return for peace. The settlement theory of Likud Party appears to be the same of that in 1970's.

In examining the settlement policy of the two Israeli political parties I raise the following questions:

First, why were settlements needed for Israeli security? This leads to a number of sub-questions like why was the Allon plan of 1967 largely accepted among the Labour Party in 1960's till late 1990's? What is the difference between Israel two major parties with regard to the settlement policy? What types of settlement were built? Did these settlement has access to Israel? What is the method adopted by the different Israeli governments to acquire land for the settlement? What is the Impact of these settlements over the Palestinian people? How did Palestinians respond to the settlement policy? How did these settlement complicate the situation in the Palestinian-Israeli conflict?

Second, what was the link between Israel's settlement policy and conflict with Palestinians? The Israeli government continued the expansion of settlements throughout the 30 years up to the Oslo Accords. Settlements enabled the Israeli military to shape the nature of the land and its characterisation during the peace negotiations establishing three categories of land A, B, and C.

The thesis examines the reasons behind Israel's expansion of settlements and why the promotion of a peace agreement has been difficult in the context of continued Israeli settlement.

Third, the thesis examines why the Oslo Agreement took place when it did. This is important because there is no doubt that it opened a new era of peaceful coexistence between the Palestinians and the Israelis. For the first time both tried to solve their differences by sitting together and negotiating.

Methodology

The thesis uses a combination of research tools including the use of primary and secondary data collected from different Palestinian ministries and institutions. Also documents from the Committee of Land and Resisting Settlement that belong to the Palestinian Legislative Council (PLC Parliament) which is one of the most important committees in the PLC. I have also used documents from the Palestinian Information Service which belongs to the Presidential office.

Primary data was collected through two case studies in addition to personal interviews with Palestinian officials at different levels like ministers, under-secretary, directors of some departments in the Palestinian ministries, officials from the security level, members of the PLC Committee of Land and Resisting Settlement, the Palestinian Public Committees for Defending the Land (National-Islamic Committees) which is struggling against Israeli settlement policy.

Case studies material focussed on the living conditions of Palestinians living close to Israeli settlements. I choose two areas one in the Gaza-Strip, Mawasi Area, and the second in the West Bank, Salfeet Province. The following set of questions were examined, how their land was confiscated by the Israeli government, which category of land did they hold, what have relations been like with their new neighbours and what kinds of difficulties did they face? And what changes occurred with the Israeli occupation forces according to the interim agreements?

As a Palestinian citizen, I could not go to Israel and meet with Israelis due to the political and security situation. I needed permission from the Israeli Interior Security Agency (Shabak) to enter Israel which I could not get. I tried to meet members of the Israeli Peace Movement, but I failed to do so. The thesis thus centres around Palestinian perspectives although I do also present detailed Israeli official perspectives and views present in Israeli Publications and media.

The Thesis is organised in the following way:

Chapter one examines issues of land ownership in Palestine until 1967, chapter two looks at Israeli settlement in the Occupied Palestinian Territories 1967-1993. It studies settlement policy in the Palestinian Occupied Territories and its impact on the political thought of both Palestinians and Israelis. Chapters three to seven detail the conflict over land during the interim period. These chapters study the Palestinian-Israeli peace process that led to the signing of the agreements (1993-1998) and the implementation of these agreements regarding the control of land. The study investigates the Palestinian socio-economic effect of the control over land and the Israeli settlement activities during the post-Oslo period. Chapter three

looks at the Land question in Palestinian-Israeli negotiations. Chapters four and five at Israeli settlement in the post-Oslo Agreement and chapter six at the socio-economic impact in the post-Oslo Agreement regarding the controlling of land, while chapter seven deals with the changes took place regarding land ownership during interim period.

Chapter One: Contemporary History of the Struggle on Land

1.1 Introduction

This chapter therefore builds on the context provided the history of the land conflict in Palestine. In order to understand the root cause of the conflict between Palestinians and Israelis, it is necessary to explore the land tenure system during different colonial periods. These indicate the social transformation that the area underwent and the importance of the possession of land that is linked with the structure of Palestinian society. Colonial occupation invariably centred around land (its acquisition or redistribution). Land rights were jealousy defended and often backed by physical force. The Palestinians were incessantly struggling for the control of their own land. The violence with which the Palestinians of the 21st century fight to regain their land bears witness to the efficacy of this issue.

From the beginning land played a crucial role in shaping the conflict between the Palestinians and Israelis. The land tenure system in Palestine needs to be located with reference to the social and political history of the country. This chapter elaborates the role of different actors in dispossessing Palestinians from their land. The understanding of the land tenure in Palestine in the reign of the Ottoman rule and the British Mandate leads to an understanding of Israeli policy of confiscating the land of the West Bank and Gaza Strip after the war of 1967. At the same time I will show that the notion of a Jewish National Home was a political project and was a response to economic needs, it was not simply a religious project. Also it will lead us to investigate if the Israeli policy towards the Palestinian Occupied Territories after the 1967 War was based on political, national security and economic considerations or religious requirements.

Israeli settlement strategy required the requisition of lands, In the post-1967 War period Israel adopted different methods to achieve the target of establishing settlements. The effect of this policy was devastating for Palestinians in the occupied territories.

Between the June 1967 War and the signing of the Oslo Agreement, the political thought of both Palestinians and Israelis regarding control of land developed through different stages. The Palestinian uprising (*Intifada*) pushed both sides to adopt a more realistic policy towards the concept of a peace settlement.

1.2 Palestine under Ottoman Rule

The British occupation of Palestine in 1917 put an end to almost four centuries of Ottoman rule. Palestinian Arabs with other Arabs in neighbouring countries in the fertile crescent and the Arabian Peninsula aligned with Great Britain under the leadership of al-Sharif Hussein to push the Ottomans out of the region. There is no doubt that the four centuries of Ottoman rule in Palestine created conditions for the future of the conflict over Palestine that took place in the twentieth century.

1.2.1 Ottoman Reforms and the Land Code

Due to the Ottoman reforms after to the defeat of Mohammed Ali in the Greater Palestine, the Turkish government encouraged the enlargement in the agricultural sector and the expansion in the cultivable areas to increase the production where they could succeed. For example between 1856 and 1880 citrus cultivation of Jaffa quadrupled and in the south of the country the cultivation of grains increased from 150,000 to 200,000 acre. Anew sorts of fruits, vegetables and techniques of cultivation were introduced, but cultivation remained primitive in general. The increase in the agricultural cultivation formed new villages which increased the population (Gozansky, 1987, 23:36; Divine, 1994, 79).

After the restoration of Ottoman rule in Palestine in year the 1841 great changes occurred in Palestinian Arab society especially in the agricultural sector. Charles Smith wrote:

What then of the land's productivity? Estimates again are not totally reliable, but it seems that a major expansion of productivity occurred following the Crimean war and the restoration of the Ottoman authority and greater security in the region. We see more land cultivated, by peasants and tribes as well as large holders, mainly in response to demand from market in the Middle East and Europe (Smith, 1992, 23).

Donna Divine also asserted this fact by noting:

By all accounts, Palestine began to develop in a serious way during these years, its pattern of development etched by the imperial reforms known as the *Tanzimat* and by the extension of the European economic market (Divine, 1994, 79).

The Turks enhanced the security position in the countryside so that the transportation within Palestine itself and with its neighbouring *Velayat* (state) became easier. It made the movement of goods and crops within the region easier, giving new opportunities for trade and market. Ports like Jaffa, Gaza and Haifa became more important and prosperous. The Ottoman Bank was established in Jerusalem and opened several branches in other Palestinian cities. Other foreign banks also opened branches in Palestine and started to give loans to Palestinians. However, the majority of Palestinian peasants were not qualified for the loans. Peasants asked for credit through the traditional mechanism from the merchants and notables, where the interest rate was very high. This undermined the peasant's economy (Divine, 1994, 118:122).

Palestine was a populated area with a strong and vibrant emerging economy and this evidence opposes Herzl's belief that Palestine was a land without people for a people without land (Heikal, 1996a, 75). Ahad Ha'am, however, the father of the cultural Zionism, asserted in 1891 that Palestine is inhabited and its cultivable land is cultivated by Palestinian Arabs (Cited in Khalidi, 1988, 216).

For the Ottomans, Palestine was considered a conquered land, and therefore it was owned by the Empire. The Sultan granted land ownership to his subjects who gave great service to the Empire. The Islamic law of land ownership was replaced by the Land Code of 1858, which aimed at asserting direct control over the actual

cultivator and increase land revenues (Anglo-American Committee of Inquiry, 1945, 225; Divine, 1994, 91; Bederi, 1998, 19). The new law classified land into six categories, little differences were introduced to the previous categories of the land tenure (Bederi, 1998, 20:29). The land was classified according to the new land tenure as follow:

Mulk Land (private or freehold land):

This land was held complete by free hold. The owner of *mulk* land could dispose of it as he liked for sale, mortgage and as bequest. *Mulk* land was divided into two types; the first were given to the Moslem conquerors or to Palestinian Arabs who embraced Islam, therefore, they paid a tithe of total production, the second type which was left in the hands of non-Moslem Palestinian Arabs who paid the tribute by sharing or by paying specific amounts. There were other *mulk* lands which the houses in the cities and villages were built on regardless of its area, and all the terrain in the cities and the villages, which was less than half a dunum. If the owner of the *mulk* land had no heirs he did not leave a will, the land would transfer to the state and become vacant state land. *Mulk* land could be found in the old cities and it was present rarely in the countryside (Anglo-American Committee of Inquiry, 1945, 4; al-Nahal, 1981, 44:227; Stein, 1984, 11).

Miri Land (state, leasehold or feudal land):

The possessor of this land held it by usufruct tenure of conditional perpetuity, where he could profit from it (Simpson, 1930, 30; Hyamson, 1950, 79). This land was leased to the Palestinian Arab cultivators and it formed the majority of the agricultural land in Palestine. *Miri* land could be sold, mortgaged or leased after receiving permission from the land office, but it could not be bequeathed (Stein, 1984, 11; Bederi, 1998, 30). On the occupiers death it would be transferred to his heirs according to the occupier's religious law, and if not, the land would be returned to the state. Also it returned to the state if the occupier did not cultivate it for three consecutive years (Simpson, 1930, 30; Anglo-American Committee of Inquiry, 1945, 229; Divine, 1994, 131). *Miri* land could be converted into *mulk* land if special leave was obtained from the head of the state and when the state divests

itself of all its rights the land became *mulk* (Anglo-American Committee of Inquiry, 1945, 230).

The person could hold *miri* land if he paid the consideration to the state that consisted of two payments. The first one *mu`ajala* (an immediate payment) which was known as the price of land and it was considered as the entrance fee paid for one-time. It was assessed by the local experts according to the fertility and situation of the land. The second was the deferred payment *mu-ajjala*, known as the annual tithe (*u'shr*) (Anglo-American Committee of Inquiry, 1945, 229).

The *u'shr* system dates from Islam and was a tax which the peasant was required to pay to the tax collector and as its name suggests was equal to one-tenth of the peasants produce. In 1880's the Ottomans added 2.6 per cent as taxes. *U'shr* was not collected directly by the Ottoman authority. Traditionally it was portioned by public auction to influential person like a local official, *Shaykh*, money lender or *mukhtar* (the head of the village or the family). They exploited this system to their benefit. *U'shr* reached in some occasions to 30 per cent, thereafter, in 1927 the British Mandate abolished *u'shr* and replaced it with the land tax and other taxes, which reached to 19 per cent, in 1935 the system of taxation was replaced by the Rural Property Tax (Simpson, 1930, 70:72; Peel, 1937, 150; Anglo-American Committee of Inquiry, 1945, 246; Hyamson, 1950, 90; Stein, 1984, 5:16).

Two or more individuals could share in holding *miri* land and there were two types of share holding; firstly, ordinary partnership (*ishtirak*) and secondly, village or clan partnership (*musha'*). Therefore due to this provision in *miri* land law, the *musha'* system appeared in the villages where a group of villagers could share in holding a large area of agricultural land, where the land was distributed among them periodically, usually once every one to five years which meant that the peasant cultivated some times in one locality, and after a year or more he would leave to another. So *musha'* at its core had a collective village ownership (Simpson, 1930, 31; Anglo-American Committee of Inquiry, 1945, 230; Hyamson, 1950, 85).

This system was established to prevent the transfer of village land to strangers and to enforce cooperation among the peasants. However, with time the *musha`* system worked against the improvement and development of the cultivated land of the village. In 1933 the British High Commissioner estimated that the area of *musha`* land was four to five million dunums (Stein, 1984, 14; al-Hizrawi, 1993, 44-49). Non-pious foundations had the right to the usufruct of *miri* land as did ordinary trading companies as well as the individuals mentioned above who could acquire it for their own purposes (Anglo-American Committee of Inquiry, 1945, 230).

Miri land had to be registered in the land registry, but due to poor Ottoman administration a great deal of *miri* land was held without registration. Until 1945 a large part of this category was not registered or was under imperfect and obsolete registration. Nonetheless under the British Mandate a considerable part of land of Palestine was surveyed and registered (Anglo-American Committee of Inquiry, 1945, 231).

Waqf Land (Mortmain):

Waqf land was owned by pious foundations for charitable or religious purposes. It was divided into two types. The first was *waqf sahih* (true *waqf*) which came from *mulk* property, ownership of which was ultimately transferred to a religious or charitable institution. The transference of ownership occurred either by deed or by the individual's will and was irrevocable (Anglo-American Committee of Inquiry, 1945, 228; Simpson, 1930, 30). The second was *waqf gher sahih* (imperfect *waqf*) which came from *miri* land which was ultimately owned by the state. In that case the Sultan (the head of the state) devoted some of the state land to *waqf* land (Simpson, 1930,30; al-Hizrawi, 1993, 39).

During the Ottoman rule the area of true *waqf* was not more than 100,000 dunums (Simpson, 1930, 30), while the area of the imperfect *waqf* constituted 600,000 to 1,000,000 dunums (Simpson, 1930, 30; Stein, 1984, 12, al-Hizrawi, 1993, 41).

Metruka Land (common profit):

Metruka land was left for the general public's use, such as village roads, the highways, and those lands assigned to the use of a community for a particular use. These might have been communal pastures, woodlands, markets and places of worship. This type of land was owned by the state alone. The cultivation, transfer and ownership of *metruka* land was prohibited for individuals or groups (Simpson, 1930, 31; al-Nahal, 1981, 46; Cano, 1993, 21).

Mewat Land (Dead, waste or undeveloped land)

Mewat land was that which had not been left or given to the inhabitants and it was not held the title deed (*kushan*) such as unoccupied hilly, scrub wood land and grazing land. It was vested in the government and had certain importance in its area, and formed more than half of Palestine. It was the land that was located far from villages usually about one and a half miles. The Ottoman's encouraged its subjects to cultivate this land by ensuring the title deed to the individual who cultivated it. The individual cultivating it with permission from the state received the title deed free of charge and if he did so without permission the individual would have to pay the value of the land. The British Mandate prohibited any of *mewat* lands without permission and any cultivation activities in this category was considered an offence. The Anglo-American Committee of Inquiry about the greater part of *mewat* land was not completed until 1945. So it is difficult to say that all the lands, for example, south of the Beer al-Saba' District is *mewat* land (Simpson, 1930, 30; Anglo-American Committee of Inquiry, 1945, 233:256; Stein, 1984, 12; Hyamson, 1950, 80; al-Nahal, 1981, 58).

Mahlul Land (transfer of ownership from *miri* to state land):

Mahlul was *miri* land that was without cultivation for three years or when the occupant of the land died and he had no heirs according to his religious laws. The ownership of this land was then to be transferred to the state. In actual practice *mahlul* land rarely occurred in Palestine. *Mahlul* land was estimated during the British Mandate in 1921 of 87.233 Turkish dunums where one Turkish dunum

equals 919.3 square metres (Anglo-American Committee of Inquiry, 1945, 230:232:255; Hyamson, 1950, 79; Stein, 1984, 13).

There is another classification of land tenure the *mudawara* or *jiftlik* lands. This land belonged to the Sultan Abdul Hamid after he had paid a small amount to the Ottoman State Treasury. These lands however were originally held in traditional private possession, with the indigenous peasants refusing to acknowledge the legality of the Sultan's ownership (Simpson, 1930, 57; Peel, 1937, 260). After the Turkish revolution in 1908 and the dethroned of the Sultan, these lands transferred to possession of the state (Peel, 1937, 259:60; Hyamson, 1950, 82; Stein, 1984, 14).

We should however bear in mind that *miri* land was similar to *mulk* land except for the fact of paying the tenth. The Ottoman government did not enquire about the ownership of this category, and they believed that this land was the individual's property.

1.2.2 Land Code and the Change in the Land Ownership

According to the Ottoman Land Code the peasants were required to register their lands in the official registries (Khalidi, 1988, 211). Some of the peasants refused to register their land, because they did not want to pay the high registration fees and they were afraid that if they did so, their names would appear in the Ottoman official files, in which case they would be subject to Ottoman conscription which they did not want. Most of the peasants were uneducated, so they were unfamiliar with Ottoman land laws (Anglo-American Committee of Inquiry, 1945, 238; Ruedy, 1971, 138; Bederi, 1998, 27).

The aims of the land codes were not realised in Palestine due to ineffective, and inefficient registration procedures. Registries offered a patchwork previous and were inaccurate in giving the true picture of land ownership (Divine, 1994, 92; Hyamson, 1950, 79; Bederi, 1998, 27). Nevertheless, land purchases occurred between Palestinian Arabs according to their own particular tradition, which did not involve any legal documentation.

Cultivated land was considered of major importance in the post-Ottoman reform era, especially in terms of trade and export. Palestinian society was mainly dependent on the agricultural sector, so land became more important than before and the cultivable area increased. As a result of the reforms, the interests of the Palestinian notables and merchants focused on the purchase and cultivation of land (Divine, 1994, 91). They supported peasants in the expansion of the cultivable land by supplying them credit, and hence the merchants and notables became money lenders and on some occasions supplied labour power to increase the cultivable lands (Khalidi, 1988, 214). Under these conditions the land, seed and animals appeared as vital resources where they became the symbol of the influence and power in Palestinian society.

The impact of the Ottoman reforms and their new Land Code drew merchants from Lebanon and Syria to use their relations with the Ottoman officials to purchase large tracts in the most fertile areas in Palestine, for example Sursuq a banker from Beirut owned 400,000 dunums in the north of Palestine (1869 and 1872) of which 372,000 dunums were fertile and cultivable land. He owned twenty villages and these tracts were inhabited and cultivated by the peasants who had practised traditional ownership from generations. The total lands purchased by them was 875,000 dunums (al-Nahal, 1981, 41; Abu Yaseer, 1988, 480). Stein estimated the holding of land by Arabs residing outside Palestine to be 405,000 Turkish dunums (Stein, 1984, 26).

A great majority of Arab landlords sold land tracts to Jews. Rashid Khalidi stated that in 1924-1925 Sursuq and his partners (excluding other Arab absentee landlords) sold around 240,000 dunums, and before 1914 they sold 313,000 dunums (Khalidi, 1988, 214:26).

To avoid conscription some peasants registered the land in the name of people who had died a long time earlier, and to avoid the high tax on land registration some registered ten or twenty dunums when they probably held hundreds. In some cases they even left the registration of land to the notables and merchants to avoid the

high registration tax and conscription. Influential people registered a large number of properties because they were able to avoid military service (Khalidi, 1988, 211: Divine, 1994, 84:87; Hyamson, 1950, 78).

1.2.3 Zionism and the National Home

Jews lived peacefully and were treated well in the Arab world and Spain during the reign of the Arab Caliphate, whereas in Western and Eastern Europe they were persecuted and expelled. For example, England evicted many Jews from 1290 until the end of the seventeenth century when they were allowed to return. Similar developments were repeated in France. In Russia special laws were imposed against Jews, prohibiting them from living amongst the Christian Russian people (Smith, 1992, 8:26).

During the seventeenth and eighteenth centuries many Jews believed that their return to the Promised Land was linked with the arrival of the Messiah. False Messiahs appeared in the seventeenth and eighteenth centuries, like the pseudo-messiah from Smyrna in 1648, Michael Cardos from Crete, Mordechai Mokiah from Hungary and Jacob Querido from Turkey. They also believed that their dispersion was God's will. They were merely waiting to return to the Promised Land (Tessler, 1994, 17; Ibrahim, 1994, 454).

As a result of the French revolution its ideas of freedom, justice and equality in affected the European Jews, and led to the emergence of the Jewish enlightenment movement. The new movement led to a demand among Jews for assimilation into European society. The enlightenment movement (*haskala*) became stronger in Russia in the reign of Tsar Alexander II in the middle of the nineteenth century (Smith, 1992, 28; Tessler, 1994, 31:32).

Within this social and religious revolution among the Jews, a revivalist movement developed as a reaction to assimilation, calling for a return to the roots of Jewish culture, but it did not call for a return to Palestine. So until the second half of the

eighteenth century the number of Jews who lived in Palestine were insignificant, about five thousand out of three million throughout the world.

In this climate among the Jews of Europe, Zionist ideology emerged. Initially it was very weak, and was criticised by orthodox and traditional Judaism (Palumbo, 1987, 5). With the death of Tsar Alexander II, Jews were subjected to Russian persecution and injustice. The persecution reached its peak in 1881, when Russian pogroms took place against the Jewish Pale.

In these miserable conditions the Zionist idea arose among the Jewish Pale. Many assimilationist leaders became leaders of political Zionism, like Lilienblum and Pinsker in Russia. The Jews tried to solve their problem of European persecutions by finding a homeland. In this case the Jewish homeland would be created at the expense of others (Palestinian Arabs). Zangwill a prominent Zionist said in 1911:

Why shouldn't the Palestinians welcome an opportunity to make a magnanimous gesture by giving up their homeland to be used by the Jews who had been so badly treated in Christian Europe (Palumbo, 1987, 11).

Pinsker wrote that the homeland should be a piece of land, to be owned by Jews, from which they could never be exiled. His view towards the 'Promised Land' (Palestine) at that time was that as it was the land where Jewish political life had stopped and been destroyed he recommended that the Jews should not link themselves with this land (Heikal, 1996a, 65). The Jewish national homeland for the founder of the Zionist ideology was a political need, not a religious need.

We can conclude that Jews did not adopt ideas because they were Jews, but because the conditions which society created around them directed their thoughts. The Jews attempted to settle and build settlements in Palestine and also tried the same in Argentina. In the USA rich Jews purchased land in the west of the United States as the location of Jewish state. They also tried in other places where they could flee from the eastern European persecution and pogroms such as those that took place in Russia in the early 1880's (Palumbo, 1987, 5; al-Miseri, 1996, 493).

Rich Jews in Western Europe were not comfortable with the Jewish migration from Eastern Europe (Heikal, 1996a, 29). These immigrants became associated with social disruption, cheating and prostitution which Western European Jews believed place them in a bad light. As a result of this migration rich western Jews encouraged them to migrate and settle outside Europe, supporting them financially in both Palestine and Argentina (Palumbo, 1987, 5; al-Miseri, 1996, 493). Up to 1900, Moses Montefiore supported the first settlements, and particularly Baron Rothschild who paid 40 million francs to Jewish settlers in Palestine (Smith, 1992, 29:83). While Hersch financed the settlers in Argentina.

The Bilu group and the Lovers of Zion (a Zionist groups were founded in Russia and their first attempt to settle in Palestine was in late 1870's) who belonged to the first migration, were the first Zionist groups to succeed in building settlements in Palestine from 1882 onwards. the Lovers of Zion convened three conferences before the first International Zionist Congress of 1897 led by Herzl, but failed due to a lack of institutional structure and to the fragmentation of their ideas (Tessler, 1994, 59). The pioneer Jewish settlers in 1882 lacked agricultural knowledge and skills as the majority of them were town-based. The establishing of new settlements was expensive and the settlers spent considerable amounts of money in purchasing land. They adopted the Arab peasants' models of agriculture which was not based on capital incentive. Within months the settlements were on the verge of collapse, some settlements were even abandoned, so in 1883 the settlers asked help from Baron Rothschild who supported them immediately and took the settlements under his wing (Giladi, 1975, 175).

The Baron's administration made fundamental changes in agricultural methods, such as the introducing of new crops, and the planting of vineyards to export wine and the Baron himself took the responsibility for marketing abroad. His administration purchased more land in the vicinity of the existing settlements to expand them, and purchased land in other places to establish new settlements (Giladi, 1975, 175). In 1889 the Baron transferred the responsibility of the settlements to the Palestine Jewish Colonisation Association known as the P.I.C.A.

which was founded in 1882 (Cano, 1993, 56; Simpson, 1930, 39). It bought land and installed settlers on it. This association started settlement activities in 1882. The transfer was because the Baron was dissatisfied with the economic results, but his administration continued to support the settlements and to establish new ones (Simpson, 1930, 38; Ruedy, 1971, 140; Giladi, 1975, 178). Until the end of the nineteenth century the majority of the Jewish settlements were located in the fertile areas of the coastal plain, Eastern Galilee and Marj Ibn Amir 'Jezreel' (Simpson, 1930, 39; Khalidi, 1988, 214; Elmusa, 1996, 72:73).

1.2.4 The International Zionist Movement and its Efforts

Herzel succeeded where previous Zionists such as the Lovers of Zion had failed. He asked for an International Zionist Conference in Basel in 1887, where he transformed modern political Zionism during the reign of Pinsker and Lienblum from the stage of a confusion of ideas, into an institutional structure (Shofani, 1996, 411). Herzel believed that the national home for Jewish people should be guaranteed by public law. To achieve this aim he needed international recognition.

The Zionists proposed Palestine as the Jewish homeland while it was still under Ottoman authority. Herzel's important efforts were directed to the Sultan of Turkey; he offered 20 million lira, 2 million as the price of Palestine, and 18 million as aid to the Ottoman government to help with its economic crisis (Zai'ter, 1955, 47; Heikal, 1996a, 69). Herzel tried later with Kaiser Wilhelm of Germany, who was an Ottoman ally (Stevens, 1971, 49; Tessler, 1994, 47). However, Herzel's diplomatic efforts failed to achieve any kind of recognition or approval. Following this failure, the British government made a proposal to the Zionists for a settlement to be established in Uganda. This proposal was approved in 1903 at the Zionist Congress by 295 to 178 with 98 abstentions. It was ironic that the religious group of the Zionist Congress accepted the proposal that the socialists opposed. A committee was formed to check if Uganda was a reasonable place for settlement (Stevens, 1971, 52; Shofani, 1996, 417).

There was a great Jewish migration between 1881 and 1914 from Eastern Europe and Russia, as a result of pogroms, persecution and discrimination. Less than 2 per cent of the 2.65 million emigrants chose Palestine, whereas more than 98 per cent went to the USA and other countries. Political Zionism accounted for only 55,000-70,000 immigrants. These Jews believed that the USA was their promised land not Palestine (Tessler, 1994, 61; Mia'ri, 1996, 39).

Palestine was the Zionist target for two waves of migration. The first lasted up to 1903, and was made up of 20,000-30,000 immigrants, whereas the second wave 1904-1914 carried 35,000-40,000 immigrants (1). The Jewish migration stopped during the days of the First World War, and in 1918 the number of the Jews in Palestine had declined to 55,000 due to a counter migration (Stevens, 1971, 65; Khalidi, 1988, 213; Tessler, 1994, 145).

In 1901 the fifth Zionist Congress promoted the establishment of the Jewish National Fund JNF (Keren Kaymet), which it considered as the executive arm of the Zionist Organisation in the field of purchasing and developing land for the immigrants in Palestine. The land which the fund could purchase was to be held in a common trust in the name of the Jewish people. According to Trust law, it could never be sold. It would be leased to the new settlers at a very low rate for 49 years. Up till 1914 the JNF held only 4 per cent of the total Jewish land in Palestine. By 1948 it owned more the 50 per cent (Simpson, 1930, 36; Smith, 1992, 83; Shofani, 1996, 435).

The immigrants of the second migration benefited from the new Zionist institutions that were established in the late nineteenth and early part of the twentieth century. These institutions supported the immigrants before and after their moving to Palestine, so they were more organised than the immigrants of the first migration and they led both the Zionist society in Palestine and the International Zionist Movement (Khalidi, 1988, 213; Mia'ri, 1996, 41; Shofani, 1996, 436).

1.2.5 Palestinian-Jewish Relations and Land Purchasing

As a result of the purchasing of land, confrontations between Zionists and Palestinian Arabs occurred in 1880s in Gedera settlement and Nes Ziyona (Khalidi, 1988, 215). In 1930 writing about relations between Palestinians and settlers Sir John Simpson noted to the British government “The relation of the old PICA colonist with their Arab neighbours and with their Arab workmen were excellent - a mutual advantage to both communities” (Simpson, 1930, 39:50).

The relations between both sides worsened as a result of the second Zionist migration which was motivated by greater ideological fervor. They were more deeply imbued with political Zionism than the first (Khalidi, 1988, 210). Their behaviour and relations with the Palestinian Arabs was so bad, Ahad Ha'am a prominent cultural Zionist described how those Zionists regarded the Arabs in Palestine and how they should deal with them “the only language that the Arabs understand is that of force ... hit them [Arabs] shamefully without reason and even brag about it” (Cited in Palumbo, 1987, 8).

During the British Mandate one of the Zionist revisionist writers, William Ziff, referred to the Palestinian Arabs as a “sickly, degenerate race, and low on the scale of human development” (Cited in Palumbo, 1987, 10).

The settlers of the second wave influenced and convinced the settlers of the first period to adopt their political Zionism and they succeeded (Simpson, 1930, 55;). Enmity grew and the Zionist target became clearer in the eyes of the Palestinian Arabs. In 1908 the Young Turk Revolution reimposed the 1876 constitution, which guaranteed freedom of speech. Arab subjects of the Ottoman Empire were given the opportunity to found newspapers, so new free Palestinian newspapers came into existence, such as al-Asmai, al-Karmel, al-Najjah and Filastin which began to write about the dangers of a Zionist migration and their policy of purchasing land, showing that they were aiming at restoring the Jews to Palestine, to enable them to establish a national home (Khalidi, 1988, 218; Smith, 1992, 35; Tessler, 1994, 129). Arab representatives in the Turkish Parliament asked the Turkish government

to stop the Jewish migration and prohibited the transfer of land to the Jews. The weak and corrupt Turkish administration forbade any move.

Land was and still is the focus of and the key to the Zionist-Arab conflict. Without land there would be no hope for the Zionists to establish a Jewish home. The Zionist recognised this fact from the beginning, so they started their policy of purchasing land (Stein, 1984, xiv).

Up to 1892 the Jews established twenty settlements, the areas of these settlements ranged from between 800 and 15000 dunums each. Other smaller settlements were also set up during this period. The Jews also established the Ben Yehoda settlement and others to the east of the Jordan River. The Ben Yehoda area covered 1400 dunums (Heikal, 1996a, 63).

Until 1914 the numbers of settlements increased to 44 and the area that the Jews were able to purchase was about 418,000 dunums. More than 275,000 dunums came as a result of the Baron Rothschild's financial assistance. Thirty-seven were established in Galilee and the coastal plain. Only 12,000 Jews lived in these while the remainder inhabited the main cities, such as Jerusalem, Hebron, Jaffa and Haifa. In 1907 peasants owned 20 per cent of the land in Galilee and 50 per cent in the Jerusalem district, and in 1932 they owned 80 per cent in the coastal and the Acre plains - approximately 2,560,000 dunums. The Zionist agricultural settlements and the urban population were located in these areas (al-Nahal, 1981, 37; Stein, 1984, 26:226; Khalidi, 1988, 213; Smith, 1992, 32:83).

There is disagreement among researchers about the question of who sold land to the Jewish settlers. There are no full details about the number of 418,000 dunums, or from whom the Jews had purchased these areas. Dr. Abraham Granot the managing director of the Jewish National Fund (Keren Kaymet) recorded 245,581 dunums in this table. Out of the above mentioned number the Jews purchased between 1878 and 1914 from the following 61,329 dunums from Arab absentee landlords, 62,415 dunums from local landlords, who owned substantial amounts of land. 30,836

dunums from Palestinian Arab peasants and 91,001 dunums from various sources [the Ottoman government, the Churches, large foreign companies and ordinary wealthy businessmen] (Granot, 1952, 277). While the remaining 200,000 dunums is not mentioned from whom they were purchased. Jack Cano a Zionist writer stated that the main process was carried out by those absentee landlords who owned considerable amounts of land (Cano, 1993, 46).

Jews were prohibited from holding land according to Ottoman law, so to overcome this difficulty they adopted many strategies to purchase the land through Ottoman Jews who transferred the land to the European Jews. For example, Sursuq sold one tract of 60,000 dunums to an Ottoman Jew in 1902. By bribing the Ottoman officials, foreign consuls, foreign merchants and churches were able to transfer land to Jews (Khalidi, 1988, 225; Smith, 1992, 34).

Ruhi al-Khalidi, the deputy of Jerusalem in the Ottoman Parliament traced the land sale parcel-by-parcel to Jewish institutions from 1878-1907,. His data was collected from newspapers and other published sources of the period. He listed the names of the vendors who sold a total of 247,466 dunums which amounted to 60 per cent of all land purchased. These sources yield the following results:

143,577 dunums (58 per cent): non-Palestinian absentee landlords.

88,689 dunums (36 per cent): Palestinian absentee landlords.

15,200 dunums (6 per cent): local landlords and *fellaheen* [peasants] (Cited in Khalidi, 1988, 225).

al-Nahal noted that “in 1930 a spokesman of the Jewish agency said in front of the Shaw Commission that 10 per cent of the land was purchased from the Palestinian Arabs” (al-Nahal, 1981, 43).

The beginning of the First World War severe by disrupted the Palestinian economy. Many Palestinian Arabs were subject to conscription in the Ottoman army. Livestock, fuel and food were requisitioned from Palestinian Arabs. Many were forced to mortgage their properties to meet the demands made on them by the

Ottomans (Peel, 1937, 153; Alsberg, 1975, 533; Kimerling & Migdal, 1993, 26). But the most important and dangerous measure taken by the Ottomans, was that during their retreat from Palestine they destroyed or removed the records and the principal government officials (Stein, 1984, 3).

1.3 Palestine under the British Mandate

Great Britain's Balfour declaration can be understood first of all as a move to serve its colonial interests in the East. These were the creation of a human barrier between Egypt and the Eastern Arab World. This entity would be totally linked to Britain and would keep the routes between Britain and its colonies in the Indian subcontinent open. Also the Empire would provide a great service to Europe, as Jews would be resettled in the Promised Land, according to their wishes, and there would be no more Jews there.

On November 2, 1917, Arthur Balfour, the British foreign minister, informed Lord Rothschild by letter of Britain's pledge to the Jewish people. This became known as the Balfour Declaration. He stated:

His majesty's government view will favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine ... I should be grateful if you would bring this declaration to the Zionist Federation (Cited in Cattani, 1988, 10).

Before 1917 another undertaking was given to the Arabs that Palestine would be a part of the Arab Empire after the defeat of the Turks in World War I. But it is clear that Britain had chosen the implementation of Balfour's pledge (Za'iter, 1955, 37). Great Britain did not ask Palestinian Arabs if they accepted the establishment of this national home, the declaration denied Palestinian rights of self-determination. The Jewish population in Palestine were a small minority, less than 10 per cent and the odd thing is that on November 2, 1917 Palestine was not under British rule and therefore not available to be promised to others. However the declaration was as one nation promising to a second nation the country of a third (Za'iter, 1955, 14).

Article 22 of the Covenant of the League of Nations [approved by the Paris Peace Conference] expressed the political situation of the peoples of Palestine, Iraq, Lebanon and Syria in these terms:

their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory until such times as they are able to stand alone (Cited in Cattán, 1988, 22).

In 1920 Palestine was put under the British Mandate which was to be responsible for putting into effect the declaration originally made by the government of His Britannic Majesty, favouring the establishment in Palestine of a national home for the Jewish people. For the Zionists the Jewish national home consisted of Mandated Palestine, South Lebanon, South West Syria and Western Jordan (Map 1.1). The Aspirations of the Palestinian people were totally ignored by the great powers and its people, the party most affected not consulted. Article 22 was contravened, as Balfour himself stated:

The contradiction between the letters of the Covenant and the policy of the allies is even more flagrant in the case of the 'independent nation' of Palestine than in that of the 'independent nation' of Syria (Cited in Cattán, 1988, 26).

1.3.1 Land Ordinance of 1920 and its Amendments

On November 18, 1918 the British military government closed all the land registry offices in Palestine and stopped all kinds of land transfer (Anglo-American Committee of Inquiry, 1945, 238; Stein, 1984, 23). According to the British official William Ormsby-Gore (Britain's liaison officer with the Zionist Commission) the reason for this measure was to protect Palestinian tenants from displacing the Zionist from the land which was being sold to them by large estate landlords (Stein, 1984, 39).

This was not the real reason, because this step would stop Zionist purchases of land, essential for establishing the Jewish home. This would work against the British pledge towards the Zionists. The land offices were closed according to Zionist needs, because they favoured the British move.

Zionists favoured the closing of the land registry for many reasons. First, it would stop speculation in the land market and the Zionists would be able to purchase land at its lowest price. Second, in 1919 there were rumours that large areas of land were going to be designated as *waqf* and this would allow the previous owner of this land to hold the land for long-term lease. This would decrease the land put on the market for sale, and therefore, would deprive the Zionists of purchasing this land. Thus the Zionists supported the continuation of closing the land registration offices and dealt with these rumours as fact but we do not know if this was true or not. Third, the Zionist proposals were being acted in the Paris Peace Conference, so they needed to suspend the transferring of land (Stein, 1984, 41).

On the other hand the Zionists opposed the loans given to the Palestinian Arab peasants by the Anglo-Egyptian Bank. To obtain the loan the borrower needed reasonable collateral. The only collateral available for the peasants was their land. As I mentioned above many tracts of land were not registered in the land registries, in that case what the peasants owned through local (traditional) forms would be recognised legally by the government (Stein, 1984, 42).

In 1919 the Zionists were able to see the draft of the Land Transfer Ordinance, while the Palestinian Arabs did not. The Zionists together with British officials prepared a report on the land regime which affirmed article four of the Mandate (2).

This tends to reinforce the argument that the British supported the Zionists because the British foreign minister, Arthur Balfour was ready to give preferential rights to the Zionists during the Mandate period.

According to British officials the Ordinance was initiated to protect Palestinian tenants when the large estate absentee landlords sold large tracts to the Zionists, because their principal of purchasing land was that the land should be vacant of any tenant (Anglo-American Committee of Inquiry, 1945, 289). This condition was put in the Land Ordinance draft by Norman Bentwich (a British Jew sympathetic to the Zionists) the British Senior Judicial Officer who controlled the Land Registry

Department during the military administration and later became the first Attorney-General in the British civil administration (legal adviser to the British government). He stipulated that in the event of transferring land, tenants should maintain sufficient land for themselves and their families. This was deleted from the draft (Stein, 1984, 44), and the only beneficiary of this deletion was the Zionists.

In September 1920 the Land Transfer Ordinance was signed by the High Commissioner and the land registry offices were reopened in October 1920. The Ordinance defined the transfer as:

a sale, mortgage, gift dedication of *waqf* of every description, and every other disposition of immovable property, except a device by will or lease for a term not exceeding three years, and includes a transfer of mortgage and a lease containing an option by virtue of which the term may exceed three years (Simpson, 1930, 148; Anglo-American Committee of Inquiry, 1945, 239:242).

The Palestinian Arabs opposed the Ordinance because it kept down the price of all land, and delivered land which was on the market into the hands of the Zionists at a low price (Peel, 1937, 218). The Ordinance was amended and substituted by the Land Transfer Ordinance of 1920-1921 which shows that in the case of agricultural land that was leased, the transferor should satisfy himself that any tenant in occupation would retain sufficient land in the district or elsewhere for the maintenance of himself and his family. In 1929 the Mandated government enacted the Protection of the Cultivator Ordinance, which provided less protection from tenants. At best the Ordinance would provide monetary compensation. In fact the Ordinance did not protect the Palestinian Arab tenants because of the circumvention by the landlords and purchasers, due to a loophole in the Ordinance itself. In 1930 the Arab landless made up 29.4 per cent of the peasants (Simpson, 1930, 35; Peel, 1937, 239).

The British Mandate tried to solve the problem of the landless peasants by giving them land for cultivation. In 1932 the British Mandate discovered that only 664 out of 2607 peasant applicants were able to comply with their conditions, even though not all of the 664 peasants were actually granted land. Each family was given less

than the minimum percent of land of 130 dunums (according to Simpson, 1930) which was needed to maintain a *fellah* family in a decent standard of living on the non-irrigated tracts (Anglo-American Committee of Inquiry, 1945, 296:299; Hyamson, 1950, 89).

The amending Ordinance of 1930 protected those people who had carried on continuously for five years grazing, watering animals and, cutting of wood and any work of a similar nature. The landlord was to make an equivalent provision towards the livelihood of these people. Also the Ordinance tried to strengthen the position of the tenant and to get rid of the loopholes of the previous Ordinance. The Protection Ordinance of 1933 was enacted to provide more protection for the tenant. The Zionists opposed the Ordinance because the loopholes were about to be eliminated and therefore their efforts to purchase land were badly effected. In 1941 the committee which was formed to review the Ordinance of 1933 described it as a serious obstacle to the reasoned development of the country (Anglo-American Committee of Inquiry, 1945, 290). This paragraph manage to satisfy the Zionist opposition. Albert Hayamson described the land system in Palestine as “the system of land tenure was still in a very unsatisfactory state when the Mandate terminated” (Hyamson, 1950, 88).

1.3.2 Zionist Migration, Land Ownership and the Jewish Community

There is no doubt that the British Mandate facilitated Jewish immigration to Palestine according to; a) the Balfour Declaration which recognised it as part of the preamble to the terms of the Mandate, b) Article seven of the Mandate that there shall be included a nationality law with provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine. The Immigration Ordinance was initiated in 1920 which allowed the Zionists to bring 16,500 immigrants per annum. The Ordinance were amended several times. Immigrants into Palestine fell into nine categories. At the same time the British Mandate prohibited the Palestinian Arabs who were born in Palestine but residing abroad, from obtaining Palestinian citizenship (Simpson, 1930, 119; Peel, 1937, 34; Zai'ter, 1955, 74).

Between 1919 and 1948, Palestine was subjected to three major waves of Zionist migration. The first from 1919-1923 amounted to about 35,000 immigrants, whereas the second lasted until 1931, comprised about 82,000. The last one was from 1932-1948 and it consisted of about 265,000. The great majority of those immigrants were from Russia and Eastern Europe (Russia and Poland more than 50 percent) and 20 percent from Germany in the last wave (al-Nahal, 1981, 73; Mea'ri, 1996, 42).

TABLE 1.1
THE JEWISH MIGRATION TO PALESTINE 1919-1939

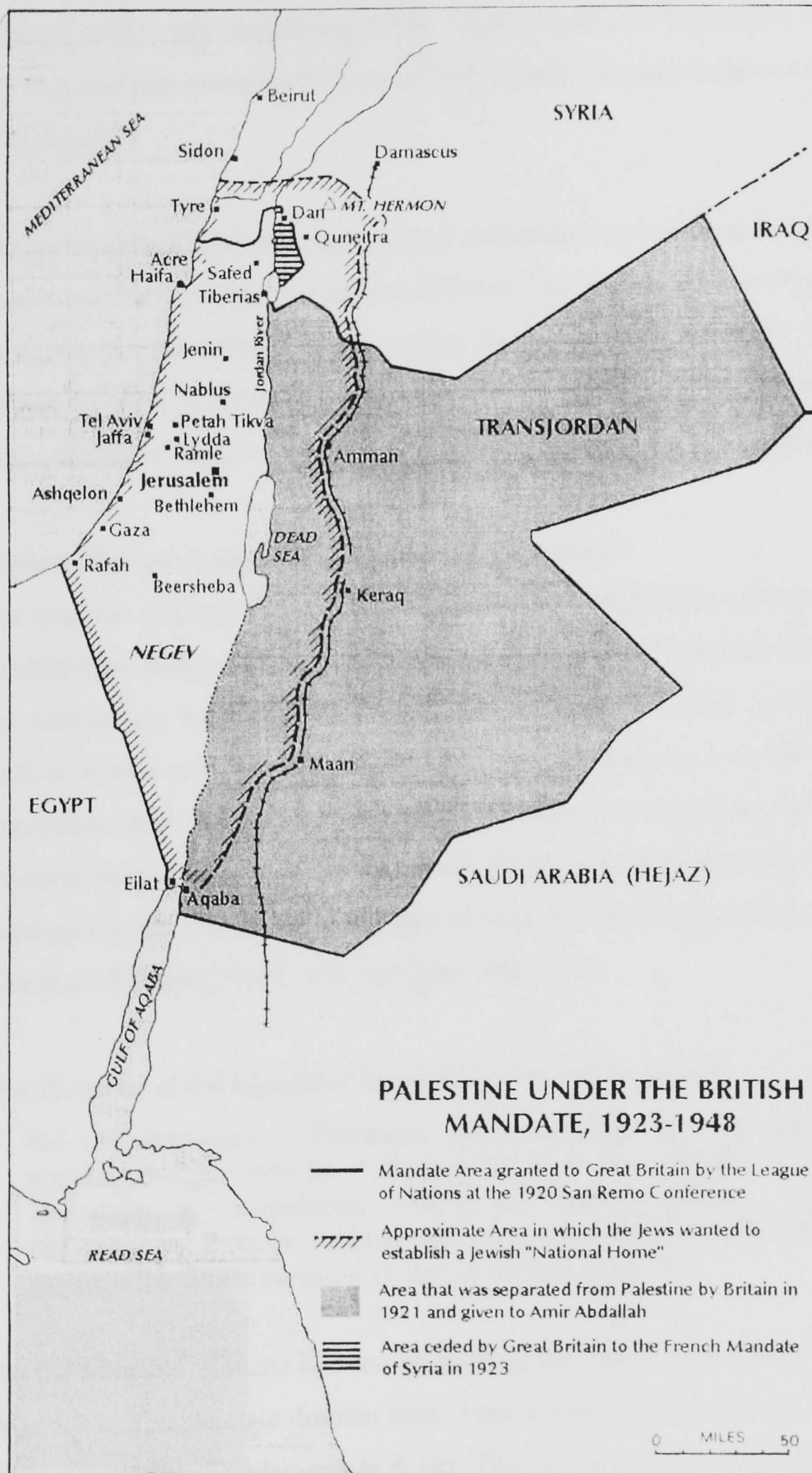
Year	No. Immigrants	Year	No. Immigrants
1919	1,806	1930	4,944
1920	8,223	1931	4,075
1921	8,294	1932	12,553
1922	8,685	1933	37,337
1923	8,175	1934	45,267
1924	13,892	1935	66,472
1925	34,386	1936	29,595
1926	13,855	1937	10,629
1927	3,034	1938	14,675
1928	2,178	1939	31,195
1929	5,249	Total*	364,519

Source: Tessler, 1994, 170

* The author's calculation

Until 1930 the Zionists purchased 944,000 dunums, where they established 100-130 settlements and there were 35,000-46,000 settlers there. The great majority were in the most fertile areas such as Galilee, Coastal Plain and the Valley of Esdraelon. The social organisation of the Zionist settlements were different. They included orange-plantations of private ownership, individual farmers of small holders, co-operative settlements on an individual or common basis and communal settlements.

Map 1.1



Source: Palestinian Society for the Study of International Affairs (PASSIA), 1998.

During the Mandate period some old settlements were highly increased in size and population such as Peta Tiqva and Rehovot. New Zionist suburbs were found in Haifa, Jerusalem and Tel Aviv which whole inhabitants are Jews (Simpson, 1930, 24:48; Peel, 1937, 48). According to the Anglo-American Committee of Inquiry (1945), It noted that between 1920 and 1945 Zionists could purchase and register 938,365 dunums.

Zionist society concentrated on agricultural settlements and cities such as Tel Aviv, Jerusalem and Haifa. Under the British Mandate Jewish society was organized in a socio-economic and political entity called the '*Yishuv*' (Tzur, 1999, 103). This society had all types of state institutions such as; defence forces, workers federations, an industrial sector, banks, political parties, education, and health systems (3).

1.3.3 State Domain Land and the Zionist Concessions

Public land was defined by the Palestine Orders-in-Council 1922-1940 as all of this land which was subject to the control of the government of Palestine by virtue of a treaty, convention, agreement and succession, and all land which was acquired for the public service or otherwise. In that case the public land was; *mahlul* land, *jiftlik* or *mudawara* land, forest land, *metruka* land, *mewat* land and the sub-soil of all other categories of land. Article 12 of the 1922 Order-in-Council gave the High Commissioner the full authority to grant or lease any public land (Anglo-American Committee of Inquiry, 1945, 256; al-Nahal, 1981, 47).

Under the terms of the Mandate (Article 6) it was laid down that:

the administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced..... shall encourage in cooperation within the Jewish agency..... close settlement by Jews on the land, including state land and waste land not required for public purposes (Cited in Cattani, 1988, 26).

From the Mandate Zionists insisted on holding the State Domain land, the Zionists looked for cultivable state domain land. They surveyed cultivable land to see what it had to implement under article 6 (4). The government found that there was a small part of this land, excluding the desert and the mountain- tops, which the

survey had not covered. Moreover the Zionists did not ask for these lands. In January 1930 the Director of Land noted that all government land capable of cultivation without additional heavy-capital expenditure was under cultivation. It was difficult for the government to uproot those people, and if it did so, it would violate the article itself. The government tried to satisfy the Zionist demand. There was more than 600,000 dunums unquestionably state domain, 95,000 dunums were leased to the Zionists, 25,000 dunums were leased to the Palestinian Arabs, 89,000 dunums belonging to peasants for centuries, 259,000 were occupied by roads, rivers, railways and so on; 165,000 dunums were rocks, marshy and sandy grounds. Up till 1945 there were 900,000 dunums which were still being surveyed. Of these lands 100,000 dunums were given to the Zionists, 120,000 dunums owned by the Peasants for generations and 660,000 dunums were occupied by the Army and/or were devoted for afforestation (Anglo-American Committee of Inquiry, 1945, 259; Hyamson, 1950, 80; al-Nahal, 1981, 49; Stein, 1984, 12).

The Mandate gave Zionists 195,000 dunums, but only 25,000 to the Palestinian Arabs whose number of landless peasants was growing and made up of the great majority of the citizens of Palestine. We should bear in mind that the most of the state domain lands which were leased to the Palestinian Arabs were for a short time whereas those leased to Zionists were long-term with nominal rents.

The largest and most important of the land concessions granted to Zionists in Palestine was that of the Lake Huleh region, which covered an area of some 44 square miles (Hyamson, 1950, 81). During the Ottoman rule the JCA obtained a concession to drain the Kabara Swamp, and for the development of the Caesarea (sand dunes). The land area was 5,170 dunums (Simpson, 1930, 40; Hyamson, 1950, 83).

A concession of an area of 18,000 dunums near the Dead Sea were granted to the Palestine Electric Company. Another were given them on the al-Ojah river for electric power (al-Nahal, 1981, 60:86:). The British Mandate offered an area of 90,000 dunums in Rafah to the south of Gaza, but the Zionist refused. The area was

located in uncultivated land. An offer of 11,000 dunums near Jericho was also rejected by the Zionists (Simpson, 1930, 55:57; al-Nahal, 1981).

1.3.4 The Peel Plan: The British Partition Plan

Before 1930 the Zionists were concentrating their efforts to purchase land in the most fertile areas (cultivable plains and vale regions). They tried to establish a nucleus for their future state, so until 1930 about 1,000,000 dunums of these lands were in Zionist's hands. After that date the Zionist plan became more open, and they started to concentrate their priorities on purchasing land in the areas such as the far north of Palestine, Syria and Trans-Jordan. These efforts were taken to reinforce their geo-strategic requirements (Stein, 1984, 174).

Palestinian anger increased with the development and improvement of the Zionist society. It was at the expense of Palestinian Arab society, which became poorer and economically worse off as a result of the Mandate's policy which favoured the Zionists. A huge migration was taking place in Palestine, with 178,000 immigrants reaching Palestine in 1933-1936 (Zai'ter, 1955, 95; al-Nahal, 1981, 71). And the Zionist policy of purchasing land continued in spite of the British official recommendation by Sir John Hop Simpson in 1930 which called for halt in the transferring of land to Zionist hands (Simpson, 1930).

An Arab revolt (5) broke out between 1936-1939 and violence spread everywhere especially in the rural areas. The great majority of the rebels were from the peasants. They attacked British targets, Zionists and in some cases, Arab notables (Tessler, 1994, 240).

The British government formed a commission of inquiry under the direction of Willam Robert Wellesley, Lord Peel and the six-member the Palestine Royal Commission. This was known as the Peel Commission. The Commission referred to the causes of the Arab revolt as being the same as those leading to the events of 1920, 1921, 1929 and 1933 "the Arab hatred and fear of the establishment of a

Jewish homeland". The recommendation of the Peel Commission was totally different from the preceding commissions. Its recommendations were:

The British Mandate had not only failed to achieve a reconciliation of Arab and Jewish aspirations, it had kept alive and even reinforced the antagonism between the two people. Therefore in the judgement of the commissioners, the Mandate should be terminated and in order that each national community might govern itself, the territory of Palestine should be partitioned (Peel, 1937, 380).

So the Peel commission brought a new idea for solving the conflict: the partition of Palestine into two states; one for Jews and the second for Arabs which was to be joint to Trans-Jordan. Jerusalem and Bethlehem would be under the British Mandate with access to the Mediterranean Sea, where English would be the official language (map 1.2).

According to the partition proposal the Jewish state occupied 20 per cent of Palestine, where as Palestinian Arabs owned about 3 ¼ million dunums, and the Zionists 1 ¼ million dunums. The Arab population in the Jewish state was about 325,000, and the Zionist about 300,000. The Zionist state occupied the most fertile area. In the proposed Arab state they numbered only 1,250. The commission proposed an exchange of population between the two states, so that the Palestinian Arabs would form the majority of the proposed Jewish state, and they would own more than 60 per cent of its land. The Jewish inhabitants being less in number than the Palestinian Arabs, even in their proposed state, would mean an unequal exchange of 300,000 Palestinians for just 1,250 Zionists. Palestinians rejected the Peel Commission proposal (Zai'ter, 1955, 128).

On the other hand the Zionists looked to Peel's proposals for partition as a positive step, because it was the first time the British talked about a Jewish state, not a Jewish home. But they asked for more land for their proposed state. They did not define the precise area of their state, so since that time we can assume that the Zionist expansionist ideology existed. According to a David Ben Gurion (head of the Zionist Agency in Palestine) speech in May 1937 to the international Zionist congress

There could be no question ... of giving up any part of the land of Israel ... it was arguable that the ultimate goal would be achieved most equally by accepting the Peel proposal (Cited in Smith, 1992, 99).

The Zionist Congress asked their leader to negotiate with the British government an increase in the area of the Jewish state under the British Mandate. The Zionist concept concerning the area of their state was recondite and unclear (Smith, 1992, 99). The ambiguity of land size used by Zionists remained uncertain, vague, and undetermined. There was no law that defined the border and the area of the state of Israel. The area and borders were linked with a holy promise. The promise they adopted would be determined according to Zionists capabilities, which meant that military power was to determine a suitable arrangement for the area of the state.

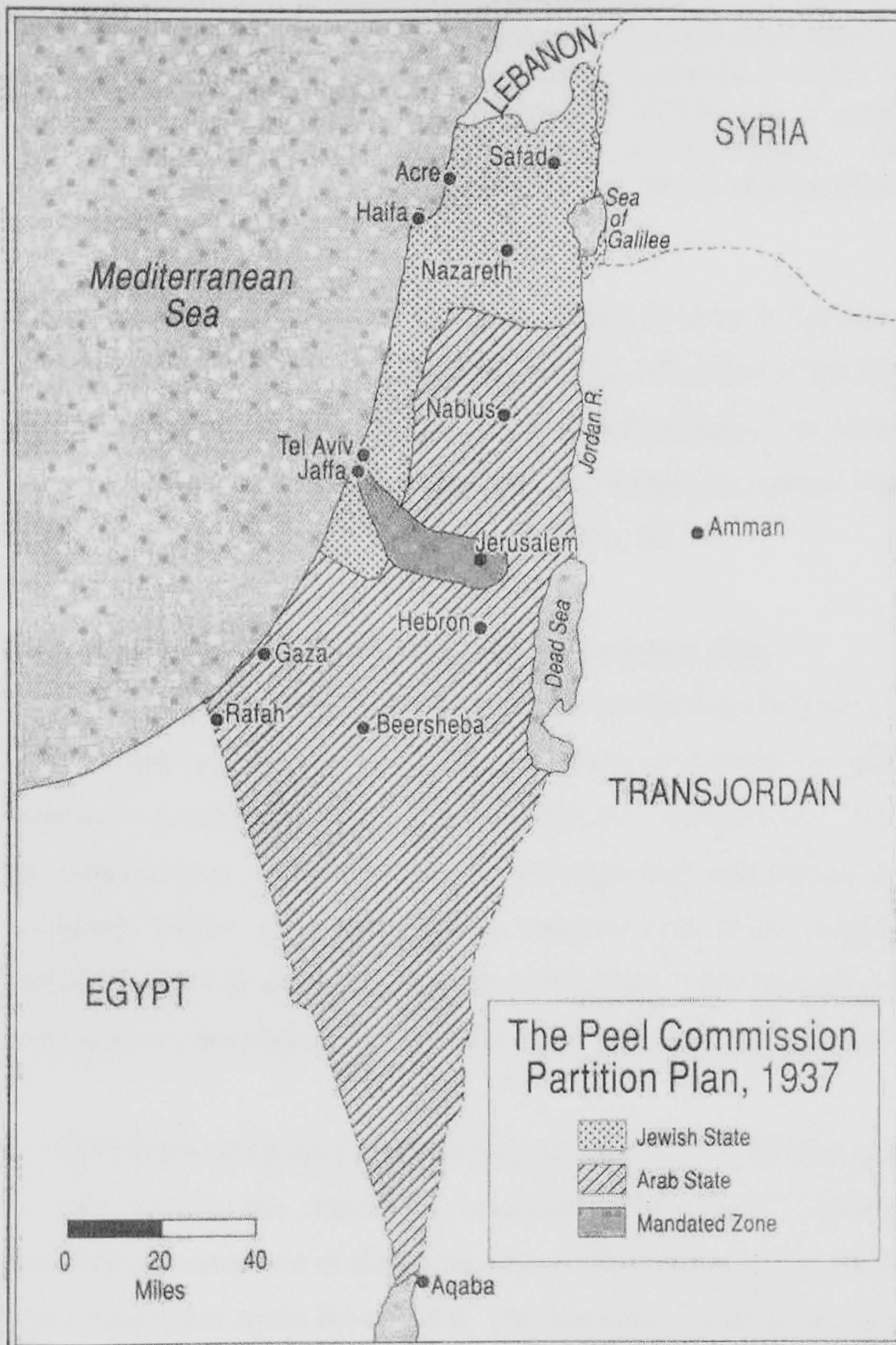
1.3.5 The Land Purchasing Zones

Colonial support for Great Britain in 1939 on the eve of World War II was important, especially in the Middle East, so as to keep communication with India open. The key influencing factor in the region were the Arabs. They were angry at Great Britain because of its Policy in Palestine, so in order to pacify them Britain attempted to change its policy in the area. As a consequence, it issued the White Paper of 1939, which differed from the previous White Papers of 1922 and 1930 (Smith, 1992, 101; Verdery, 1971, 323). The British government stated:

His Majesty's government believed that the framers of the Mandate in which the Balfour declaration was embodied could not have intended that Palestine should be converted into a Jewish state against the will of the country.

The White paper determined the number of the Jewish immigrants to be 15,000 per annum which would last for five years. Jewish migration should then continue with the approval of the Arab side. It also confirmed that within ten years of independence Palestine would exist and the Jews should form a minority in the proposed state.

Map 1.2



Source: Peel Report, 1937

In respect of the question of transferring land the White Paper classified Palestine into three zones

The steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created ... in these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land.

The Palestinian Arabs rejected the White Paper, because it did not put an end to Jewish migration or even to the transfer of land. All wings of the Zionists rejected the White Paper. They resisted it politically and militarily. The S'teirn and Argon groups (rightist) started to conduct military operations against both the British forces and the Palestinian Arabs (Moharib, 1981, 74).

1.3.6 The Post World War II and the U.N. Partition Plan

As a result of World War II, the United States emerged as the leader of the Western Bloc. Britain wanted to include it in the Palestinian question so that they formed a common committee (the Anglo-American committee). The committee recommendations represented as the American well and Britain accepted them because it needed American aid. The American part of the committee asked for 100,000 Jews to be allowed to migrate to Palestine. They also asked to remove the restrictions on transferring land (Anglo-Anglo American Committee, 1945).

In 1947 Britain asked the United Nations, as the successor of the League of Nations to help resolve the Palestinian question. The United Nations formed an international committee of eleven members. The Zionists welcomed the committee, while Palestinian Arabs boycotted it. The committee its proposal that asked for the partition of Palestine into two independent states one for the Palestinian Arabs and the other for the Jews, where Jerusalem would be under international trusteeship (Zai'ter, 1955, 188; Heikal, 1996a, 225).

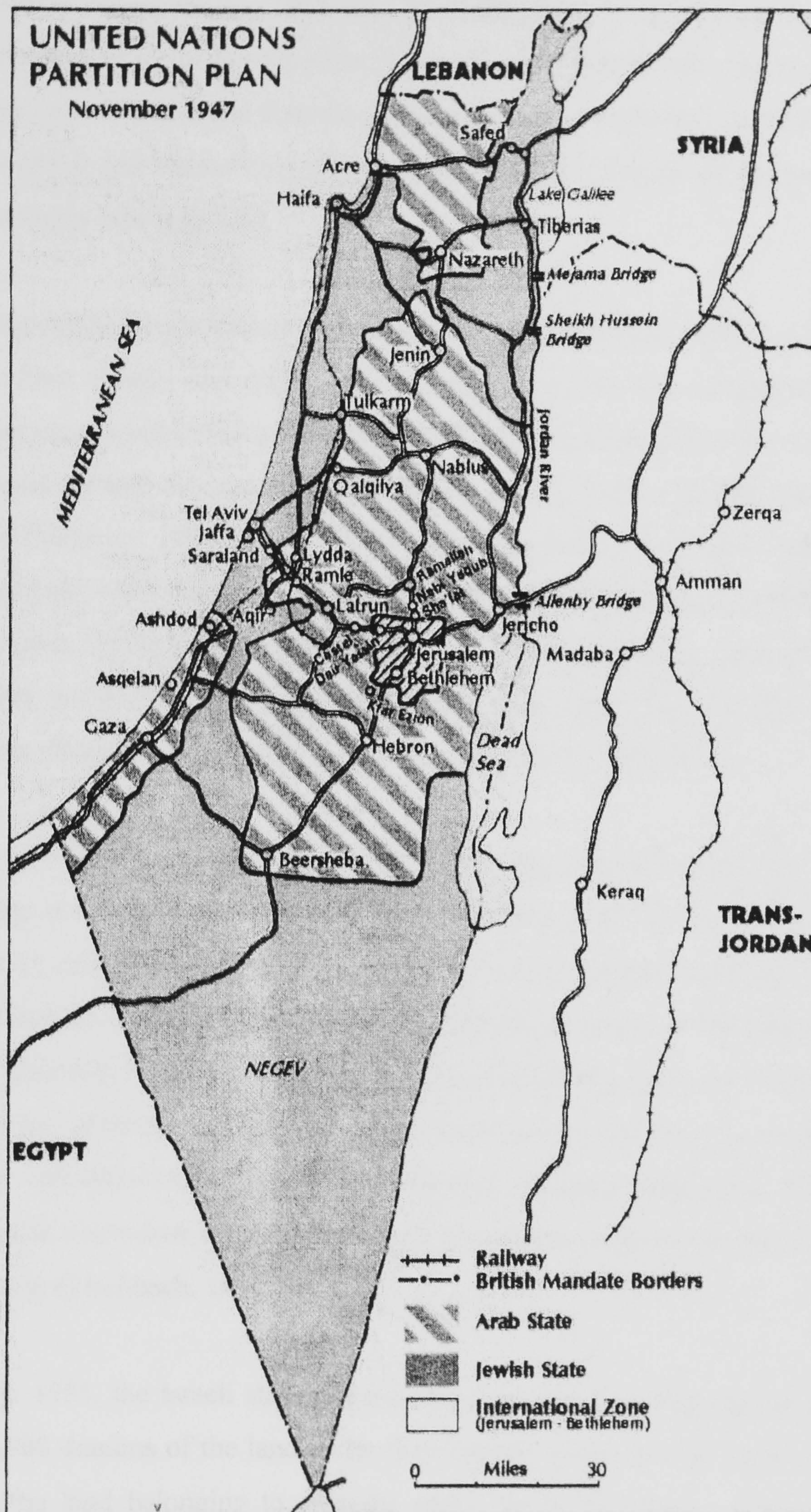
In November 2, 1947, the United Nations General Assembly adopted the partition plan (map 1.3) for Palestine by more than the 2/3 majority which was required for its justification. Some states such as Haiti, Liberia, Philippines, China, Ethiopia and Greece were subjected to the American pressure. The American President personally took charge of the matter, while Congressmen and Senators threatened the suspension of American aid to some states (Zai'ter, 1955, 202; Smith, 1992, 138; Heikal, 1996a, 235).

The plan allotted the Jewish state 54 per cent of the land area about 14,200,000 dunums, yet the Zionists in Palestine formed only 33 per cent of the population. It was to be inhabited by 460,000 Palestinians and 530,000 Zionists. About 36 per cent of the Palestinian Arabs would be under Zionist rule, where as Zionists would amount to only 2 per cent in the proposed Arab state. The Zionist accepted the plan, while the Palestinian Arabs and the Arab states rejected it. The result of the partition plan was five Arab-Israeli wars (Zai'ter, 1955, 191).

1.4 The Post-Israeli State

As a result of the Partition plan, Britain decided to withdraw its troops from Palestine before May 14, 1948. The General Assembly approved the plan without putting in place the mechanism for implementing it. With the Palestinian rejection of the plan the United Nations did nothing to put into effect the international will for partition. The new-born Arab states (Egypt, Syria, Jordan and Iraq) which rejected the partition plan decided to intervene in the crisis by sending troops to Palestine. The total number of Arab and Palestinian troops (al-Jihad al-Mokadas) was less than that of the Zionist gangs and troops. The Zionists were also militarily better trained and equipped (Heikal, 1996b, 77; Kelsh, 1998).

Map 1.3



Source: Palestinian Society for the Study of International Affairs (PASSIA), 1998.

The Arabs were defeated in the war and the Palestinian people were exposed to disastrous consequences. 1948 was a turning point in Palestinian history and its future, as well as for the Zionists. A Jewish state (Israel) was established on about 80 per cent of Mandated Palestine. The remaining 20 per cent of what became the West Bank and Gaza-Strip came under the Arab control of Jordan and Egypt respectively (see map 1.4).

During the first Arab-Israeli War, over 700,000 Palestinians fled or were forced to leave their villages and cities and became refugees (6). The subsequent loss to the Palestinians consisted of a huge amount of land and other property. Israel took over this land through a variety of mechanisms (Ruedy, 1971, 148-154; Shakour, 1996, 9:10; Fischbach, 1997, 39). The original population of around 362 Palestinian villages and many cities (such as Jaffa, Haifa, and Acre) were expelled. Ninety-six Palestinian villages remained with their inhabitants and came under a harsh Israeli military government for more than twenty years. More than 30,000 Palestinians became absentees inside what became Israel. (Zureik, 1996, 327).

In early March 1948, the Haganah set up a committee for Arab properties in the villages to control the land left by the Palestinians. The new Israeli state absorbed about 15 million dunums that it claimed did not belong to individual Palestinians, in addition to over 3 million dunums of individually-owned refugee land. The latter was taken over by the office of the Israeli Custodian of Absentees. According to the Israeli law of 1950 the Custodian was allowed to transfer the land it held to a new agency called the Development Authority (governmental institution). By the end of 1953, the Custodian disposed of all of its refugee property to the Development Authority (Fischbach, 1997, 39).

In June 1953, the Israeli state and the Development Authority agreed to sell over 2,300,000 dunums of the land under their control to the Jewish National Fund. By 1960, the land belonging to refugees ended up in the hands of the Israel Land Authority (Fischbach, 1997, 39). It is important to mention that the only international resolution regarding the Palestinian refugee question was the U.N.

General Assembly resolution no. 194 for the year 1948. This resolution asked Israel to allow an immediate return of the Palestinian refugees and to compensate those who did not want to return (7).

1.5 The Result of the 1967 War and the West Bank and Gaza-Strip

The war of June 1967 was considered to be the most important change in the Arab-Israeli conflict, in regard to territorial acquisition. All the Arab-Israeli efforts regarding peace based on the result of this war.

1.5.1 Results of the 1967 War

In June 1967 Israel attacked the Arab armies on three fronts; Egypt, Syria and Jordan. For Israel the war short and successful; it defeated the Arab states within six days and occupied large areas (Map 1.4), estimated at about three times its own size (8). It occupied the Sinai Peninsula (more than 60,000 square km), and the Gaza-Strip (360 square km representing 3 per cent of all Mandate Palestine) it took over land from Egypt on the southern front, the Golan Heights (1150 square km) from Syria on the northern front, and the West Bank (including East Jerusalem), which formed 20 per cent of Palestine; over 5,850 square km) and from Jordan on the eastern front (al-Hoor and Mossa, 1983, 67; Shello, 1985 , 13).

Another Palestinian exodus occurred as a result of the 1967 War (9). William Harris, estimated the departure of Palestinians from the West Bank and Gaza Strip, following the war of June 1967, to be about 320,000: approximately 250,000 and 70,000 respectively left the West Bank and Gaza-Strip. The Jordanian government calculated the exodus from the West Bank as only 355,000 (Harris, 1980, 17). In 1977 The United Nations for Relief and Working Palestine Refugees (UNRWA), reckoned that 500,000 Palestinians had been displaced from the occupied territories (Abdul Hadi, 1985, 181). Israel hoped that the evacuation would have been far greater. This was to be the Zionist strategy for controlling land after clearing of its from its original owner. In November 1991 Haim Hertzog, the Israeli army's first military commander of the West Bank, and the Israeli President from 1983 to 1993 revealed publicly and proudly that in the immediate aftermath of the 1967 War, he

efficiently organised and carried out in co-operation with commander of Jerusalem the operation of transferring 200,000 Palestinians from the West Bank (cited in Masalha, 1999, 91:92).

Directly after the Israeli forces entered the West Bank and Gaza-Strip, a harsh military occupation was created and installed. In practice Israel established a military government in the occupied territories (Chomsky, 1983, 103).

Article 35 of the Israeli military proclamation no. 3 of 7 June 1967 stated that:

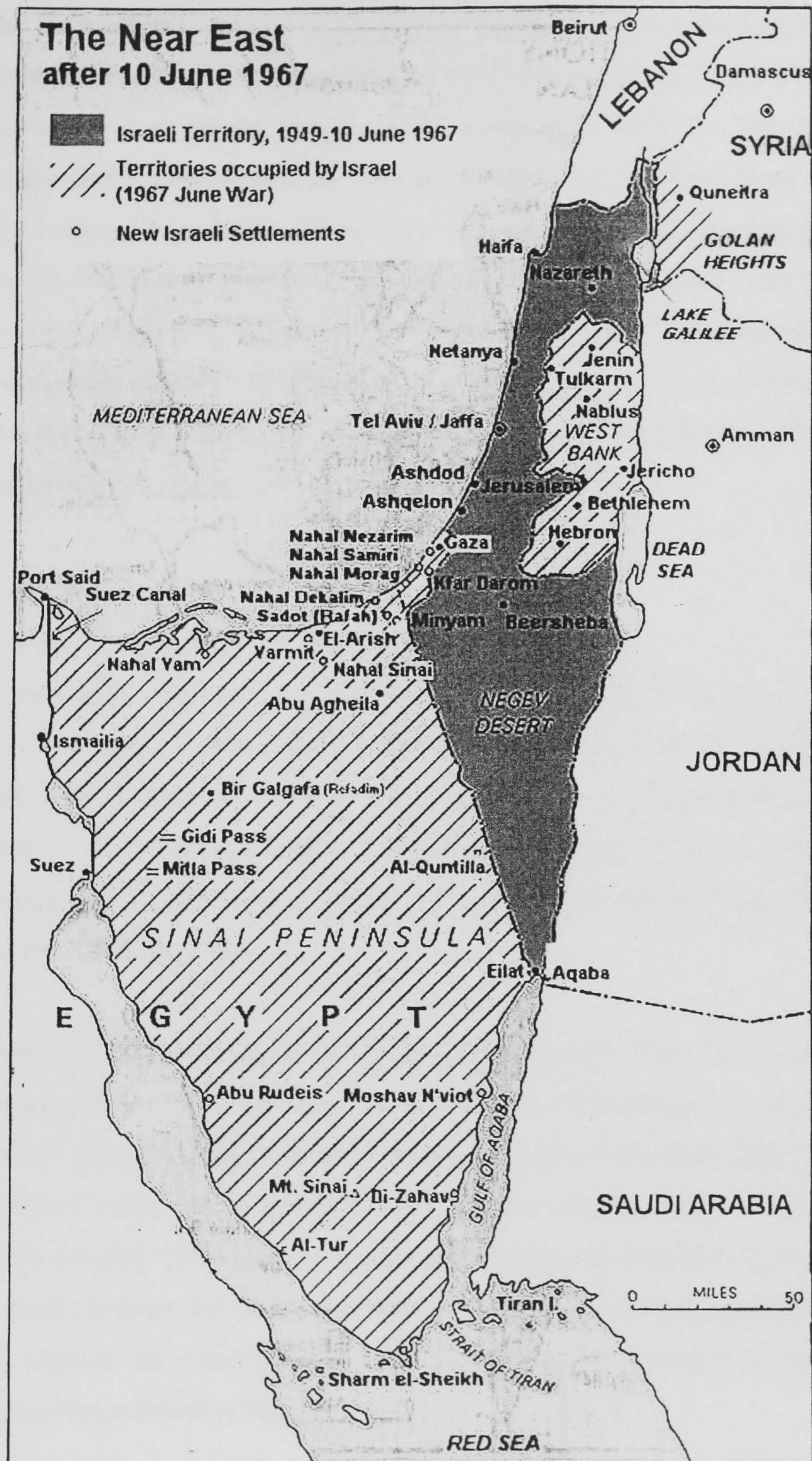
The military forces and their officers must apply the terms of the Geneva Conventions of 12 August 1949 concerning the protection of civilians during times of war and concerning everything that affects legal proceedings and that if there should be any contradiction between this proclamation and the said convention, the terms of the convention must be followed (Cited in Shehadeh, 1985, 43).

Article 35 was cancelled by Israeli military order no. 144 of October 22 (10), 1967. Apart from the first five months of Israeli occupation of the Arab territories, Israel did not perceive these territories as being occupied, but as being part of Israel itself. Therefore, it rejected the application of the Geneva Conventions in these areas, although it agreed to apply the humanitarian measures mentioned in those conventions (Shehadeh, 1985, 43). However, these measures were daily violated by successive Israeli governments.

1.5.2 Geography, Topography, and Demography of the West Bank and Gaza-Strip

More than 65 per cent of the Israeli population is concentrated in the coastal plain area which extends from north of Gaza to the Israeli-Lebanese border in the north of Mandate Palestine; more than 80 per cent of Israeli industry is located in this area. This region is the most vital one for Israel, therefore, safeguarding it is regarded as a real security need Israel (Shello, 1985, 13).

Map 1.4



Source: Palestinian Society for the Study of International Affairs (PASSIA), 1998.

On the eastern front before the June 1967 War, the length of this border was 984 km. After the war this decreased to 550 km. The distance between the Jordan River (as the international border between Mandate Palestine and Jordan) and the coast of Tel Aviv is about eighty km (Shello, 1985, 13; Harris, 1980, 5). The distance between the Israeli coastal area and the western border of the West Bank ranges between 14 km to 30 km from north to south (see map 1.4). Israel's main problem is that its most vital area is situated on this narrow stretch of the coastal Plain (Allon, 1976 cited in Lukacs, 1992), whereas most of the West Bank is high land inhabited by a considerable number of Palestinians. Therefore, the West Bank represents an important strategic area for Israeli security, and is the most significant of the areas occupied by Israel during the war of June 1967 (Harris, 1985, 5).

The West Bank

The West Bank (see map 1.4) is divided into three zones:

- i) The Jordan Rift, which lies between the banks of the Jordan River. On the West Bank of the river the Jordan Rift stretches from Lake Teberias in the north to the Dead Sea in the south, totalling of 105 km length. This valley lies below sea level. The width of the Jordan Rift ranges between 2-10 km from north to south. The valley has a very small Palestinian population in relation to the other three parts of the West Bank (Shello, 1985, 15).
- ii) The western and eastern slopes of the mountains along the West Bank, where the eastern slopes form a steep precipice of around 1200 -1400 meters into the Jordan Rift, and the western slopes lead gradually from around 600 meters down to the Mediterranean coastal areas. Israeli control over the eastern slopes enables it to prevent any possible attack from the east. In addition the low population level of the eastern slopes reduces the threat of Palestinian obstruction to any Israeli military advance, whereas the western slopes, with a relatively high population, represent potential problems (Shello, 1985, 18).

iii) Tops of the West Bank mountains

These high mountainous areas, around 10-25 km wide and 130 km long, are divided into two groups; the 'Yehuda' Jerusalem mountains in the south, whose highest peak is 750 metres, and the Nablus 'Samaria' mountains in the north, with a highest peak is 940 metres. These mountains form the backbone of the West Bank and are densely populated. The majority of West Bank cities, towns, and villages are located in this high mountainous area (Shello, 1985, 21).

The Gaza-Strip

The Gaza-Strip is located to the south of the pre-June 1967 borders (see map 1.4), where the largest population in Mandate Palestine is located. It forms part of the coastal area and has a flat topography, which could not represent a direct threat to Israeli security. The length of the Gaza-Strip is about 40 km from north to the south. The width varies between 7-15 km from east to west. Gaza-Strip offers direct access to Israel's coastal cities. Israel needs the Gaza-Strip to act as a buffer zone against Egypt, which is why it conducted an intensive settlement plan of the Rafah approach in North Eastern Sinai (south of the Gaza-Strip). During its first years of occupation in the Gaza-Strip, Israel was hesitant to place settlers amongst a dense and politicised Palestinian concentration (Toak, 1993, 49; Lesch, 1985, 112).

When Israel withdrew from Sinai, according to the Camp David Peace Accord of 1979, the Israeli settlements there were destroyed. Subsequently, Israel concentrated its settlement activities in the southern area of the Gaza-Strip. The Gaza-Strip has a large and hostile population (Lesch, 1985, 112:13). That is why Israel proposed the Gaza-Strip as the first step for the political solution with Palestinians (chapter two). The main Palestinian-Israeli struggle over land in the future will be concentrated on the West Bank, because it is crucial to Israeli security needs for the protection of its heartland in the coastal plain. As it is the essential area for any Palestinian independent entity there could be no such thing without the West Bank.

1.6 Israeli Settlement Policy in the Palestinian Occupied Territories

During the Israeli occupation period the Security Council and the General Assembly of the U.N. passed several resolutions designating the West Bank and Gaza-Strip as occupied territories (11) (Tschirgi, 1985, 236). International treaties and conventions were to be applied in the West Bank and Gaza -Strip. The 1907 Hague Convention Respecting the Laws and Customs of War on Land expressly prohibits annexation "of the whole or part of the occupied territory" by the occupation power (Article 47); and Article 49 of the 1949 Geneva Convention relative to the protection of civilian persons in time of war clearly stipulates that "the Occupation Power shall not deport or transfer parts of its own civilian population into the territory it occupies" (Cited in Agwani, 1985, 94).

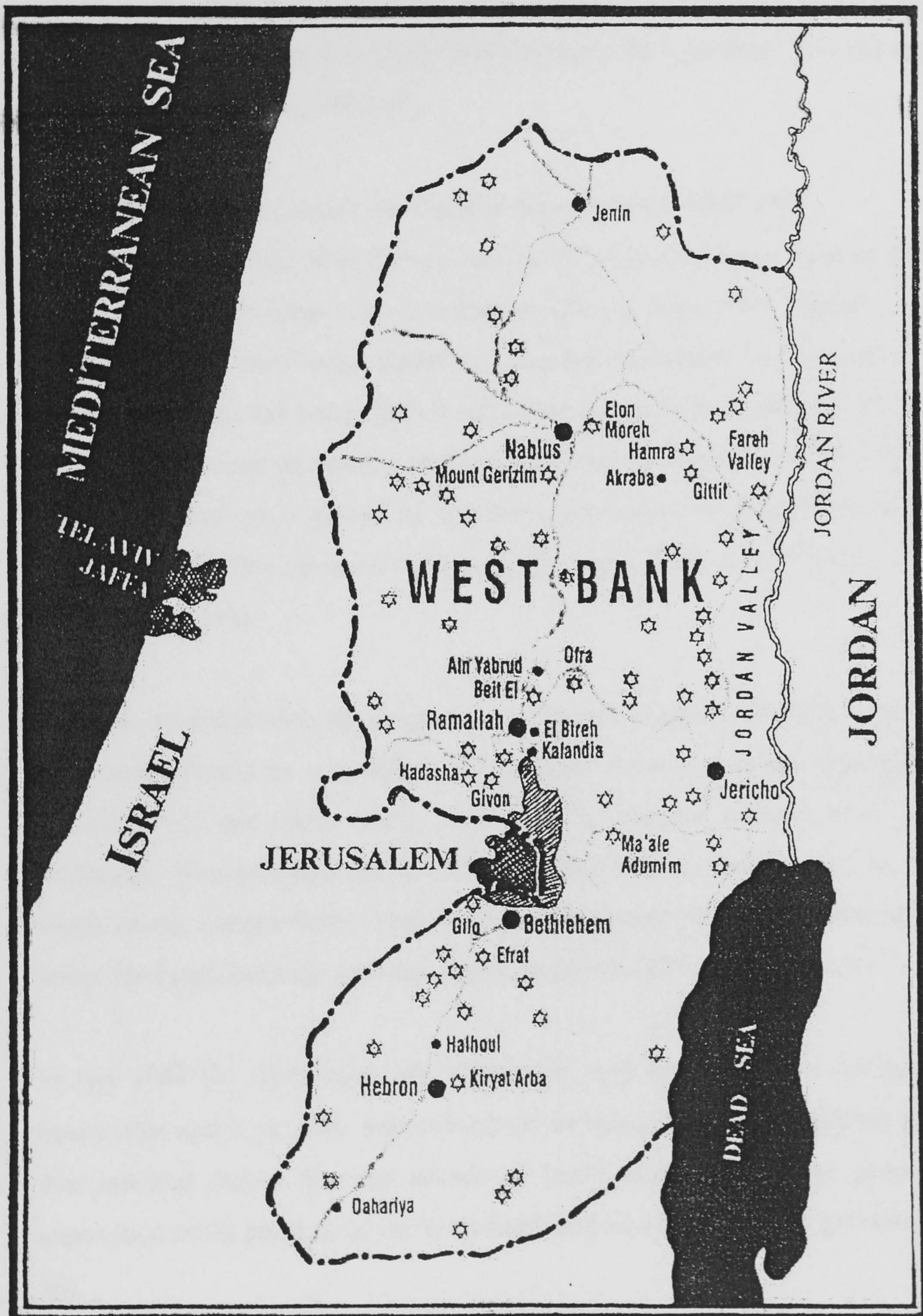
Jerusalem will be addressed in this thesis as an occupied territory, not as part of Israel. This is in accordance with the U.N. General Assembly resolution No. 2851 of 1971, which called on Israel to:

comply fully with its obligations under the Geneva Convention, declared all measures taken to settle the occupied areas, including Jerusalem completely null and void and demanded that Israel rescind and desist from all activity related to the establishment of settlements and the transfer of parts of its civilian population into the Occupied territories (Cited in Tschirgi, 1985, 236).

Israeli policy in Jerusalem has special importance because of its religious and strategic position dividing the West Bank into separate enclaves. Jerusalem attracts not only Jews, it is also significant for Muslims and Christians.

The Israeli settlement policy in the Palestinian Occupied Territories passed through two stages (map 1.5). The first was under Labour governments, which continued until 1977. The second was part of a pattern which began with the Likud victory in the Israeli general election of 1977. The Labour governments adopted a continuation of the Zionist pre-1949 settlement policy namely that of establishing agricultural settlements considered important for economic and strategic reasons, and also for use as a political tool.

Map 1.5



Israeli settlements in the West Bank 1985
Source: League of Arab States, 1985

The Likud governments adopted a new pattern of settlement which had a religious dimension, which was that these communities should spread all fronts of the occupied territories 'Judea and Samaria', even into high-density Palestinian areas, because these were part of the land of Israel '*Eretz Israel*'. This pattern, which is based on religious ideas, was totally different from the traditional Zionists approach described above (Harris, 1985, 63).

1.6.1 The Settlement under the Labour Governments 1967-1977

As a result of the 1967 War, Israel found itself controlling huge areas compared to pre-June 1967 War (map 1.5). Israel Minor (the pre-June 1967 border) is small in size in relation to the Zionist dream of a national homeland. The map of the border of the Jewish national homeland, as submitted to the Paris Conference in 1919 (see map 1.1), was a real translation of Zionist aspirations. The war of 1967 gave Israel power over the vast majority of the areas demanded by Zionists for a national homeland in the Paris Peace Conference (Chomsky, 1983, 161; Harkabi, 1988, 40; Tessler, 1994, 163).

There is no doubt that all wings of any Labour government believe that Israeli settlements should be established in Occupied Arab Territories. The differences between them are about where, how, and the amount of land to be used for settlement. Various plans for Israeli occupation have been proposed by different wings of the Labour Party. These include minimalist (to keep the minimum land under the Israeli control) and maximalist proposals (Jaffari, 1981, xxvii).

In July 1967 the Allon Plan was introduced, mid-way between a minimalist and maximalist approach. This was considered as being the most significant plan, and was initiated during the first decade of Israeli occupation. Allon proposed the annexation of 40 per cent of the West Bank and all of the Gaza-Strip (Harris, 1980, 36).

Allon Plan

Yegal Allon (the Minister of Labour in the coalition government of 1967) believed that Israel should not return to the borders of the pre-June 1967 War (Map 1.4), and at the same time Israel should seek peace with the Arab States. Also, that Israel should not trust the Arabs, even if a peace treaty were achieved. In other words, Israel should directly control strategic areas in the occupied territories; it must go beyond setting up military sites and immediately implement a comprehensive policy of Israeli settlement, leading to annexation of these strategic areas (Allon, 1970, 98:100). The strategic area on the West Bank is the Jordan Rift, this would maximise Israel's security without adding more Palestinians, which meant that these areas should be semi-vacant of Palestinians in order to keep the Jewish state pure with only a small Arab minority. Allon tried to avoid the demographic problem of a relatively high population increase among Palestinians. In that case Israel would absorb about 40 per cent of land on the West Bank (Harris, 1980, 36; Efrat, 1982, 36; Chomsky, 1988, 105).

After this annexation the Allon Plan would leave two Palestinian enclaves; one to the north of Jerusalem, and the second to the south. Both would be surrounded by Israeli territories and be linked to Jordan by a narrow stitch. The two enclaves would be free of Arab forces. Israel would indirectly control the entire West Bank by surrounding it with a strategic, military-agricultural settlement belt (Agwani, 1985, 95).

The plan was considered as a settlement strategy rather than as a formal political plan, therefore, it left the door open for negotiations with Arabs for a political settlement. The proposed security border would become an Israeli political border. The Jordan Rift was the most strategic area and the least populated. Allon's plan was to organise the settlement of that area, and he asked for the annexation of a twenty km strip that would pass through the Jordan Valley to the Dead Sea via the Wilderness of the Hebron mountains (Judia) and the Etzion Bloc. When Qiryat Arba near Hebron was established in 1968, Allon considered it part of his security belt (Oweiss, 1985, 260).

The first settlements were based on agriculture and light industry. After four years of Israeli occupation on the West Bank ten settlements were set up within Allon's security belt in the Jordan Rift. By 1971 two chains of settlements came into existence; one on the rift bed and the second on the western slope of the Jordan Valley. Fourteen Moshavim, six Kibbutzim, two Nahals and one Moshav were created. In 1975 settlers within this security belt numbered 1,800 and remained the same until 1981. In 1982 the Palestinian population in the area was 28,000, this area was considered by Israelis as having a low Palestinian population (Oweiss, 1985, 260). The plan was to squeeze the Palestinians into the high land, in order to create a buffer and security zone between Jordan and the Palestinians on the West Bank.

Allon required the annexation of Jerusalem, because of its valuable religious and ideological importance to the Jews. Therefore, he asked for an open settlement in the city. As for the annexation of the Gaza-Strip, the Palestinian refugees resulting from the 1948 War would be resettled in northern Sinai and the West Bank. This meant that about 75 per cent of the Gaza-Strip population would be expelled; this annexation would eliminate the possibility of an Egyptian invasion (Allon, 1967 cited in Harris, 1980, 40).

The Allon proposal was submitted officially to the Labour government in July 1967. William Harris reported that the government adopted the Plan, but did not announce it officially in order to avoid international criticism, and the intervention of the US (Harris, 1980, 36). Oweiss noted that the Labour government approved the plan in June 1968 (1985, 259).

The Dayan Proposal

The Israeli Minister of Defence, Moshe Dayan, played a central role in the Labour government's settlement policy. He believed that the settlement areas would be part of Israel for ever (Chomsky, 1983, 104). Dayan was considered a maximalist. In August 17, 1973 his plan was published in the Israeli Ha'aretz newspaper, known as the 'Dayan Document' (Harris, 1980, 177).

Dayan favoured a large group of settlements on the West Bank, even in the populated highlands. The existing ones were to be developed through the assurance of an additional budget. He asked for the setting up of Jewish urban and industrial centres in Jerusalem, and also in other Palestinian cities such as Qalqilia and Tulkarm in the north west of the West Bank. In the south of the West Bank, in the Qiryat Arba settlement near Hebron, he asked for a continuation and accelerated rate of industrial and population expansion. He requested the Israeli Land Authority to acquire land in these territories for the provision of more settlements. He also asked that Israeli companies and individuals be allowed to purchase land in the Palestinian Occupied Territories (Dayan, 1973 cited in Harris, 1980, 177).

Dayan believed that creating of settlements in the occupied territories was not of great importance for the security of the state of Israel, but it did however create a political reality which could be used in any negotiation process with the Arabs. He believed that these settlements would not be abandoned. Dayan asked for permanent Israeli control over all of the West Bank (Dayan cited in Chomsky, 1983, 105).

Political settlement with the Arabs was to be functional rather than territorial. Israel would remain in the Palestinian Occupied Territories and have a free hand in security issues. The settlements would continue without obstacles, and would have access to each other, and to the Israeli pre-June 1967 borders. For Dayan, a solution to the Palestinian problem could be self-administration for Palestinians (Harris, 1980, 51).

The Galili Document

On 17 August 1973, Ysraeli Galili, head of the Inter-Ministerial Settlement Committee, submitted his draft to the cabinet. This was prepared in response to a request made by Prime Minister Golda Meir with regard to the determination of future government policy. The government approved Galili's draft, which became known as the Galili Document (Chomsky, 1983, 105).

The document asserted that there could be no change in government political standing or status of the Palestinians in the occupied territories. This meant that Israeli policy would continue as under the previous government. The document proposed the establishment of new settlements, and the development of the present outposts in the Jordan Rift, in order to increase the Jewish population and industrial development. A regional centre for the Israeli settlements in the Jordan Rift would be established. The document requested the Israeli Land Authority to acquire land for the proposed area by any 'effective means' (see 2.5 for Israeli methods of confiscating land) for settlement activities; the Authority would then lease land in the occupied territories to Israeli companies and individuals. These companies and individuals would be permitted to purchase land in the occupied territories in co-ordination with the Authority. In Jerusalem, as with all other Israelis, the annexation and settlement activities would continue to define the city as the Israeli capital (Galili Document, 1973 cited in Lukacs, 1992, 184).

Regarding the relation between the Galili Document and the two main proposals (Allon Plan and Dayan Document) William Harris stated:

Nothing could now be construed as over-throwing the settlement and territorial dimensions of the Allon Plan, and to this extent the Galili Document was undoubtedly a successful upholding of existing government policy as represented by the Allon Plan ... Yet, at the same time, none of the principles of the Dayan Document had been rejected outright (Harris, 1980, 57).

Labour Party security theory could be described as "a security border that is not a state border is not a security border ... a state border that is not settled along its length by Jews is not a state border" (Allon, 1970). Therefore, the Labour party's strategy was to build a security belt in the Golan Heights, the Jordan Rift, and northern Sinai in the Rafah Approach. The Labour Party did not adopt any official policy towards settlement in the Occupied Arab Territories. The decision was "not to decide". But the absence of a formal decision did not mean the absence of settlement activities (Harris, 1980, 40:147; Jaffari, 1982, xxvii).

It is useful to point out that about 30 per cent of the settlements built under Labour governments were outside the Jordan Rift (Allon Plan). For example: East Jerusalem; the Latrun area, which controls the strategic highway between Jerusalem and Tel Aviv/Jaffa, where three Palestinian villages were destroyed and their inhabitants expelled immediately after the June war of 1967, and the land confiscated and annexed to Jerusalem to ensure Israel's permanent control; Etzion Bloc (south west of Bethlehem); and Qiryat Arba near Hebron. The last two were built on a religious base. The Labour governments permitted the settlement in Jerusalem and Hebron because of their nationalistic and religious importance to Jews (Lesch, 1985, 109).

From 1967 until the Labour party defeat in the General election of 1977, the Labour governments established 25 official sites in the Jordan Rift, and 7 official sites on the rest of the West Bank (excluding the settlements in East Jerusalem). The Gush Emunim Movement created three settlements on the West Bank (Harris, 1980, 128). In the Gaza Strip, the Labour governments built five settlements after confiscating thousands of dunums in the area (Jaffari, 1981, xxxviii). The most significant changes, resulting from settlement policy during the Labour governments, were in Eastern Jerusalem, the Jordan Rift, and the south and north of Hebron. The effect on the rest of the West Bank and Gaza-Strip Settlements was relatively small.

1.6.2 The Settlement Policy under the Likud Governments

After the establishment of the state of Israel in 1948, Menachem Begin stated that "Eretz Israel [the land of Israel] will be restored to the people of Israel. All of it and forever (Cited in Chomsky, 1983, 161). Begin led the Likud Party to victory in the Israeli general election of May 1977. He dealt with the Palestinian Occupied Territories as 'liberated land'. The party believed in the idea of settlement in Eretz Israel (land of Israel), in other words, Jews had to settle everywhere in this land. The biblical Jewish settlement dominated Israeli colonisation policy, and the application of the 'Jewish historic right' in the occupied territories became stronger under Likud governments. The Likud government began large-scale settlement

activities everywhere in the West Bank, even in the highlands, according to 'Jewish historic rights'. Bible belts here would be more obvious than the security belts (Harris, 1980, 3:138;). To achieve this important target the government resorted to the confiscation of large areas of land from Palestinians.

The Israeli withdrawal from Sinai According to the Camp David Accord, encouraged the Israelis to establish more communities on the West Bank and in the Gaza-Strip. These activities in the Gaza-Strip (see map 4.1 & 6.1) became more intensive particularly after the Israeli withdrawal and the destroying of their settlements in Sinai (Jaffari, 1981, xI).

In 1979 the settlers in the West Bank and Gaza-Strip (excluding East Jerusalem) numbered 64, 000; when Labour left government in 1977 they were 10,000. Within the first two years of Likud rule from 1977 until 1979, the number of settlers increased more than six times, forming 2 per cent of the total Jewish population in Mandate Palestine, and 4.5 per cent of the occupied territories were the Arab population (Harris, 1980, 160). The Foundation of the Middle East Peace (Washington base) estimated the number of Israeli settlers in the Palestinian Occupied Territories in 1976 as 3,176 and in 1979 as 10,000 (cited in Aronson, 1996, 7). This figure seems to be a gross under-estimation compared with other sources, as we shall show.

Three main plans directed the Likud governments after 1977: the Sharon Plan, the Drobeltz Plan and the Plan of the Ministry of Defence.

The Sharon Plan

Ariel Sharon was the Agricultural Minister in Begin's first government and was head of the Ministerial Settlement Committee. His plan was for Israeli settlements to spread in two parallel lines; the first was a coastal line (western), where more than 70 per cent of the Israeli population live, the second was an eastern line from the Golan Heights in the north to Sharm al-Shekh in Sinai in the south. The lines were to be linked together by many cross and linear roads. This system would

represent a dual backbone including the western and eastern flanks of Israeli security (Jaffari, 1981, xi).

Sharon proposed the establishment of three settlement blocs on the West Bank. The first one would be in the middle of the West Bank, where three large defensive urban centres would be established at the entrance to Jerusalem, to defend the city. The second bloc would be built in the north of the West Bank, linking with the coastal area on the one hand, and isolating the dense Arab population in the north of the West Bank from that inside Israel itself (living near to the pre-June 1967 border) on the other. The third bloc would be located in the south of the West Bank around Hebron, where a group of settlements would be created to link with Qiryat Arba (Yediot Ahranot September 23, 1977 cited in Jaffari, 1981, xli).

Sharon believed that his plan would be reasonable both in war and peace. Israel would control 70 per cent of the West Bank and Palestinians would control the remaining 30 per cent. Within the first four-year term of government; Sharon could boast of 44 new settlements on the West Bank (Agwani, 1985, 92).

The aim of Sharon's plan was to divide the West Bank into many isolated cantons. In practice the Likud government activities regarding settlement on the West Bank worked alongside the Sharon Plan. The situation created under Likud rule was very difficult and dangerous for the Palestinians. The geographical unity of the West Bank itself was totally destroyed. The complexities and difficulties in the Oslo Agreements with regard to the control of land resulted from the fragmentation caused by the settlement policy, especially during the Likud governments. The break up of Palestinian society on the West Bank and in the Gaza-Strip will be discussed in the following chapters of this work.

The Drobles Plan

Matityahu Drobles, the second president in the Settlement Department of the IZO, announced his plan in October 1978 on behalf of the IZO/Department for Rural Settlements. He asked for the creation of 46 new settlements for 16,000 Jewish

families. Drobles proposed expanding existing settlements, both old and those under construction, to absorb an additional 11,000 families (U.N. Security Council, official records, 34th year cited in Agwani, 1985, 92).

The proposed communities would be distributed along the West Bank from north to south, divided into 22 settlement areas. The main concepts of the plan were; first, that settlement is vital to Israeli security needs, therefore, new colonies should be established in strategic areas to control all of the West Bank, and reinforce internal and external security. Second, the new settlements should be set up around and inside the Palestinian population. Third, they should be linked together and not isolated (Keren Kaymet official magazine, August 1980 cited in Jaffari, 1981, xliii-xliv).

In this way Drobles could prevent any expansion of Palestinians in the villages, towns and cities, and the land was to be confiscated. This type of occupation would prevent Palestinians from thinking about independence, and would remove any Israeli doubts about permanent occupation (Keren Kaymet official magazine, August 1980 cited in Jaffari, 1981, xliii-xliv).

Plan of Ministry of Defence

The settlement plan adopted by the Defence Minister (Ezra Whitzman), emerged as a result of the Israeli-Egyptian Peace Treaty. It demanded the amalgamation of all small settlements which had spread out in various parts of the West Bank into six urban centres. Three to be built around Jerusalem to assert its Jewish status, and the other three to be created in the north of the West Bank. The centres were to have mutual access and be linked to Israel by new roads which would avoid passing through Palestinian populated areas (Jaffari, 1981, xlii).

1.7 Israeli Methods of Acquiring Land

Following the first Arab-Israeli war in 1948 the West Bank and Gaza-Strip came under Jordanian and Egyptian rule respectively. With regard to land laws, Jordan applied British law to the West Bank based on the Ottoman Land Code of 1858.

which had been amended and developed during Ottoman rule, and also by the British Mandate. Jordan amended the land law to provide for Palestinian land access. Therefore, the theoretical base of the Ottoman Land Code continued to be applied (Shehadeh, 1985, 23). The Gaza-Strip was under Egyptian rule. Egypt dealt with it as a Palestinian territory, not as a part of Egypt, and did not claim sovereignty over it. With regard to the law of land holding, Egypt applied the same laws as the Jordanian regimes (Levi, 1982, 105).

Directly after the June 1967 War, the Israeli military commanders on the West Bank (Judia and Samaria) and Gaza Strip issued Proclamation 2. This proclamation declared the existing laws prior to June 1967 War as valid, unless they were in contradiction to the proclamation itself or with any legislation issued by the military commander (Military Orders), whether by him or in his name (Levi, 1982, 105).

With the Israeli take over of the Palestinian Occupied Territories, the powers of Jordanian government and Egyptian administration were transferred to Israeli military commanders each in his own area. A military commander represents the executive authority, and according to the Proclamation 2, he is also considered the legislative authority. He can enact new laws, cancel or suspend present laws, cancel or suspend existing laws, or make legislative changes (Levi, 1982, 109).

The first Israeli settlement after the 1967 War was set up on the Golan Heights (12). Shortly afterwards Israel created Kfar Etzion as a first settlement on the West Bank (Chomsky, 1983, 104). The area covering the Kfar Etzion bloc (group of settlements) is estimated at 30,000 dunums. Zionists purchased this area before the war of 1948 during the time of the British Mandate. Under Jordanian rule, between 1948-1967, this area was under the trusteeship of the Jordanian custodian (Custodian of Enemy Property). Consequently, when the Israelis occupied the West Bank they built their first settlement in this area (Drori, 1982, 44; Shehadeh, 1985, 39). The same case was repeated in the Gaza Strip in 1970, when Kfar Darom was established in the same place as the previous settlement of pre-1948 War.

The question that arose as a result of the Etzion bloc was that when the West Bank came under Israeli control, why were Israelis who were absent between 1948-1967 given the right to return to land which had been registered in their names on the West Bank. Consequently, why then were the millions of dunums located in the Israel's pre-June 1967 borders owned by Palestinians who were absent between 1948-1967 and living on the West Bank and Gaza-Strip not returned? Israel continued to consider these people (Palestinians) as absentees, even though the West Bank and the Gaza-Strip came under Israeli rule.

The Judaization process of the West Bank depended upon the ownership of land and Israel resorted to all 'legal' and illegal means to acquire land. The familiar methods of acquiring land used by the Israelis were; state land, absentee land, and land purchases.

The Elon Moreh Case

The case of Elon Moreh pressured the Israeli military government into adopting a new method of land acquisition, which was to declare land needed for confiscation as 'state land'.

On 5 June 1979, the Israeli Military Commander of the West Bank issued a new Military Order concerning the seizure of seven hundred dunums, located in the region under his control. The reason for the seizure, as expressed in the order, was for military purposes, but an Israeli settlement was built. The land had been classified as private, and the owners of the land applied to the Israeli High Court. The court decision considered the Military Order null and void, because the seizure process was not primarily for military purposes, but for political considerations. The court asked for the evacuation of the settlers and the army from the land (Shehadeh, 1985, 20).

In regard to the Elon More case, the High Court imposed two limitations on any future recourse to the court in cases of land requisition, or possession by military authorities. Raja Shehadeh stated the limitation as:

1) Seizure of privately owned land could only be prevented or reversed by recourse to the High Court. 2) The High Court was not prepared to intervene in any dispute over the ownership status of land (Shehadeh, 1985, 21).

However, the High Court's decision did not prevent the Israeli government from creating the Elon Moreh settlement, which was built on 'state land' near to its original site. The two limitations paved the way for the military government to search for non-private land owned (the other categories of land holding (as mentioned in the previous chapter) for the acquisition of land (Shehadeh, 1985, 22; Lewan, 1985, 292).

Seizing Land for Military Purposes

Within the first decade of Israeli occupation, the most popular method adopted by the military government for acquiring land was 'requisition for military purposes'. Any category of land could be confiscated for this purpose by issuing a Military Order declaring that the land was needed for vital and immediate military requirements (Shehadeh, 1985, 37).

In this type of expropriation, the military government does not become owner of the land, the owner of the seized land remains the original owner. The military government is supposed to pay an annual payment to the landlord for the use of his land, however, most Palestinians refuse. The land returns to its owner when the military is removed from the site, and when a military government is terminated (Drori, 1982, 51).

Up to 1985, Israel had seized about 35,000 dunums on the West Bank for military purposes. Permanent settlements were created on some of these lands, where seizing of private property was supposed to be for temporary and not permanent use (Drori, 1982, 51; Shehadeh, 1985, 37).

Acquiring State Land

Hundreds of thousands of dunums were confiscated by the Israeli military government by declaring it 'state land'. This 'state land' constituted the greatest concentration of Israeli settlements. Israel considers all unregistered land as 'state land'. In 1967 non-registered land in the West Bank was estimated at two-thirds of the total land. The Israeli military government discontinued the registration of land after the June 1967 War, later, registration was facilitated only for Israeli Jews. *Miri* land, *metroka* land, and *mewat* land were classified by the military government as 'state land' (Shehadeh, 1985, 6:27; Agwani, 1985, 98; Fischbach, 1997, 41).

Military Orders concerning government properties no. 59 of July 1967, and no. 364 of December 1969 dealt with acquiring 'state land'. These regulations were largely used following the high court decision in the Elon Moreh case. Briefly, the orders state that when military authorities declare land as 'state land', this is sufficient proof unless the opposite is proven. In other words the onus of proof lies not with the military government, but with the Palestinian owner. This in total contradiction to normal procedure. In this situation Palestinians can only appeal to a Military Objection Committee which is itself enacted by Military Order 172. The decision of the committee is no more than a recommendation, and the military government has the right to ignore it. Until 1985, only 5 per cent of cases taken to this military committee were successful (Shehadeh, 1985, 22:24; Lesch, 1985, 110).

As mentioned in chapter one there was much debate about land ownership, where the great majority of land in Palestine was not registered. Palestinians were owners of the land by custom and tradition, but according to the land law these were not acknowledged as theirs. Therefore, the Israeli military government found this confusion over land ownership a real opportunity for acquiring land. The Israel's perverted use of the Ottoman Land Code enabled it to achieve its target of land expropriation.

According to the British Mandate the Order-in-Council it did not include *miri* land as 'state land', and the Jordanian law continued as under British rule. Also, article

153 of the Israeli Land Code of 1969, which applied in Israel did not include *miri* land in 'state land'. Whereas the Israeli military government considered this same category as 'state land', which is really difficult to understand. Here we see Israel applying two different laws in two different places for the same category (Shehadeh, 1985, 26; Agwani, 1985, 98).

Jordanian law allowed the expropriation of land only if it was to be used for public or military purposes. This process required approval from the Jordanian Cabinet, and finally from the King. The owner of the land was to be compensated with an amount equal to the market land value. Under Israeli occupation the military government only compensated owners of private land (who rejected Israeli compensation), owners of other categories were ignored. Most of land was expropriated to establish new settlements and for the settlers' public purposes, not for Palestinian public ends (Shehadeh, 1985, 37).

The implementation of Jordanian Law concerning the expropriation of land for public purposes was violated Shehade noted that "land were taken from the private individual (Arabs) who used it for private purposes and were given to other private individual (settlers) to use it for private purposes for long periods" (Shehadeh, 1985, 27).

Acquiring Absentees Land

The Israeli Absentee Property Law of 1950 defined an absentee as "someone who left to go to a country which is in a state of war with Israel". Millions of dunums came into Israeli hands in the pre-June 1967 borders (Israel Minor). Israeli Military Order no.58, of July 1967, Concerning Abandoned Property, defined an absentee as, "someone who has left the area of the West Bank before, during, or after the time of the 1967 War". In this case a Palestinian who was resident in an Israeli friendly state before the war, such as the United States, would be considered as an absentee (Shehadeh, 1985, 35). The differences in definition of the two laws were enacted to serve Israel in each region.

The absentee land was passed to the Custodian of Absentee Property, which had seized 430,000 dunums (Benvenisti, 1984, 30) representing 7 per cent of total land area on the West Bank. Tafkaji, a Palestinian expert on the Israeli settlement issue believed that according to his daily follow-up of the land expropriations in the West Bank, Benvenisti's figure concerning the Palestinians' absentee land was exaggerated. However, Tafkaji has no accurate figure himself (Tafkaji interview October 13, 1998).

The function of the custodian was:

to preserve and attend to the property until such time as its owners should return. He does not acquire ownership, and if he leased the land, he must deposit the rents in the name of the owner, pending his return (Cited in Drori, 1982, 48).

In practice the custodian dealt with absentee property as the absolute owner, transferring most of these properties through 49-year leases to Israeli settlers, in order to establish new settlements, but never to Palestinians (Drori, 1982, 52; Shehadeh, 1985, 36).

As mentioned above, as a result of the June 1967 War hundreds of thousands of Palestinians left their home areas, including 88 per cent of the residents of the Jordan Rift. Consequently, 89,000 dunums were confiscated in the rift; 91 per cent was absentee land and private land, while 9 per cent was of 'state land'. A considerable portion of absentee land was leased to Israeli settlers in this area (Harris, 1980, 15; Jaffari, 1981, xxxii; Drori, 1982, 52).

Acquiring Land by Declaring it a Closed Area

Military Orders can declare certain areas in the West Bank and Gaza-Strip as closed areas, the justification being that the area is needed as army training grounds, firing ranges or for, manoeuvres and so on. The closure is permitted for a temporary period, and the owner of the land may cultivate it when military activities cease. However, in practice many land was acquired through this method, and the closure of land constituted the first step toward the creating of a new settlement. Qiryat

Arba, one of the largest settlements in the West Bank, was established by this method, also the land of Ma'ale Adomim (70,000 dunums) near Jerusalem was the first to be closed and a settlement was built in the area (Harris, 1980, 119; Drori, 1982, 53; Shehadeh, 1985, 37).

Purchasing Land

Jordanian Law prohibited citizens from selling land to non-Jordanians. Such a process could only be followed after obtaining special permission. According to the same law the selling of land to the enemy (Israelis) carried the death penalty; during the period of Israeli occupation, Palestinians of the West Bank held Jordanian citizenship (Abu Medain interview February 17, 1999).

The military government removed these restrictions which prevented Jewish companies from purchasing land. The Heymanuta Company, affiliated to the IZO, was working in the Palestinian Occupied Territories for land purchase. As in 1979, restrictions on the purchase of land on the West Bank by individual Israelis was removed by the Israeli Military Commander of the West Bank (Jaffari, 1981, xIviii; Drori, 1982, 53). Moshe Drori estimated what Heymanuta purchased 73,000 up to 1982 (Drori, 1982, 52). Kalil Tafkaji confirmed that up until the end of 1998 Israeli companies and individuals purchased no more than 100,000 dunums. He asserted that the great majority of these purchases were illegal such as; 1) Using fake documents with fake signatures/imprints of people who had already died in order to sell the land. 2) By purchasing a tract from a person who was not the sole heir but was willing to sell the tract without the approval of the remaining heirs (Tafkaji interview October 13, 1998). The registration process for the purchase of land by Israelis (individuals and companies) was conducted in secret. The military government established a secret Land Registration Department at its headquarters, therefore, it is difficult to calculate the actual number of dunums purchased by Israelis. Raja Shehadeh estimated this area as, "it constitutes a small percentage of the land used for settlement." (Shehadeh, 1985, 39).

Many Palestinians have been martyred defending their land against theft from Israeli settlers. On March 30, 1976 (land day) was witness to Palestinian resistance. Seven Palestinians were killed on the West Bank and inside Israel. Public demonstrations spread to the whole of Mandate Palestine rejecting the Israeli policy of confiscating land.

1.8 Developments in Palestinian-Israeli Political Thought since the 1967 war

There is no doubt that what resulted from the Israeli occupation of the West Bank and the Gaza-Strip changed the political stance of both Palestinians and Israelis. The development and change of political thought amongst the PLO was greater and faster than that of the Israelis. The dual society that was created in the Palestinian Occupied Territories as a result of the Israeli settlement policy, encouraged the Palestinian leaders to be more realistic in proposing and dealing with political plans in order to resolve the Palestinian question.

The PLO's rejection of different political resolutions in the early years of the Israeli occupation was testament to the relation between the land and the political solution. However, with time Israeli settlement expansion provoked a real fear on the Palestinian side for Palestinian political aspirations of independence. The leaders of the PLO were concerned that if the situation continued there would be no land left to be negotiated for due to the expansion of the Israeli settlements and a large scale increase of settlers.

1.8.1 On the Israeli Level

The principles guiding the Israeli government in the aftermath of the June 1967 War, was base on the idea of no return to the 1967 War borders. The Israeli Prime Minister Levi Eshkol supported the Allon Plan in regard to settlement in strategic areas of the Occupied Arab Territories (Harris, 1980, 51). Israel accepted the U.N. Security Council resolution no. 242 (13) of 22 November 1967.

On February 9, 1971, the Israeli Prime Minister, Golda Meir, announced a new Israeli Plan for the peace accord. New points in this proposal stated that Israel would continue to control the Gaza-Strip with the possibility of it becoming a Jordanian port. No withdrawal from the Syrian Golan Heights, and Jerusalem would remain unified and a part of Israel. The idea of a Palestinian independent state was rejected by the Israeli Prime Minister (News Week, February 15, 1971 cited in al-Hoor and Mossa, 1983, 106).

The Israeli interpretation of the U.N. Security Council resolution 242 differed from that of the Arab States. This interpretation could be understood from the reiteration of the Israeli Foreign Minister, Yigal Allon's Plan. His idea of the resolution was that it did not ask Israel to withdraw from all the territories, not even from those that came under Israeli control in the 1967 War. He believed that the resolution asked Israel to withdraw from territories, but that it had the right to establish settlements in the Occupied Arab Territories (Cited in Lukacs, 1992, 190). Egypt and Jordan accepted U.N. Security Council resolution 242 which had been rejected by the Syrian government, although the Arab interpretation of the resolution was that Israel should withdraw from all the occupied territories (al-Hoor and Mossa, 1983, 133).

If we examine the Israeli plans for establishing peace, these plans were directed at the Arab States, Egypt, Syria and Jordan in particular. None were directed towards the Palestinian people, or their representatives. During the first decade of Israeli occupation in the Palestinian Occupied Territories, there was no Israeli official statement mentioning the political rights of the Palestinian people. For the Israelis, the Palestinian question was no more than a humanitarian issue towards refugees. Israel refused to recognise the PLO as representative of the Palestinian people, and this stand continued until both sides arrived at the Oslo Agreement.

At the Camp David Accord (14), Israel agreed to sit down with Jordan, Egypt, and representatives of the Palestinian people to negotiate the future of the West Bank and Gaza-Strip. The Accord included transitional arrangements for these areas for a

period not exceeding five years. Israel would withdraw its military government and its civil administration as soon as there was a self-governing authority to replace these two institutions. This would be elected by the inhabitants of the West Bank and Gaza-Strip. The transitional period would continue for five years, but in the third year, and no later, Egypt, Jordan, Israel and the elected representatives of the West Bank and Gaza-Strip would enter into negotiations to determine the final status of the West Bank and Gaza-Strip. The outcomes of the negotiations must recognise the legitimate rights of the Palestinian people and their just requirements (Camp David Accord cited in Lucaks, 1992, 157).

On August 5, 1981, the Israeli Knesset (Parliament) put in place the fundamental policy guidelines of the government of Israel. The main points regarding the future of the West Bank and Gaza-Strip were that:

At the end of the transition period set down in the Camp David Agreement, Israel will present its claim and act to realise its rights of sovereignty over Judea, Samaria (West Bank), and Gaza district ... Settlement in the Land of Israel is a part and an integral part of national security. The government will act to strengthen, expand, and develop the settlement (Cited in Lukacs, 1992, 199).

1.8.2 On the Palestinian Level

The Palestinian Liberation Organisation was founded in May 1964, according to the will of Arab regimes. It followed the Arab regimes' political stand from its inauguration up to 1967. When the head of the PLO, Ahmed al-Shokeri resigned in 1967, a new chairman, Yahia Hamoda led the PLO during the transitional period, and lasted until February 1969. The Palestinian Council elected the leader of the Palestinian Guerrillas (al-Fatah Movement), Yasser Arafat, as leader of the PLO in 1969 (Kallaf, 1973, 112).

The PLO and all the other Palestinian organisations rejected U.N. Security Council resolution 242. They believed that it ignored the existence of the Palestinian people and their right to self-determination. It dealt with the Palestinian question and the people as refugees, ignoring their right to return to their homes. The leadership

confirmed Palestinian rights to liberate their land through popular armed struggle (The Palestinian National Council July 13, 1971 cited in Lukacs, 1992, 291:301).

In 1974 the PLO's stand towards a political settlement started to change, when the Democratic Front to Liberate Palestine (DFLP) asked the PLO to enter into a political agreement through the Geneva conference, to found a mini state on the West Bank and Gaza-Strip. The al-Fatah Movement, led by Arafat (the main organisation of the PLO) supported the idea. Despite the tough conditions which were put forward by the Palestinian National Council to go through a political settlement, it was the first time that the Palestinians had mentioned a political settlement for solving the Palestinian-Israeli conflict. The PLO's main objective was the creating of a democratic state for the whole of Palestine (Mandate Palestine), where Arabs and Jews could live as equal citizens (Kalaf, 1978, 215:20).

The PLO dealt more realistically with the political settlement during the eighties. The Soviet Union's Plan of February 1981, asked for a peaceful resolution to the Arab-Israeli conflict, based on full Israeli withdrawal from the Occupied Arab Territories; the establishing of an independent Palestinian state; and the right of all states to ensure their security and sovereignty, including those of Israel. The PLO accepted this Soviet proposal (Lukacs, 1992, 20; al-Hoor and Mossa, 1983, 201).

This was the first time in Palestinian history that the PLO had accepted the existence of Israel and its right to live in security. The new aim of the PLO and its struggle became clearer than before; the setting up of a Palestinian state on the West Bank and in the Gaza-Strip with Jerusalem as its capital. The idea of a Palestinian state split the PLO itself, but finally the supporters of the new concept of the creation of a Palestinian state on the West Bank and in the Gaza-Strip managed to lead and direct the organisation towards this aim.

1.9 Impact of the Palestinian Intifada over Palestinians and Israelis

The Palestinian Uprising *Intifada* (15) was a result of Palestinian anger against the occupying authorities. This anger resulted from the political and economic

situation, which included daily harassment, arrests and humiliations. The Palestinian loss of land was one of the major factors that created the Palestinian *Intifada*. Johnson noted that the intensification of settlement building, the confiscation of land and repression since 1983 overwhelmed any Palestinian sense of having something to lose (Johnson & Others, 1990, 32).

Israeli activities in the Palestinian Occupied Territories changed its character. A large, new Palestinian working class had emerged (details regarding the Palestinian labour force in Israel are in chapter six), but there was much discrimination against Palestinian workers as opposed to Israeli workers. For example, the salary of an Israeli was twice that of a Palestinian performing the same task. Israelis received benefits from different institutions, whereas Palestinians received almost nothing (al-Ayyam June 1, 2000), yet paid more tax than the Israelis. The latter had one per cent of their salaries deducted by the Israeli workers association (Histadrut) but were ineligible to receive benefits and were denied membership. Large amounts were withheld for health, pension, and other funds for which Palestinians received little in return (Smith, 1992, 292; Marshall, 1989, 149).

In December 1987, a popular uprising (*Intifada*) broke out in the Gaza-Strip and spread quickly throughout the West Bank. Israel used the harshest means (iron fist) to squash and stop the uprising. The *Intifada* affected both Palestinian and Israeli communities on both the political and socio-economic levels. The *Intifada* attracted international concern, and affected public opinion, and the policy makers (Marshall, 1989, 152). The *Intifada* lasted until 1993 when the PLO and the Israeli Labour government signed the Oslo Agreement.

The *Intifada* adopted one aim -freedom and independence- (*al-Hurria wa al-Istiqlal*). This created major changes in international politics with regard to the Middle East and the position of the Palestinian cause. As the Guardian commented the political achievement of the *Intifada* could be described in a few words:

The uprising has succeeded brilliantly in many ways most of all in putting the Palestinian cause back on top of the international agenda

and creating unprecedented unity in Palestinian ranks (Cited in Marshall, 1989,152).

The *Intifada* reinforced the position of the PLO both regionally and internationally. At the same time it forced it to deal with Palestinian aspirations more flexibly and realistically. As a result of the *Intifada* the international community became more prepared than ever before to strive for a political settlement to the Palestinian situation.

Many Palestinian leaders reached the conclusion that at this stage of the Palestinian struggle they should be clear about their readiness to recognise the Jewish State, and to establish peace with it. The Palestinian National Council in its meeting in Algiers, November 1988 asked for:

Convening an effective international conference on the issue of the Middle East and its core, the Question of Palestine ... based on the U.N. Security Council resolution 242 and the attainment of the legitimate national rights of the Palestinian people (Cited in Lukacs, 1992, 419).

Officially the PLO had never accepted resolution 242 before as a basis for any political settlement to the Palestinian-Israeli conflict. This new stand gave the PLO more freedom to move regionally and internationally. The PLO stand in recognising resolution 242 affected its unity. The DFLP, under Nayif Hawatmah, and the PFLP under George Habash, whose organisations were a part of the PLO, refused to recognise resolution 242. Outside the PLO body, the Islamic Resistance Movement (Hamas) also rejected the resolution (Smith, 1992, 301).

The Israeli reaction regarding the *Intifada* differed from one party to another. Shemon Perez, leader of the Labour Party at the beginning of the *Intifada*, realised that a return to the same situation in the Palestinian Occupied Territories as it was prior to the *Intifada*, was impossible. He understood that Palestinians in their *Intifada* wanted a fair solution to their cause. He supported the international conference in order to find a comprehensive answer to Arab-Israeli conflict, without mentioning the participation of the PLO at this conference. In September

1988 he asked Israel to enter into negotiations with the PLO. While Yitzhak Rabin, the Israeli Defence Minister of the national unity government (the second figure in the Labour Party) during the first years of the *Intifada* and later in 1992 the Israeli Prime Minister, recognised that the Israeli army was unable to resolve all security problems, especially on the Palestinian question. He asserted that a solution to this problem should be through negotiations (Abdulla, 1990, 29:33). Rabin did not mention with whom Israel should negotiate? But the Oslo Agreement was signed while he was leading Israel as Prime Minister. Finally, Rabin recognised the PLO as the legitimate representative of the Palestinian people.

Yitzhak Shamir, Israeli Prime Minister when the *Intifada* broke out in 1987, refused any political settlement based on Israeli withdrawal, even from the populated areas on the West Bank and Gaza-Strip. Shamir continued to consider Palestinian Occupied Territories as 'liberated areas' and part of the 'Land of Israel.' (Abdulla, 1990, 24:25).

The result of the *Intifada* forced Shamir to make a proposal for solving the situation on the West Bank and in the Gaza-Strip. He asked for negotiations in order to establish a self-governing authority in the territories. He included the condition that Palestinians should call a halt to the *Intifada*, which would be followed by free democratic elections to select a representatives with whom Israel would negotiate. The concept of achieving peace in return for land was rejected by Shamir. The Likud Party and the parties to the right turned down any political agreement on the basis of the concept of peace in return for land (Tessler, 1994, 728:29).

The *Intifada* was considered the turning point in the Palestinian-Israeli conflict. It demonstrated the fact that things would never be the same as before. The political, social, and economical effect of the *Intifada* on both Palestinians and Israelis was great. This meant that the search for a political settlement to the Palestinian question was taken more seriously than before.

In October 1991 during the *Intifada* period, the Madrid Conference was convened. The *Intifada* was one of the factors that convinced the PLO to accept the tough Israeli conditions in order for the Palestinians to take part in the conference (chapter three discusses in detail the Palestinian-Israeli negotiations that resulted from the Madrid Conference). The *Intifada* enforced the political position and gave strength and credibility to the PLO in the region. The *Intifada* slogan of “freedom and independence” was very realistic and it received support from the great majority of the international community. The Israeli voices that asked for Palestinian self-determination increased and became louder. The notion spread among many Israelis that controlling other people by force was impossible and not consistent with the concept of human rights at the end of the twentieth century.

1.10 Conclusion

This chapter shows the history of the land conflict between Palestinians and Israelis, and investigates the root cause of this conflict. I have provided a backdrop to the history of land conflict between both sides as without it, the conditions surrounding the present conflict would be difficult to comprehend and interpret. The Palestinian struggle to own and control their land is a continuous process which has been ongoing since the mid 19th century. This historical chapter has reviewed and clarified the issues relating to the land conflict in the post-Oslo Agreement period. There is no doubt that the implementation of the land tenure in Palestine was a catalyst for social transformation in Palestinian society.

It is obvious that Palestine was never in its ancient nor modern history a land without people. This Zionist slogan was only to justify the Zionist's ambitions of creating a homeland. Zionism was a direct reaction to the Jewish persecution in Europe. This chapter has clarified the Zionist expansionism strategy. The basis of which was to start controlling small tracts of land, and then concentrating their efforts in the area to expand their tracts and link them together. When Zionists accepted the political proposals (Peel Plan or Partition Plan in maps 1.3 and 1.4 respectively) to resolve the Palestinian-Jewish conflict, they had their eye on nearby land which was allocated to the Palestinian proposed state. The core of the Zionist

expansionism strategy (controlling more land) was applied in the post-1967 War period.

This chapter shows the importance of the West Bank and Gaza-Strip in both the Palestinian and Israeli agenda of the post-1967 War period. For Israel the outcome of the June 1967 War was of great consequence with regard to territorial expansion. Israel acquired improved strategic borders of better topographic positioning and greater strategic depth. This chapter has clarified the notion that this period of Israel's history witnessed the biggest changes in the settlement map. Israel tried to create a Jewish community in the Palestinian Occupied Territories.

This chapter has also showed that all the Israeli settlement plans (Labour and Likud) concentrated activities on the West Bank rather than the Gaza-Strip. The reason for this was that the Labour Party needed to maintain control over certain parts of the West Bank because of Israel's national security concerns. Labour's readiness to withdraw from the remaining parts was aimed at achieving peace with the Israelis' Arab neighbours by trading land for peace. Conversely, the Likud party's objectives were to control all the West Bank as a security measure. Likud believed that without the whole of the West Bank, Israel's security would be in danger. In addition it was perceived to be the heart of the 'land of Israel', and it drew on religious-nationalist fervour to support this view. The position of the Labour Party and Likud Party towards the Palestinian Occupied Territories helps us to understand the coming chapters about the Israeli intention to sabotage the peace opportunity of the Oslo Agreement.

From the early days of the Israeli occupation in the West Bank and Gaza-Strip, Palestinians were struggling for their land despite the fact that it was taken from them by every means possible. The most influential method was the occupation law (Military Orders). The decades of the Palestinian national struggle that were crowned by the *Intifada*, forced the Israelis to recognise the existence of Palestinian peoplehood. The reality that was created as a result of the daily contact (peaceful or violent) between Palestinians and Israelis, and the daily loss of land pushed the

Palestinian *Intifada* to raise realistic objectives. The PLO showed much flexibility towards the *Intifada's* objectives and was able to raise the issue of the Palestinian sacrifices during the *Intifada* period into the regional and international agenda. The PLO congress session of 1988 was considered revolutionary compared to its previous stance towards a solution of the Palestinian-Israeli conflict. The chapter also proved that every decade from the 1960's until the 1990's showed a fundamental change in the PLO's political stance which may have allowed it to remain and continue despite its military loss and the blockade from both Israel and some Arab states.

Foot-Notes

1. It should be borne in mind that the specific number of two waves of the Jewish migration up to 1914 are according to Zionist sources, as there are no other sources that estimate the number of immigrants.

2. In 1919 the Zionists had access to the draft of the Land Transfer Ordinance, while the Palestinian Arabs did not. The Zionists along with British officials prepared a report on the land regime which affirmed article four of the Mandate. Stein illustrated how the Zionists worked to serve their own interests in this report. With reference to the Zionist intervention in the draft of the Land Transfer Ordinance, He noted:

moreover the British tended to become reliant and then dependent upon Zionist material and cooperation concerning land. The British lacked such information, but Zionist officials possessed vast amount of it based upon more than four decades of official and unofficial experience in land acquisition (Stein, 1984, 44).

3. For more details about Zionist society in Palestine prior to 1948, see Tessler, 1994, 185-210.

4. Article 6 and the full text of the Mandate over Palestine, see Cattani, 1973.

5. For more details about the Palestinian revolt, see Kalkas, 1971, 257-295; Abu Yasser, 1988, 197-232.

6. For further details about the Palestinian catastrophe and refugees, see Palumbo, 1987; Hazboun, 1994; Kimerling & Migdal, 1993, 127-156, Karmi & Cortan, 1999.

7. For the full text of the U.N. General Assembly resolution No.194, see Cattani, 1988, Cattani, 1973, and the United Nations electronic home page.

8. See Allon, 1970; Rabin, 1993;

9. For more details about the Palestinian exodus of 1967 War See Masalha, 1999, 63-102; Harris, 1980, Dodd & Barakat, 1969.

10) Abdul Jawad Saleh (1986) covered all the Israeli military orders relating every aspect of Palestinian life in the occupied territories.

11. The U.N Security Council and General Assembly resolutions which consider the West Bank and Gaza-Strip as occupied territories are Security Council resolutions No. 242 of November 22, 1967; No. 259 of September 27, 1968; No. 446 of March 22 1979; No. 452 of July 20, 1979, No. 465 of March 1, 1980. The Latest General Assembly resolutions are: A/RES/53/55 of December 3, 1990; A/RES/47/172 of December 22, 1992; A/RES/51/133 of December 13, 1996;

A/RES/51/233 of March 13, 1997; and A/RES/52/66 of December 10, 1997. And for all UN resolutions regarding the Palestinian Issue, see the UN homepage (www.cyberus.ca/~baker/UN-Palestinian-resolutions.htm).

12. For details about the Israeli settlement in the Syrian occupied territories, see Harris, 1980; Jaffari 1981.

13. The full text of the UN Security Council resolution appears in Lukacs, 1992.

14. Mohammed Kamel (1987), the Egyptian Foreign Minister during the negotiations in Camp David gave details of the Egyptian-Israeli negotiations that reached to the Camp David Accord.

15. The Palestinian Uprising, the *Intifada*, broken out in October 1987 and continued until 1993. See Marshall, 1989; Lockman & Beinun, 1990.

Chapter Two: The Conflict Over Land in the Palestinian-Israeli Negotiations

2.1 Introduction

This chapter discusses the conflict over land in the West Bank and Gaza-Strip in the Palestinian-Israeli negotiations, from the Madrid Conference to the Oslo Agreement, leading to the Wye River Memorandum November 1998. Sections two and three attempt to illustrate the causes that faced both the PLO and Israel into accepting the Madrid Conference and later to choose the back door in Oslo in order to reach a peace settlement.

The West Bank and Gaza-Strip came under Israeli occupation as a result of the Arab-Israeli War in June 1967. At the end of the third decade of Israeli occupation in the Palestinian territories a peace agreement was signed between the PLO and Israel. Sections four and five deal with Palestinian and Israeli attitude towards a solution to the conflict. A brief summary of the letters of mutual recognition between the PLO and the State of Israel, and the main points of the Declaration of Principles (DOP) regarding land, are presented in section six.

There is no doubt that any agreement between the parties is likely to involve changes to the original goals of each party. There will be positive and negative implications for both parties and the movement concerning different interests is reflected in the Oslo Agreement itself, together with the later Cairo Agreement 1994 (Gaza-Jericho First), the Taba Agreement 1995 (Oslo II), the Hebron Protocol 1997, and Wye River Memorandum in 1998 are of this nature. This chapter addresses: what has changed following the agreements regarding the original official position of the negotiations. What are the negative and positive aspects of the agreements in regard to land for both sides? Did the Agreement create new realities on the ground? I also discuss the division between Palestinians and why

opposition parties and movements rejected the Agreements and some of the proposed alternatives.

2.2 The Madrid Conference

The Madrid Conference was convened by an agreement of all parties (Palestinians, Israelis, Jordanians, Lebanese, and Syrians) through the initiative of the United States. Israel preferred to maintain the status quo (no peace, no war), Syria preferred an international conference, the PLO asked for the same degree of participation in the conference as the other parties, but the PLO was officially driven away from taking part in the Madrid Conference (Massalha, 1994, 29:51).

Several issues led to the possibility of the Madrid Conference. These were domestic, regional and international. The first one was the collapse of the Soviet Union, considered a main ally of the Arabs. Syria and the PLO again found themselves without an international ally. Israel's main ally, the United States, became sole leader of the international community. There is no doubt that the collapse of the Soviet Union strengthened the American role and the Israeli position in the region, because no such conference would have been held if the Soviet Union had remained a superpower. This was because the Soviet Union favoured an international peace conference as the way to solve the Arab-Israeli conflict, not the peace conference planned for Madrid (Toak, 1993, 24; Massalha, 1994, 29; Shanab, 1995, 37, 67; Habbash interview, December 12, 1998). The United States accepted the presence of the Soviet Union, only because it was totally weak and on the verge of collapse, and could not, therefore, affect the direction of the conference. The Soviet Union, later as the Russian Federation, and the European Union, as well as the United Nations, witnesses and observers without any specific role attended the conference (Hussein, 1993, 21). U.S. domination of the conference became a fait accompli for Russia and regional organisations such as the European Union, the Gulf Cooperation Council (GCC), the Arab Cooperation Council, and the United Nations.

Second, the Gulf War of 1991 finished with a dramatic defeat of Iraqi forces in Kuwait and even inside Iraq itself. The implementation of Security Council resolutions relating to the Iraqi invasion of Kuwait recreated a persistent question in international politics regarding the Arab-Israeli conflict. Why had these resolutions concerning the Arab-Israeli conflict not been implemented for decades? To keep its credibility and to avoid the accusation of a double standard in its regional policy, President George Bush initiated his plan for a peace process in the Middle East. The U.S. Plan was based on four premises. First, land in return for peace. Second, the implementation of the United Nations Security Council resolutions 242 and 338. Third, legal and political rights for Palestinians. Finally, peace and security for the state of Israel (Massalha, 1994, 30:51; Shanab, 1995, 15; Hass, 1995, 136).

However, the Gulf War severely weakened the PLO because of its support for Iraq during the war. This encouraged the United States to convene the Madrid Conference without official PLO participation. The conference could not have been successfully arranged if the PLO had opposed it (Corbin, 1994, 24; Dajani, 1994, 75).

Prior to the Gulf War the United States Secretary of State, James Baker, declared in the presence of American Jewish leaders in Washington that the Israeli goal of establishing a 'Greater Israel' was unrealistic, and that Israel and International Zionism should eliminate this from their agenda (Cited in Dajani, 1994, 32).

The third reason, the Madrid Conference became possible was the increased need to resolve the Palestinian *Intifada*. Yitzhak Rabin recognised in the 1970's that there could be no comprehensive peace in the Middle East without resolving the Palestinian question. Yet he suggested that Arabs had caused the Palestinian problem and in so doing he reduced the significance and history of the Palestinians as a people and a nation (Rabin part-two, 1993, 273). This was also the view of Golda Meir, Dayan, and Galili which undervalued Palestinians as people (Schiff and Fabian, 1977, 13). The *Intifada* then brought the Palestinian question to the fore of Israeli policy and on to the international agenda (Hussein, 1991, 5).

The above reasons help to explain why the Arab States and the PLO looked to the importance of Madrid. International and regional conditions would not serve them if they did not accept the American conference. However, they were ready to make a deal with Israel if it showed a readiness to enter into constructive negotiations.

The first three rounds of negotiations in Washington between Israelis and a Palestinian delegation lacked any initiative from either side. In the fourth round of Washington negotiations two documents were submitted; the first from the Israeli side (Likud government) regarding Palestinian self autonomy in the West Bank and Gaza-Strip. The Israeli proposal was rejected by the Palestinian delegation, because it made no link between the Palestinian people and their land. The second proposal came from the Palestinian delegation. This was a detailed document about the Palestinian interim self-government arrangements in the West Bank and Gaza-Strip. This proposal was rejected by the Israelis as they believed it to be a systematic programme for the establishment of a Palestinian independent state (Hussein, 1993, 100:04).

In the sixth round the Israeli Labour government proposed a new plan for Palestinian self-autonomy. The Palestinian delegation rejected it, because it was drafted in the same spirit as the previous Likud government recommendation; i.e. there could be no link between the Palestinian people and land in the West Bank and Gaza-Strip, this meant that Palestinians could have authority over themselves but have no sovereignty over the land. The control over land is an Israeli affair. This was less than the self-autonomy given to Palestinians in the Camp David Accord in September, 1978, which was also rejected by the PLO at that time (Hussein, 1993, 138:140). Israel would control all the natural resources of the Palestinian territories including water. Israel would also have the legislative responsibility which meant that land tenure would be in Israeli hands.

The Madrid Conference continued for three days, after which the negotiations were then transferred to Washington D.C. Twelve rounds of negotiations were held in the U.S. over a period of more than twenty-two months. No peace settlement was

reached for three main reasons. Firstly, Israel refused to halt the settlement activities in the Palestinian territories (Abdul Shafi, 1997, 10). Secondly, Israel refused to implement Security Council resolution 242 as the basis for a peace accord. Thirdly, Israel refused to allow Palestinians to have control and sovereignty over their own land and the natural resources. Israelis agreed that the Palestinians had the right to govern themselves as long as the Israelis were able to maintain control over the land.

2.3 The Back Channel of Oslo

Terry Larson, a Norwegian academic and his wife Mona Jool (the Norwegian Assistant Foreign Minister) succeeded in January 21st, 1993 in bringing three PLO officials and two Israeli academics to Norway to discuss peace issues. The Norwegian government facilitated the meeting which lasted for two days and was considered later as the first round of the Oslo negotiation (Corbin, 1994, 50).

Both the PLO and Israel left the negotiations proceed in Washington, and in secret moved negotiations to Oslo which led to the signing of a Declaration of Principles. The Madrid Conference, and its consequent Washington rounds, removed previous obstacles to a direct meeting between Israelis and Palestinians. It paved the way for the Oslo negotiations, and reduced the psychological barrier that existed between both sides (Massalha, 1994, 27; Shanab, 1995, 37; al-Ahmed interview, February 2nd, 1998). Nabeel Shaat, the Palestinian Minister of Planning and International Cooperation described the Madrid Conference and rounds as immensely useful and that the success of the Oslo negotiations depended completely on the documents that were prepared for the Washington rounds. He also added:

This is the first time since 1948 that Palestinians have been involved directly in negotiating matters relating to their own land, future, and fate ... we put together a body of documents, doctrines, principles, strategies, and tactics with all the nuances and the legal terms required to get our rights (Shaat, 1993, 8).

2.3.1 The PLO and the Oslo Channel

The PLO had for a long time tried to establish channels of communication with Israel. The PLO had previously refused all Self-Autonomy plans during the

seventies but the appearance of new conditions in the nineties led to their acceptance. As a result of the Gulf War a majority of Arab states, especially the Gulf states, removed their political backing for the PLO (Hussein, 1993, 17). Arab financial support for the PLO totally halted after the Gulf Crisis. At that point the PLO faced a financial crisis, in addition to the political blockade which many Arab states had imposed on it. Salaries for workers in the PLO (political and military levels) were withheld for several months. The ending of Arab financial support from the Gulf States was the result of an American request (Shaheen interview, August 18, 1998; al-Ahmed interview, February 2nd, 1998).

Salah Tamari, a member of the Palestinian Legislative Council (the head of the land on settlement affairs committee of the PLC), also noted that if the PLO had not gone through the Oslo channel, it would have collapsed. Its presence in international politics would have been no more than that of an office or radio station in Tunisia, Jordan, or Damascus (Interview October 11, 1998).

As a result of the PLO financial crisis some of its activists migrated to Scandinavian countries and asked for asylum. In Norway their activities were investigated by Israeli intelligence officers (Mossad). The asylum seekers believed that these officers belonged to the Norwegian Intelligence Agency which was a view the Norwegian government wanted to encourage. However the media disclosed that the investigators were in fact Israelis, not Norwegians (Corbin, 1994). The PLO reduced its staff and official representatives throughout the world (Safieh Manchester (UK), June 13, 1999). The Oslo channel and other channels for discussion with the Israeli Authorities can be seen as a response by the PLO to these pressures.

The Madrid Conference had also deprived the PLO of taking part in the conference, which had been an Israeli precondition. Israel even rejected the participation of a Palestinian delegate from East Jerusalem. The Palestinian delegation at the conference was made up of Palestinians living in the West Bank and Gaza-Strip

which was an Israeli precondition. No Palestinian from the Diaspora was part of the delegation.

Israel prohibited Palestinians who were living in Jerusalem from attending the conference because they (Israelis) wanted to prove that Jerusalem was not a subject open to negotiation but was, according to the Israelis, the united capital of Israel. The reason for Israel prohibiting Palestinians from the Diaspora from attending the conference was because Israel wanted to prove that it was prepared to negotiate the future of Palestinians of the West Bank and Gaza-Strip and that the Palestinian refugee question was not its responsibility. The Israelis repeated many times that it was an Arab duty to resettle the refugees in Arab countries.

Yet it is also useful to show here that the Oslo track was not the only one open between the PLO and the Israelis. In the Oslo negotiations, officials from the PLO and Palestinians from the Diaspora negotiated with Israelis.

In the Washington rounds negotiations became a war of words in the presence of the international media; each party was keen to express its view strongly without concessions. These conditions were not helpful to the two parties for them to have the opportunity to make concessions in the peace talks. Both the PLO and Israel preferred to choose a secret back channel for solving this conflict (Shanab, 1995, 71).

The Palestinian Minister of Public Work Azam al-Ahmed noted in regard to the Washington rounds,

I challenge any one of the Palestinian delegates to say that both parties agreed or reached a single point. I did not hear that we agreed with the Israelis on any issue during the Washington rounds. If there was any result from the Washington rounds the people will know about it ... if there was any possibility of having a positive result from these rounds, the Israeli government would not go through a secret channel in Oslo (al-Ahmed interview, February 2, 1998).

The right-wing of the American Jewish community opposed the Oslo Agreement. But their opposition was different to that expressed by Palestinians. The Zionist Organisation of America (ZOA) adopted a new tactic of rejecting the agreements with the PLO by “embracing the details of the Oslo Agreement to kill the process the Oslo partnership was to produce” (Lustick, 1997, 63). The role of the rightist Zionists in the U.S. administration such as Denis Ross (U.S. Co-ordinator to the Peace Process in the Middle East) was to try their best to block and prevent any agreement between Palestinians and Israelis through the Washington rounds. This attitude continued in the post-Oslo negotiations (Dahalan interview, January 15, 1999).

Mohammed Dahalan, a Palestinian negotiator in the Palestinian team, head of the Palestinian Interior Security/Gaza-Strip noted that once in negotiations in the post-Oslo Agreement when the Palestinians and Israelis had reached an agreement over one particular issue, Ross intervened and convinced the Israelis that such an agreement would not serve their interests. As a result of his intervention the Israelis backtracked to their previous stance. Dahalan added that the Palestinians were unable to reach a settlement with the Israelis due to the presence of U.S. Zionists such as Ross, and therefore the Palestinians searched for a back channel (Dahalan interview, January 15, 1999).

2.3.2 Israel and the Oslo Channel

After long negotiations in Washington D.C, Israel preferred the back channel in Oslo. Rabin promised the Israeli people in the general election of 1992, that a peace settlement would be reached within a year. He was convinced that the Washington rounds would not lead to any agreement with the Palestinians. Rabin did not trust the PLO leaders, he believed that if he entered into secret negotiations with them the secrecy of the negotiations would end. This was the reason for the start of the Oslo track between officials of the PLO (Abu Ala, Hassan Asfour, and Maher al-kurd) and two academic Israelis, (Yair Hirschfeld and Ron Bondak), who had no official position within the Israeli hierarchy. However, they were supported directly by the Israeli Vice Foreign Minister, Yossi Beilin. Peres, the Foreign Minister, was

aware of this. In this situation, if the track continued in secret for a reasonable length of time, it would indicate that the PLO were concerned about successful negotiations. At this point Israel would send officials to join negotiations, and this is exactly what happened (Corbin, 1994, 31: 57).

Rabin had also recognised that he was negotiating indirectly with the PLO during the Washington rounds. A member of the delegation Fareeh Abu Medain said that “we were no more than messengers for the PLO” (Abu Medain interview, February 17, 1999). Rabin thus believed that his only partner in the peace negotiations was the PLO. He said:

I have no partner except the PLO. The views of the Palestinian delegation at the Madrid Conference became more uncompromising than the views of the PLO itself (Cited in Shanab, 1995, 91).

Another reason why Israel preferred the Oslo back channel was the fear that the financial crises of the PLO would lead to the collapse of the organisation. If this happened, Palestinian religious fundamentalism may have been a substitute, which Israel did not want. Israeli leaders believed that the poor conditions that the PLO were experiencing presented an opportunity to gain concessions from the peace negotiations (Hirschfeld Report, 1992 cited in Bakri, 1993, 53-68; Corbin, 1994, 39). This was ironical because Israel had indirectly supported the Palestinian Islamists by allowing Islamic activities (in the seventies and up to the mid-eighties) because they were against the PLO (Massalha, 1994, 234; A convocation in Hanan Ashrawe, November 11, 1998). And, by controlling the mosques, and opening different social and religious centres in the West Bank and Gaza-Strip, such as the Islamic Society in Gaza headed by Ahmed Yassen (present leader of the Hamas Movement). This society was officially permitted by the Israelis (Sha'er, 1999, 20). Both the PLO and Israel had an interest in pursuing secret negotiations in Oslo.

2.4 Israeli Perspectives on Peace

There has been much debate among Arabs about the differences between the Likud and Labour parties. Some believe that Likud is less sympathetic to the Arab cause, due to its ideology of the concept of (*Eretz Ysrael*) Land of Israel. Heikal (the well-

known Egyptian intellectual) did not perceive matters that simply, because the two big parties contain overlapping currents of opinion. He also reminds us that Israel's main periods of expansion were carried out under left wing governments during the Arab-Israeli wars of 1948, and 1967 (Heikal, 1996b, 250). For Avi Shlaim, most Arabs believe that there is no significant difference between the two Parties (Shlaim, 1994, 6).

I have already indicated in the previous chapter the link between the Israeli Labour government and Israeli expansion. Sa'dy al-Kuronz (The Palestinian Minister of Industry) saw as the difference between the Israeli Labour Party and the Likud Party that both wanted to keep a great area of the West Bank under its control. The Labour Party wanted a pure Jewish state, therefore the annexation of the Palestinian people by Israel was not favoured. The Labour Party entered into the peace negotiations to avoid such an annexation and were ready to return some land inhabited by Palestinians. Labour was also ready to recognise an independent Palestinian state in some parts of the West Bank. For Likud, there is no problem in annexing the Palestinian people as citizens of Israel to keep the 'Land of Israel' under their control (al-Kuronz interview, October 26, 1998).

Jameel Hilal explains this difference between the Likud and the Labour Party from an economic angle. The Labour Party sought to establish economic relations with the Arab states following the peace agreements with the Palestinians and the Arab states. The Labour Party is ready to trade land for a peace that will bring economic relations with neighbours. This will be a step towards Israeli economic expansion and acceptance in the region. For Likud, keeping control over the 'Land of Israel' is more important than the economic relations and the assimilation of the region (Hilal, 1995, 44).

2.4.1 Likud Perspective on Peace

Likud believed that Palestinians should rule themselves in many fields such as education, health, personnel affairs, etc. whilst control over land of the West Bank and Gaza-Strip should be in the hands of Israel. This belief was demonstrated by

the actions of the Likud to solve the Palestinian question since they came to power in 1977 and up till the party lost the general election in mid-1992. Menachem Begin, the founder of the Likud Party (in 1973, Herut merged with other right-wing Parties to form Likud), was considered part of the hard wing of the IZO. He led Likud to victory in the Israeli general election in 1977, and was the head of Likud until the early eighties. He repeated many times that this was the official stand of his party and government for the solution of the Palestinian question. (Shazli, 1992, 89; al-Hayyat al-Jadedah, December 31, 1998).

We can conclude that the Likud approach to the Palestinian question came through Menachem Begin's peace plan announced during his speech to the Israeli Parliament (*Knesset*) on December 28, 1977. The issues of land and security in his plan were based on the following points. First, self-rule for Arab residents (not Palestinian people) of Judia, Sumaria and the Gaza-Strip. Second, the administrative issues of the Arab residents would be in the hands of an administrative council. Third, security issues and public order would be under Israeli control. Fourth, Arab residents could ask for Israeli nationality or Jordanian nationality. Fifth, Israelis had the right to settle and own land in 'Judia', 'Sumaria' and Gaza-Strip. Sixth, Israel had sovereignty rights over 'Judia', 'Sumaria' and Gaza-Strip (Masalha, 1994, 386-88).

To achieve such a target, the Likud government tried to create a Palestinian leadership in the occupied territories. In the early eighties Israel established the Village Leagues in the West Bank, to represent the Palestinian people in the negotiations based on the Camp David Accord. The Village Leagues were a group of Israeli collaborators (Chomsky, 1983, 56; A convocation from Hanan Ashrawe, November 11, 1998). Likud tried many ways to ignore the PLO as representing the Palestinian people. Political and social activities by Palestinian movements which opposed the PLO were ignored by Israel and the military government did not follow them.

Begin's plan was to dispossess the Palestinians regarding the Begin's Plan. Jimmy Carter, the U.S. President responded that no single Arab who respects himself will accept this plan, and if I were an Arab person I would prefer occupation to what the Israelis are proposing (Cited in Hussein, 1991, 17).

The Likud did not recognise the Palestinian people. They were seen merely as residents, or inhabitants never citizens within the land of Israel. Menachem Begin stated this in his interview with the Israeli Ma'aref daily newspaper, three days after the signing of Camp David Accords in September 17, 1978. He declared:

we did not use and do not use the term Palestinian people, even if it is present in the English text of the Camp David Accords. I agreed with President Carter that he will send a letter informing me that these words mean the Arabs of the land of Israel ...as the West Bank will be called, according to our language and our concepts, Judia and Samaria (Ma'aref, September 20, 1978, Cited in Baker, 1992, 457).

For Begin the West Bank was part of Israel, there could be no hope of granting concessions over this land. He may allow some civil authority to inhabitants in the area, but no type of authority to those inhabitants over the occupied territories. It would only be an Israeli authority, because he saw the territories as a part of the 'Land of Israel', which was owned by the Jewish people. He repeated this several times, as did his successor, Yitzhak Shamir, using the same tone when he led the Israeli Likud government in the eighties and early nineties (al-Quds, September 29, 1986).

Shamir rejected any idea that required Israel to give up any part of the West Bank and Gaza-Strip. He believed that such a concession, or 'partition' as he called it, would lead to everlasting conflict between Palestinians and Israelis (Cited in Hussein, 1993, 58).

Shamir was looking to achieve peace with the Arabs in return for peace without conceding territories, this meant that Israel would not have to withdraw from the Occupied Arab Territories. Here land would not be traded for peace. He said in December 5, 1991 that the Israelis would attain peace with their neighbours as well

as continuing to control the 'land of Israel'. After his defeat in the Israeli election in 1992 he said that he would negotiate with Arabs for ten years without reaching any settlement (Cited in Hussein, 1993, 63).

Benyamin Netanyahu, the successor of Shamir, was elected as the Israeli Prime Minister in June 1996 in order to form a coalition government from a of Zionist rightists, ultra-nationalists, and religious extremists parties. The Palestinians called Netanyahu's government a government of settlers, because all parties in the coalition strongly supported Israeli settlement in the West Bank and Gaza-Strip (Shaheen interview, August 18, 1998).

The Likud Party election programme of 1996 was important for what it revealed. Its views towards settlement activities, and private and government land; the peace process and the signed agreements between the PLO and the Labour government; the withdrawal or redeployment from other parts of the West Bank and Gaza-Strip according to the Oslo II Agreement. The question of East Jerusalem as an occupied territory would also be spelled out.

Likud view towards the Israeli settlement activities and government land

With regard to Israeli settlement activities and government land in the West Bank and Gaza-Strip, the Likud programme of 1996 stated that,

Settlement in all parts of the Land of Israel is of national importance and part of Israel's defence strategy. The government will allocate special resources for settlement in border and sparsely-populated areas. The right of the Jewish people to the Land of Israel is an eternal right, not subject to dispute, and includes the right to security and peace ...and settlement will be strengthened. The decision to freeze settlements will be rescinded ... Jewish settlement, security areas, water resources, state land and road intersections in Judea, Samaria and the Gaza Strip shall remain under full Israeli control (www.nedernet.nl/likoed/prog.html).

Likud considered Israeli settlement in the West Bank and Gaza-Strip as a realisation of Zionist values. It also believed that occupation of the land was a clear

expression of an unassailable right of the Jewish people to the 'Land of Israel'. The Likud would prevent the uprooting of these settlements in the permanent agreement (www.likud.org.il/english/index.html).

If such a settlement policy were to be implemented, therefore, thousands of dunums would be confiscated. The confiscation of land would become private lands, as happened later under the Netanyahu government.

As with previous plans of Likud, the programme tried to create a difference between the ruling of Palestinians themselves, and the ruling of their land, through the following stand:

The government of Israel will enable the Palestinians to manage their lives freely, within the framework of self-government. However, foreign affairs and defence, and matters which require co-ordination, will remain the responsibility of the State of Israel (www.nedernet.nl/likoed/prog.html).

Likud and the peace process (the signed agreements between the PLO and the Labour Government)

With regard to the peace process Likud policy noted:

The government of Israel (Likud elected government) will honour international agreements, and will continue the diplomatic process to achieve a just and lasting peace in the Middle East. It will recognise the facts created on the ground by the various accords, and will act to reduce the dangers to the future and security of Israel resulting from these agreements (www.nedernet.nl/likoed/prog.html).

Ariel Sharon, the Israeli Minister of Infrastructure and then the Foreign Minister in the Netanyahu cabinet, and the interim successor of Netanyahu after his defeat in the Israeli general election of 1999, described the Oslo Agreement as an "ill-founded Agreement" (www.likud.org.il/english/index.html).

When the Likud Party was in opposition from 1992-1996, its leaders directly opposing a signed agreement by the Labour Party with the PLO. Likud believed that the consequences of such an agreement would work against Israeli interests. But

when they assumed power they had to appear to honour the agreement. Therefore they adopted an alternative strategy of opposing the agreement and its implementation. This was by highlighting how the PLO had not fulfilled its commitments to the provisions of the agreement. The Likud policy aimed to prove that if the PLO was not willing to carry out its obligations why should the Israeli government implement its obligations.

Likud and the Israeli Withdrawal or Redeployment from the West Bank:

Regarding Israeli withdrawal and redeployment from other parts of the West Bank and Gaza-Strip according to the Oslo II Agreement, the programme did not mention that it would comply with Israeli obligations according to the signed agreements, but asked for negotiations with Palestinians to achieve a permanent peace arrangement. With a precondition that Palestinians should fully honour their obligations, such as the annulment of the clauses in the PLO Charter which calls for the destruction of Israel, in an unequivocal manner, and also that they should wage war against terrorism. Subsequently Likud programme of 1996 asked for the starting of negotiations for a permanent peace agreement without putting into effect the other two Israeli redeployment phases which preceded the negotiation of the permanent solution. The Likud Party decided that the permanent solution in regard to land would be the Jordan River as the eastern border of the state of Israel. It would be the permanent frontier between the State of Israel and the Hashemite Kingdom of Jordan and the Jordan Valley and the territories that it controlled should be under Israeli sovereignty. It also declared that the Likud government would oppose the declaration of an independent Palestinian state and adopt immediate stringent measures in the event of such a declaration (www.nedernet.nl/~likoed/prog.html; www.likud.org.il/english/index.html).

Limor Livnat, the Minister of Communications in the Netanyahu's government, considered an Israeli Labour government withdrawal from some parts of the populated areas of the West Bank and the greater part of the Gaza-Strip, and that Labour would give up large parts of the Jewish homeland to Palestinians for

nothing in return (www.likud.org.il/english/index.html). In the Likud Party Platform of 1999, the Party believed, with regard to an Israeli withdrawal and redeployment from areas in the occupied territories, that their government had succeeded in significantly reducing the extent of territory that the Palestinians expected to receive in the interim arrangement (www.likud.org.il/english/index.html).

Likud and the Issue of East Jerusalem:

The Likud Party has long since considered Jerusalem as the capital of the State of Israel and that it would continue to be united and undivided (www.likud.org.il/english/index.html). As I mentioned in the previous chapter, the United Nations, through many resolutions by the General Assembly and the Security Council, rejected the Israeli decision of an annexation of the eastern part of Jerusalem, and asked Israel to cancel its decision. The only international resolution which dealt with the status of Jerusalem was General Assembly resolution 181, issued in 1947, and known as the Partition Plan (see section 1.3.7). At that time Israel accepted the resolution, whereas in the late 1990's it no longer accepted it. The international community refused to recognise Jerusalem as Israel's capital, and still deals with Tel Aviv as such. In the Oslo Agreement the question of Jerusalem is one that was delayed until final status negotiations following implementation of the interim period.

Ariel Sharon said with regard to the international resolution 181, and the future of the City of Jerusalem:

The U.N. resolution which is therefore, calling for the internationalisation of Jerusalem is null and void; it no longer exists ... Jerusalem has always been the national capital of the Jewish people, and of no other ... Full Israeli sovereignty over Jerusalem, the united and eternal capital of the Jewish people, is not and will never be a subject for negotiation with any foreign entity. The Netanyahu government will continue to insist on this, and I am confident that with will and determination, our effort will be successful (www.likud.org.il/english/index.html).

The Labour Party has taken the same stand on Jerusalem as the Likud Party. The leaders of Labour repeated many times the same speech as Likud and Rabin informed Arafat many times to forget about Jerusalem as the capital of Palestine (al-Hoot, 1994, 26).

The issue of security is present in every sentence of the Likud's election programme. Security for Likud is the basis for durable peace in the region, and it will make it a first condition in any peace agreement. Therefore, the Likud Party election programme asked to establish for the first time in Israel a National Security Council headed by the Prime Minister.

2.4.2 Perspectives of the Labour Party

Since the Labour Party came to power in mid-1992, the policy of their government was announced as of achieving peace and security. Rabin considered both these goals as the most important for Israel. Prime Minister Yitzhak Rabin addressed the American Israeli Public Affairs Committee Annual Conference in Washington, via satellite from Jerusalem on March 21, 1993 (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0cat0). For Rabin security was a vital point for Israel, whereas Peres argued that political accords and mutual economic relations through the new Middle East Order, would bring security for Israel. He illustrated his approach to national defence in his book *The New Middle East*:

It was not I who shifted course from the traditional concept of national defence, which depends mainly on military and weapons systems, to the modern concept, which is necessity based on political accords, and embraces international security and economic considerations. Rather, the world has changed. And the process of change compels us to replace our outdated concepts with an approach tailored to the new reality (Peres, 1993, 34). For Likud's critique of this see www.likud.org.il/english/index.html.

Peres believed that a new order in the region would prevent conflicts. He briefly announced the agenda of his government in his speech to the Jewish Community Advisory Council's Annual Meeting in Washington on February 14, 1993. He said:

We are decided on peace morally and politically ... we understand that peace calls for a compromise and we are ready to pay our share and

have not just a general compromise. but a territorial compromise as well (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0car0).

“The Israeli government do not want to dominate the Palestinian people”. Peres, in his speech at the ceremony of the signing of the Israeli-Palestinian Interim Agreement on September 28, 1995, declared that this would to be the aim of his government. Ori Saveer, the Director-General of the Israeli Foreign Ministry during Rabin’s government, and the head of the Israeli delegation to the Oslo negotiations, believes that occupation and human rights are incompatible (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0c8i0; Corbin, 1994, 84). Rabin, in his memoirs of 1979, recognised the problem of domination over Palestinians, because they are rancorous towards Israel, and a source of hostility that will always try to hit Israelis (Rabin, 1993b, 189).

When Israel gave the go-ahead for a territorial compromise, it was a real change in Israeli official policy towards the West Bank and Gaza-Strip. Previously Israel had been ready to grant concessions on population issues, but not on issues of territory. Since the late seventies, Israeli governments have offered a solution based on the population level, which means they accept Palestinian self-autonomy, but without any authority or sovereignty over land.

In 1980 when Peres was head of the Labour Party and head of Israeli opposition in the Knesset, he proposed the Israeli withdrawal from Gaza. He called his proposal, Gaza first (Corbin, 1994, 50:58). It may be that the idea remained in the mind of Peres, which he subsequently applied when his party came to power in 1992. Peres noted:

I thought it (Gaza first) would make a thin Gaza-Strip easier if we could reach an arrangement in two strokes - first Gaza, then the West Bank. I preferred Gaza first because, unlike Jerusalem (I was convinced we would make no compromise there), it was not emotionally or politically sensitive, and unlike the West Bank, it was not peppered with Israeli settlements (Peres, 1993, 20).

In fact, however there are eighteen Israeli settlements in the Gaza-Strip (see maps 4.1 and 5.1), it has the most settlements in the occupied territories in relation to its

area. These occupy with their security zones more than thirty per cent of the Gaza-Strip. It became clear after the implementation of the Gaza-Jericho Agreement in 1994, that this ratio should remain.

Gaza was proposed first by Peres for withdrawal of Israelis for a number of reasons. The Gaza-Strip is one of the most populated areas in the world. Between 1998 and 2010 the population will have doubled. Three out of four males were unemployed during the period of the *Intifada*; most females in the formal employment sector did not work. The Gaza-Strip is very poor economically with limited agricultural and other resources where other Arab States such as Egypt and Jordan had no interest in (Corbin, 1994, 14; Toak, 1993, 53). The Palestinian *Intifada*, especially in the Gaza-Strip also put such pressure on the Israelis that Peres was forced to come up with a solution for the Palestinian people through (Gaza first). He described the Gaza-Strip as an impossible burden, so it was in the Israeli interest to withdraw from such an area.

It is important to mention that the majority of the founders of the al-Fatah movement in the 1950's formed Palestinian national ideology in the Gaza-Strip, where support for religious groups was also strong. Furthermore, the key figures of the founders of Hamas were also from Gaza.

Rabin considered Palestinians to be the basis of the peace process, and favoured a Palestinian independent delegation, so that other Arabs would not speak in their name (Hussein, 1993, 90). He proposed a solution to the Palestinian question based on the Camp David Accords. He told Israeli ambassadors and the head of delegations to Washington on January 28, 1993,

An interim agreement for a transition period for five years. Not later than the beginning of the third year, negotiations will be conducted , with the Palestinians on a permanent solution, based on Resolutions 242 and 338. Practically to hand over to the Palestinians almost all the duties of the civil administration and to abolish it (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0caj0).

He also made a political distinction between the PLO and Islamic groups when he said,

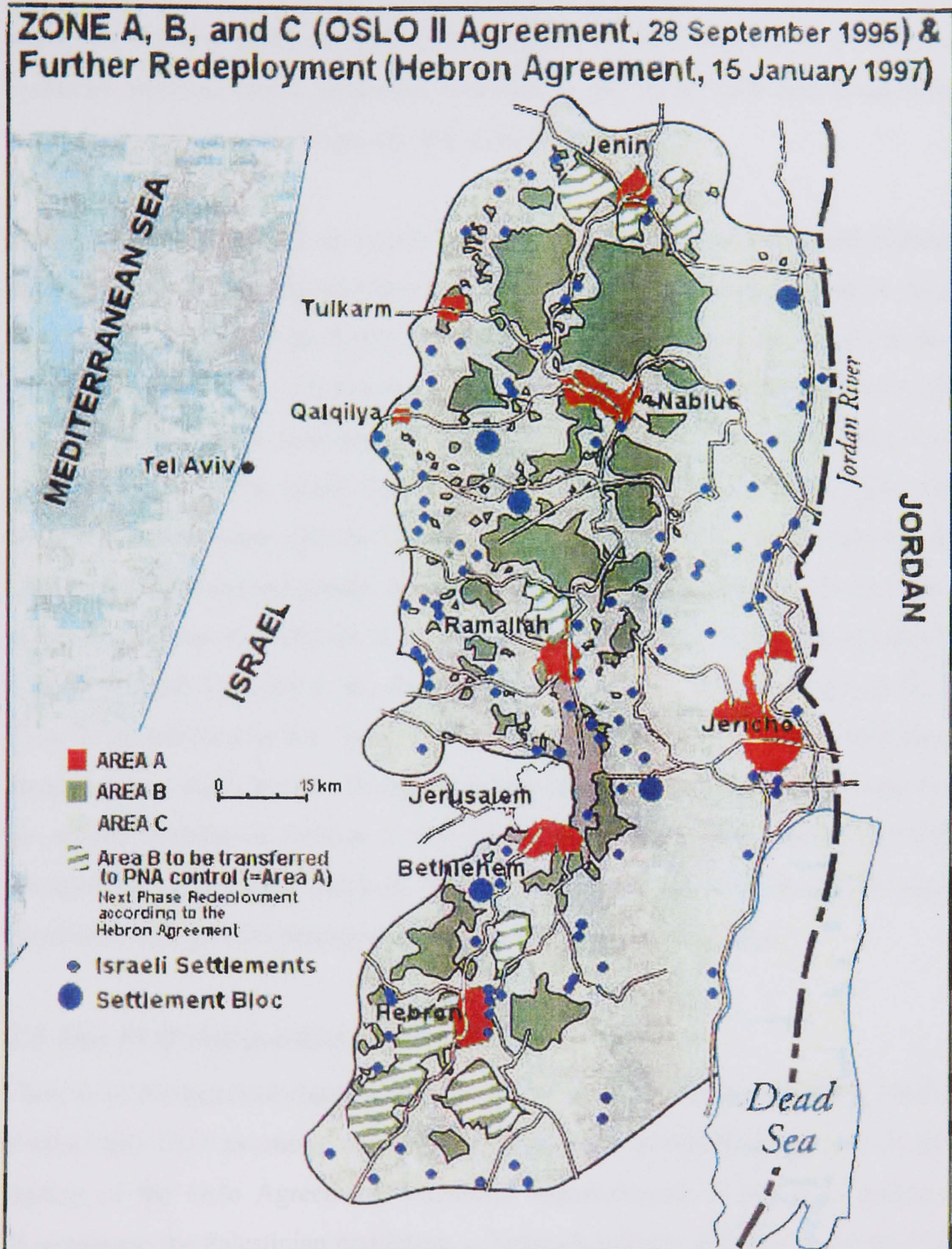
In terror maybe there is no difference between the PLO and the Islamic extremist terror groups. But the political purposes are entirely different. The Islamic extremist terror groups' declared goal is to put an end to the peace negotiations, which was not the aim of the others (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0caj0).

In his speech on the eve of the signing ceremony the Israeli-Palestinian Interim Agreement (Oslo II Agreement) September 28, 1995, Rabin reached a point which many Israelis had tried to ignore throughout the Arab-Israeli conflict. He believed that Israelis were not alone on the land, they were sharing with Palestinian people the good earth in order make living. But again he returned to the old Israeli tone in the same speech, that the land is the 'land of Israel' (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0c8j0).

After the implementation of the Gaza-Jericho First, Israel declared its policy towards the land and settlements in the West Bank and Gaza-Strip as Israeli Prime Minister Rabin stated after a meeting with President Arafat in the Gaza-Israeli border -Bet Hanoon crossing or Erez- in January 19, 1995:

I informed the Chairman (Arafat) about decisions related to settlements and land in the territories - decisions that were made by the government of Israel in 1992 when we took over. I quote the decisions that were made by the government of Israel: First, to freeze all the decisions of former governments of Israel about new settlements in the territories - and we did so. Second, to make sure that we will not allow, beyond what was agreed then about building in the Gaza-Strip that were built, that government money will be spent for housing in the territories. Third, that there will be no confiscation of land for housing in the territories. Fourth, that government money will not be given in case of private building within existing settlements. And, of course, fifth, that came about after the DOP, that during the period of interim arrangements, no settlement will be uprooted. I am informed that all the stories about confiscation of land lately were made only to build by-pass roads, in preparation of the implementation of the second phase of the DOP - to have a by-pass of Tulkarem, to have a by-pass of Ramallah, for the Israelis, in order once we will implement the second phase, to make it more secure, without friction. No land was confiscated for building houses or anything of this kind (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0c860).

Map 2.1



Source: Palestinian Society for the Study of International Affairs (PASSIA), 1998.

For Rabin the main goal of Israeli policy was achieving security. For him security meant, at that time, the halting of 'terrorism' by Palestinian Islamic groups, such as Hamas and Islamic Jihad. He believed that terrorism was the main obstacle to peace. On the other hand, he believed that the Palestinian target was to control the territories and halt Israeli settlement activities in the West Bank and Gaza-Strip (www.Israel-mfa.gov.il/mfa/go.asp?MFAH0c860).

Rabin was assassinated by an Israeli extremist in early 1996. Some Israeli rightist parties and groups considered Rabin as a traitor to Zionist ideology. While he was Prime Minister some of the 'Land of Israel' was withdrawn and handed over to the PLO authority (map 2.1). It was the first time in Zionist history that a head of the Israeli State had been assassinated. The main reason for the assassination was conflict over land. For Israeli rightists the West Bank is the most holy place on earth. It is not the same as Sinai. When Israel withdrew from Sinai the majority of Israeli rightist parties and groups supported the government's decision. On the other hand, the decision to withdraw from small parts of the West Bank saw all Israeli rightists strongly opposed to the decision. This is what happened in the post-Wye River Memorandum in late 1998. It may be they accepted the Sinai withdrawal because it was made by the Likud government under Begin, whereas they rejected the second withdrawal because it was made by a Labour government. Conflict emerged between Israeli political Parties and groups affecting Israeli political decisions relating to the peace process, in particular the issue of land.

2.5 The PLO Perspective for Peace

There were fundamental changes in the policy of the PLO during the 1980's. Shafiq al-Hoot (the PLO executive committee member who resigned on the eve of the signing of the Oslo Agreement) illustrated improvements in the PLO political programmes; the Palestinian revolution in Lebanon initially proposed the historical dream, that of establishing a Palestinian state throughout Palestine (Mandate Palestine). The *Intifada*, however, proposed a new vision, the creation of a new Palestinian state in the West Bank and Gaza-Strip, with Jerusalem as its capital (al-Hoot, 1994, 19; A convocation to Hanan Ashrawi November 11, 1998).

The Palestinian National Council's (PNC) political programme of November 1988, was considered revolutionary compared with previous PLO policy. It accepted the existence of the state of Israel, and its right to live in peace and security. This plan introduced a change to the Palestinian Covenant, because what came under this project did not match the provisions in the Covenant (A convocation for Ma'ree Abed-Alrahman, November 4, 1998). The Council declared the Palestinian state as a basis for the United Nations resolutions relating to the Arab-Israeli conflict, beginning with General Assembly partition plan No.181. The declaration asked for the establishment of a state in the West Bank and Gaza-Strip. More than ninety states recognised the declared state even before its existence. This number was higher than those states which recognised the state of Israel before 1988.

The PLO showed a great deal of flexibility towards the American initiative. A meeting between the U.S. Secretary of State James Baker and the Palestinian leaders from the occupied territories was approved by the PLO leadership. The PLO also accepted the Madrid Conference, and approved those attending the conference. There is no doubt that the Palestinian delegation to the conference enjoyed the approval and support of the PLO. The delegation was nominated indirectly by the PLO to avoid an Israeli veto (Hamad interview, January 30, 1999).

Shamir succeeded in imposing his position on the character of the Palestinian delegation. His precondition for attending the Madrid Conference was that the PLO would not represent the Palestinians, Arafat or any other leader based in Tunis. He also placed a veto on the participation of any Palestinian residents of Jerusalem. The Palestinian team was formed solely from local leaders of the West Bank and Gaza-Strip as part of a joint Jordanian-Palestinian delegation (Shlaim, 1994, 8; Hussein, 1993, 32). Avi Shlaim described Israeli preconditions in attending the Madrid Conference as "one of those rare international disputes in which one Party chose not only its own team for the match but also that of the other Party" (Shlaim, 1994, 8).

Israel encouraged the leadership of Hanan Ashrawi and Faisal Husseni as substitutes for the PLO leadership. They were clever in that they enjoyed the loyalty of the PLO, while at the same time they depended on international support (Corbin, 1994, 20:27). The Oslo channel enabled Arafat to exclude them from the main political issues, where they appeared as secondary actors in deciding the Palestinian future.

The events of the Washington rounds showed that Arafat and the PLO leadership were the only people who could make a deal with Israel. None of the local leaders could achieve such a settlement with Israel (Corbin, 1994, 145). What the Israeli Labour Party found during the Washington rounds was that the Palestinian delegation were taking orders from the PLO leadership. Peres concluded that Arafat did not give the Palestinian delegation in Washington the opportunity to reach a peaceful settlement (Peres, 1993, 17).

The political philosophy of Mahmoud Abbas, head of the Palestinian committee, which was formed according to the PLO executive committee decision on May 1987 was to follow the dialogue with Israelis, (Abbas, 1989, 30). He was also the engineer of the Oslo Agreement from the Palestinian side. Abbas' political ideology was similar to the Zionist pioneers, who adopted a policy of accepting any land offered to them, and then expanded on that small beginning (Atari, 1997, 25). This pragmatic policy could be described as the PLO policy in the decade of the mid-eighties and nineties. The pragmatic wing showed enough flexibility towards political matters, but if this wing failed to obtain a reasonable political achievement for the Palestinian people, the Palestinian leftists and Islamic opposition would emerge as the main power among Palestinians (Hasasyan, 1995, 88).

Abbas believed that politics is the art of achieving the best possible result. During the time of the Palestinian struggle, the PLO leadership became more pragmatic than ideological. This can be deduced from the PLO programmes issued by the Palestinian National Council (PNC), during different stages of the struggle (Abbas, 1989, 11).

Abu Ala, the head of the economic department of the PLO, and a member of the central committee of the al-Fatah movement, led by Arafat, head of the Palestinian delegation to the Oslo negotiations, drafted a document which was considered something new in the PLO political thinking. He favoured a political solution to the Palestinian-Israeli conflict, and economic cooperation among Middle Eastern States, with Israel as a part of it (Corbin, 1994, 30; Toak, 1993, 256).

Peres' proposal of the Gaza first attracted Abbas. He tried his best with the Israeli delegation during the negotiations in Oslo to include Jericho as part of the Gaza first proposal. They believed that if any part of the West Bank would be included in an Israeli withdrawal, it could mean that the Israeli withdrawal would occur in other parts of the West Bank. The PLO succeeded in convincing the Israelis to add Jericho to their proposal. This may have been the idea that gave the Oslo channel an opportunity to succeed. It was also a success for Abbas himself (Corbin, 1994, 71; Shehadeh, 1997, 17).

The Palestinian proposal to the Washington round of interim self-rule government for a transitional period of five years maximum, accepted the self-rule condition of the Israeli withdrawal from the occupied territories. It was a PLO suggestion, because the Palestinian delegation to the round could not submit any recommendation without discussion with the PLO leadership. Fareeh Abu Medain noted that everything was prepared by the PLO and they were just carrying it to the negotiation rounds. He added, that before every round the delegation visited Tunis (headquarters of the PLO) to discuss and receive plans, and when the round finished they returned to Tunis again to put them in the picture about proposed Israeli plans (Abu Medain interview, February 17, 1999).

2.6 Mutual Recognition

Twelve rounds of negotiations in Washington between Palestinians and Israelis failed to reach a peaceful settlement. Negotiations were of the dialogue deaf. The Palestinian delegation asked for a declaration of principles, but they did not receive it. Suddenly both the PLO and the government of Israel announced that both sides

had reached a Declaration of Principles (DOP) on Interim Self-Government Arrangements; this happened through secret negotiations in the Norwegian capital. These discussions took place in many different places in Norway under the supervision of the Norwegian Labour government, who have good relations with both the PLO and the Israeli government. This declaration was known as the Oslo Agreement.

The Agreement was signed in Washington D.C on September 13, 1993. On September 9, 1993, both the PLO and the government of Israel recognised each other. Yaser Arafat sent a letter of recognition of Israel through the Norwegian Foreign Minister, Johan Jorgen Holst. Holst took Arafat's letter of endorsement and flew to Jerusalem. Rabin on his return submitted the Israeli recognition of the PLO to Holst.

In Arafat's recognition letter to Rabin, he recognised the right of the state of Israel to exist in peace and security, and PLO acceptance of Security Council resolution 242. Arafat affirmed that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the covenant, which are inconsistent with Arafat's letter, are inoperative and no longer valid. The PLO undertook to submit the Palestinian Covenant to the PNC for formal, necessary changes. In Rabin's short recognition letter to Arafat, he recognised the PLO as representative of the Palestinian people and commenced negotiations with the PLO within the Middle East peace process ([www.Israel-mfa.gov.il/mfa/go.asp? MFAH00pz0](http://www.Israel-mfa.gov.il/mfa/go.asp?MFAH00pz0)).

PLO recognition of the state of Israel and its right to live in peace and security, put an official end to the Palestinian national dream of establishing an independent state over the whole of Mandate Palestine. Mutual recognition between the PLO and Israel ended what had seemed an immutable premise of the irreconcilability of Zionism and Palestinian nationalism (Abu-Amr, 1994, 76).

2.7 The Declaration of Principles (DOP)

One Palestinian negotiator in the post-Oslo Agreement considered that this Agreement provided justice and logic for both sides. The justice of the agreement is that it delayed all the dangerous issues such as, the return of the refugees, the control over the West Bank and Gaza-Strip and East Jerusalem as a part of the occupied territories. It did not prevent Palestinians asking about their rights on these issues, and they did not give legal status to the Israeli settlements. The logic of the agreement was that it gave Palestinians part of their symbolic rights, but did not deny their historical rights. This was the balance in the agreement (Dahalan interview January 15, 1999).

There was a deal in the Oslo Agreement where the PLO accepted the Interim self-government Arrangements, whilst Israel recognised the PLO. Without this deal there could be no agreement. The final draft of the agreement was given a title by the Palestinian delegation in the Joint Palestinian-Jordanian delegation to the Madrid Conference without mentioning the PLO. Their logic was to redesignate the PLO team in the Jordanian-Palestinian delegation to the Madrid Conference (the Palestinian delegation). In Oslo II the PLO team in the Jordanian-Palestinian delegation to the Madrid Conference (the Palestinian delegation) was replaced solely by the PLO (Shaheen interview, August 18, 1998).

The major points of the Oslo Agreement which was issued in the home page of the Israeli Foreign Ministry (www.Israel-mfa.gov.il/) and published by the Palestinian National Authority in 1995 may be noted briefly as follows:

First, both sides recognised the mutual, legitimate and political rights of each other.

Second, the establishment of a Palestinian Interim Self-Government Authority for the Palestinian people in the West Bank and the Gaza-Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on implementation of U.N. Security Council resolution 242.

Third, direct free and general political elections will be held for the Council, where the Palestinian council will have executive power and will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.

Fourth, the Jurisdiction of the Council will cover the West Bank and Gaza-Strip territory, except for issues which will be negotiated in the permanent status negotiations (Jerusalem, Palestinian refugees, Israeli settlements, security arrangements, borders, mutual relations and cooperation with other neighbouring states, and other issues of common interest), as the West Bank and Gaza-Strip will be considered a single territorial unit, whose integrity will be preserved during the interim period.

Fifth, Israel will conduct a withdrawal from the Gaza-Strip and Jericho area, where a redeployment of Israeli military forces will take place later from the populated areas in the West Bank, not later than the eve of the Palestinian political elections. Further redeployment of Israeli military forces to specified locations will be gradually implemented, commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force.

Sixth, arrangements for a safe passage for persons and transportation between the Gaza-Strip and Jericho area.

Seventh, Palestinians will form a strong police force, in order to guarantee the public order and internal security for Palestinians of the West Bank and Gaza-Strip. Israel will continue to carry responsibility for defence against external threats, as well as responsibility for overall security of Israelis, for the purpose of safeguarding their internal security and public order.

Eighth, Palestinian-Israeli cooperation in the economic and development programmes, concerning water, electricity, energy, finance, transport and communication, trade, industry, social welfare, and environmental protection.

Ninth, establishment of a joint Palestinian-Israeli Co-ordination and Cooperation Committee for mutual security purposes.

The Oslo Agreement distinguished between two stages in the Palestinian-Israeli political process. The first was an interim phase and the second the permanent status settlement. The interim arrangements were an integral part of the whole political process and will lead to the permanent solution (Shehadeh, 1997, 17). According to the DOP the outcome of the permanent status negotiations should not be prejudiced or pre-empted by the agreements reached for the interim period (DOP, article V4).

Many writers and newspapers which opposed the DOP talked about secret annexes signed between the PLO and Israel. The annexes talked about were many issues such as political cooperations, the closing of the PLO embassies, dismissing representatives and integrating them with the Israeli missions abroad, no issue of Palestinian passports by the PNA, and the PNA budget to be part of the Israeli budget (al-Mojtama al-Madani, November 1993; Reffat and Shaban, 1994, 58; Bakri, 1993, 5:6). The events followed the DOP clearly showed that there is no such secret annexes, and everything agreed had been issued to the public by the Israelis and Palestinians.

2.8 The DOP and the Previous Fundamental Goals

The Oslo Agreement halted the status quo no-peace, no-war in the Palestinian-Israeli conflict. Palestinians did not want this situation to continue, whereas Israel as a state preferred it. Israelis benefited from the afore-mentioned status quo, because it was receiving support in billions of US dollars from the United States, in many forms such as military and economic support. One of the main Palestinian goals was to end this situation (Shaheen interview, August 18, 1998). The aforementioned reasons (see 3.2) that forced Israel to attend the Madrid Conference (based on resolving the Palestinian question) led to negotiations with the PLO and was the turning point that put an end to the status quo.

The Israeli taboo on dealing with the PLO ended. From the signing of the agreement Israel dealt and negotiated with the PLO who were now recognised as representative of the Palestinian people. This was a significant political achievement for the Palestinians (Dar El-Jaleel, 1998, 7). For decades Israel considered the PLO as a terrorist organisation and attempted to destroy its military and political institutions. Another Palestinian achievement in the agreement was the return of some of their land to their own jurisdiction. It put Palestinian people back on the political map, as they had been previously in history.

Mahmoud Abbas told the al-Wassat newspaper, that the DOP dealt with Palestinians as a people (nation) who had their own political aspirations and legal rights. Palestinians had been removed from the Middle East map during the 20th century, but the DOP brought them back again (al-Ayyam, September 8, 1998).

There were only two options available to the Israelis for solving the Palestinian question. First, the annexation of the West Bank and Gaza-Strip to Israel, (as they did with the Syrian Golan Heights in 1980) and then the form action of a dual nation state between Palestinians and Jews in Mandate Palestine. This opposed the Zionist ideology of a Jewish homeland only for Jews, therefore, Israel would not be a pure Jewish state. The second option was to concede the West Bank and Gaza-Strip. In that case, Palestinians would enjoy their rights to the land and legal political rights. The Labour Government preferred the second option, but not that of conceding all the territories. During the interim period Israel aimed to isolate and disconnect the territorial integrity of the areas that it withdrew from.

The Israeli strategy of controlling more land continued during the negotiations of the Oslo II Agreement. In the DOP there were no areas such as A, B, and C. There were two areas, one called the populated areas, and the second the non-populated areas. According to the DOP all the populated areas will be transferred to Palestinian control in the first redeployment, and in the second and third phase of the redeployments, non-populated areas would be transferred to area A. Area B was not mentioned in the DOP. What later became area B (map 2.1) was a Palestinian

concession and it was the most serious Palestinian strategic and political mistake to be made in whole of the agreements. If the classification was implemented according to the original agreement, the situation would be better for Palestinians. It meant more areas would come under PNA control. The Israelis succeeded in increasing their security control over the largest area of the West Bank (Dahalan interview, January 15, 1999). The creation of area B came to prove the continuation of the Israeli strategy of controlling as much territory as they could. This control was to be an introduction to Israel's annexation of these territories.

2.8.1 Problems of Interpretation

The Oslo Agreement constitutes various propositions for the solution of the Palestinian-Israeli conflict. There were no details as to how the agreement was to be implemented, it dealt only with general concepts. If the agreement had tried to enter into detail, it is likely there would not have happened (Dahalan interview, January 15, 1999). The agreement's language is often been vague, and almost every item requires further negotiations between both sides. A Palestinian leader describes it as a mine field. The provisions of the agreement could be interpreted according to each party's wishes and needs (Habbash interview, December 12, 1998). For example, the term Military Locations was vague, the agreement did not give example closed military areas, camps, or temporary military encampments (Shehadeh, 1997, 21).

The agreement took the name of Declaration of Principles (DOP). The DOP offered general concepts for a solution. It did not mention the mechanism and details of how to implement these concepts. According to the DOP, both parties needed to go through further negotiations in order to detail Israeli withdrawal from the Gaza-Strip and Jericho area. Both sides were required to reach an agreement for the establishment and transfer of authority to the PNA for those areas. A second series of negotiations was expected to begin after the implementation of the Gaza-Jericho agreement and would deal with the first phase of the Israeli redeployment from the populated areas of the West Bank.

When these negotiations took place in 1994-1995 they produced two settlements known as the Cairo Agreement of 1994 and the Oslo II Agreement of 1995. Palestinians believed that the Israeli side refused to execute many of the agreed matters in the two accords, because Israelis felt that certain aspects would be interfered with and would work against Israeli interests. The Israeli interest was to control as much of the land as they were able to and at the same time undermine and isolate the PNA in small and fragmented areas. The DOP was clear enough with regard to the Israeli control of land. It stated that within the third and final redeployment from the West Bank, Israel should keep Israeli settlements and the military bases under its control. Those two issues were to be addressed in the final status negotiations. (Shaheen interview, August 18, 1998; Abu Medain interview, February 17, 1999).

Officials of the PNA believe that if the Oslo Agreement and other deals signed in 1994 and 1995 had been implemented, it would have created Palestinian sovereignty over the land. What actually happened on the ground was the establishment of 'semi-sovereignty'. For example, the Gaza-Jericho Agreement was not implemented as both sides had agreed. Israel implemented no more than seventy per cent of this Agreement (Dahalan interview, January 15, 1999).

Palestinians also interpret the meaning of the first Israeli military redeployment and the further redeployments, as the PNA will be able to control at least eighty per cent of the West Bank, according to their understanding of the Oslo Agreements. Article IV of the DOP clarifies:

Jurisdiction of the Council (Palestinian) will cover the West Bank and Gaza-Strip territory, except for issues that will be negotiated in the permanent status negotiations.

Palestinian interpretation of the provision is that settlements and military bases are the only subject of final status negotiations. The area covered by both is not more than ten per cent of the West Bank, therefore, ten per cent will remain under Israeli control and the remainder will come under Palestinian jurisdiction. The Israelis interpreted the provision differently. This was because it did not specify the

percentage of redeployment in numbers. They could therefore redeploy their military forces from any area they wished. Israel knew that it was the most powerful party in the agreement, this meant that they could implement the provision according to their own interests. The absence of international adjudication, in the case of any conflict of interpretation of the agreements, served Israeli interests (Dahalan interview, January 15, 1999; al-Ahmed interview, February 2nd, 1998; al-Masri interview, September 10, 1998; Tamari interview, October 11, 1998).

Palestinians recognise that their definition of the above article, would not be the same as that of the Israeli Labour Party in. Palestinian leadership believed that Labour would not withdraw or redeploy Israeli military forces from more than fifty to sixty per cent of the West Bank, but the percentage with a Labour government will be more than with a Likud government. Palestinians believe that Israel wants to control as much area as it can in the interim period, in order to be able to make a positive deal in its own interest in the final status negotiations. The deal meant no return to the borders of June 1967, because Israel has the appetite to annex parts of the West Bank (al-Masri interview, September 10, 1998).

The Oslo Agreement considered the West Bank and Gaza-Strip as a single territorial unit whose integrity would be preserved during the interim period. Arrangements for two safe passages for persons and transportation between the Gaza-Strip and West Bank would be carried out. The agreement was signed in late 1993, and this provision was reconfirmed in all following agreements. Neither the integrity of the West Bank nor Gaza-Strip was preserved, nor was the safe passage opened. This continued till mid-1999 (al-Ahmed interview, February 2nd, 1998; al-Masri interview, September 10, 1998). In this instance the Israeli settlements and military bases breached the integrity of the areas. The presence of these locations violated the provision itself.

Even in the Wye River Memorandum signed between both parties in late 1998, which clearly determined the percentage of Israeli military redeployment, the date for executing the process was fixed, but Israel did not fulfil its obligation.

Netanyahu had learnt from Rabin that there are no holy dates; Rabin had repeated this many times during the Israeli withdrawal from the Gaza-Strip and Jericho, and later in the first Israeli redeployment from the West Bank. The difference between Rabin and Netanyahu is that Rabin delayed the execution of the withdrawal and redeployment although finally he implemented the process. On the other hand, Netanyahu had not the will to do so, he started the first phase of the second further redeployment and then froze the execution of the memorandum.

Since signing the DOP in Washington, on September 13, 1993, Israel has tried to fulfil those provisions of the agreement that serve its own interests. According to the agreement, two delegations should be formed as a result of the signed agreement. The first was to negotiate the Israeli withdrawal from Gaza-Strip and was to be in Egypt; the second was to discuss the interim agreement for the West Bank in Washington. Both delegations were to be formed and proceed parallel with each other. What happened in reality was that the second was cancelled according to Israeli wishes. Palestinians acknowledged that they indirectly helped the Israelis in this, because they did not vigorously resist the Israeli demand. (Dahalan interview, Jan15, 1999).

The by-pass roads that were constructed in the post-Oslo Agreement (see chapter 4) clearly showed the Israeli wish to cut the link between the Palestinian communities in the villages, towns, and cities. Since the signing of the Oslo Agreement, Israel has constructed many by-pass roads in the West Bank. These kinds of activities increased sharply during the period of the Likud government in June 1996-1999. The by-pass roads that link Israeli settlements together are well constructed. They are better than roads that link Palestinian cities, where the population is more than ten times that of the settlements. The by-pass roads divide the West Bank into many sections. In the future this will create a cantonisation of the West Bank, whilst the Israeli settlements will be linked to each other to form one territorial unit as an introduction to annexation by Israel. In such a case it will annex both the people and the land, and the people here will be Israelis not Palestinians. In the past many Israeli settlements were isolated and surrounded by Palestinian cities, towns, and

villages, but as a result of the by-pass roads, the situation has been totally reversed. The cantonisation of Palestinian territories (Map 2.1) will reduce any hope of establishing their statehood (Tamari interview, October 11, 1998).

2.8.2 Zionist ideology and Land Concession in the Agreements

The recognition of Palestinians as a people, having political and legal aspirations, and the control of the Palestinians over some of their land hit at the heart of Zionist ideology of land without people (Shaaf, 1993, 6).

Tamari believes that the main question for Zionist ideology in the post-Oslo Agreement is whether there is a Palestinian people in Palestine and if so was Zionism wrong to choose Palestine as the Jewish homeland? The recognition of the Palestinian people by the Israelis severely damaged Zionist ideology. He regards to this point as a defeat for Zionist ideology. Zionism means transferring land to Zionists, and transplanting Palestinian people abroad. The existence of the Palestinian people and the return of thousands of them to Palestine is considered a victory against the Zionist enterprise in Palestine (Tamari interview, October 11, 1998). This is what some Israeli intellectuals thought in the late 1970's during a discussion among them to find a solution to the Palestinian issue. When an Israeli discusses the Palestinian issue he is in fact discussing his perspective toward Zionism (Schiff and Fabian, 1977, 6).

The rightist Zionists believed that Oslo had achieved great things for Palestinians, which would put an end to their own ideology. They had proposed a Jewish homeland located from the Nile River in Egypt to the Euphrates in Iraq, but the Oslo Agreement terminated this idea. Also, from an ideological perspective, their homeland was smaller than previous by, the 'land of Israel', had two banks (those of the Jordan River. One was already under Israeli control. The second, (the East Bank) which according to their belief, was meant for them, was not. The Oslo Agreement even took some of the first bank from them. It also deprived them of the 'land of Torah', situated between Ethna and Sabastia in the north of the West Bank (Shaheen interview, August 18, 1998).

In the Hebron Protocol introduced during the Likud government under Netanyahu, Israeli troops were withdrawn from three-quarters of Hebron City. A large part of the city came under PNA control. This was the first time that Likud had conceded land to Palestinians. The holy places in Hebron remained under the Israeli control. It is important to point out that Hebron is holy for Muslims as well as for Jews.

Hassan Asfor the Palestinian Minister of the Negotiations Affair said in regard to the Wye River Memorandum signed in November, 1998 between the PLO and the Likud government, that it was important and this was so because the Likud Party signed it. Netanyahu believed that the most dangerous threat facing Israel was the DOP. He was convinced that these agreements would divide Israel. When Netanyahu accepted a transfer of thirteen percent of the West Bank from areas C to areas B, he also agreed to transfer fourteen percent of area B to area A. In that case area A would increase five ones. Netanyahu proposed to negotiate the agreement itself and he was unable to do so. The Memorandum, clearly based on the DOP, was no more than a practical method of how the previous agreement should be implemented. The same was repeated in the Hebron Protocol (A convocation for Hassan Asfor, December 1998). Abbas also had the same idea that Likud believed that the Oslo Agreement was a historical concession from Israel and the Likud should not pass it (al-Ayyam, September 8, 1998).

According to the Wye River Memorandum, Netanyahu agreed to transfer twelve per cent of area C in the West Bank to area B, and three per cent of the area B would be designated as Green Areas and/or Nature Reserves. One per cent of area C would be transferred to area A. He also agreed to transfer fourteen per cent of area B to area C, so that area A would increase five fold as a first redeployment under a Labour government. This percentage was not what the Palestinians wished to be given to them, but according to Netanyahu's speech of 'Land of Israel' it was a fundamental change for the main extremist party in Israel (A convocation for Hassan Asfor, December 1998). On the eve of the signing of the Wye River Memorandum, Netanyahu said in regard to land,

It was very difficult to concede some of our land, it is painful, we tried our best to decrease the area we have to redeploy our forces from ... we succeeded to decrease the Palestinian expectancy of transferring more land to them ... Palestinians expected to receive ninety percent of the West Bank in the interim period (al-Quds October 26, 1998).

The question for many Israelis was what was the difference between Netanyahu and Rabin? Both conceded parts of the 'land of Israel' to the Palestinians. Why did the Israeli extremists (part of the Israeli right-wing) create a climate of hatred against Rabin that led to his assassination? Why was Rabin considered a traitor for many right-wingers whereas Netanyahu was considered 'king of Israel'?

The signing of the memorandum created a division within the rightist block in Israel. The settlers believed that Netanyahu had betrayed them, which is why Yitzhak Shamir did not vote for Netanyahu in the Israeli general election of May, 1999. Shamir said that Netanyahu had destroyed the Likud party. For Shamir this was the case because Netanyahu had conceded some parts of the 'Land of Israel' to the Palestinians. Some believed that Netanyahu froze on the Wye River Memorandum due to the Israeli election. However, anyone following the events might conclude that the freeze came before the voting for an early election in the Israeli Knesset, especially when the Israeli Vice Defence Minister for settlement issues stated, before parliament was dissolved, that the maps for the second phase of the Israeli military redeployment, according to the memorandum, were not ready from the Israeli side (al-Ayyam December 27, 1998).

2.8.3 Israeli's Negotiations Tactic in the Post-DOP and the Land Classification

Israelis also tried to prevaricate in the Taba negotiations. The first Israeli attempt was to change the withdrawal by redeployment, which was rejected by the PLO. They then proposed a withdrawal from Gaza-Strip and Jericho area. In their proposal, as admitted by the Israeli commander of the southern area, the proposal required more Israeli troops to be located in the Gaza-Strip than the number of troops present on the eve of the *Intifada*. Israeli strategy in regard to land was clear from the first rounds of the negotiations in Taba and continued during subsequent. It is based on the disruption of the integration of Palestinian land, which Israel may

be compelled to transfer to Palestinians. This disruption means many by-pass roads, new military bases, new settlements, and an expansion of present settlements and these zones. Therefore, if these areas are transferred to the PNA, Israel will have a security role there because they have created a situation requiring it. This will derogate Palestinian sovereignty in the area (Dahalan interview, January 15, 1999).

Rabin announced that there are two types of Israeli settlements, political and security (chapter four), and that political settlements could be traded for peace, whereas security settlements should remain in Israeli hands even if peace was achieved with Palestinians. The question that arises here is, if Rabin was ready to trade political settlements for peace, why did he not do so as part of the Oslo Agreement? Israel refused to grant any concessions on the issue of settlements in the agreement. Palestinians tried their best during negotiations with the Israeli Labour Party in the Washington rounds, and also during those in Oslo, to realise this concept, but they failed to convince Israelis to implement their own theory (Abu Medain interview, February 17, 1999). The existence of the Israeli settlements is the main Israeli plea for dividing the Palestinian's control over their land into different fragmented cantons. Rabin's theory of trading peace for a political settlement may be achieved in the final agreement but not during the interim period.

During the Palestinian-Israeli negotiations in Taba, Israel wanted to swallow as much land of the Gaza-Strip and Jericho area as possibly. They wanted to decrease PNA control over the land. What Israel was also after to control the settlement zones in these territories, and another fifty meters beyond the border of the settlements. They also asked for a protection area and in addition an area devoid of any Palestinian civil construction. Also an additional area, which would have Palestinian civil control without security control (Dahalan interview, January 15, 1999).

The classification of areas in the West Bank into three categories came from the Israeli-Egyptian Accord of 1979, which divided Sinai into three categories A, B, and C (Dahalan interview, January 15, 1999). Egypt could deploy one military

brigade in area A. Four Egyptian battalions in area B with light weapons, and in area C the Egyptians had only civil police power. The size of areas B and C in Sinai equal two thirds of the Sinai Peninsula (Hussein, 1991, 23). While the area of Sinai is equivalent to more than ten times that of the West Bank, the population of Sinai is relatively very small in relation to its size. The peninsula is a desert and its character is fundamentally different from that of the areas of the West Bank.

The classification of the areas in the Palestinian territories into A, B, and C was an Israeli goal (al-Kuronz interview, October 26, 1998). Israel wants the Palestinians to live in many cantons in the cities, therefore it will expand its territories in the West Bank so as to annex them to Israel. Israel plans to annex a considerable area of the West Bank. Israel also plans to have its eastern border along the Jordan River, therefore, the Palestinian entity in the West Bank will not have access to the Arab world. It will be isolated from all sides inside Israel.

The Oslo II Agreement divides the concept of jurisdiction into three types: regional, functional, and personal. Regional jurisdiction means, control over the land and regional water. Functional jurisdiction means, control over civil and security affairs, but it does not include Israelis who are present in the Palestinian area, or issues of final status negotiations such as settlements, Jerusalem military bases and borders. Personal jurisdiction means, all Palestinians except the Palestinians of Jerusalem are under PNA jurisdiction. The PNA has regional jurisdiction in areas A and B which is equal to five times that of the total area of the Gaza-Strip. Functional jurisdiction covers area A. In area B, functional jurisdiction covers civil affairs and public order, but excludes interior security. Personal jurisdiction covers the Palestinian people in all the West Bank except those who live in East Jerusalem (Shikaki, 1995, 8).

Since 1967-1993 Israel has refused to give Palestinians security control over the West Bank and Gaza-Strip in any solution to the Palestinian question. The only control Israel was ready to concede was civil and administrative control (though not covering all civil sectors). This means that Palestinians would play a functional role

in populated areas, but security would be by Israelis. What the changes brought by the Oslo Agreement and following agreements, was a situation in which most of the Gaza-Strip and some areas of the West Bank were to come under full Palestinian control. However, a large majority of the West Bank was to be placed under Israeli security control.

Area A in the West Bank stretches from north to the south without territorial links. Therefore, this situation in partitioning the West Bank will injure both Palestinians and Israelis at a security level: no territorial links will also mean no security links for both sides. Responsibility for security matters will be fragmented. If there is no link between the Palestinian areas, Palestinians can deny responsibility for following up any security matter. The lack of territorial links is a dangerous strategy for the Palestinian side as well as being a weak point for Israeli security. In the post-Oslo Agreement, interference in security matters came into existence. Even in the Gaza-Strip, where a great part of the area is under Palestinian security control, security matters are interfered with, due to the presence of Israeli settlements in the strip. Settlements are at present everywhere from north to the south. The eighteen settlements in the Gaza-Strip created a big obstacle for the PNA security agencies. They are close to Palestinian populated areas in Gaza-Strip, but there is no doubt that security efforts by Palestinians regarding the halting of military attacks against Israelis in the Gaza-Strip are better than their efforts in the West Bank, due to the area being under PNA control (Dahalan interview, January 15, 1999).

The PNA has security control in area B, where its security agencies exist as official offices, but the overriding security in this sector is by Israel. Israelis believe that whoever has final security control over any zone has sovereignty over the land including every thing in that area. This is what happens in practice in area B in the West Bank and also in the Mawasi Area in the Gaza-Strip (Dahalan interview January 15, 1999; al-Masri interview, September 10, 1998).

More than ninety-five per cent of the Palestinian people of the occupied West Bank came under PNA jurisdiction, however, one outcome of the Palestinian-Israeli

agreements was that only three per cent were brought under full PNA control and 26 per cent under its administrative control. There was no balance of transferring people and land to the PNA in these agreements. Therefore, the Palestinians will continue to oppose and fight this situation created after the Oslo Agreements. The Agreements talk about moving people and land to PNA jurisdiction. Israeli interpretation means transferring all people, but not all land, not even one quarter of the land (Abu Medain interview, February 17, 1999). This unbalanced transfer of people and land has created a socio-economic crises in Palestinian society. This will be discussed in more detail in chapter five.

According to the Oslo Agreement the PNA was to prevent any 'terrorist' operations against Israelis coming from its territories. As a matter of fact the great majority of the Palestinian people came under Palestinian rule (security and civil). Therefore the PNA needed to prove its ability to maintaining security over its territories. Israel always insists that the PNA must take security measures against 'Palestinian terrorist activities' as a precondition of any further redeployment. In many cases the abuse of human rights against the Palestinian opposition from the PNA side was recorded merely to meet Israeli and American demands. The first priority of the PNA was to achieve further Israeli withdrawal from the Palestinian territories, but there is no doubt that there was no excuse for the PNA to violate human rights.

The Palestinians gave more concessions on the matter of security in the Wye River Memorandum. Dahalan recognised these, but he has suggested that they tried their best so that they would not harm Palestinian interests. He added, "through these concessions we removed the Israeli pretext of security for not conducting further redeployment" (Dahalan interview, January 15, 1999). The Palestinian opposition saw the Memorandum as something built on a new Israeli concept, which is land in return for security. This was a new Palestinian concession.

2.9 The Division Between Palestinians

There is no doubt that the Madrid Conference and its consequences left the Palestinians divided into supporters and opposers. Under the terms of the Oslo

Agreement the divisions among Palestinians remained. The supporters of the DOP argued that the agreement and the Gaza-Jericho First option embodied only a first step, and that its conclusion represented a wise course in pursuit of the declared national Palestinian objectives, including the establishment of an independent Palestinian state. Its Opponents, on the other hand, saw in the agreement an abandonment of legitimate Palestinian rights. Supporters organised motorcades, processions, and mass rallies celebrating the agreement, the opposition did exactly the same but denouncing it. The supporters were and continue to be in the majority: polls conducted after the signing of the agreement indicate that about 65 per cent of Palestinians in the occupied territories approved of agreement, 30 per cent opposed it, and about 7 per cent were undecided (Abu Amir, 1994, 76; Reffat and Shaban, 1994, 74). Palestinian public support for the peace process continued in the late 1990's. Polls that were conducted by the Centre for Palestine Research and Studies, showed that the Palestinian public continued to accept the peace process despite the obstacles put forwards by Israel. In July 1998 the centre conducted a poll which clarified this support. Sixty eight percent were in the favour of it, whereas twenty-nine present were against it. In March 1997, a poll showed seventy three per cent supported the peace process (A poll for Centre for Palestine Research and Studies, July/August, 1998; A poll for Centre for Palestine Research and Studies, March, 1997).

The Palestinian supporters of the Oslo Agreement are the al-Fatah Movement (led by Arafat), the Palestinian People's Party (the former Communist Party), and the Palestinian Democratic Union-Feda (the Yasir Abed-Rabbuh wing of the DFLP). The Palestinian opposition is divided into nationalist and Islamic trends. The main nationalist groups are the PFLP led by George Habash and the DFLP headed by Nayif Hawatmah. The Hamas (Islamic Resistance Movement) and Islamic Jihad form the Islamic opposition. Their opposition comes from their doctrinal and political rejection of Israel, while nationalist opposition is tactical and focuses on the terms of the agreement (Abu-Amr, 1994, 78).

At their convocation in Abed-Araheem Maloh, and Qais Abu-Lila (members of the Political Office of the PFLP and DFLP respectively) argued that the problem of the agreements for Netanyahu was that they gave Palestinians some land before a permanent solution, therefore, Netanyahu tried to end this process and move direct by to permanent status negotiations. Netanyahu's focus was to make interim issues the permanent issues that would be negotiated in final status negotiations (A convocation for Maloh and Abu-Lila, October, 1998).

One respondent, the leader of the PFLP in the Gaza-Strip, Jameel Majdalawi (Member of the Political Office of the PFLP) noted in an interview that when the PFLP accepted the PLO phased programme of set up an independent state in the West Bank and Gaza-Strip in the seventies, it did not mean that the PFLP cancelled its goal of establishing a Palestinian state over Mandate Palestine. The organisation accepted this proposal due to circumstances created as a result of the war of 1967. The fact is that the international community perceives Mandate Palestine as two entities; the first is Israel which came into existence as a consequence of the Arab-Israeli war in 1948. The second are the Palestinian Occupied Territories (the West Bank and Gaza-Strip, including East Jerusalem). The international community recognised Israel, but at the same time dealt with the West Bank and Gaza-Strip as occupied territories. Within these territories the PFLP intended to establish the Palestinian state (Majdalawi interview, February 11, 1998). Majdalawi added:

Palestine is for its people and for whoever is living on this land (Jews and Palestinians) ... a democratic and human relations between Palestinians and Jews should be formed on an equality basis. This means that the unification of Mandate Palestine should not be based on the destruction of any party (Palestinians or Jews). Each party could preserve its own culture and civilisation as well as its religion ... it is good to accept the division now, but this solution would not work over the long term... it will work only for the short time (Majdalawi interview, February 11, 1998).

Edward Said preferred this solution (dual nation state), because the conflict between Israelis and Palestinians is a conflict over the same land where both peoples believe each party has its own right to live on it, and hopes the second party will leave or abandon it. Oslo isolated these two peoples into two entities. A

Palestinian state in the West Bank and Gaza-Strip is not a practical idea (al-Ayyam, February 2, 1999).

As Majdalawi explained to me opposition to the Oslo Agreement by the PFLP was due to the following reasons: first, the majority of Palestinian land in the West Bank and Gaza-Strip remains under Israeli occupation. Second, the agreement does not force Israel to withdraw from all occupied territories until five years after the agreement. Third, the PNA has no sovereignty over the sea and its air space. Fourth, the agreement did not open the border for Palestinian people to enter and exit abroad, or to and from the West Bank and Gaza-Strip, which is still in the hands of Israelis. Fifth, there are no provisions about the halting of Israeli settlements. Sixth, the agreement is no more than a systematic Israeli occupation of the occupied territories. The PNA controls about ninety eight percent of the Palestinian people, and Israel controls ninety three percent of the land. What developed during the post-Oslo Agreement was that the Palestinian people became isolated under PNA control, and now that the confrontation between Palestinians and Israeli occupied forces no longer exists, the Agreement in its core is negative, but I can't ignore its positive aspect. These aspects are secondary and minor. For example, the return of several tens of thousands of Palestinians including those involved in the PLO struggle; the wane of Israeli occupation from some parts of the occupied territories; and some symbols of Palestinian sovereignty such as the Palestinian flag, the national anthem, and the presence that President Arafat is trying to create in the world (Majdalawi interview, February 11, 1999).

Throughout the interview majdalawi did not offer a practical plan for solving the Palestinian question. He believes the implementation of international resolutions to be the basis for a solution to the Palestinian question. He knows quite well that neither the United States nor Israel is ready to deal with these resolutions, especially the U.N. General Assembly resolutions. This can also be deduced from other Palestinian opposition parties and movements. They lack any proper political strategy, whereas the PLO has its own agenda for the solution of the Palestinian question, irrespective of whether or not this plan will achieve Palestinian

aspirations. The Palestinian opposition is always criticising the PLO political plans without proposing any practical, detailed, or realistic substitute.

The DFLP rejected the Oslo-Agreement on the same basis as the PFLP. The DFLP asked for national unity in order to face May 4, 1999, the expiry date of the Palestinian-Israeli interim agreement. The DFLP together with all opposition parties and movements called for the creation of an independent Palestinian state in the West Bank and Gaza-Strip by this date (DFLP Official Document, May, 1998, 102)

It is said that military operations conducted by Hamas and Islamic Jihad brought Netanyahu to power. The character of Israeli society is formed according to security threats. Israelis looked to these operations as a weakness on the part of their government, led by Peres after the assassination of Rabin. It was logical that the Israelis would vote Likud as a guarantee of security, especially when we know that the Likud election plan concentrated on security issues, particularly the efforts that it would pursue to put an end to these operations (al-Ayyam, September 8, 1998). Hyder Abdul Shafi the head of the Palestinian delegation to the Oslo Conference believes that the Hamas military operations were wrong and provided Israel with the excuses it needed (Abdul Shafi, 1997, 58).

2.10 Conclusion

There is no doubt that the Oslo Agreement tried to put an end to the Palestinian-Israeli conflict. It was the first time that both sides had sat down together to try to draw their future without any mediator. During the negotiations in Oslo the balance of power favoured Israel. The outcome of the negotiations of what is now known as the Oslo Agreement was unbalanced. The Palestinian side gave more concessions on fundamental issues than the Israelis.

Progressive steps taken at the Oslo negotiations were due to Israeli readiness to discuss the idea of withdrawal from parts of the Palestinian Occupied Territories. This played a major role in the success of the Oslo negotiations. The Palestinian

goal which remained constant was; to achieve a total Israeli exit from Palestinian territories by phased withdrawals and redeployments, which was rejected by Israelis. Controversial objectives on both sides regarding the notion of Israeli withdrawal from the West Bank sharply decreased the speed of achieving a comprehensive peace.

The Agreement has positive and negative points for both sides, but the negative aspects on the Palestinian side were greater than on the Israeli side. Palestinians from both sides (supporters and opponents) recognised this fact. Supporters tried to stress the positive features of the agreement and decrease the negative ones, whereas opponents believed that it was impossible to avoid the negative aspects because they had become fact. The agreement put an end to the Palestinian dream of establishing a national state over Mandate Palestine, at least in the short term. However, this idea still persist inside Palestinian hearts.

The 'historical Jewish kingdoms' existed in the highlands of Palestine, therefore, the West Bank is considered to be the heart of the 'land of Israel'. As a result of the Oslo Agreement the Zionist ideology of the 'Land of Israel' no longer exists. This land is shared with Palestinians, and now they (Palestinians) are ruling some parts of the 'Land of Israel'. Israel's major parties (Likud and Labour) believe that this land is theirs, but the presence of the Palestinian people compels them to leave some parts of their land. The Oslo Agreement showed that the political realities are stronger than the historical or religious demands. As a result of the Wye River Memorandum the PNA control 42 per cent of the West Bank 'the heart of the land of Israel'. Jaffa is more important for Israelis than any settlement in the Palestinian Occupied Territories, however Jaffa was never part of the 'historical Jewish kingdom'.

Many observers and analysts expected that in the post-Oslo Agreement, the Occupied Territories, especially the Gaza-Strip, would have one of the worst civil wars in contemporary history. The reason being that step-by-step withdrawals and redeployments of Israeli military forces would carry daily dangers. However, events

during more than five years of the post-Oslo Agreement show that civil war among Palestinians is not an option for all Palestinian political parties and movements, and is also condemned by the public. To avoid any clash among Palestinians the Palestinian entity which is now forming should be based on democratic measures. This is the only way for Palestinians to survive and to avoid any such disruptive future, especially when we know that a Palestinian independent entity is not in the interests of Israel, Jordan and some other Arab states. Therefore, Palestinians have to struggle politically on many fronts, but this may not have to continue indefinitely.

The agreement brought 'peace', and the results of the agreement proved that peace could be attained between Palestinians and Israelis. Yet the peace has to be lasting, just and comprehensive. Justice for Palestinians means the right to establish an independent state; the return of more than four million Palestinian refugees, at least in short immediate period to return to the Palestinian state without prejudice to their right to return to their villages and cities in Israel; and finally, a reasonable solution to the control of Jerusalem which will preserve political and religious rights for both. This may seem an injustice for the Israelis, but we have to remember that when the Palestinians accepted the establishment of their state in the West Bank and Gaza-Strip they conceded eighty-two percent of Mandate Palestine (their national goal) to Israelis. Why should the Israelis then not concede eighteen percent of the 'Land of Israel' to the Palestinian state? Both parties should recognise these facts in their political calculations in order to attain justice and lasting peace.

Chapter Three: Israeli Settlement in the Post-Oslo Agreement

3.1 Introduction

Since the Israeli occupation of the West Bank and Gaza-Strip, Israel has continued to keep statistics of settlements, but these are not made public. Israel's dealings regarding settlement policy are a state secret. However, this does not mean that settlement activities are totally unknown. Speeches made by Israeli officials, governmental plans, media, private institutions, settlement experts, as well as Palestinians, do show a proper picture of settlement activities and this is what this chapter intends to explore.

The US State Department annual report regarding the Israeli settlements in the occupied territories noted that "Rabin's government has made no commitment to halt or reduce construction in East Jerusalem ... in fact it has done the very opposite, declaring its intention to continue expanding in the area" (www.fmep.org/jul93.html). This chapter will attempt to clarify Labour settlement activities from 1992 to 1996 in what Israel calls 'Greater Jerusalem' which combine a large area of the West Bank. The above mentioned U.S. State Department report also noted that under the Labour government, "there has not been a complete freeze on settlement activity" (www.fmep.org/jul93.html). The Labour's settlement activities (section three) were conducted in all the Palestinian territories with settlement concentrated in specific areas where Labour wanted to continue its control in the final status resolution with the Palestinians.

In June 1996, as a result of the Israeli general election, Netanyahu the leader of the Likud Party formed the Israeli government. The Palestinian Minister of Transportation described his government as the settlers government. Netanyahu's government supported the settlements by all available means. Section four of this

chapter illustrates the Likud settlement activities during the 'time of peace' and the attitudes of the leaders of Likud towards the final solution with Palestinians. This section reveals that Likud policy during the post-Oslo Agreement dealt with the settlement activities but no peace agreement was signed with the Palestinians. The Netanyahu settlement activities were similar to the previous leaders of Likud (Begin and Shamir) in mid-1970's and 1980's.

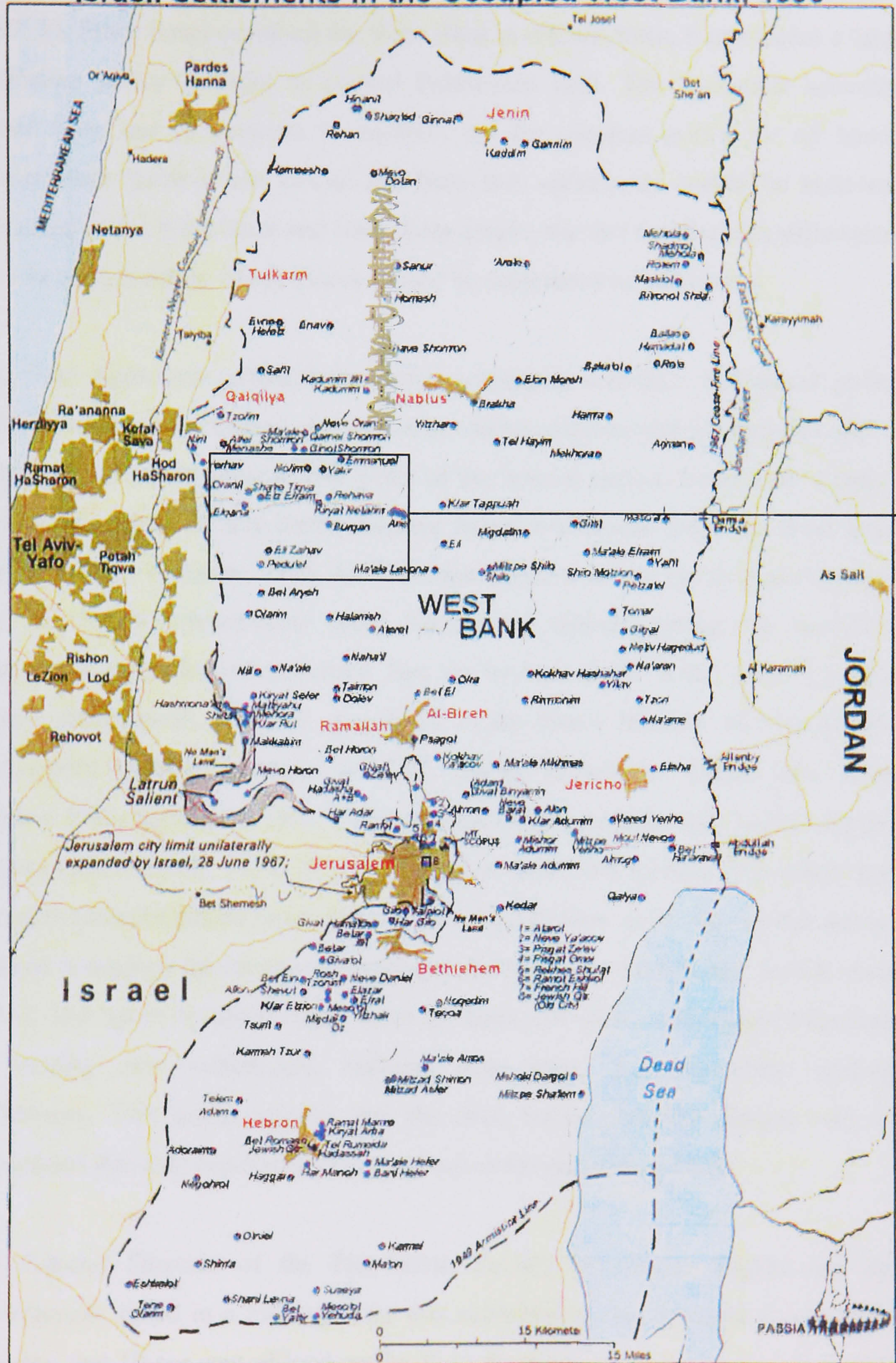
3.2 Settlement Policy in the Post-Oslo Agreement

For the Israelis the settlement question tends to be concerned with whether they serve Israeli security needs. Yet for the Palestinian officials the settlements can never serve Israeli security concerns: only through peace can Israel maintain security. The Israeli theory on security of lines of defence may have proved valid in the late sixties with the Allon plan and in the early seventies, but at the end of the twentieth century with advanced and accurate weapons, it no longer applies (Peres, 1994, 21:34; Tamari interview, October 11, 1998). Some Israeli politicians and military believe that the old theory is inappropriate for the present time. Shimon Peres and General Chaem Barliev (former Israeli Police Minister) are two of them. They believe that settlements are obstacles in a time of war, because the Israeli army will have to guard settlements and settlers as well as fighting the enemy (Harris, 1980, 23).

However, nobody can ignore the fact that the great majority of Israelis consider settlements vital for Israeli security. This was reflected in the post-Oslo Agreement, in which the Palestinians control many zones close to vital Israeli areas on the coast. Palestinian cities such as Tool Karm and Qalqilya on the West Bank are only fifteen kilometres from Natanya City, one of the biggest in Israel. It will be interesting to see whether the new situation created by the post-Oslo Agreement reinforces the importance of the Israeli settlements in the period of peace. It is pertinent to state that in addition to Israeli political, security, and ideological dimensions, settlements also clearly serve to expand Israel if there are to be two states.

Map 3.1

Israeli Settlements in the Occupied West Bank, 1996



Source: Palestinian society for the Study of International Affairs (PASSIA), 1998.

The struggle in Palestine between Palestinians and Israelis is a struggle for land and for a distinctive national entity on that land; it is not a religious struggle (Coon, 1992, 8). Since Israel occupied the West Bank and Gaza-Strip, it conducted a large settlement policy in order to control Palestinian land. The settlement activities varied from one government to another, but the constant policy for all Israeli governments (Labour and Likud) has been that settlements should be built and continued in the West Bank and Gaza-Strip despite the fact that the only differences have been in deciding which places should be designated for settlement.

The Oslo Agreement affected the Israeli settlement activities. Settlement policy embodies the Israeli concept of a permanent status solution with Palestinians that is to be reached within three to five years of the interim period. It has been a policy that did not allow for any comprehensive Israeli withdrawal from the West Bank and Gaza-Strip (Beshara, 1995, 4). The Arab member of the Israeli Knesset noted that the Israeli governments spent billions of shekels during the post-Oslo Agreement on settlement activities. Just for by-pass roads, Israel spent 1 billion shekels (Mahameed, 1995, 7). According to the Israeli Ministry of Finance, the government spent a minimum of \$700 million across the 'Green Line' from October 1992- September 1993. This excluded the aid from the IZO and the Jewish Agency (Shaw-Smith, 1994, 105). If we accept this \$700 million, this means that during the interim period Israel spent at least \$3,5 billion, while the aid that donors pledged to support the development plan of the PNA was \$2,4 billion for the same period. The figure for Israeli settlements excludes that spent on other activities such as creating new settlements, building new units, and expanding existing settlements. This might suggest that the final status with Palestinians will be determined through settlement policy and not at the negotiation table.

The General Director of the Palestinian Society of Human Rights and the Environment stated in a message that was submitted to the Swedish Cooperation Minister, that 10 per cent of land on the West Bank has been confiscated by Israeli governments since the signing of the Oslo Agreement up to the end of 1997. This message also revealed that during that period Israel demolished 540 houses on the

West Bank (al-Ayyam January 27, 1997). But according to a BBC reporter, the number of demolished houses amounts to more than 540. Israel pulled down around 3,000 houses from the signing of the Oslo Agreement till August 1999 (BBC News 24, August 13, 1999).

Israeli settlement activities during the post-Oslo Agreement (Map 3.1) have three characteristics: first, intensive settlement close to the West Bank border with Israel, known as the 'Green Line'. These activities such as new buildings, expanding existing settlements, and intensifying the number of settlers occurred on the West Bank side of the 'Green Line'. Second, expanding settlements situated in the north, middle, and south of the West Bank, and linking these settlements by the construction of new by-pass roads. In this case Israeli settlements will be joined together to form a territorial link with Israel. Third, the annexation of the group of settlements which form a security belt around Jerusalem and are located outside the border of the municipality of Jerusalem (Khatib, 1995, 34).

3.3 Settlement under a Labour Government

Israeli settlement activities under the Labour Party government 1992-1996 raise a number of interesting issues. Previous Likud governments made no secret of their intention to continue settlement activities, and their behaviour on this issue has been criticised almost unanimously by the international community. However, the situation regarding Rabin's policy towards the settlement issue was different; announcing official policy is one thing, but reality on the ground is quite another. The Israeli Labour Prime Minister, Rabin, adopted a more sophisticated strategy for his settlement policy (Habbash interview, December 12, 1998).

The Oslo II Agreement mentioned the Israeli chain of settlements in the Gaza-Strip (Gush Qatif chain), but did not include any mention of settlements in the West Bank. Rabin's speech to the Israeli Knesset approving the Oslo II Agreement confirmed that the will of Israel was to establish chains of those on the West Bank (Cited in Shikaki, 1995, 15). In this case the chains that Rabin planned for the West Bank would swallow a great part of area C, which represents the largest area of the

West Bank. Maher al-Masri, Palestinian Minister of Trade and Economy, believed that Labour's intention is to assimilate 50 per cent of the West Bank in the final arrangement at best (al-Masri interview September 10, 1998).

The largest settlement construction drive in the history of Israeli occupation of the West Bank and Gaza-Strip happened under Rabin. He described Israeli settlement activities under his government after returning to Israel from his August 1992 meeting with President Bush in this way:

Look, I do not know what you mean when you say settlement freeze, when we are talking of the continued construction of 11,000 units in the territories, I do not remember a time even after cancelling the construction of 6,000 to 7,000 housing units, such a drive ever took place ... The Arabs are very critical of the United States in view of the fact that, the way they see it, not only is there no settlement freeze, there is even a hastened pace of construction when compared to two-and-one half years ago ... the construction of 11,000 units continues. Is this a freeze? (www.fmep.org/reports/v3nl.html).

3.3.1 Labour Perspective on Settlement

In April 1994, Rabin argued that settlements would be a threat to the peace process in the Middle East rather than enhancing this process. He also confirmed that settlements not only failed the historical role of marking out Jewish sovereignty, but that the majority of settlements provided only marginal security advantages. He also pointed out that settlements established by the Likud governments had no advantages. Rabin believed that the Israeli army was to defend towns in Israeli, not Israeli settlements. Months prior to his assassination in November 1995, Rabin had acknowledged that a generation of settlement from 1967 onwards had failed to achieve its mission in the West Bank and Gaza-Strip. The target of this mission had been to make Palestinian territories part of Israel (Cited in Aronson, 1997, 14). It is worth mentioning here that shortly prior to his murder Rabin had pledged to Arafat that he would freeze all settlement activities (Dahalan interview, January 15, 1999).

Rabin classified settlements in the West Bank and Gaza-Strip into two types (map 3.2); security settlements which had military and strategic importance, and political settlements which were created to increase the Jewish population in some parts of

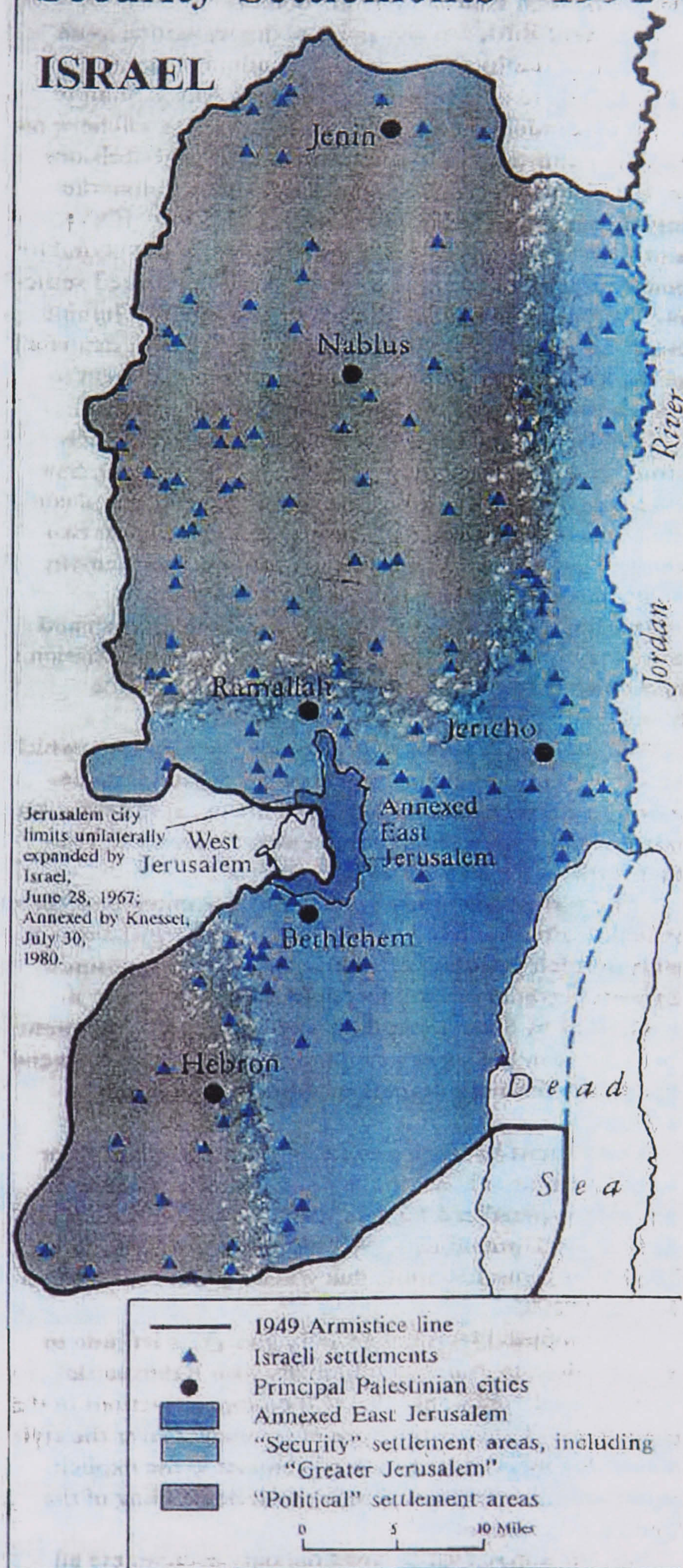
the occupied territories by the Likud governments. The political settlements are located along the central mountains north from Ramallah and a few in or near Hebron. Until January 1994, the population of these settlements was 20,000 and occupied about fifty settlements. Rabin decided to continue activities in the security settlements, and halt those in the political ones (government decision No.360). Rabin hoped that by not favouring political settlements they “will despair of the future and that their numbers at least will not increase -and at best will dwindle-during the interim period” (Corbin, 1994, 29:100; Hussein, 1993, 125; Palestinian Information Service, 1997b, 3; www.fmep.org/jan94.html). Rabin did not mention the security settlements by name, but it can be concluded that these settlements are classified as a national priority and operate under the term of security settlement, although this does not apply to all settlements. This chapter and the following chapter will help to differentiate between the two types of settlements according to Rabin’s classification.

According to Rabin’s ordering, security settlements cover those the Jerusalem area, the Jordan Valley area and settlements near the ‘Green Line’. This security area for Rabin covered about 2,800,000 dunums (fifty one per cent) of the West Bank (Massalha, 1994, 226). Rabin believed the security contribution of political settlements to be zero (www.fmep.org/jul94.html). Security settlements were classified as those national of priority; under a Labour government, 39 were put in this category (Baba, 1997b, 1). The above-mentioned were concluded after the announcement of the Likud new settlement policy 1996-1999.

The U.S. welcomed the Labour classification as a positive step towards peace in the Middle East, but this was not based on any international resolution concerning Israeli settlements. The European Union dealt with these settlements as an illegal action, and even recommended a boycott of settlement building.

Map 3.2

West Bank: Political and Security Settlements — 1992



Source: Foundation for Middle East Peace

Maher al-Masri interprets the delay of a solution on the settlement issue to the final status negotiations. These settlements already existed when the Oslo Agreement was signed and the delay was not to allow them expand, as did eventually happen. The final status negotiations will solve the settlement problem that existed in 1993 (al-Masri interview, September 10, 1998). The Israeli settlement of Palestinian territories was accepted by both parties (Palestinians and Israelis) as an issue requiring a solution. When Israel conducted more settlement activities according to Rabin's classification of settlements, the problem became more complicated.

The Shimon Sheves report (chief of staff in Rabin's office) was adopted by the government in 1992 and known as decision No. 721, which changed the national priorities of Rabin's government. The decision considered security settlements and those in 'Greater Jerusalem' as national priorities for areas eligible for the government's most generous benefits and incentives (Ha'artz 21 July, 1992 cited in Baba, 1996, 14; www.fmep.org/jul93.html). The government would give all types of political and financial support and encouragement to building and expanding these areas.

The Labour Party election plan of 1992 stated that, "the Labour government would not establish new settlements, and it would also not intensify the existing settlements except those located in 'Greater Jerusalem' and the Jordan Valley". The programme also demanded a freeze on beginning any new settlements for one year. 'Greater Jerusalem', as Israeli Minister of Housing in Rabin's cabinet defined it, consists of West Jerusalem, East Jerusalem, and a group of settlements to the south of the West Bank, such as Ma'ale Efraim, Petar, Gef'at Za'aef, Ma'ale Adomim, and Gush Etsion (Aronson, 1997, 17; Hussein, 1993, 58). Hashem Mahameed, a member of the Israeli Parliament, expected the area of 'Greater Jerusalem' to cover twenty five per cent of the West Bank (Mahameed, 1995, 8). Whereas Nafez Abu Hasnah expected (according to an Israeli report what he believed was adopted by Rabin's government) that 'Greater Jerusalem' would extend from Gush Etzion (between Bethlehem and Hebron) in the south, Ramallah in the north, Ma'ale Adomim in the east, and Bet She'ash in the west. The diameter of this 'Greater

Jerusalem' would measure up to twenty-three kilometres, which meant it would occupy 10-15 per cent of the West Bank (Abu Hasnah, 1997, 69).

as mentioned in chapter two, the Jordan Valley is a strategic area for Israel. Israel's Labour Party plans to annex the valley to Israel in any final settlement with the Palestinians. David Libai, the Minister of Justice in Rabin's government noted:

Ma'ale Efraim (overlooking the Jordan Valley) and the Jordan Valley are located, according to the Labour Party platform, within Israeli territory, and they are an important part of the security and settlement alignment (Ha'aretz newspaper, November 17, 1993 cited in www.fmep.org/jan94.html).

The settlement activities in the Labour Party programme of 1992 in the West Bank were close to the Allon Plan of 1967 (chapter two). Over time the Israeli policy of creating *faits accomplis* in the Palestinian territories amended the Allon Plan through Israeli governments activities (Newman, 1996, 61; Abu Hasnah, 1997, 182; Massalha, 1994, 227). Therefore, in theory Labour settlement policy did not change. The change came about with the expansion of the borders of Jerusalem, known as 'Greater Jerusalem'. During an interview with Maher al-Masri in September 10, 1998, he explained that officially Labour was saying that its policy coincided with the Allon Plan, but on the ground Labour activities actually went beyond the plan.

The settlers of 'Greater Jerusalem' on the West Bank accounted seventy seven per cent of the total number and the units under construction in this area were 16,247. This represented seventy one per cent of the total of units under construction in the West Bank and Gaza-Strip (Aronson, 1997, 17).

3.3.2 Settlement Construction under Labour

The Labour government started to build more than 10,000 units in different settlements in the Palestinian territories. This meant that 40,000 new settlers would be settled in the territories (if we consider that the average settler family consists of four members) and this number would be equal to one-third of all Israeli settlers in the occupied territories (Coon, 1995, 251; Massalha, 1994, 226). Arafat said that

Rabin's government approved the building of 14,000 units in Jerusalem between 1992-1994, excluding the 11,000 on the West Bank. The Israeli Minister of Housing in Rabin's government confirmed the construction of 13,000 in annexed Jerusalem (www.fmep.org/jan94.html).

TABLE 3.1
SETTLER POPULATION 1990-1995 IN THE WEST BANK AND
GAZA-STRIP* (EXCLUDING EAST JERUSALEM)

Year	Population	% increase over previous year**
1989	69,000	9.5
1990	76,000	10.1
1991	92,000	21.0
1992	112,000	21.7
1993	120,000	7.0
1994	135,000	12.5
1995	145,000	7.4

Source: Foundation of Middle East Peace, cited in Aronson, 1996

* Population figure vary - sometimes by as much as 20 per cent - depending on the source.

** The author's calculation

In June 1992 the Labour government decided (decision No. 360) to freeze building in some areas of the Israeli settlements in the West Bank and Gaza-Strip. The decision was a result of the Israeli-American agreement for ten billion U.S. dollars as loan guarantees, which preconditioned that Israelis use this amount to build inside Israel, not in the Occupied Territories. The Labour government evaluated the previous Likud government decisions and activities with regard to settlement in the West Bank and Gaza-Strip. It then delineated its policy as follows: first, a freeze on building 2,136 units, where the construction contracts of these units had not yet been signed, but approved by the Likud government in 1992. Second, the freeze on building 3,545 units, where the construction contracts of these units had been signed, but work not yet started. Third, a temporary freeze on 2,300 units where the work had already started, but was at an early building stage. Fourth, the continuation of building 8,781 units, whose construction building was already in

progress. Fifth, the continuation of building 1,686 units in 'Greater Jerusalem'. On July 19, 1992 the Labour government cancelled the introduction of 14 new Israeli communities in the occupied territories which had been approved by previous governments between 1981-1985, where building had not yet begun on the ground (Baba, 1996, 13). The Labour government of 1992-1996 approved 84 development plans for Israeli settlements in Palestinian territories (Tafkaji interview, November 13, 1998). The approved construction of the units mentioned above refers only to units built under government or agencies with whom the government had contracts. Private units under construction are excluded from these figures. Rabin's government approved the continuation of the erection of 10,467 units, a temporary freeze on 2300 units would be imposed later. The only complete freeze was on buildings still at the planning stage. All building that began during the Likud government continued under Labour. The Israeli director general of the Ministry of Housing said:

When I gave the information to the Minister of Housing (Benjamin Ben Eliezer) I told him that it included only our (government) building or agencies with whom we have contracts. There was nothing in these numbers on private construction, because we have no power over it ... when I pass my estimate to the Prime Minister's office, I inform top Rabin aide, Shimon Sheves, that the figure of 10,000 did not include 1,500 additional units under private construction (www.fmep.org/reports/v3nlhtml).

The above-mentioned Israeli-American Agreement of loan guarantees tacitly considered the Israeli concept of 'Greater Jerusalem' as part of Israel, therefore, the American loan could be used for this area. The agreement also implicitly accepted the continuation of construction which was conducted during the Likud government. (Baba, 1996,13). Edward Djerejian, the U.S. Assistant Secretary for Near East Affairs noted in congressional testimony that, "U.S. policy permits some allowance for ... construction activities in existing settlements". The U.S. State Department in its annual report of 1993 regarding Israeli settlements noted that, "there has not been a complete freeze on settlement activity" (www.fmep.org/jul93.html).

The only side that benefited from the American loan was the Jews. There was no Arab site in East Jerusalem (for Israelis this is a part of the Israeli capital) that benefited from the loan. The Arab communities were omitted from any development after the Israeli occupation of the eastern part. This would be clear from the speech of the Israeli Mayor of Jerusalem Teddy Kolik (Labour Party), who continued as Mayor of the 'unified Jerusalem' from 1967 till 1992. He stated "many times we talked about improvement of the conditions of the Arab inhabitants and their rights in Jerusalem, nothing was done for them such as schools, cultural centres, streets, and pavements. We (Israelis) only provided sewage and water networks only because some cases of cholera were found among them, and we were afraid it would infect the Jews of Jerusalem" (Cited in Baba, 1997c, 19).

In 1992, the Israeli Finance Ministry estimated at the sum of \$700 million per year invested by Israel beyond the 'Green Line'. The same kind of figure continued to be invested in the later years under Rabin (www.fmep.org/jan94.html).

On January 22, 1995, the Labour government set up a ministerial committee headed by Rabin to supervise settlement activities. Its function was based on the above-mentioned Israeli government decisions No. 360 and 721. The committee approved the construction of 3,942 units in 'Greater Jerusalem' (these are excluded from the 1,686 mentioned above, and whose building was completed). The units were distributed as follows: 1,100 in Petar, 500 in Gev'at Za'ef, 250 in Gev'on, and 42 in Kidar. The ministerial committee also approved the building of 50 units in the Jordan Valley and these were also finished. Later the committee decided to erect 2,640 in 'Greater Jerusalem' as follows: 779 in Ma'ale Adomim, 900 in Petar, 340 in Gev'at Za'ef, 400 in Keryat Sefer, 221 in Efrat (A'yed, 1996, cited in Baba, 1996, 16:20).

The Israeli Ministry of Housing under the Labour government announced that it had bought all the vacant units in the settlements (3500), and prohibited their occupation. The government preconditioned that any person wanting to live in these units should already be a resident of the settlement where the unit was located. The

distribution of these units was as follows; 1,500 in Are'el, 69 in Kefar Tafooh. 97 in Kadomim, 52 in Kadeem, 147 in Elone Moreh, 45 in Hefts, 52 in Kerny Shomron, 38 in Harmesh, 29 in Karmel, 369 in Gush Qatif, 25 in Eli Sinai, 83 in Nesanet, 160 in Benfadakalim, 22 in Netsarim, 40 in Fe'at Sadeh, and 3 in Kefar Darom (the last seven settlements are located in the Gaza-Strip). These units formed part of the 10,000 approved by Rabin's government as an extension of the building programme inherited from the previous Likud government (Yede'ot Ahronot cited in al-Quds, August 10, 1996). Certain sources state that 1,243 units of the 3,000 were inhabited by force, but the Labour government did not compel these settlers to evacuate them (Baba, 1996, 19). These settlements fall into the political settlement category

According to the Israeli Peace Now Movement, during the first two and a half years of the Rabin government construction in the settlements continued in all locations, while in the last eighteen months building was concentrated in 'Greater Jerusalem' and the Jordan Valley (Cited in Baba, 1996, 18).

3.3.3 Confiscation of Land

According to the Palestinian Land Research, Israel confiscated 61,321 dunums during the period from the signing of the Oslo Agreement in September 1993 till 1 March, 1995. This number was based on a field survey conducted by the centre (Land Research Centre, 1995, 3). Whereas other sources calculate the Israeli confiscation of Palestinian land at 150,000 dunums (Baba, 1996, 15). The second number is an exaggerated one. The largest percentage of confiscated land was listed under settlement activities such as, expanding the existing settlement, erecting governmental and public buildings, building new roads for settlements, and widening existing roads. For example, in 1995 the Israeli Labour government confiscated 18,180 dunums. 13,580 dunums went for settlement purposes and public enterprises -these enterprises only served Israeli settlers (Ha'arz July 25, 1996 cited in Baba, 1996, 16).

Khalil Tafkaji has argued that the Israeli Labour government changed the traditional method of confiscating Palestinian land (known to Israelis as state land). It designated Palestinian land as areas of 'natural reserves', confiscated to install Israeli petrifactive plants (the great majority of the West Bank is mountainous), and confiscated land for by-pass roads. Tafkaji argued in regard to the 'natural reserve' that by international standards this means maintaining certain kinds of animals, greenery or waterflow. Israeli standards in the West Bank are different. When Israel declares an area as a 'natural reserve', it implies that this is a strategic reservoir for settlement expansion. Tafkaji gives examples such as the Abu Ghanim natural reserve, al-Raas natural reserve, and Nabi Samoe'el Palestinian village, where the first of these two areas became sites for two new settlements. In Abu Ghanim the settlement is planned to house 6,500 units. Under Netanyahu the infrastructure of Abu Ghanim (Har Homa) settlement was completed, and in al-Raas 2,200 housing units have been built. In al-Nabi Samoe'el, Israel destroyed the village and declared it a 'natural reserve'. At the present time the neighbouring Neve Shomoe'el settlement is expanding into this 'natural reserve' (Tafkaji interview, November 13, 1998).

Israel, under the Labour government, confiscated 16,000 for petrifactive plants, 12,000 for natural reserves, and 30,000 for the by-pass roads. Meanwhile other methods of confiscation also took place, but in small numbers (Tafkaji interview, November 13, 1998).

3.3.4 The two Faces of Labour Policy

A year after Rabin assumed power, the earliermentioned U.S. State Department annual report regarding the Israeli settlement of 1993 noted an important Israeli change in public discourse on settlements initiated by the Rabin government. The report also observed that the Labour government had made a conscious decision not to confront settlers, and the government offered little substantive evidence that Israeli settlement-related allocations of funds had been significantly reduced during Rabin's first year of 1992/1993 (www.fmep.org/jul93.html).

Rabin's government announced in 1992 the following policy regarding settlement: first, a commitment not to construct any new settlements. However, new ones were set up under Rabin's government in the shape of new neighbourhoods at some distance from existing settlements. A farmer from Salfet indicated a new location for the Ariel settlement. The location was two kilometres away from the Ariel fence, but the Israelis considered it as a part of Ariel. The fact that the nucleus of a new settlement was being installed but it lay on top of an old settlement. The farmer indicated that within 2-3 years Israelis would rename re-name the spot and it would become a separate settlement (Interview December 9, 1998).

Second, a decision to cancel contracts for the construction of around 5,000 additional housing units. This policy was adopted because of falling demand for housing in Israel and the West Bank and Gaza-Strip. This was a result of a building boom over the last two years of the Israeli Likud government under Shamir, and also the failure of Russian immigration to reach anticipated levels. Shamir's government had conducted a large scale building programme. Nevertheless, more than 10,000 additional units were approved by Rabin's government, even though there was no need to complete the 10,000 units approved by Shamir (www.fmep.org/reports/v3ml.html).

Third, a decision to ban settlers from using mobile homes in the West Bank and Gaza-Strip. The Israeli daily Jerusalem Post noted that more than 2,000 such homes were standing empty in the West Bank and Gaza-Strip settlements. The end of the surge in immigration from the former Soviet Union had resulted in a glut of mobile homes in Israel, as well as in the Palestinian territories. Settlements could not afford their upkeep. The Labour government decided to close all such homes within a period of four years and sell them to the private sector (www.fmep.org/jul93.html).

Fourth, a decision to halt new declarations of state land. As mentioned in chapter two, this was an Israeli means of land acquisition, and the most popular method used by Israeli Likud governments (1976-1992) was to declare land to be state land.

Rabin adopted another procedure for land acquisition, this was to reclassify land for it be included in 'closed military areas' (Tafkaji interview, October 25, 1998).

Fifth, a decision to suspend the construction of some settler 'roads'. Rabin postponed the building of a number of roads on the West Bank proposed by Shamir's government, but decided to continue construction with others. Referring to the high way that cost \$42 million, connecting Jerusalem by means of a series of tunnels and bridges with Israeli settlements south of the city, Peres said "who says that this tunnel is an obstacle to peace? The tunnel between France and Britain does not indicate that France is going to be settled by the British".

Yet the Israeli tunnel only serves Israelis, and it divides Palestinian society within the area. There is no doubt that there is a fundamental difference between the colonial tunnel between Jerusalem and its southern outskirts, and the mutual interest tunnel between France and Britain (www.fmep.org/ljul93.html).

Sixth, adoption of government decision no. 721, which reduced settlement incentives. The Foundation for the Middle East Peace in its Bi-monthly report (July 1993) noted that reductions have only been made in the local loan programme and in incentives available to industrial sites in some West Bank settlements. In settlements such as Ma'ale Efraim overlooking the Jordan Valley, subsidies for industrial development are going ahead without disturbance. The security settlements were excluded from the decision (www.fmep.org/jul93.html).

Seventh, implementation of the military order restricts settlements. Israeli Military Order no.1325 of January 1993, freezes all planning or construction of new master plans for settlements, and bans all building in areas not now covered by existing, approved planning documents. The order seems good, but according to the Foundation of Middle East Peace-Bi-monthly report (July 1993) most settlements have the required planning papers. The effect of the order was minor (www.fmep.org/jul93.html). Tafkaji confirmed that 84 settlement plans were approved during the Labour government. This number is relatively high compared

with the approval of settlement plans occurred during the previous Likud governments (Tafkaji interview, October 25, 1998).

3.3.5 By-Pass Roads under a Labour Government

Israeli military order no. 50 of 1982 allowed the military occupying government to swamp by-pass roads. These new roads were a new form of Israeli control over land. The policy of the by-pass roads was intensified by the post-Oslo Agreement as a result of the Oslo II Agreement 1995, which allowed Israel to establish by-pass roads in order to avoid the passing of Israeli settlers through Palestinian cities, refugee camps, and villages. When Israel started to prepare the redeployment of its military forces from the West Bank the agreement confirmed Israeli security and civil control over the settlements and settlers in the West Bank and Gaza-Strip. The Agreement also confirmed that Israel had the right to take all necessary measures to guarantee security and civil control (Oslo II Agreement). Keeping the settlements and many areas under Israeli control was always linked to the idea of security. National security always determines Israeli foreign policy (Jones, 2000).

The Labour government confiscated 21,000 dunums in order to build twenty-eight by-pass roads; the combined length of these roads equals 228 kilometres (Newsweek magazine, August 12, 1996). Khalil Tafkaji, the Palestinian expert on settlement issues, estimates confiscated land under the Labour government for settlement activities and public enterprises June 1992-June 1996 at 30,000 dunums (Tafkaji, 1996, 1). Tafkaji noted that Israel confiscated more than 35,000 dunums for the purpose of by-pass roads. However, this number was not appropriated during the Labour government only. He added that some of this land was sieged prior to 1990, and the remainder was commandeered under the Labour government. Tafkaji is certain that Israel constructed more than 1,000 kilometres of by-pass roads during the post-Oslo Agreement, and spent around \$300 million (Tafkaji interview, November 13, 1998). The Palestinian Land Research Centre stated, with regard to the roads and by-pass roads, that from the signing of the Oslo Agreement up to May 4, 1994 (seven and a half months) the Labour government had announced 22 roads and by-pass roads on the West Bank (Land Research Centre,

1995, 12). Rabin's government spent not less than one billion shekels in constructing the by-pass roads in the West Bank (Mahameed, 1995, 8).

3.3.6 Settlers under Labour

The number of settlers in the West Bank and Gaza-Strip increased by 33 per cent after Rabin assumed power in July 1992-October, 1995. Numbers went up from 105,000 to 138,000. Four per cent came about as a natural rise in the settlement population, others, numbering 27,750, were from Israel. Half the latter were concentrated on the Israeli border of the West Bank and Gaza-Strip, 'Green Line'. For example, in Petar and Ma'ale Efrat, a part of 'Greater Jerusalem' (Statistical Abstract of Israel, 1997 cited in www.fmep.org/charts/chart9811_gif).

If we examine the chart, prepared by the Statistical Abstract of Israel, 1997 and published in the Judea Magazine, November-December 1997, we can obtain a clear idea of the largest settlement activities under the Israeli Labour government. Population of settlements such as Betar, Efrat, Ma'ale Adomim, and Etzion Bloc, grew during the four years between 1992-1996 by 370 per cent, 79 per cent, 45 per cent and 44 per cent respectively (Cited in www.fmep.org/charts/chart9811_3.html). All the above mentioned settlements are located in 'Greater Jerusalem', and were designated under the Labour plan as priority settlement zones.

Those settlements situated outside the security settlements saw a small increase in population. For example, Hebron and Kiryat Arba (a very religious place for Judasim) were 16 per cent and 11 per cent respectively (Cited in www.fmep.org/charts/chart9811_3.html).

Geoffrey Aronson observed in July 1993 that a small minority of settlers on the West Bank were attempting to create a second military force in the occupied territories, with an agenda far more radical than Israel's army of occupation and not subject to any authority other than the settlers and their rabbis (www.fmep.org/jul93.html). Ze'ef Schiff, a well known Israeli military analyst noted:

The moment of truth is approaching ... A further deterioration of the existing situation will lead to the Lebanonization of the territories (the West Bank and Gaza-Strip). We will then belatedly realise that Jews are capable of creating their own Hizballah movement under rabbinical leadership. Anarchy will then be unavoidable (www.fmep.org/jul93.html).

If this were to happen it would not be the first time in Israel's short history. A month following the declaration of the Israeli state in May 1948, Menachem Begin who was head of the Irgun underground organisation, was due to receive military arms transported to Tel Aviv port by the S.S. *Altalena*. But the Israeli Prime Minister, David Ben Gurion, who was determined to assert the supremacy of the Israeli official army, prevented the boat from unloading. He ordered the army to shell the boat. Irgun forces came to assist their friends on the boat, but Ben Gurion's order was carried out and the boat was sunk with the loss of many lives (www.fmep.org/jul93.html).

As a result of the Oslo Agreement these settler organisation faced their greatest challenge. A joint committee of Israeli rightist parties and movements was created to coordinate the response on the ground of the implementation of the Agreement. The four parties were Likud, Tsomet, the National Religious Party and Moledet. Alongside the major parties were unaffiliated political organisations such as the Yesha Council, Amana (responsible for setting up new settlements; Yesha (for existing settlements), the Chabad-Lubavitch Movement (the Israeli wing of the Brooklyn-based group), Emunim (an offshoot of Gush Emunim), the 'one Israel' Movement, the Golan Settlements Committee, the Betar Youth Movement (founded by Ze'ev Japotinski), and other amorphous groups. The Joint Committee has offices all over Israel and the Palestinian territories to organise demonstrations transportation, and publicity (Shaw-Smith, 1994, 99:100). In the Israeli rightist demonstrations against Oslo, they depicted Rabin variously in Nazi Regalia or swathed in a Palestinian *Kiffeyeh*. Two influential West Bank (settlers) Rabbis Dov Lior and Nahum Rabinovich, were accused of issuing a religious edict, declaring the Israeli Prime Minister to be a traitor. Under religious (*halachic*) law it is

permissible to kill such a person if there is evidence that life is endangered by his or her treacherous actions (Jones, 1999, 10:14).

The settlers' council (Yesha) was founded in 1979. The importance of this council in looking after settler interests and implementing a unified settler strategy to confront the Oslo Agreement cannot be overestimated. Every settlement in the West Bank, Gaza-Strip, and the Syrian Golan Heights is represented on the Council. These settlements comprise seven regional and fourteen local committees. The Yesha council excels at political lobbying where its leaders have easy access to the highest echelons of the government as well as to the media. The functions of the Yesha council are territory-wide coordination, fundraising, absorption of newcomers and coordinating security affairs. In the wake of the DOP, the Yesha has as its short-term aim to rattle the government through mass demonstrations and its long-term objective is to make sure that not a single settlement is threatened (Shaw-Smith, 1994, 100). After the signing of Oslo Agreement, the Yesha council successfully mounted many demonstrations and interrupted the movement of Palestinians in the West Bank by closing more than 50 roads (Yediot Aharonot November 2, 1993). These activities were repeated in the wake of the signing of the Wye River Memorandum.

During Rabin's period the settlers announced the formation of a settler police force and paraded weapons before television cameras. Yet they already had policing powers prior to the Oslo Agreement. Since April 1968 when the first settlement was installed in the Hebron, settlers have had an armed presence. They work in cooperation with the Israeli army, undertaking police functions in their settlements and in Palestinian villages and towns. Raphael Eitan, Israeli Chief of staff in the early 1980's, integrated settlers into a 'regional defence network'. Over the years settler power and capabilities have grown along with their numbers (www.fmep.org/jul93.html). The settlers of Hebron joined with the Israeli Interior Intelligence Agency (Shabak), in interrogating and torturing prisoners at the Hebron prison in late 1960's (Shaheen interview, August 18, 1998). The Hebron

settlements were an example of settlers' behaviour towards Palestinians, with support from Labour and Likud governments.

Aronson observed that the target for settlers would not only be Palestinians, but the Israeli army as well if the Israeli government accepted a withdrawal from the West Bank and Gaza-Strip (Aronson, 1993, 6; www.fmep.org/jul93.html). However, it should be noted that they did not move against the army when the government forced them to evacuate the settlements of Sinai, following the Camp David Accord of 1979. They may nevertheless resort to political assassination, as they did with Rabin in November 1995.

3.4 The Settlement under the Likud Government

The Likud government plan of June 17, 1996, considered the issue of Israeli settlements as one of its main priorities for the next four years. The plan insisted that settlements in the Jordan Valley, Judea, Samaria, and Gaza were of national importance in the defence of Israel. It also confirmed that these settlements would maintain the loyalty of Zionist promises. The government would change Labour's settlement policy to enhance settlement enterprises and allocate the necessary financial resources (Baba, 1997a, 2). The plan proposed to increase their numbers from 150,000 to 500,000 within four years of the Likud period of government.

Netanyahu explained his government's policy towards settlements in an interview on the day the new policy was announced:

We are stopping the artificial drying out that was the previous government's policy for the Judea and Samaria settlements ... the previous government imposed all kinds of decrees, restrictions, chains, and bonds on the natural development of the settlements. It did not impose similar restrictions on the Arab settlement of Judea, Samaria, and Gaza, nor did it impose such restrictions on Jewish settlements inside the Green Line. Naturally, we do not accept this policy. Hence, today we lifted the ban. At the same time, every orderly government has its checks and balances and means to control building and settlement policies, which are part of today's resolution. This is what it means: lifting the ban; we have not decided yet what we will do as far as initiated policy is concerned. If [the issue of establishing new settlements] comes up as part of the cabinet policy, we will bring it up

for the ministers to decide. We did not decide so today. Today, we created room to manoeuvre, if you will. We cancelled past restrictions, but we left the issue of policy for our future discussions . . . I cannot tell you now what the scope of our decision will be, the amount of resources we will invest in Judea and Samaria, or whether or not we will set up new settlements. This is for the future. What could be more natural for a government with a commitment to Jewish settlement in Eretz Yisra'el and to full equality between all the citizens of the State of Israel than to lift these bans . . . I already told the American ambassador that he can rest easy about one thing that Labour's policy of massive settlement will not change (www.fmep.org/sep96.html).

As with the Labour government stand previously mentioned, the Likud government dealt with Jerusalem as Israel's unified capital and would not include it on the agenda of negotiations with Palestinians. A Likud official explained the stand of his government, "when we say settlements, we are not talking about construction in Jerusalem. As far as we are concerned, Jerusalem is not on the agenda" (www2.ari.net/fmep/1998reports/198.html).

The Minister of Finance, Dan Meridor, put the Likud government's intentions into proper perspective. On July 19, 1996 he explained to the Israeli newspaper, Yediot Ahranot, the Likud aim with regard to settlement was "to prevent once and for all the possibility of withdrawal from the occupied territories" (www.fmep.org/sep96.html).

Directly after Netanyahu assumed power he met U.S. President Bill Clinton in Washington in June 1996. The two leaders reaffirmed previous understandings reached between President George Bush and Prime Minister Yitzhak Rabin in August 1992. Through this agreement the U.S. accepted Israeli policy of settlement expansion according to the ambiguous definition of 'natural growth' of the settlements. Israel promised the U.S. it would not construct any new settlements in the West Bank and Gaza-Strip. However, in the meeting of June 1996, Netanyahu gave no commitment on the setting up of new settlements or conducting a limitation on settlement expansion (www.fmep.org/sep96.html).

3.4.1 Settlement Construction under Likud

The government empowered the Minister of Defence to rule on all new residential construction planning and zoning applications in the settlements. In November 1997, the military authorities under the Likud government approved transferring several military bases and training camps into small settlement posts (al-Quds, November 7, 1997). Policies announced in 1996 by Netanyahu's government, regarding settlement activities, were that the Israeli population should increase in the West Bank and Gaza Strip by 50,000 to 200,000 settlers during the following four years. This increase was little different from the expansion recorded under the previous Labour government. Pinchas Wallerstein, chairman of the Council for Jewish Settlements in Judea, Samaria, and the Gaza-Strip (Yesha), confirmed the expectation of an increase in these numbers. Wallerstein estimated that 10,000 new dwelling units would be constructed during the coming four years at a rate of 2,500 annually (www.fmep.org/sep96.html).

During the first six months of the Likud government it approved official plans and construction for more than 10,000 housing units. The decisions of the Likud government were as follows. First, in August 12, 1996, it approved the locating of 300 mobile houses on the West Bank. Second, in August 21, 1996, the Likud government approved the building of 900 units in Kriat Sefer. Third, in August 29, 1996, it approved a plan for 3,550 units in different settlements, such as Kriat Sefer (again) (700), Hashmona'em (1,050), Mettatyaho (200), Betar (700), and O'r Tsemeh (900). Fourth, in October 25, 1996, a plan for 1,806 units in the north of Kriat Sefer settlement was approved. This plan had been authorised by the Shamir government and then frozen by Rabin's government. It was to build a new settlement, but the Israeli authorities said that the units were part of the Kriat Sefer complex. Fifth, in November 1996, Israel supported a plan for 1,200 units in Emanuel settlement. All these plans were backed by the Israeli Minister of Defence, as the person authorised to endorse any plan or construction in the West Bank and Gaza-Strip. None of the approved plans were located in the Gaza-Strip (Baba, 1997a, 3). If these plans to construct thousands of new dwellings were executed on

the ground, and they were filled by settlers, their number would be increased to at least 200,000.

Six months after Netanyahu assumed power in June 1996, his government decided to increase the numbers of settlements as a national priority. Eighty-four settlements were included in this category, adding 39 to those from the previous Labour government. Religious settlements benefited most from Likud's decision; 39 of them became settlements of national priority. Fifty-four settlements with a low population (less than 500), and close to Palestinian communities, were also listed as settlements of national priority. The number listed as of national priority under the Likud government was 123. Only four in Jerusalem and Jericho benefited from this government decision, because settlements in these two areas had already been classified as settlements of national priority and security settlements under Rabin (Baba, 1997b, 1:2).

During the second six months of Netanyahu's government, the building of 830 units was approved in different settlements of the West Bank, such as the Jordan Valley (250), Elkana (49), Ganeem (310), Ma'ale Adomim (60), Ma'ale Efraim (60), Carne Shomrom (53), and etc. The government approved plans for Geva'at Zeief (1,550 units), Har Huma (2,500 units, and Ma'ale Adomim (1,500 units and 3,000 hotel rooms) (Baba, 1997c, 4).

The picture of Netanyahu's settlement activity regarding the building of new units completely changed in the third year of his government. This can be seen from the speech by Me'er Forosh, the Israeli Deputy Minister of Housing, when he explained in January 1998, Likud government policy regarding the constructing of housing in the West Bank in 1998 and 1999. He stated that "the Israeli government would build 5,200 new housing units in 1998, and his ministerial plan was to build more than 15,000 housing units in 1998 and 1999". He confirmed that "60 per cent of these new buildings would be in 'Greater Jerusalem'". He also acknowledge that "there was a total of 1,180 vacant units in all settlements" (Cited in al-Ayyam January 27, 1998). However, the Israeli Peace Now Movement confirmed that "up

to November 1997, there was some 3,183 vacant units, and 4,714 units under construction. The General Secretary of the Settlements Council (Yesha) guaranteed the completion of 6,500 units” (al-Quds November 10, 1997). The numbers given above express the large-scale activities regarding the construction work in the settlements of the West Bank carried out within the first 18 months of Netanyahu’s government.

On August 2, 1996, his government revoked all restrictions, put in place under Rabin’s government, providing financial incentives to the settlers in the West Bank and Gaza-Strip, including the rental or sale of 1,500 apartments, whose disposal had been frozen by Labour (www.fmep.org/sep96.html).

Although the Palestinian Ministry of Information stated that the above-mentioned number of 1,500 units was much less than the actual one, in its decision no. 150, the Likud government, approved the sale of 3,500 units to Israelis. These, as already mentioned, were bought by the previous Labour government which forbade Israelis from moving into them (Palestinian Ministry of Information, 1998, 1). These decisions would increase the number of settlers by 15,000 over the following months of 1997.

As a result of the Likud government lifting these restrictions, sales in the settlements increased by 56 per cent during the first six months of 1997. The government made financial incentives very attractive to persuade Israelis to come and settle on the West Bank. For example, to buy a residence in Jerusalem cost \$170,000, while a similar residence in a settlement on the West Bank, a 45-minute drive to Jerusalem, cost less than \$41,000, with a monthly payment of only \$126 (al-Quds November 10, 1997). Housing prices in the settlements from Gaza to the Golan increased. In some cases they had risen by 50 per cent since Netanyahu’s victory in mid-1996. Under Netanyahu the Israeli settlements were once again on the map (www2.ari.net/fmep/1998reports/198.html).

According to the Israeli Peace Now Movement, the settlement budget of the Likud government for 1997 was 900 million shekels (one dollar is equal to 3.3 shekels). This budget included an expansion of the settlements, the bulldozing of roads and by-pass roads, the offering of a variety of facilities for settlers, and security protection for those who lived in the Palestinian town of Selwad near Jerusalem, after they had taken over a number of houses in that town (Ministry of Information 1, 1998, Baba, 1997a, 7).

Yerushalim reported that Likud's plan for 1998 was to build 1,000 units starting in Jabal Abu Guniem 'Har Homa', (covered in more detail in this chapter). In its report of November 14, 1998, Yerushalim stated:

that during the first nine months of 1997, the Ministry of Housing sold only 232 dwellings in Ma'ale Adumim, compared to 613 in all of 1996. In Section 06 of the town (Ma'ale Adumim), however, 1,470 of 1,600 units had been sold and almost half were to be occupied in the coming months. Land for the last 400 units in section 06 will be marketed soon. When Section 06 is completed the population of Ma'ale Adumim will reach 23,000 (Yerushalim report cited in www2.ari.net/fmep/1998/reports/198.html).

Yerushalim also reported that during 1998 plans for the construction of 3,000 units in section 07 were expected to progress (Yerushalim report cited in www2.ari.net/fmep/1998/reports/198.html). An official Palestinian document states that section 06 of the Ma'ale Adomim settlement allows for the erecting of 2,000 units, while in section 07 of the same settlement, the building of 4,500 units was ongoing (Orient House Official document sent to president Arafat, June 1998). In late 1997 the Israeli Ministry of housing planned to market 7,135 units in the settlements on the West Bank during 1998 and 1999 (al-Ayyam November 5, 1997). In November 1997, the Likud government approved the building of 300 units in Alef Meneshe settlement (Qalqilya District of the West Bank) near the 'Green Line', under the pretext of natural growth of the colony. The settlement resumed work on 72 units that had been halted under the Labour government (al-Quds, November 7, 1997).

During the first half of 1997, The Likud government confiscated about 33,000 dunums in the West Bank and Gaza-Strip. The reasons for this confiscation were to expand the settlements, and bulldoze roads and by-pass roads (Yediot Ahranot May 26, 1997 cited in Baba, 1997c, 6).

The Israeli Peace Now Movement revealed that a new settlement in the West Bank was constructed in secret. The movement stated in its report that the new settlement (Kfar Oranim) was not registered in the settlers' registry, or in any other institution. 50 dwellings were built there, and a plan to install 600 units was approved on July 17, 1990 under the Shamir government. The report said that this settlement was the first to be erected since 1992 (Cited in Baba, 1997c, 10).

In 1998, the Likud government was ready to consider halting, curtailing or slowing down any settlement expansion. This could be interpreted as a Likud wish for peace, but a senior Israeli official noted,

Israel will be willing to consider halting, curtailing or slowing down any settlement expansion in the pipeline, but will not stop any settlement construction that has already begun, we have enough settlement activity under construction to last us for this period (www2.ari.net/fmep/1998reports/198.html).

Ha'aretz, the Israeli newspaper reported that the Israeli Likud government is contemplating a new plan that will quadruple the number of Israeli settlers in the Etzion settlement area of 'Greater Jerusalem'. The plan is intended to raise the number of Jewish settlers in Etzion area from 13,000-50,000 (Ha'aretz cited in al-Ayyam February 3, 1998).

In the last three months of the Likud government, the settlement activities speeded up very sharply. The Palestinian daily, al-Hayat al-Jadedah, stated in July 31, 1999 that the Palestinian leadership in its weekly meeting on 30 July noted that the Netanyahu government sited 37 posts on the hilltops and around the cities. The posts were located during the election campaign. Israeli daily newspaper confirmed that 42 new posts had been set up from the signing of the Wye River Memorandum up to the Israeli election of May 1999 (Ha'artz August 12, 1999).

3.4.2 Sharon and the Ministry of National Infrastructures

The key minister of Israeli settlement in Netanyahu's government was Ariel Sharon. He was the Minister of National Infrastructures, which was arranged especially for him. He had a budget of half a billion dollars in 1996. Sharon earned the nickname 'bulldozer', for ignoring or brushing aside whatever obstructed his path. Sharon was effective in making headlines, and in getting things done. Sharon's agenda in Netanyahu's government was; to create and plant physical and demographic obstacles (settlements and settlers) for any Israeli retreat from the territories captured in June 1967. His strategy was to let the diplomats chatter, when the maps were drawn it would be 'facts' which he had created through his various posts since 1967 which would determine the future of the Palestinian-Israeli conflict. Under Netanyahu he worked to expand Israel's civilian presence in the West Bank and Gaza Strip. Creating Israeli settlements formed was the keystone to Sharon's strategy (www.fmep.org/sep96.html). He outlined this in an interview in 1995, when he and Likud were in opposition:

were there not Jewish settlements today on the Golan Heights and Judea and Samaria, Israel would long ago have returned across the Green Line. The Jewish settlements are the only factor that has prevented the agreement of this [Rabin] government to withdraw and created difficulties for it in negotiations (www.fmep.org/sep96.html).

Under Netanyahu, Sharon developed the Israel Land Authority (ILA) which advanced his vision for the future of the occupied territories. The importance of the ILA was that it controlled over 93 per cent of land within Israel and tens of thousands of dunums in the occupied territories. This provided Sharon with an enormous land reserve that he could allocate to suit his settlement objectives. He described the ILA, thus; "it is not only a source of state revenue. As I see it, it is the main tool the government has to attain national goals" (Cited in www.fmep.org/sep96.html).

Sharon's promotion of new roads was a consequence of his authority over the Public Works Department, formerly part of the Ministry of Housing (www.fmep.org/sep96.html). Extensive powers were given to Sharon over the control of electricity to the settlements, a key element in a settlement's ability to expand and

accommodate industrial development. This brought him face to face with Palestinian negotiators. Sharon also led negotiations with the PNA, Jordan, Syria, and Turkey on water issues. He devised a consultative mechanism with the important Ministry of Housing and Construction in order to prepare a comprehensive plan for development and construction in the occupied areas.

Control of land, water, electricity, and transport issues in Sharon's newly formed ministry offered him the opportunity to successfully carry through his settlement strategy. His plan for any peace settlement with the Palestinians was the cantonization of Palestine. He envisaged the creation of non-contiguous Palestinian cantons in the West Bank and Gaza Strip, surrounded by Israeli settlements and roads.

3.4.3 Three Maps for the Same Purpose

The key leaders of the Likud Party government, Benjamin Netanyahu, Ariel Sharon (Minister of Infrastructures), and Yitzhak Mordechai (Minister of Defence), reached the conclusion in 1998 that they could not preserve the integrity of the whole 'land of Israel'. This was clearly understood from maps which appeared in the public domain. The maps of the key leaders from the Likud Party illustrate their intention to concede more than 40 per cent of the West Bank to PNA control. None of these maps meet the minimum expectations of the Palestinian leadership or the general public (Aronson cited in www2.ari.net/fmep/1998reports/198.html).

There are three maps at issue: Netanyahu's map known as the 'Allon Plus' (Map 3.3), the Sharon map known as 'Sharon's security map', and the Mordechai map known as the 'Israeli Defence Forces (IDF) security interest map'. The latter was prepared by the IDF Planning Branch during the Rabin government, following Rabin's request during the Taba talks preceding the signing of Oslo II Agreement. This map was adopted by the Likud Minister of Defence Yitzhak Mordechai. It was prepared for the three stages of Israeli redeployment according to the Oslo II Agreement, but not for the final status agreement. The Likud Minister of Defence

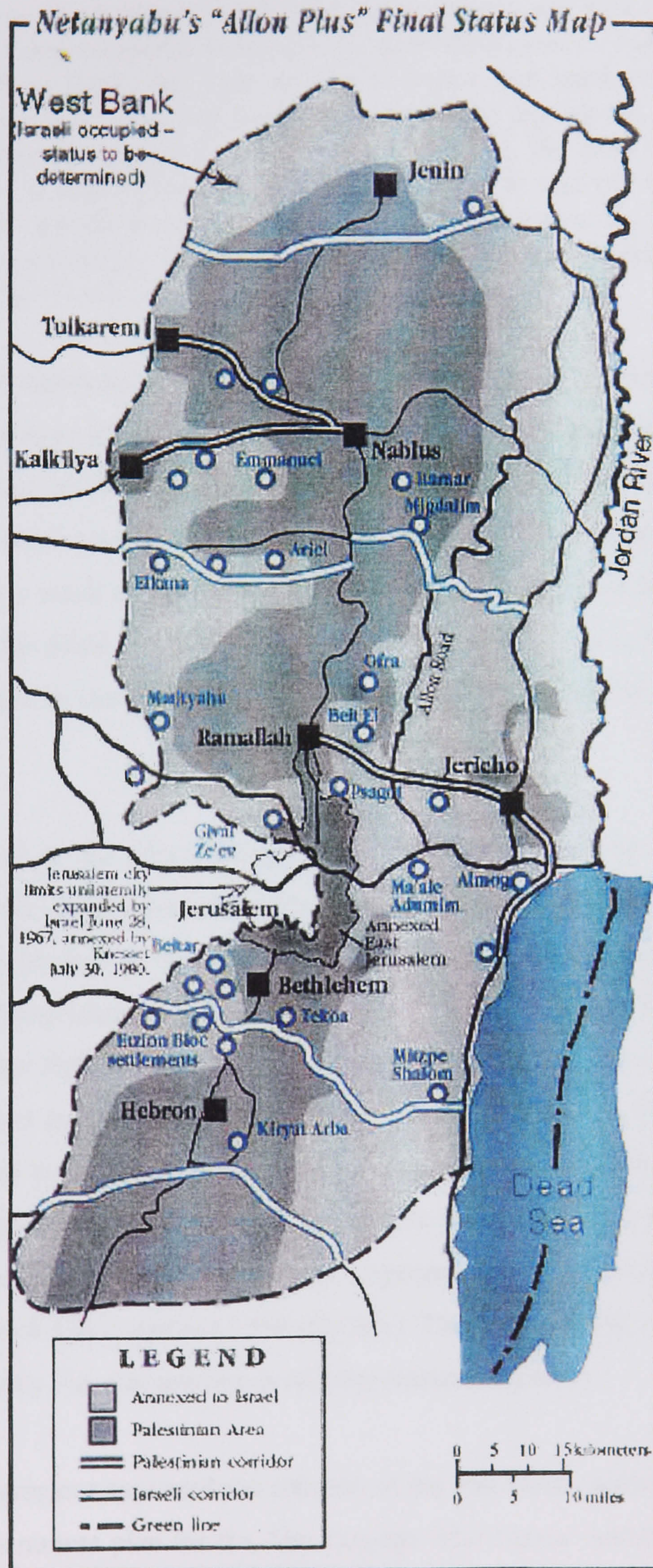
adopted the map for the final agreement (Yediot Ahranot cited in al-Ayyam December 15, 1997; Aronson cited in www2.ari.net/fmep/1998reports/198.html).

The maps also give an idea of how Netanyahu, Sharon, and Merdachai are viewing to the settlements as a major factor in determining the final border with the Palestinians in the permanent status negotiations. None of these maps has been published in any authorised or detailed fashion, leaving many inconsistencies and much speculation about issues as important as the inclusion or exclusion of certain settlements on the West Bank, due to be annexed to Israel in the final agreement. Netanyahu's map will leave fewer than 20 isolated, sparse settlements in Palestinian territory. Sharon's security map will annex all the settlements to Israel, and the IDF security interest map will leave about 45 settlements on the West Bank outside Israeli sovereignty (Yediot Ahranot cited in al-Ayyam December 15, 1997; Aronson cited in www2.ari.net/fmep/1998reports/198.html). Meir Shitreet, the Israeli Coalition Parliament Chairman, said with reference to the future of the Israeli settlements, that the Likud Party, as part of a final status agreement with the PNA, was prepared to evacuate settlements in the West Bank and Gaza-Strip and to exchange territory in Israel's Negev (a desert south of Mandate Palestine) region in return for Israeli sovereignty in the Etzion Bloc near Bethlehem (www2.ari.net/fmep/1998reports/198.html).

The three maps did not mention the future status of the Gaza-Strip, if Israel were to conduct total withdrawal from the area, or maintain control over the settlements there. Joseph Alfeer (an aide to Rabin) proposed the total withdrawal from the Gaza-Strip in his study regarding the final solution between the Palestinians and Israel. He argued that, there are 4,000 settlers and they occupy 30 per cent of the land in the Gaza-Strip, which is needed by any Palestinian entity or state to develop the area. The uprooting of the settlements in the Gaza-Strip would not form a critical demographic problem for the Israelis (Alfeer, 1995, 280).

In December 18, 1997, the Israeli daily newspaper Ma'arev described the maps in the following way:

Map 3.3



Source: Foundation for Middle East Peace

According to Sharon's and Mordechai's maps, Bosnia will look like the Garden of Eden compared to what Jews and Palestinians in Judea and Samaria (West Bank) can look forward to Strips from north to south, roads from east to west, and mutually antagonistic populations extend into one another like pieces of a puzzle created by the devil for the punishment of man. Prime Minister Netanyahu rightly said that we will not commit suicide in order to please the United States. So we are committing suicide in order to please ourselves (Ma'ariv, December 18, 1997 cited in www2.ari.net/fmep/1998reports/198.html).

3.4.4 Settlement Activities are Preferable to Peace with the Palestinians.

The Labour government's tactic in regard to settlement activities was to disguise continued building while simultaneously hiding an advance in the peace process. For Likud, the attitude was different. Likud did not believe that 'peace' was going to be created as a result of the Oslo Agreement, thus the party leaders tried their best to destroy the peace process. The announcement to set up new settlements or prepare new plans in the occupied territories were a Likud tactic to demolish the Oslo process.

We can first look at the Abu Ghnaim (Har Homa) settlement: The Abu Ghanim forested mountain is located less than two kilometres north of the City of Bethlehem with an area of two square kilometres. The mountain was historically owned by the Palestinians from Bethlehem, Beit Sahour, Village of Um Tuba, and the village of Sur Baher. In 1967 Israel decided unilaterally to carve it out of the Bethlehem district and annex it to the Jerusalem municipal boundaries. Since 1967 the mountain has been designated by the Israeli Jerusalem municipality as a 'Green Area', where development is restricted to preserve the beauty of its landscape and ecological diversity. On June 1991, Israel expropriated land on and around the forest mountain of Abu Ghnaim (1,850 dunums). The largest tracts of this land are privately owned by Palestinians (www.arij.org/paleye/abugnam/).

The Likud government approved the creation of the Har Homa settlement in 1997. The Israeli government plan for the Abu Ghnaim 'Har Homa' settlement included the building of at least 6,500 housing units in three stages, with standard

infrastructure such as roads, schools, shops, hotels, a tourist village, and an industrial zone (Baba, 1997c, 18).

The effect of building Har Homa settlement is that it completes a ring of Israeli settlements around Jerusalem and Bethlehem and will seal off Jerusalem, killing any hopes for Palestinians with regard to Jerusalem in the final status negotiations based on the Oslo Agreement. The above-mentioned settlement completing the encirclement of Jerusalem, will sever any connection between north and south of the West Bank. This has also isolated Bethlehem and generated an alternative tourist village and has effectively engineered the seizure of the town of the Nativity and ensured that all Palestinians who want to get to Ramallah have to go through the mountains by the *Wad al-Nar* road to avoid passing through Jerusalem. This colony, moreover will leave the Palestinian cities of Bethlehem, Beit Jala, and Beit Sahour with little land to accommodate their natural growth. It will badly affect Christian sights in the area, particularly in the Mar El-Yas priory. Also, the Har Homa settlement will redraw the northern boundary of the Bethlehem area; the Israeli Chain of Gush Etzion limits any southern expansion of Bethlehem. From the west, the town is surrounded by the Betar settlement and two by-pass roads, and from the east the holy city is also circumscribed by the Taqooh settlement and a by-pass road. A fenced military by-pass road will connect Har Homa with the Gilo settlement; this road will cut the connection between Bethlehem and East Jerusalem. The Israeli plan to build the Har Homa settlement will result in a disruption of the Palestinian-Israeli negotiations (www.arij.org/paleye/abugnam/; Baba, 1997c, 18).

A secondly example is the E-1 Plan: Netanyahu's cabinet approved the E-1 development scheme in March 1997, a week after the decision to begin construction of the Har Homa settlement suburb in East Jerusalem. January de Jong, a Dutch cartographer described the plan.

The E-1 scheme has significance beyond the territorial area that it encompasses, demonstrating the degree to which settlement expansion has been seamlessly integrated into Israel's national planning framework. E-1 controls the main axis of socio-economic development

for Israel itself, as outlined in Israel's Metropolitan Master Plan, completed in 1994-1995. This critical area runs along the trajectory of Road 45, which originates in Greater Tel Aviv and leads via Ben Gurion Airport--scheduled to be greatly expanded in conjunction with large industrial zones around the new city of Modi'in--to Greater Jerusalem at the West Bank settlement of Givat Ze'ev. The road continues along the recently developed archaeological site next to the prophet Samuel's tomb--to be surrounded at a distance by gentrified housing estates--and passes the East Jerusalem settlement community of Ramot and the expanding industrial park of Har Hotzvim to arrive at the projected 'Eastern Gate' settlement site in East Jerusalem. From here it passes to Ma'ale Adumim, with its industrial zone, also scheduled for expansion, and another residential area projected at Tibek Kuteif 9, on the heights above the Jordan Valley (Jan de Jong cited in www2.ari.net/fmep/1998reports/198.html).

The significance of the execution of the E-1 plan is that it ties the largest and most populated settlement of the West Bank to the municipality of Jerusalem. The plan's implementation will lay territorial and infrastructure foundations for the Israeli capital to double in size in its metamorphosis into 'Greater Jerusalem' (Baba, 1997c, 21). Jan de Jong perceives the implementation of the plan as that of disrupting the only prospective Palestinian passage route still capable of linking not only the Arab city's currently scattered neighbourhoods, but also the discontinuous Palestinian territories of the northern and the southern West Bank. It will suffocate the Arab city and disable its prospects for comprehensive rehabilitation (Jan de Jong cited in www2.ari.net/fmep/1998reports/198.html). At the end of the interim period, the area lying between Ma'ale Adomim and East Jerusalem is desolate. This region will be used in various ways, such as an industrial zone, or residential area. In that case the area between East Jerusalem and Ma'ale Adomim will be filled, and Ma'ale Adomim will become a natural extension of 'Greater Jerusalem'. It is a step towards a natural annexation of Ma'ale Adomim.

3.4.5 By-Pass Roads under Likud

Netanyahu outlined his view towards by-pass roads on July 12, 1996 during an interview with Israeli television,

The other thing on which there is agreement is the by-pass roads, which were agreed upon in the Oslo process, which is something I welcome

since they reduce the friction between the Jewish and Palestinian populations (www.fmep.org/sep96.html).

Netanyahu used the provision of the Oslo Agreement relating by-pass roads to secure the Israeli settlements and settlers- a strategy worse than that of Rabin's government.

Likud's ministerial committee for Jerusalem decided on February 18, 1997, to lay a group of by-pass roads in 'Greater Jerusalem'. Road 4, and the third stage of road 45 were approved {Road 45 which links Tel Aviv with Jerusalem from the north and passes Kalandia military airport north of Jerusalem is considered one of the most strategic roads in Israel. The building of this road was divided into three stages beginning in 1982}. Route 4 was to link Jerusalem with route 45, which is considered the northern passage to the city. Work started on these two by-pass roads directly after the decision. Confiscated land for route 45 is estimated to be 2,200 dunums of land belonging to 15 Palestinian villages. The terrain confiscated for route 4 is estimated at 2,300 dunums, and this road will reach the Etzion settlements south of Bethlehem. Another by-pass road which will join route 45 will reach Gillo settlement, south west of Jerusalem. For this high-way road Israel expropriated 1,550 dunums. It is known as route 70. For route 5, around 95 dunums were expropriated from Sor Bahe village (Orient House Official document sent to president Arafat; al-Ayyam February 20, 1997).

In the Hebron district, Israelis bulldozed a new road to connect the Kriat Arba settlement with the holy site in Hebron city centre (al-Ayyam March 12, 1997). Around Shofat (a Palestinian town) construction of a new road began to connect two Israeli settlements (Bezgat Za'ev and Shofat Rekz). Bulldozing commenced in order to connect a new by-pass west of Betonia, near Ramallah (al-Ayyam April 13, 1997).

Working on the 'Samaria crossing' which will divide the north of the West Bank, and connect Israel with the Jordan Valley was started during Netanyahu's government. Its length is 18 kilometres, and its width 100 meters. The new highway will eat up to 25,000 dunums (Palestinian Ministry of Information 1. 1998. 17).

Sharon announced in July 1996, that construction would commence before the year's end on two new West Bank roads, the rehabilitation of a third, and the construction of new bridges linking Israel and the Golan Heights (www.fmep.org/sep96.html). Sharon considers roads on the West Bank as a key element, which will ensure Israeli control over the occupied territories, as well as the expansion of an Israeli presence. In addition to the by-pass roads, Sharon's ministry wrested control in July from the civil administration over a 1,500 kilometre network of main and arterial roads in the West Bank and Gaza Strip. Sharon intends to tie the West Bank to Israel by creating a modern integrated road-system of east-west and north-south highways, and he wants to establish a modern network to tie Israeli settlements to each other, to the by-pass roads, and to the metropolitan areas of Tel Aviv and Jerusalem (www.fmep.org/sep96.html).

The new road construction, for example, was first conceived in a plan authorised by Sharon in 1984. The two routes were supported in principle by Rabin and Peres but no moneys were allocated to construct them (www.fmep.org/sep96.html). For Sharon, the \$10 million rehabilitation for the main road through the Jordan Valley was budgeted by the previous government.

On December 18, 1998, the Israeli daily newspaper Yediot Ahranot brought to light that Ministers Ariel Sharon and Yitzhak Mordechai had agreed to support the construction of Route 80 along the western ridge of the Jordan Valley, linking the Israeli town of Bet Shean with Arad via the West Bank settlements of Ma'ale Ephraim and Ma'ale Adomim located in 'Greater Jerusalem'. Sharon considered this road to be the western border of the Jordan Valley security zone that Israel had proposed to annex as part of a final status agreement.

As a consequence of the Wye River Memorandum October 1998, the Likud government approved the construction of twenty by-pass roads throughout the West Bank. By early January 1999, fourteen of the twenty highways were in an advanced stage of construction. On January 20, 1999, the Tel Aviv Higher Planning Committee approved (subject to environmental review) the paving of 35 km of

Road 80, between Mishor Aumim and Tekoa on the West Bank. For 1999, the Likud government allocated \$28 million for the new roads on the West Bank (www.fmep.org/home.html).

3.4.6 Israeli Settlers and the Likud Government

As mentioned in chapter three, there are three types of Israeli settlers: secularists, orthodox, and normal. The orthodox and the extreme orthodox form more than forty per cent of Israeli settlers, while the secularist form more than 30 per cent. However, the vote of settlers in the Israeli parliament goes with Likud and its rightist coalition. In the Israeli general election of 1996 more than 65 per cent of settlers voted for the Likud Party and the extremists, either religious or nationalist. Less than 10 per cent voted for the Labour Party and its main ally Meretz. The majority of Israeli settlers opposed the Oslo Agreement (A poll by the Centre for Palestine Research and Studies, December, 1995).

As a result of Likud's victory in the Israeli general election, the settlers are being welcomed once again into the Israeli political mainstream. In 1996, after Likud assumed power, the Yesha Council announced that expansion in the settlements would begin even before required permits from the government had been awarded, despite the fact that the Minister of Defence was considering 200 construction plans at that time (www.fmep.org/sep96.html). The Palestinian Minister of Transportation described the Likud government as the settler's government. He believed that it did not reject any of the settler's demands, and which were always concerned with settlement activities. The level of these activities increased sharply under the Likud government (Qawasmi interview, September 23, 1998).

Settlers were not comfortable with a Labour government, despite Labour's intensive activities regarding the settlements. Shoki Kara, the secretary of the Talmoon settlement located near Ramallah and classified as a 'political settlement', during Rabin's government described the difference between the Labour and Likud governments thus: "Labour government isolated us, but this government (Likud) gave us the feeling that the time for work is due" (al-Quds November 10, 1997).

Dov Odster the secretary of the Aliah settlement which is located between Nablus and Ramallah, expressed his view after a visit from the Israeli Prime Minister Netanyahu to the colony,

In 1990's, neither Rabin nor Peres visited us or even bothered to contact us. But in the time of this government (Likud), there is action on the ground. It is not satisfactory, but it is better than nothing ... we now feeling that we belong to this people (al-Quds November 10, 1997).

Extensive construction was in progress during the governments of both Rabin and Netanyahu. But there is no doubt that the morale of the 160,000 settlers in the West Bank and Gaza-Strip became stronger and more aggressive after Netanyahu assumed power in mid-1996. This may be due to an ideological convergence between the settlers and Netanyahu. A Palestinian from Salfeet Province informed me that the head of Ariel is a member of the Israeli Parliament and is one of the leaders of the Likud Party. The Likud hold many party activities in the Ariel settlement. Likud leaders such as Netanyahu and Sharon are frequent visitors to Ariel (Interviews, December 1998-March 1999).

3.5 Conclusion

This chapter has demonstrated the historical and contemporary importance of the Israeli settlements in the Palestinian Occupied Territories. The continuation of settlements activities in the post-Oslo Agreement period at a very high level proved the importance of the Israeli settlements. The chapter proved that both Israeli governments, Labour and Likud, consider the settlements as a vital element for Israeli security in any final solution and the expansion of Israel as its main strategy. The question raised here is, if the settlements are not vital and important for Israel why then have Israeli governments spent so much money constructing hundreds of new units, expanding existing settlements, linking settlements by very sophisticated by-pass roads and so on? The Israeli settlement activities in the post-Oslo Agreement showed clearly that Israelis have no will to return to the 1967 borders in any future peace agreement with the Palestinians. The Israeli settlement activities (particularly on the West Bank) in the post-Oslo Agreement were linked to Israeli considerations for the final solution with the Palestinians.

The continuation of settlement activity has had almost unanimous support from within Israel. The differences among the Zionists were related to the question of whether settlement activities should continue and at what speed, and whether it might be possible for some limited activities to be halted. At the turn of the 21st century, the settlements in Jerusalem had and continued to have the unanimous support of the Zionists.

This chapter demonstrates that the Israelis, particularly within the Labour Party believed that settlement activities and 'peace' could last together. Yet actions on the ground demonstrated that these housing estates isolated Palestinian communities in the occupied territories. These communities are already isolated and surrounded by Israeli settlements. This chapter has also shown that 'peace' for the Israelis means more land-grabbing and the further surrounding and isolation of Palestinian communities.

This chapter shows that settlement for the Zionists is still a valuable factor. Moreover, we proved that the Zionists believe that the halting of the settlement activities is impossible. For them they should continue in war or peace this is because of the belief that settlements are the 'secret' continuation of the Zionist State. Here Zionism and settlement are two concepts linked together. There is no Zionism without settlement (land) and there are no settlement activities in Palestine without the Zionist catalyst.

Chapter Four: A Case Study of Salfeet Province and the Mawasi Area

4.1 Introduction

This chapter provides two case studies of the West Bank and Gaza-Strip. It focuses on Salfeet district and the Mawasi Area. It helps to reinforce the argument of the previous chapters regarding the Israeli settlement policy and the Israeli theory of ‘creating facts on the land’ which have been adopted by different Israeli governments in the post-Oslo Agreement to implement Israeli expansionist ambitions.

This chapter uses interviews with Palestinian public and officials to assess the continuance of Israeli settlement activities in the areas where the two case studies were conducted (Mawasi Area and Salfeet District). Sections three and four deal with the settlement activities in the Mawasi Area and Salfeet District. Although the Palestinians have resisted Israeli settlement activities in the West Bank and Gaza-Strip and were able to rescue some confiscated sites, they failed to recover other appropriated land in the majority of locations especially on the West Bank. In the Gaza-Strip, due to the proximity of the PNA and the settlement areas Palestinian resistance managed to redeem many areas, Israel was about to confiscate. Section five discusses the Palestinian resistance to the settlement activities in the Mawasi Area and Salfeet District.

The Israeli retreat from parts of the West Bank was halted due to the fact that continued Israeli withdrawal from the region would isolate some Israeli settlements. Sections six and seven investigates this matter through interviews with Palestinian officials and members of the public. Section eight examines the settlers behaviour and the possibilities of co-existence between them and the Palestinians.

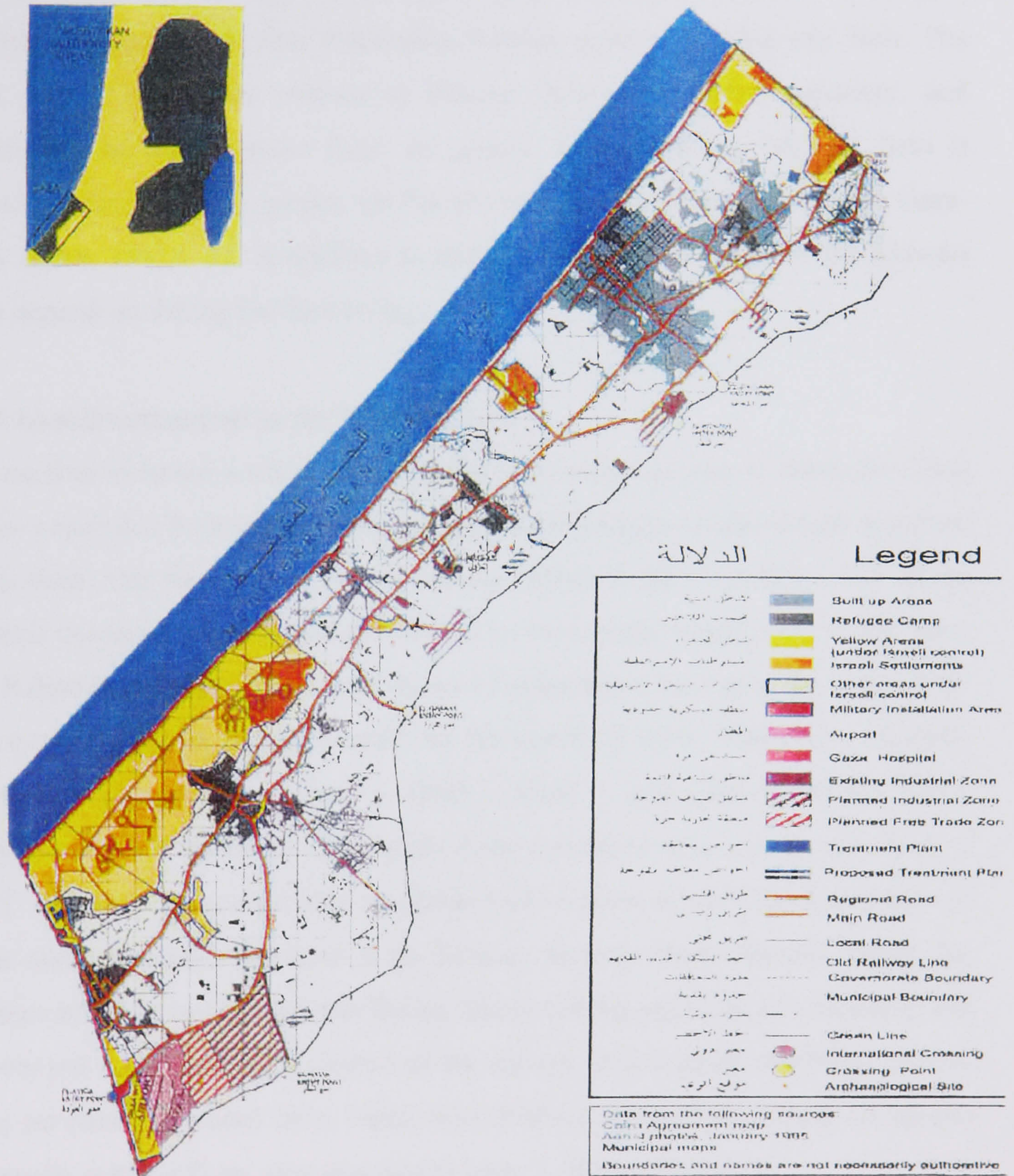
4.2 The West Bank and Gaza-Strip in Numbers

The West Bank and Gaza-Strip cover 6,000,000 dunums. During one of the Washington rounds (November 1992), Israel presented a breakdown of land ownership in the West Bank (excluding annexed Jerusalem). It claimed that 61.5 per cent of the West Bank is privately owned by Palestinians, 30.5 per cent is 'state land' administered by Israel as de facto sovereign, and 8 per cent belongs to Israeli settlements (more than 110,000 acres). 6.5 per cent of the eight per cent is 'state land' and the remaining 1.5 per cent is privately owned Jewish property, acquired pre-1948 (www.fmep.org/reports/v3nl.html). The privately owned Jewish property is exaggerated; pre-1948 War the Israelis owned 23,000 dunums. During the Israeli occupation period from 1967 up to the signing of the Oslo Agreement, there were many cases of property being sold, but the majority of these cases were reportedly to be forgeries (Abu Medain interview February 17, 1999; Tafkaji interview, October 13, 1998).

In 1998 there were 3,000,000 dunums in Israeli hands, and there were 176 settlements in the West Bank (including Jerusalem). The constructed area was about 81,242 dunums, 1.47 per cent of the West Bank. There now are 18 settlements in the Gaza-Strip and its built-up area is 6,248 dunums, 1.71 per cent of the Gaza-Strip. Therefore, there are 194 Israeli settlements in the West Bank and Gaza-Strip and the total constructed area is 87,489 dunums, 1.49 per cent of Palestinian territories (Palestinian Geographical Centre, 5; Baba, 1996, 14). It is worth mentioning here that according to a report issued in 1992, by the Israeli Civilian Administration (Israeli military government) for the West Bank, the 398 Palestinian communities now cover only 68,310 acres, less than five per cent of the entire West Bank (www.fmep.org/reports/v3nl.html).

Map 4.1

Mawasi Area / Gaza-strip



Source: Ministry of Planning & International Cooperation

4.3 The Mawasi Area

The Mawasi Area is situated in the south west of the Gaza-Strip (maps 4.1). It covers the territory between the chain of Israeli settlements in the southern Gaza-Strip in the east, the shore of Rafah and Khan Younis cities in the west, the Egyptian border in the south and Der El Balah Town in the north. The region consists of agricultural land; Palestinian farmers grow vegetables and fruit. The most popular vegetables planted in Mawasi Area are tomato, cucumber, and eggplants. The most popular fruits are guava, mango, and fig. Mawasi Area is considered the vegetable garden for Palestinians of the southern area of the Gaza-Strip (Baba, 1997d, 2). In addition to agriculture, some residents of the Mawasi Area depend on fishing for their living.

4.3.1 Israeli settlements in the Mawasi Area

The number of Israeli settlements in the Gaza-Strip are not easy to determine. This can be concluded from both Palestinian and Israeli sources. Omran Subeh mentions in his book, that there are 23 Israeli housing estates in the Gaza-Strip. The Yesha Council mentions only 18 (Subeh, 1993, 11; www.yesha.virtual.co.il/hof1st.htm). The Palestinian Geographic Centre shows 17 colonies on its map of the Gaza-Strip. The contradiction in numbers could be the result of: first, Sabeh, for example, mentions four settlements: Qatif 1, Qatif 2, Qatif 3, and Qatif 4, but the Yesha Council and the Palestinian Geographic Centre mention only one by the name of Qatif. This may be because from an administrative point of view the four locations come under one unit, and there is no distance between them. Second, Sabeh, for instance refers to two settlements having Israeli official approval as residences, but he does not say if these were located on the ground, or how many dwellings, or how many people have settled there. Third, semi-military bases (*Nahal*) were set up and eventually some of them were annexed to large civilian settlements.

According to the Settlers' Council Yesha, there are 12 settlements situated between the Mawasi Area in the west, Rafah and Khan Younis cities in the east, Der al-Bala city in the north, and the Egyptian border in the south, hereinafter called the Qatif Chain or the Mawasi settlements. These residential areas and its population are

shown in table 5.1. The chain that the Mawasi settlements made, isolated the southern Palestinian shore from its main cities of Khan Younis and Rafah. The Mawasi beach is the only place that the people of Rafah and Khan Younis can go during their vacations, because the Gaza-Strip is closed from all directions (see map 4.1). A Palestinian from Mawasi Area described the Gaza-Strip as “a big prison and that the Palestinians of the Mawasi Area are living in an even smaller prison than that of the Gaza-Strip (Interviews, December 1998-March 1999).

Table 4.1

Israeli settlements in the Mawasi Area

Name of Settlement	No. of settlers
Atzmona	450
B’dolach	220
Gadid	200
Gan Or	280
Ganei-Tal	450
Kfar-Yam	5
Netzer-Hazany	380
Neve Deqalim	1,800
Peat Sadeh	85
Qatif	250
Tel-Qatifah	6
Rafiah Yam	90
Total	4,216

Source: Data collected by the author from the homepage of the Israeli Settlement Council Yesha www.yesha.virtual.co.il/hoflst.htm

The population of the Gaza-Strip housing estates is 5,676. There are 4,216 settlers in the Mawasi estates and the settlers of these form 74 per cent of all those in the Gaza-Strip (www.yesha.virtual.co.il/hoflst.htm). The number of settlers according to the Yesha council is exaggerated. As Yesha mentions, in two settlements there are only five and six settlers, and the average number of settlers in each settlement is 351. Palestinians in the Mawasi Area estimate that there are not more than 1,500. A Palestinian who has agricultural land near Atzmona settlement confirmed that the

population of this settlement was not more than 200 while the Yesha estimated its population as 450 settlers (Interviews, December 1998-March 1999).

It is important to mention that just as the Mawasi settlements have isolated the Palestinians of the Mawasi Area from their natural links with Rafah and Khan Younis cities, these two cities have also isolated the Mawasi settlements from their link with Israel. In any future violence between Palestinians and Israelis in the Mawasi Area and its surroundings, the position of the settlers and Palestinians will be very critical (see maps 4.1). The position of the Palestinian and Israeli areas is as follows:

The sea is west of the Palestinian Mawasi Area which is located next to the Israeli settlements which in turn are next to the Palestinian Cities of Rafah and Khan Younis, which are adjacent to Israel.

For the safety of the movement of settlers from the Mawasi Area and Israel, the Oslo II Agreement (Annex I, Article VI, Provision 7) assured three Lateral Roads to the settlements. These roads are Kissufim-Gush Katif road, Sufa-Gush Katif road, and Karni Netzarim road including the adjacent sides upon which the security of traffic along these roads is dependent upon the Israeli authorities who have all necessary responsibilities and powers in order to conduct independent security activity, including Israeli patrols. Joint patrols will operate along the Lateral Roads. Such joint patrols will be led by an Israeli patrol.

During mid 1997, both Palestinian and Israeli forces were about to clash. The interference of the locations of both forces were obvious and the Lateral Roads were closed by the Palestinian Police forces. Settlers of Mawasi settlements were isolated in their settlements. If the clash had broken out the casualties among both would have been very high. This incident raised the question of the future of the Israeli settlements in the Gaza-Strip.



Plate: 4.1 Settlement in Mawasi Area & The Palestinian Hotel.

Photo: The Author, 1998

4.3.2 The Mawasi Area in the Post-Oslo Agreement

As mentioned in previous chapters, according to the Cairo Agreement in 1994, Israel withdrew from a large part of the Gaza-Strip. The agreement divided the Gaza-Strip into three categories: area A, the settlement area, and the Yellow Area, which contains the Mawasi, and other areas. The PNA has full control over Area A, which forms about 70 per cent of the strip. In the settlement areas, Israel has full control (security and civil) over the Israeli settlers and settlements. The overriding responsibility and power for security over the Yellow area lies with Israel, but public order and civil control are under the PNA. (Cairo Agreement, article IV). The Cairo Agreement was replaced by the Oslo II Agreement in 1995. The classification of land in the Gaza-Strip did not change in this agreement. Article IV was reconfirmed in the Oslo II Agreement, however, the land in the Yellow area was to be treated the same as Area B on the West Bank (The Preamble of the Oslo II Agreement and Annex I, Article VI). But Israel did not treat the Mawasi Area as Area B in the West Bank. The Israeli attitude towards the Mawasi Area did not change from that of the pre-Oslo Agreement period. A Palestinian from the Mawasi Area believes that “the Israeli occupation of this area continued in the ‘peace period’ nothing changes, the changes are getting worse” (Interviews, December 1998-March 1999).

The area covered by Israeli settlement in the Gaza-Strip is about 46,000 dunums. This figure includes the constructed area, the agricultural area, and the security area around the settlements. This forms about twelve per cent of the Gaza-Strip (40 per cent of government land). The Mawasi Area is 8,200 dunums and forms two per cent of the region. Within the Yellow area the Israelis created alone a new area which they call the White Area, under full Israeli control. This terrain is present neither in the Cairo Agreement nor in Oslo II (Ay’ob interview, October 3, 1998).

As mentioned in previous chapters, the settlement sector and the Yellow zone form 30 per cent of the strip. Both the Yellow zone and the Mawasi one included in an area close to the Egyptian border, one close to the ‘Green Line’ in the north and east of the Gaza-Strip, and areas close to the lateral roads leading to the settlements

and the Dahania village where Israeli collaborators from Egypt and the Gaza-Strip fled and settled under Israeli protection.

The Palestinian population of the Mawasi Area is around 5,000. They are surrounded by the Mawasi settlements (Baba, 1997d, 2). Many people who cultivated the land of Mawasi Area are living in the cities of Rafah and Khan Younis and are daily entering and leaving the area.

Roads and Inspection Points

Oslo II Agreement (Annex I, Article IV, Provision 5) prescribed the movement of Palestinians from the Mawasi Area to the remaining areas of the Gaza-Strip should be by the following roads:

- i) Rafah-Tel Sultan-Mawasi.
- ii) Khan Younis-El Bahr Village.
- iii) Deir El Balah-along the beach to the Mawasi.

The Deir El Balah-along the beach to the Mawasi Area was closed since the signing of Gaza-Jerich First Agreement until mid 1997 despite the fact that the agreement confirmed the Palestinian right of free movement along this way (Oslo II Agreement, Annex I, Article VI, Provision 3b). There was no justification to not open this road. This road is serving Palestinians more than the other two roads that link the Mawasi Area with the rest of the Gaza-Strip. It links the northern Gaza-Strip with its southern part. Palestinians from the southern Gaza-Strip, particularly from Rafah City that are working in Gaza City can reach there within twenty five minutes if they pass through the Deir El Balah-along the beach road to the Mawasi Area. However it will take more than sixty minutes by car if the road crosses the cities of Rafah and Khan Younis.

Israelis established their inspection points on these three roads and started to inspect every Palestinian coming to the Mawasi Area. The Israeli procedure of inspection is a form of humiliation. In 1996 and 1997 the author was a witness to how the Israeli army were treating Palestinians. A car has to stop opposite the Israeli inspection

point, the driver of the car collects the identification of the passengers and take them to the Israeli soldier where the Israeli soldier checks the document. Then the soldier comes to the car and confirms the paper of the passengers and then he asks the driver to open the front and the boot of the car to search it. On some occasions the soldier will ask the passengers to evacuate so that he can search them and then search the car. This process at the inspection point in Rafah-Tel Sultan-Mawasi as the writer passed through it took around ten minutes for each car. A Palestinian resident of Mawasi told me that

During the days of summer I spend at least two hours getting to Rafah City, because many people from Rafah want to go to the Mawasi Beach to enjoy their time. A queue of cars will wait for the Israeli process of inspection at this point (Interviews, December1998-March 1999).

These inspection points were established as a result of the signing of the Gaza-Jericho First Agreement. They started as small military points and then started to expand. In 1999, Khan Younis-El Bahr Village inspection point expanded into a military location not an inspection point. The Israelis tried to make this inspection point similar to the Eriz check point which connects the Gaza-Strip with Israel. Palestinians who pass through the Eriz check point to Israel or the West Bank are like people travelling from one country to another and having to submit to rigorous immigration procedures where all luggage, clothing and body searches are carried out meticulously. In the Khan Younis-El Bahr Village inspection point Israelis created the same conditions. Cars have to go through a comprehensive inspection including the bottom of the car which is checked by driving over a hole which enables the guard to check that the car is not transporting explosives or ammunition etc. The inspection of each car will take at least twenty minutes. A Palestinian from the Mawasi Area said that Israelis are doing their best to make our stay in the area impossible (Interviews, December1998-March 1999). A small inspection point was established in the post-Oslo Agreement near the road that connected Nezarim settlement (south of the Gaza City) with Road No.4 which linked all the Gaza-Strip cities from the north to the south.

The car with only its driver will not be allowed to pass any of the three inspection points that link the Mawasi Area with the Gaza-Strip. At least two people have to cross the inspection point in one car. This rule was issued after the Palestinian suicide attacks against Israelis in the post-Oslo Agreement period. The implementation of this rule was to prevent the Palestinian suicide attacks. However several suicide attacks were conducted at a later date and this rule could not prevent these attacks occurring. A military organisation that can send one person alone to blow up in an Israeli target can also send two people. A Palestinian taxi driver told me that

I have often had to wait for a long time to find a customer so that I could pass through the inspection point. If though this customer wanted to travel late at night, it can sometimes take at least an hour to find someone else to return back with (Interviews, December 1998-March 1999).

Israel did not implement this rule only in the Mawasi Area but it also applied it in the road that linked the beach road with road No.4 which passed near Nizarim settlement south of the Gaza City (map 4.1). This lateral allows the Palestinians from the middle and the south area of the Gaza-Strip to reach the west of Gaza City within minutes. However, in order to reach the west of Gaza City by the other roads it could take at least twenty five minutes. The same rule of travelling in twos was applied to Palestinians who wanted to pass from Qrarah village to Der El Balah Town passing near Kefar Darom settlement that is part of Road No.4. This road is the main road in the Gaza-Strip and links all the Gaza-Strip cities together.

In the Mawasi Area the roads that linking the settlements together are only allowed to be used by settlers. Palestinians are prohibited from using these roads. These roads are well constructed, while the roads of the Mawasi Area are damaged and since the early 1980's there have been no improvements made. The PNA have successfully rehabilitated and widened the beach road from the northern Gaza City till Der El Balah Town. This road made movement between Gaza City and the Middle Area of the Gaza-Strip easier and decreased the pressure on Road No.4. The PNA was prohibited from continuing its plan to link all the Gaza-Strip cities together by the Coastal Road. The plan was stopped at the south of Der El Balah

due to Israeli opposition. The Israeli settlements were the main obstacle to continue this project which could have linked the southern Gaza-Strip with its northern areas. This type of road could have solved many problems for the movement of Palestinians in the Gaza-Strip (al-Ahmed interview, February 2nd 1998).

According to the Agreement, in area like Mawasi, the Palestinians can erect new buildings, maintain roads, open sport and recreation facilities, including those for boat hiring, operate food establishments, enlarge the wharves, and expand the facilities for fishermen, such as workshops, warehouses and cold storage plants (Oslo II Agreement, Annex I, Article VI). Israel however, has violated this agreement. The Mawasi Area, has been dealt with instead as a locality under Israeli control (security and civil).

The Mawasi in the post-Cairo agreement has been treated the same as zone C on the West Bank. The PNA could inaugurate none of the above-mentioned facilities because of official Israeli refusal (Debari interview, October 6, 1998). A Palestinian from the Mawasi explained that:

Only one school, and less than 20 houses were built in the post-Cairo Agreement period. These were subject to endless negotiations with the Israelis, and many demonstrations occurred in the area demanding the faithful implementation of the accord in relation to the Mawasi Area (Interviews, December 1998-March 1999).

Schools

There is no school located in the Rafah part of the Mawasi Area. Israel rejected the PNA proposal of establishing a school in this part (Shaheen interview, August 18, 1998). The parents of the children of this area have to choose which schools they will send their children to. Either to the school in the Khan Younis location (approximately seven km) or to the schools of Tel Sutan which is the nearest suburb to the Mawasi Area of Rafah City (five km). People in the south of the Rafah part of the Mawasi Area send their children to Tel Sutan while the residents of the northern part send their children to the new school in the Khan Younis part of the Mawasi Area (Interviews, December 1998-March 1999). There is small refugee

camp (Swedi Camp) located in the northern part of the Mawasi Area. A refugee residing in the Swedi Camp told me that

The great majority of our children are walking to school. They are walking more than twelve km daily. This is due to poverty among the residents of the camp. The non refugee children are walking to schools too because all the people of the Mawasi Area are poor and their standard of living has become worse in the post-Oslo Agreement period [details about the Palestinian economy in the post-Oslo Agreement in chapter six] (Interviews, December 1998-March 1999).

As a result of the implementation of the Israeli withdrawal from Sinai according to the Camp David Accord, the southern part of the Swedi Camp comes exactly in the Israeli-Egyptian border. As this part is located in the security area of the border Israel demolished the houses of the camp that were located in the security area. The demolished houses formed around one-third of the camp. The *Moktar* (head of the camp) of the Swedi Refugee Camp told me that Israel tried to demolish all the houses of the camp even those far from the security zone needed for the border. In the early 1980's the residents of the camp protested against the Israeli plan of demolishing their homes and they went to the Israeli High Court. The court's decision was in favour of the refugees and asked the Israeli government to demolish the houses that were located in the security zone of the border and cancel any attempt to demolish any house not located in the security zone.

Utility Supplies and Telecommunication

The Mawasi Area lacked an electricity supply. Palestinians in the Mawasi Area had electricity in their area only in 1998. Every settlement in the Mawasi Area was connected with electricity since the first day of the settlement's establishment. The PNA tried many times with Israeli authorities to connect the area with electricity. The connection would have to cross the Mawasi settlements. Finally Israel agreed to supply electricity in this area by allowing the PNA to bring electrical generators which work up to 10:00 PM only. A Palestinian from Mawasi expressed to me his feeling that:

We could finally see the electricity in our homes. in Europe they had electricity a century ago. Our new neighbours (settlers) whose homes

are not further than one km from ours had electricity since the first day of their arrival. I am asking the question of how much it would cost to connect us with the settlement electricity, and if they supplied us with electricity we will pay the cost of our consumption, we are not looking of a free charge. It is clear that the Israeli strategy here is to push us to leave the area not to ease our life. The Israeli opposition to connecting us to the settlements electricity supply raises the question of why then will they not allow us to connect instead with Rafah municipality electrical supplies, who in contrast to the Israelis are willing to make the connection (Interviews, December 1998-March 1999).

The telecommunication services such as the telephone did not yet reach the area. A Palestinian of the Mawasi Area is thankful for the technology of the mobile phone that connected him not with the world but at least with his relatives in Rafah City. This man confirmed to me that Israel will not allow the Palestinian Telecommunication Company to connect this area with the telephone facility (Interviews, December 1998-March 1999).

Health

In the Mawasi Area there is no health service such as hospitals and ambulances. In the past emergency cases were transported to the hospitals by the cars of the residents due to the absence of any telephone services. The Palestinians of the Mawasi Area had to go to Rafah or Khan Younis medical institutions for treatment. In the Mawasi Area the basic requirements for any civil society are absent. This situation continued in the post-Oslo Agreement. Palestinians of this area did not see the fruit of the 'peace' but in actual fact their conditions became worse. They became more isolated from the Palestinian society than before and Israel rejected all the PNA demands to conduct any development activity in the area. The question that arises here is why does Israeli insist in putting obstacles in the way of developing this area? Does Israel plan to annex the Mawasi Area to Israel in the final status solution?

Building Regulations

Regarding buildings or installations which are constructed in the Mawasi Area, the Oslo II Agreement (Annex I, Article XII, provision 3) illustrated the Palestinian rights that within the next 500 meters of the Yellow Area, buildings or installations may be constructed under the following conditions; Firstly, one building or installation may be constructed on each plot, the size of which shall not be less than 25 dunums. Secondly, such a building or installation shall not exceed two floors, of a size not exceeding 180 square.meters per floor. The provision also confirmed that buildings or installations shall not be constructed on either side of the Lateral Roads up to a distance of 75 meters from the centre of these roads. Israel considered the Mawasi coastal road as a Lateral Road.

The photograph in plate 4.1 shows a construction of a planned hotel in its primary stage. The distance between the hotel and the centre of the coastal road is less than 75 meters. The owner of the project was asked to stop the construction which he adhered to as he feared the Israeli's would demolish what he had achieved.

Israeli regulations of this nature makes the Palestinian right of building difficult and in some places impossible. It is difficult to transport materials needed for construction such as cement, iron and bricks to the Mawasi Area because of the presence of the Israeli inspection points. The Israelis are returning all materials required for house construction. A Palestinian from Ezbat al-Nada near to Tel Sultan-Beach road told me that "Four houses were constructed in Ezbat al-Nada where the materials were smuggled in small amounts. People of these houses behaved like thieves who were forced to steal what they needed, piece by piece" (Interviews, December1998-March 1999).

The expansion of the Swedi Camp is prohibited and people cannot build outside the plan of the camp nor can they build higher than one floor. A refugee from the camp told me that many people build one or two rooms inside their old houses. The materials needed for the building were smuggled from the cities of Rafah and Khan



Plate: 4.2 Settlement & the By-Pass Roads in Salfeet.

Photo: The Author, 1998

Younis. The same tactic was used by the people of Ezbat al-Nada (Interviews, December 1998-March 1999).

Fishing and Coastal Resources

The main source of income for the majority of the Swedi Camp and some people of the Mawasi Area is through fishing. The economic conditions for the fishermen are very bad, and poverty is wide among them. Fishermen are fishing in a very limited area from Rafah in the south to the northern Gaza City in the north.

The Gaza-Jericho First Agreement divided the sea of the Gaza-Strip into three maritime activity zones, K, L, and M. Zone K extends to 20 nautical miles into the sea from the coast in the northern part of the sea of Gaza and 1.5 nautical miles wide southwards. Zone M extends to 20 nautical miles in the sea from the coast, and one nautical mile wide from the Egyptian waters. Zones K and M will be closed areas, in which navigation will be restricted to Israeli Navy activity. Zone L bounded to the south by zone M and to the north by zone K extends twenty nautical miles into the sea from the coast. This zone will be open for fishing, recreation and economic activities. Fishing boats will not exit Zone L into the open sea and may have engines of up to a limit of 25 HP for outboard motors and up to a maximum speed of 18 knots for inboard motors. Residents of Israeli settlements in the Gaza-Strip Fishing in Zone L will carry Israeli Licenses and vessel permits (Annex I, Article XIV, Provisions 1 & 2).

The head of the Palestinian Fishermen Society in the Mawasi Area described the conditions of fishing in the post-Oslo Agreement period as the same of that of the pre-Oslo Agreement. The only positive step that took place after the agreement is that fishermen can go to sea and return back at any time during the day and night. In the pre-Oslo Agreement period fishermen can go to sea not later than 4:00 PM and they cannot leave the sea until the next day in the morning after 7:00 AM. Under the emergency situation the fishermen faced pressure from the Israeli army to leave the sea. Fishermen suffered from this rule which totally changed in the post-Oslo Agreement period. The fishing area is now limited. The head of the Fishermen

Society confirmed that the Camp David Accord negatively affected their business. In the pre-Camp David Accord they were fishing in the Egyptian Sinai sea because Sinai and Gaza-Strip were both under Israeli occupation, which meant that fishermen had absolute freedom of movement in those fishing areas (Interviews, December 1998-March 1999). A Palestinian fisherman said that

The range that Israel allows us for fishing is very poor. The sea of the Gaza-Strip is a very poor area. If we will not be allowed to go fishing in the open sea our situation will become worse ... Israel is restricting our life in the sea by limiting the range of our movement in the sea and in the land through confiscating our land (Interviews, December 1998-March 1999).

Fishermen who go beyond their specified fishing area will be jailed. A fisherman told me that

Because I exceeded the limited range that is allowed for fishing, the Israeli Navy arrested me, my colleagues, and sent the boat to Israeli Ashdod port (about sixty km from the Gaza City). We spent twenty-three days in an Israeli prison” (Interviews, December 1998-March 1999).

Palestinians may have access to sections of the Mawasi beach for a variety of activities (Oslo II Agreement, Annex I, Provision 5c) extending to the east up to the coast road, which together with the Rafah and Khan Younis wharves is estimated to be five km Israel has notified the PNA of the locations of these sections. These sections may be used for the following purposes:

- i) Sport and recreation, including boat hire facilities.
- ii) Operating food establishments.
- iii) Enlarging the wharves.
- iv) Expanding the facilities for fishermen, such as offices, warehouses and cold storage facilities.
- v) A Hotel.

The head of the Palestinian Fishermens Society noted that none of the above mentioned provisions that were established or implemented except for a small cold storage facility. The situation of the Mawasi beach continued as it was in the pre-Oslo Agreement. The tourist nature of the beach is great but no noticeable

development took place in the area. Israel continues to put obstacles in front of the PNA and the private sector for conducting tourist development projects to make the Mawasi beach unattractive to tourists or tourist institutions. They have succeeded (Interviews, December 1998-March 1999). The Palestinian attempt to establish a hotel failed due to Israeli obstacles and the building of the hotel ceased.

After a period of three months from the signing of the Gaza-Jerich First Agreement, the Israelis pledged to consider, in light of the security situation, the use of additional beach sections by the PNA (Oslo II Agreement, Annex I, Provision 5c). A Palestinian fisherman confirmed that “since the implementation of the Gaza-Jerich First Agreement, no additional sites were given to the Palestinians and the situation currently is the same as it was previously” (Interview with Public).

Several small coffee shops opened in the Mawasi beach in the post-Oslo period. These sites are still using electrical generators due to the absence of electricity. The change that took place in the ‘peace period’ was that the Palestinian public can use the beach during the night-time. In the pre-Oslo period Palestinians were prohibited from using the Mawasi beach from 7:00 pm till 7:00 am. The area was considered a closed military area during the night. The mayor of Khan Younis City confirmed in a public meeting that

The Municipality of Khan Younis is willing to conduct development projects to the Mawasi Area. The Palestinian side asked the Israeli side many time to accept the Palestinian demand to develop the area. Israel rejected all Palestinian demands. The Israeli policy in the Mawasi Area is witness to the Israeli violation of the signed agreements (al-Far’ah, November 1998).

The agreement assured that Israel would not construct new sites along the Mawasi beach (Oslo II Agreement, Annex I, Article VI, Provision 5c). But in January 1997 Israel fenced a tract of land in Khan Younis beach as an introduction to conduct construction on this tract. The Palestinian public are prohibited from using the Israeli sections of the Mawasi, such as swimming areas, hotel and restaurants.

Confiscation of land in the West Bank is taking place in area C, where the PNA has no control over the land registration office. Mohammed al-Debari, the director of government land in the Gaza-Strip, explained that the situation there is quite different. Israeli military forces handed over all land registries apart of Land Registries of Israeli settlements to the PNA in 1994 following the Israeli withdrawal from the Strip. Therefore, Palestinian ownership of land in the Gaza-Strip is known to the PNA. Area A and the Israeli settlements are close to each other. When Israel wanted to expand its settlement activity in the strip, its pretext was twofold; firstly that expansion would take place in security areas of the settlement for security reasons. This policy was used for many settlement expansions in the strip. The second pretext; that land expropriated for the expansion of the settlements had already been sold by Palestinians to Israelis. Israelis, in the course of several attempts in meetings with PNA officials, failed to prove any land had been sold in the Gaza-Strip except 150 square meters in Khan Younes from one Israeli collaborator (al-Debari interview, October 6, 1998).

Rabin approved the continuation of building 1,200 units in the Gaza-Strip (Aronson, 1997, 17). A Palestinian whose agricultural land is located near Peat Sadeh settlement in the Mawasi Area confirmed that building in this settlement continued in the post-Oslo Agreement period. This settlement had mobile houses in the pre-Oslo Agreement period, while after the signing of the agreement new houses were built. Construction during Netanyahu's government was intensified more than that of Rabin's government (Interviews, December 1998-March 1999). The Palestinian farmer described how Peat Sadeh settlement was established and how it expanded:

The settlement was established in 1989 with several mobile houses occupied by the Israeli army. At the beginning we thought that it was a military base. With time these houses increased and immovable houses units built. The army was replaced by civilians but still there is some military personnel living in the settlement. The area of the settlement expanded with time and new housing units were established. The number of settlers in the Peat Sadeh are fifteen families but although many units are vacant the construction continues. The expansion of the fence of the Peta Sadeh settlement is taking place nocturnally. Every tract not used by Palestinians is

subject to confiscation. Many tracts have been confiscated because they were not cultivated. But we should keep in mind that many cultivated tracts have been confiscated for Israeli settlements. Some of my cultivated land has been confiscated and now it is part of the settlement. I inherited this land from my father; it is mine and it will never be for the settlers (Interviews, December 1998-March 1999).

During the night the Israelis are also transferring the sand of the Mawasi Area to Israel. The area is rich with what is considered the best quality sand in Palestine and can be used for concrete and the manufacture of bricks. This sand could also be put in the garden. A Palestinian peasant and his brother confirmed that “during the night the Israeli trucks start to carry the sand of the Mawasi Area and then they transport it to Israel, This Israeli activity of stealing the sand began in August 1998” (Interviews, December 1998-March 1999).

Settlements in the Gaza-Strip have provided Israel with a compelling rationale for maintaining a significant military presence. It is clear without the settlements, that Israel would have no justification for demanding any continuing military presence in the Gaza-Strip. Israeli settlement strategy here serves Israeli interests in times of war and peace.

4.4 Salfeet Province

The Palestinian province of Salfeet is situated 15 miles south-east of Nablus city in the West Bank (see map 3.1). The population is about 50,000 and its area is 210 square kilometres. The main towns are Salfeet (the centre of the province), Bedia, and Kafr al-Deek with populations of 7,870, 6,815, and 3,350 respectively (National Institutions Office, Salfeet PNA, 5). The province is located in a strategic area. It is a tongue of land which stretches from the ‘Green Line’ into the heart of the West Bank. It is isolated within the northern West Bank (Nablus, Jenen, Tool Karm, and Qlqilia) from Ramallah, Jerusalem, Bethlehem, and Hebron (Palestinian Information Service, 1996, 1).

Until 1967 the province was a part of the Nablus governorate, then subsequently under Israeli occupation it came under the Tool Karm governorate. There are two

towns and 17 villages in Salfeet Province. The towns are Salfeet, Kafr al-Deek, and Bedia. The villages are Yasof, Eskaka, Farkha, Kirbat Qais, Marda, Kofol Hares, Hares, Kira, Der Estia, Karawat Bani Hassan, Sarta, Massha, al-Zawia, Broqeen, Deer Baloot, and Rafat. The province borders with Ramalla province in the North, Nablus province in the South and the East, Qalqilia province in the South, and the 'Green Line' in the West. The area is rich in olive trees. The olive is considered the main income for Palestinians in the province. (National Institutions Office, Salfeet PNA, 5). Salfeet Province is situated in 'Western Samaria' and is one of the richest areas of water aquifers on the West Bank. The main reasons for Israeli settlement in 'Western Shomron' were to do with the importance of security and the quality and quantity of the water aquifers (Alfer, 1995, 287).

4.4.1 Israeli settlements in Salfeet District

There are 12 Israeli settlements in Salfeet Province. The largest is Ariel which was built in 1978. It is 60 kilometres east of Tel Aviv and another 60 south of Jerusalem. It is 600 meters above sea level. Until 1996, its population was 15,000 from 3,500 families (www.yesha.virtual.co.il/shomronlst.htm). Its inhabitants increased from 12,000 to 15,000 between 1992-1996. It was established on 300 hectares in the north of the province, where in 1996 Ariel had occupied 5,000 dunums as a result of the expanding policy of Israeli governments (gis6/paleye/salfit/index.htm; Palestinian Information Service, 1996, 8). Ariel was constructed on the land of Salfeet town and expanded onto the land belonging to the villages of Eskaka, Marda, and Kofl Hares. It was built on an area of 600 dunums. Ariel is considered the centre of the Israeli settlements on the north West Bank (National Institutions Office, 1997, 5).

A Palestinian farmer described to me how the Ariel settlement began and how it had affected him.

In 1978 Ariel began with the establishment of 6 mobile houses as a military base, then Israeli civilians settled instead of the army, when the latter left the base. The settlement was transformed into a civil post. The mobile units increased, and over time they became permanent houses. The first settlers numbered less than 50. Now they are in their thousands. The first mobile units were far away

from my land, more than half a kilometre, until they reached my land as a result of the continuation of the expansion of Ariel ... but the position under the Netanyahu government has changed things, now my land is fenced off by the government. The only way to reach my land is to enter from a gate and they have given me a key to this gate. I have one key and the Israeli army have another one. They told me that this land is yours, but we want to fence it, so after the huge construction in Ariel the only way for me to reach my land is to walk 11 kilometres from Salfet town because many old pathways were closed due to settlement expansion in all directions (Interviews, December 1998-March 1999).

Israeli settlements in Salfet Province are close to each other and spread everywhere in the area, with a maximum distance of three kilometres between each.; from one place a person can view three settlements. For example, south of Ariel you can see, both Yakeer and Barkan settlements. An elderly Palestinian man believes that

The Israeli settlements are like a cancer surrounding the Palestinian populated areas from all directions. The settlements make every village isolated without any link to their neighbour. These sorts of settlements surround and isolate every Palestinian populated area easily enable the Israeli army during the days of closure to divide and control every Palestinian village and city separately (Interviews, December 1998-March 1999).

The first settlement set up in the province was Elkana 1977, on the top of a hill belonging to the land of Massha village. It expanded onto the land of the villages of Azon Atmeh, Seneria, and al-Zawia. Elkana is three kilometres away from the 'Green Line', and now there are three settlements known as Elkana A, Elkana B, and Elkana C. Table 5.2 illustrates the Israeli settlements in Salfet Province and its population according to Settlers Council (Yesha).

The number of settlers mentioned above may be exaggerated because Yesha wants to show the Israelis that these settlements are well populated in order to encourage them to settle in the region.

Settlements in the Salfet District are of three types: secular, religious, and mixed. The secular settlements are Alei Zahav, Barkan, Nofim with a total of 1,520

settlers. The religious settlements are, Emanuel, Kefar Tapuach, Kiryat Netafim, P'duel, Revava, and Yakir, total number of settlers 6,790. The mixed settlements are Ariel, Elkana, Etz Efraim, and Nofim with a total population of 18,900 (www.yesha.virtual.co.il/shomronist.htm). If we accept the Yesha statistics, the percentage of the secular, religious, and mixed settlements are 5, 25, and 70 per cent respectively.

Table 4.2
Israeli settlements in the Salfeet Province 1996

Name of Settlement	No. of Settlers
Ariel	15,000
Barkan	800
Elkana	3,000
Emanuel	5,000
Etz Efraim	400
Kefar Tapuach	300
Kiryat Netafim	140
Nofim	500
P'duel	450
Revava	200
Yakir	800
Alei Zahav	420
Total*	27,010

Source: Data collected data by the author from the homepage of the Israeli Settlement Council Yesha www.yesha.virtual.co.il/shomronist.htm

* The author's calculation

The mixed settlements are those where the majority of the inhabitants settlers are economic settlers and young people. They are looking to benefit from the government incentive of owning a cheap flat in the settlement that is located not far from their work in the main cities. The distance between the Salfeet settlements and the 'Green Line' is less than ten km (Tafkaji interview, October 13, 1998). A Palestinian landlord some of whose land was confiscated said,

My standard of living was negatively affected as a result of the confiscation of my land and the bad economic position in the

Palestinian Occupied Territories. I worked in Ariel settlement, where I discovered that many settlers are living in Ariel while their work is in Israel” (Interviews, December 1998-March 1999).

The irony of the story is that this Palestinian become a labourer in his own confiscated land while the people who occupied it work elsewhere in Israel.

Some settlers bought houses in the settlement of the West Bank and Gaza-Strip just to ensure they were entitled to compensation from the government in any future agreement with the Palestinian side. Ofir Pines, a member of the Israeli Parliament (Israeli Labour Party) said that

20 per cent of people listed as residing in settlements do not actually live in settlements, but nonetheless take advantage of the income tax reduction of 7 per cent afforded to settlers (www2.ari.net/fmep/1998reports/198.html).

Tafkaji estimated this number at more than 25 per cent. He believes that Jews list as residents of settlements and live in Israel waiting for the final solution between the Palestinians and Israelis in order to receive compensation (Tafkaji interview, October 13, 1998). A poll conducted among settlers showed that around 30 per cent of owned a house in Israel in addition to one in a settlement (A poll by Centre for Palestine Research and Studies, December, 1995). In Salfet province a peasant believes that,

Some settlers of Salfet settlements, particularly in Ariel came from the Israeli settlements of Sinai after the Israeli withdrawal from the peninsula. Those settlers received high compensation and are willing to receive more compensation in the final status agreement if their settlement is to be evacuated. These settlers will not accept living under Palestinian control and to be treated as Palestinian citizens (Interviews, December 1998-March 1999).

4.4.2 Salfet District and Settlement Activities

According to Netanyahu’s government decision at the end of 1996, all the religious settlements of Salfet Province were included under those of national priority. Two of them were classified as settlements of national priority A, and the remainder of national priority B. Only two of Salfet Province were excluded from those of national priority: one was a secular settlement (Ale Zahav), and the second was

Elkana, one of the mixed settlements in the province (Baba, 1997b, 8). This is an indication that the Likud government was more interested in supporting religious settlements. This could be due to the nature of the Likud coalition between 1996-1999, which was dependent on minor Israeli religious parties, such as Tswmet, Shas.

Through fieldwork in Salfet Province, a Palestinian member of the Salfet Public Committee for Resisting Settlements explained that

Under the Likud government the fence of the Ariel settlement was moved onto Palestinian land. The area of the settlement increased; the committee member estimates the confiscated area to be 2,000 dunums, but this does not mean that the 2,000 dunums were annexed to the settlement border. Regarding Labour settlement activities in the province during the post-Oslo Agreement, confiscation of land in this area under the Labour government was halted. Palestinian workers in the Ariel settlement told him that construction of new housing was frozen and some buildings in the first stage of construction were halted, some building companies did not carry out any work in the area. All settlement expansion took place under Likud. Bulldozing on route 100, which Israelis call the 'Peace Road' or the 'Samaria Crossing' *Aber al-Samerah*, began when Likud was in power during the 1980's. Work on this highway was frozen by the Labour Party, but the Likud government of 1996 continued bulldozing (Interviews, December 1998-March 1999).

Yediot Ahranot confirmed what a previous Palestinian had said; that 2,000 dunums were confiscated in the province in the first half of 1997 for the benefit of settlements, such as Ariel and Emanuel (Yediot Ahranot may 26, 1997 cited in Baba, 1997c, 6). On May 14, 1997, the Israeli daily newspaper Ha'artz stated that the Israeli Ministry of Housing had declared the government's intention to build 287 dwellings in the Ariel settlement (Baba, 1997c, 10). A Palestinian farmer whose agricultural land is located near the Ariel settlement confirmed

There is a visible monthly expansion of the Ariel settlement. Since it was established in the late 1970's it has expanded. The expansion results in confiscation of the Palestinian land, particularly the agricultural land. I challenge Israeli propaganda that the settlements are being built on vacant land (non agricultural land). The Palestinian olive trees that were planted in Ariel settlement are still in the settlement as a witness that these trees are ours and we planted them. Some trees are older than me. If this tree will speak, it will tell

our story, it will tell the world the story of our land and how it has been inhumanely confiscated without justification (Interviews, December 1998-March 1999).

The Ariel settlement and the settlements in Salfeet Province are designated as political settlements according to Rabin's classification. Labour does not demand control over the area because it is located neither in the Jordan Valley nor in 'Greater Jerusalem'. The area has a reasonable Palestinian population, where the Israeli settlements and the Palestinian towns and villages are involved with each other. Therefore, it was not surprising when a Palestinian member of the Salfeet Public Committee for Resisting Settlement explained the Labour Party policy towards these settlements to the author. Classification of settlements under the Labour Party revealed Rabin's intention to build a Jewish state that would be different from that envisaged by Likud. But we should keep in mind that Salfeet settlements are connecting the Jordan Valley with Israel (see maps 1.5 and 3.1), and this explains the strategic importance of these settlements for Israeli security and their ambition of annexing the Jordan Valley.

Salah Tamari believes that the Labour government implemented the policy of settlement classification mentioned above. He stated that for Labour the political settlements have no security or strategic role, but represent a military and financial burden on Israel and will also increase friction between Palestinians and Israelis. Tamari added that the Labour government fixed the border of a settlement at 50 meters from the last dwelling in every settlement, but did not in fact respect this distance. He also perceives no difference between the Labour and Likud governments in their respective settlement policies regarding Bethlehem district, because of to the Israeli plan in which settlements in that area are to be found in the plan for the 'Greater Jerusalem'. He believes that the Labour government was ready to evacuate some settlements which classified as political during the peace process. This readiness is preconditioned by the positive improvement of the process itself, one of the reasons leading to the assassination of Yitzhak Rabin in late 1995 (Interview, October 11, 1998).

The Palestinian consider Rabin's settlement classification of political and security categories as totally unacceptable. Palestinians from Salfet do not differentiate between the two categories of settlements. A Palestinian from Salfet asked,

If Rabin differentiated between the two, why then did not he evacuate the political settlements and trade them with peace. This was a new slogan raised from the Israeli Labour government to justify their action for the international community, particularly the U.S. I heard that the majority of the settlements around Salfet are of a political category (see map 3.2) so why are the building and the expansion of these settlements continuing. Every year these settlements are expanding either under Labour government or under Likud government (Interviews, December 1998-March 1999).

The Palestinian Minister of Justice said related this classification as illegal. Neither the political nor the security settlements have any legitimacy according to international law. Israeli presence in the West Bank and Gaza-Strip, whether military or civilian, is according to international law, illegal and the nature of this presence is one of foreign occupation (Abu Medain interview February 17 1999). There has been no resolution issued by the U.N. General Assembly or the U.N. Security Council which recognises the legality of these categories. The settlement is a form of foreign occupation. The U.N. Charter is clear on the illegal action of transferring civilians from an occupier state to occupied territories (see footnote 4 in chapter 1).

A field survey confirmed that under the Labour government 379 dunums were confiscated for the Ariel settlement, as well as 300 dunums for the Nofim settlement (both are situated in the Salfet District). It also confirmed an appropriation of land in the Gaza-Strip in different places from north to south. This terrain is estimated at 295 dunums near the Nofim settlement (Palestinian Land Research Centre, 1995, 5:6). It is clear that the Labour government did not fully adhere to its announced policy on political settlements. There were violations of the policy in many places in the West Bank and Gaza-Strip. The Labour government froze the selling of 1,500 units in Ariel, but allowed them to be sold to its residents (Yediot Ahranot cited in al-Quds August 10, 1996, cited in Baba, 1996, 19). Those

units were sold under Netanyahu's government when he banned the restriction that had been imposed on the settlements under Labour.

A new Plan for building more housing units and public places in the Emanuel estate, the largest populated religious settlement in the province, was approved by the Likud government (Minister of Defence). The plan approved the building for 1,159 new units, a swimming pool, hotel, synagogue, schools, etc, on a site of 394 dunums (Israeli Civil Administration in the West Bank, Plan 120/6). The Ministry of Housing approved this construction plan and sold 300 dwellings from the 1997 total already built (Baba, 1997c, 14).

The settlers from Emanuel have their own plan, known as Emanuel 2000. In addition to the 1,159 units, a scheme was approved for an additional 1,100 units, which was frozen under the Labour government as a result of its policy of halting construction in political settlements (Yediot Ahranot, 1997, no specified day or month). However, the same Israeli newspaper stated on January 15, 1997 that this freeze was due to financial trouble involving the construction company.

During the first six months of the Likud government the building of 120 new dwellings took place in some settlements of Salfet Province, namely; Yakir (40), Alei Zahav (30), Kiryat Netafim (20), P'duel (30) (Baba, 1997a, 7). The government approved the building of 779 and 1,353 units (Ha'artz February 4, 1997; papers from Takfaji). Tapuach was started in 1983, and in 1998 the Israeli civil administration of the West Bank announced its intention for the formulation of its new plan on settlement (al-Quds June 19, 1998). This Tapuach settlement is a religious one and the settlers of Tapuach belong to Khahana Hay extremist group. A Palestinian living near to Tapuach said that

The settlers themselves are the people who expand the settlement not the Israeli government as expected. Israel confiscated land for the expansion of the settlement, but in Tapuach the settlers are moving the fence of the settlement. I know one extremist in this settlement who is always moving the fence of the settlement. He does this during the day and not during the night. If I did the same as this settler by moving the fence of my land inside the settlement

area, what will happen to me (Interviews, December 1998-March 1999).

Mohammed Darweesh, head of the National Institution Office in Salfeet Province noted:

Under the Likud government, about 5,000 trees were uprooted on the pretext that the trees were planted on state land. These trees were outside the border of the settlements. The settlers uprooted the olive trees under the protection of the Israeli army. There were also about 20 houses demolished in this area between 1996-1998, and there are over 30 houses where owners have received warning of demolition. In Brokeen village there are 20 houses where owners have received warning of demolition (Interview, December 11, 1998).

Under Netanyahu's government the settlement activities in Salfeet Province intensified sharply. A Palestinian described these activities as crazy and he defined the Netanyahu's government as the government of settlers. He believes that "the settlers are ruling Israel, under Netanyahu every settlement is expanding now with the construction of new units". This Palestinian reminded me that,

The most important factor for the future and safety of the settlements is the construction of by-pass roads. The settlers will not feel safe and secure if their settlements are not connected together and at the same time with Israel. At the early stages of the Israeli settlement in the West Bank, settlers used the Palestinian roads where they were not safe. Stone throwers always attacked them when they crossed the Palestinian cities and villages. Now due to the by-pass roads which are far from the Palestinian populated areas they feel more secure. The by-pass roads give the settlers the opportunity to move quickly between the settlements and to reach Israel within minutes (Interviews, December 1998-March 1999).

A Salfeeti old man commented with regard to the by-pass roads that

The settlements surrounded us from all directions. Now it is the turn of the by-pass roads. These roads are putting an end to our dream of independence. How will this independence be achieved if the West Bank is more isolated and is surrounded by settlements and the by-pass roads. This is in addition to the spatial isolation between the West Bank and Gaza-strip. The sophisticated construction of the by-pass roads gives an impression that these settlements will not be removed in any final solution. If we accept the Israeli demand of not removing these settlements and annexing them to Israel, will we be

able to establish our full independent state. It will be impossible to do so (Interviews, December 1998-March 1999).

Another one asked

how will our grandsons draw the map of their state? This state will not be geographically cohesive. This state will be fragmented parts, particularly in the West Bank. I think no such clever grandson will be able to draw the map of his country. If politics will bring any map, the real map is present at least in our heart (Interviews, December 1998-March 1999).

4.5 The Palestinian Resistance to the Settlement Activities

Every action has a reaction, and this is true in the case of Palestinian-Israeli relations regarding settlement policy. Palestinians resisted and continue to resist this programme by peaceful or violent means. When the Likud government approved the building of Har Homa settlement, the Palestinian public and officials organised a sit-in tent located on the hill opposite the settlement. Sallah Tamari led the Palestinian protest. Palestinians in Salfeet also organised a sit-in tent on the hill opposite the Ariel settlement, facing recently annexed land. This was not the first time residents of Salfeet had organised such demonstrations. Several public rallies were organised against Israeli settlement activities in the province. The mass meetings were supported by the people of Salfeet and nearby villages and towns of the West Bank. In 1997, close to Morag settlement in Rafah in the Gaza-Strip, a Palestinian protest continued for more than a month against Morag's expansion at the expense of Palestinian agricultural land. The protest developed and violence broke out between Palestinians and the Israeli army. A Palestinian boy of 13 was killed. In 1998, members of the Palestinian Legislative Council (PLC) were severely punished by the Israeli army, when they objected to the setting up of a new Israeli settlement in East Jerusalem. Many demonstrations have taken place in the West Bank and Gaza-Strip against Israeli occupation. Near to Morag settlement the author noticed that all Palestinian political parties, movements and public share in the Palestinian protest against the confiscation of the land that locates near Morag settlement. A Palestinian youth from Shaporah refugee camp said

This land (that is to be confiscated for Morag settlement) is not mine and I do not even own any land in the Gaza-strip. I own my small

house in the refugee camp. My land, I mean the land that my father left in his village is Yebna in Ramallah Province. But I am coming to protest here because this is the land of my people. Here you will find all Palestinians protesting against the Israeli policy of confiscating land. Politically, Palestinians are divided as a result of the Oslo Agreement, but all of them are united in regard to the question of land. I do believe that land and martyrs will always unite us (Interviews, December 1998-March 1999).

The PLC Committee of Land and Resisting Settlement have used other methods in addition to the above in resisting settlement policy. Tamari, head of the committee, explained that Israel, in general, is confiscating uncultivated land. Therefore, the duty of the committee is to enforce Palestinian steadfastness (*Somood*) in villages and encourage peasants to reclaim land. Reclamation of land could occur if the PNA and non-Governmental Organisations (NGOs) supported these peasants. He also explained that in order to assist villagers, the PNA should resist migration from villages to the city. Migration could be prevented if the following action were taken: schools of all levels opened; villages connected with electricity, especially the smaller villages which still have no electricity; villages connected by telephone; community centres founded; agricultural roads paved; old roads repaved (pre-1967 War) to connect villages together and to the nearest cities. It is necessary to ease the lives of villagers to encourage them to be steadfast. (Tamari interview, October 11, 1998).

In Bethlehem district the PNA and the NGOs could accomplish many activities similar to those mentioned above. But in relation to the Israeli settlement activities, these operations seem very poor. The Palestinian enterprises in the villages could succeed in some locations in protecting the land from expropriation. Israelis are looking to empty land (uncultivated and non-populated) as an easy target for the takeover. This does not mean that populated and cultivated land is not an Israeli target. But there is no doubt that it is easier for the Israelis to seize the empty land, because no protest, demonstration or violence will take place (Tamari interview October 11, 1998). The author saw the activity of the Palestinian Agricultural Relief whose bulldozers cultivate the land and prevent further Israeli confiscation. A peasant in Salfet whose land was cultivated by the Palestinian Agricultural

Relief was satisfied of this assistance and described it as a positive measure, but he wondered if this will protect every tract which is threatened from confiscation. The peasant confirmed that he paid twenty five per cent of the cost of the bulldozers and he assured me that he is satisfied about the amount he pays (Interviews, December 1998-March 1999).

In the Mawasi Area, throughout the interviews conducted by the author with the Palestinian public, no one mentioned the receiving of assistance from the official or Non-Governmental institutions. In the Palestinian land near the Morag settlement, the Palestinian Ministry of Agriculture provided the owners of the land with hundreds of olive trees in order to prevent the Israelis from reattempting to expropriate the land. And the Municipality of Rafah City linked this land by an agricultural road to ease the movement of the Palestinian farmer to their land. The landlords of this land were not satisfied with this help. They expected more assistance from the Palestinian official and non-official institutions (Interviews, December 1998-March 1999).

According to the agreement, the bulldozing of roads that serve Palestinian villages in area C in the West Bank, should have approval from the Israelis because they fall under their security and civil rule (all the roads outside the Palestinian villages, towns, and cities are situated in Area C). The PNA has asked many times for permission from Israelis to bulldoze new roads or pave old roads that connect villages with each other. No permission has ever been given to the PNA since it was founded in 1995. Approval of such small projects involves difficult negotiations with the Israelis, and they always procrastinate. In the Jordan Valley, the Ministry of Public Works bulldozed a road connecting the villages of Kardala and Gardala, located some three kilometres west of the Jordan River. The work was carried out by Palestinians on Saturdays, because of the Israeli weekend holiday when they would not notice the work being done. When the Israelis discovered the road, they destroyed it, despite the fact that it did not affect the movement of the Israeli army or the settlers (al-Ahmed interview November 2, 1998). The Israelis do not want to encourage villagers in the area to become more steadfast. They want to

persuade Palestinians in the Jordan Valley to migrate to the cities. Evacuation of Palestinians is a step towards future annexation. The Jordan Valley, as previously mentioned, is a strategic location, and Israeli policy seeks complete annexation of this Valley. In Elkana valley, a Palestinian peasant whose home was demolished by the Israeli authorities noted that

The road from the main way to my land is about one and a half km. And if you want to reach it by car it will take around fifteen minutes. Israelis prohibited any organisation from constructing new roads or rehabilitating the old road. The Israelis do not want us to remain in our land, all of their activities are to encourage us to leave or to sell our land to them. However I am determined to remain under these harsh conditions. I am living with my family in a container. Settlers start with caravans but end up with houses, in contrast I originally owned my house which was demolished and I ended up with a container. I have a house in the village, but I choose to live in this container on my land to protect it from being confiscated. I am ready to rebuild my demolished house (Interviews, December 1998-March 1999).

Another peasant whose family consisted of fifteen members told the author that

I was working in Kuwait until 1980. When my relatives told me about the Israeli settlement activities in my village and confirmed that the confiscation of land reached my land, I left Kuwait and returned to my land. I took the responsibility of cultivating my land. Now the land is close to the fence of the Israeli settlement of Yakir. If I had not returned back to my village, my land would have been confiscated under the Israeli law of absentee property. I am happy to save my land which is the land of my fathers and grand fathers. I am ready to sacrifice my life to prevent it from falling into the settlers' hands. I was beaten up several times from the settlers of Yakir (Interviews, December 1998-March 1999).

The main entrance of the Ariel settlement is very near to the main road that connects the Jordan Valley area with Israel. The settlement runs all along the main road. To enter Salfeet Town, a person needs to follow an indirect route for about 3 km. The head of the Chamber of Commerce and Industry in Salfeet Province confirmed that "Israelis rejected a plan to link the town with the main road (3 km) by a direct and more sophisticated road" (Ozreel interview, January 10, 1998).



Plate: 4.3 After demolifhing a Palestinian's House.

Photo: The Author, 1998

It is quite obvious to the visitor of Salfeet Town that the Salfeet settlements surround the town from every directions. There is no chance for Salfeet to enjoy a natural expansion in the future, especially when we know that the land between the town and the settlements is agricultural and it is forbidden for Palestinians to convert it to a housing area: being situated in area C the decision to change the status of the land is in Israeli hand's. A Member of the Palestinian Public Committee of Resisting settlement wondered "why the Ariel gate is directly connected with the main road while Salfeet Town which has thousands of people cannot be connect with a sophisticated road such as that of Ariel" (Interviews, December 1998-March 1999).

It is very clear that PNA efforts to rehabilitate the roads in area C have always failed due to Israeli obstacles. All the Palestinian communities are isolated by area C which occupied (until the implementation of Wye River Memorandum) more than 70 per cent of the West Bank. The total length of roads in the West Bank is as follows: 88 km in area A, 636 km in area B, and 1,276 km in area C. The majority of roads in the West Bank fall under Israeli jurisdiction and are prohibited from maintenance or improvement. Israelis only maintain roads used by the military forces and settlers, but it is important to note that the great majority of rural roads are not used by the Israelis. Therefore, since Israeli occupation of the West Bank of June 1967, many routes have not been maintained. The distance between Jenin city on the northern West Bank and Fako'ah village is about eight kilometres. However, to reach Jenin from Fako'ah, a person must drive for about 75 minutes. Many emergency cases have died on the way to hospital in Jenin. The Palestinian Ministry of Public Works succeeded in bulldozing this road. Work on agricultural roads by the Ministry of Public Works and the NGOs has been prevented by the Israelis. Israelis have often confiscated bulldozers belonging to the PNA and the NGOs (al-Ahmed interview November 2, 1998).

Palestinian resistance to settlement activities rescued some areas in the West Bank and Gaza-Strip, but in many places it failed. Palestinian resistance saved land from confiscation near Morag settlement in the Gaza-Strip.

In Salfeet, the Palestinians massed against expropriation of their land. A peasant reported:

During the night, we heard a voice from the town mosque calling us to go to a land situated west of Ariel settlement, and we were informed that settlers were trying to fence the area and annex it to Ariel. The public ran to the location, and we found the settlers doing their job. The Israeli army and the Palestinian police, District Co-ordination Office (DCO), came to prevent friction between us and the settlers. The next night the same attitude was repeated by the settlers, and the voice from the town mosque asked the people to go to the same land. We went and found settlers doing the same work as the previous night. The Settlers withdrew under Israeli army protection, and we organised a sit-in tent, where people from Salfeet came regularly. Some people slept in the tent to guard the land. This situation has been dragging on for two months (Interview December 1998-March 1999).

A youth from Salfeet whose turn was to sleep in the Palestinian sit-in-tent of Salfeet during the author's visit confirmed that

It is my duty to protect the land. I believe that the land that is being subject to confiscation is not my own, it belongs to my neighbour in Salfeet Town. This land does not only belong to my neighbour, but to the Palestinian people. This land is not ours to concede to the Israelis but it is for the coming generation (Interviews, December 1998-March 1999).

Palestinian efforts are not united under one organisation or institution and this has hindered effective opposition to settlement. There has been no real effort to unite public organisations. The NGOs have also experienced a lack of co-ordination among themselves. At the PNA level, five Palestinian ministries are involved with the settlement issue; the Ministry of Agriculture, the Ministry of Housing, the Ministry of Finance, the Ministry of Public works, the Ministry of Justice, and the Ministry of Local Governorate. In each ministry you will hear the same criticism of a low level of co-operation and co-ordination.

4.6 Settlements and the final agreement

The Israeli settlements represent the Israeli will to remain permanently on Palestinian soil. Without the existence of the settlements the Israeli military presence would represent an 'occupying army'. That situation would weaken Israel

in the final status negotiations. The Israeli settlements strengthen the Israeli negotiators in their final status negotiations to try and achieve their goal of controlling the required areas. On the Palestinian side the presence of the settlements is, therefore, the primary obstacle to their political and legal aspirations. In the Mawasi Area a Palestinian replied that there are some settlements almost vacant in the region (section two). The question raised by the person from Mawasi Area is why Israel did not concede the vacant settlements to Palestinians? If Israel did so, it would give the Palestinian people an impression of the Israeli will of establishing peace with them. He noted if decades of Israeli settlement activities in the Mawasi Area attracted only several hundreds settlers in semi-vacant settlements again he asked why they do not concede these settlements. He noted that these settlements surrounded tens of thousands of Palestinians in a narrow and crowded corridor in Rafah and Khan Younis which is not more than five to seven kilometres wide and around ten kilometres long (Interviews, December 1998-March 1999). The Palestinian General Director of Planning in the Ministry of Housing said that

The only areas that the two cities of Rafah and Khan Younis can expand into and absorb the housing need of the high increase of the population is in the western side of the two cities. This means the area of the Mawasi (Abu Hameed interview, February 8, 1999).

During the Washington rounds 1991-1993, the main issue in the Palestinian-Israeli negotiations was that of settlements. The Palestinian delegation were against any kind of the Israeli settlement activities, such as; confiscation of land, construction work in the settlements, and creating new settlements. This issue formed the main obstacle to achieving any progress in the negotiations. Abdul Rahman Hamad, the Palestinian Minister of Housing, and the Palestinian delegate to the Washington rounds confirmed the Palestinian demand, but he added that the Palestinian delegation to Oslo was dealing with the settlement issue as one of the major issues of the negotiations, but it was not the first or the main one. This could represent the difference between the negotiations during the Washington rounds and the Oslo channel (Hamad interview, January 30, 1999).

Land became the most important factor in the Israeli strategy during the post-Oslo Agreement. Israel was trying to retain its interests in any final agreement. The preparations towards the final agreement were based on the situation that existed in the Palestinian territories since the signing the Oslo Agreement. Israeli interests in the West Bank and Gaza-Strip are; security, settlements, Jerusalem, and water. To preserve these interests, Israel seeks to control land and avoid control by the Palestinians (www.fmep.org/reports/v8n4.html). To retain these interests in the final agreement, Israel has to exercise control over some specific locations, especially on the West Bank. This will come about as a consequence of settlement activities in those areas. One Palestinian from Salfeet observed regarding Israeli activities in the post-Oslo Agreement that “every two-three months they (Israelis) are bulldozing a new road and constructing new houses”. The meaning of Israeli control over some areas varies between the Labour Party and the Likud Party. Therefore, the settlement policy for both parties in the post-Oslo Agreement has similarities in some locations and variety in others.

For Labour, the party demanded that there should be no return to the borders of June 1967, and it favoured control of three major areas in the West Bank; the Jordan Valley, Jerusalem, and the mobilisation of the ‘Green Line’ to the east (www.fmep.org/jan94.html). More than 300,000 Palestinians live in the ‘Greater Jerusalem’ area, from Ramallah in the north to Bethlehem province, including East Jerusalem; this ‘Greater Jerusalem’ is artificial (www.fmep.org/reports/v3nl.html). Regarding the Labour Party notion of not returning to the pre-June 1967 War borders, a Palestinian University student noted that

In this case there is no difference between the Labour and the Likud parties. Both are demanding the annexation of certain areas of Palestinian land. I believe that practically there is no difference between them in regard to acquiring land. The Labour Party is more sophisticated than the Likud Party in that they say one thing and do another in order to avoid international criticism. He asked the author what is the difference between what Labour party demand and the Netanyahu’s final status map (see map 3.3). Both are looking to annex at least forty per cent of the West Bank (Interviews, December 1998-March 1999).

The above-mentioned areas are ones that the Labour Party is looking to control in any final agreement with Palestinians. Therefore, according to Labour's final demand, some Israeli settlements will be located under non-Israeli rule. It is worth noting how the Labour Party intends to deal with these settlements. Israel's Deputy Foreign Minister in the Labour government 1992-1996 and the Minister of Justice in Barak's government, Yossi Belin, said on November 10, 1993 in regard to the solution of some settlements,

It is clear that if there is a government that is speaking of the territorial compromises, there will be settlements lying outside ... those settlements outside the rule of Israel ... we will make every effort that there will not be a need, God forbid, to destroy them, but to enable their residents to choose whether to remain there under non-Israeli rule or to choose another path, but it will be their choice (www.fmep.org/jan94.html).

In this respect Shimon Peres also remarked "Just as Arab settlements exist in Israel under Jewish rule, there is no reason Israeli settlements should not remain intact under Arab rule" (Ha'aretz October 24, 1993, cited in www.fmep.org/jan94.html).

Likud's stand has similarities and variations with Labour's. These similarities demand sovereignty over the above-mentioned three areas. The difference is that other additional areas should be included in Israeli rule of the West Bank in a final agreement. The leaders of the party are looking to govern additional areas, as is clear from the Netanyahu, Sharon, and Mordechai maps mentioned in chapter four. A great majority of settlements in the West Bank will come under Likud rule due to these maps. For Sharon none of the Israeli settlements in the West Bank will come under Palestinian rule.

There is no doubt that the Israeli leadership in both main parties, Labour and Likud, through their settlement activities gave up the idea of the preservation of the what is known in Israeli ideology as the 'Land of Israel'. Both believe in conceding some land to the Palestinians. The shared idea of both parties is that there can be no return to the borders of June 1967. Territorial concession is becoming a fact of Israeli policy.

Through Palestinian-Israeli negotiations between 1993-1998, Israel succeeded in changing the Palestinian goal for the implementation of the U.N. Security Council resolution 242 of total withdrawal from the Palestinian Occupied Territories into one of a phased withdrawal, or redeployment of military forces from different areas. A major Palestinian mistake in these agreements was that they failed to mention in the text at least an Israeli freeze on settlement activities. The result of the agreements was that the Israelis now propose a partition of the land with the PNA. They consider the land in occupied territories as disputed areas, not as occupied territories, hence this can be solved through partition. Therefore, Israeli proposals for the annexation of some areas to Israel, both Labour and Likud parties believe, is based on this concept. The classification of land in the West Bank in three areas, A, B, and C, coincides with the above Israeli concept (Hamad interview, January 30, 1999). In Salfheet Town a Palestinian believes that peace can be accomplished, he stated

There is no peace which can be achieved while Israel continues its settlement activities particularly in the West Bank. These activities are directly opposing the Palestinian demand of total Israeli withdrawal from the West Bank and Gaza-strip. If Israel is concerned with achieving peace with the Palestinian people, it should return to the pre-June 1967 War borders. How can peace be in harmony with the action of occupying the land of others. Only through total Israeli withdrawal from the West Bank and Gaza-strip will peace and security be accomplished. During three decades of occupation, Israel failed to achieve a comprehensive security for its citizens (Interviews, December 1998-March 1999).

The situation in the Gaza-Strip differs from that of the West Bank. No Israeli official from Labour or Likud offered any proposal for the future of the Israeli settlements in the Gaza-Strip. It can be understood this that Israel is ready to concede all the Gaza-Strip as a nucleus for the emerging Palestinian State. Israeli settlement activities in the Gaza-Strip during the post-Oslo Agreement were somewhat neglected in relation to the activities in the West Bank. Neither Labour nor Likud concentrated their efforts on the construction of new housing units, or in bulldozing by-pass roads. On the one hand, this is due to a high-density Palestinian population in the strip, and on the other, to the lack of existing Israeli settlers.

Hamad believes that Israeli settlements in the Gaza-Strip have no hope of remaining there. The dense Palestinian population will automatically pressurise the daily life of settlers in the strip; the settlers' life which is already difficult will continue to be so. The conditions they are now living under are restricted and isolated. Their main concern is security. He added that Israel had not withdrawn from these settlements because they intend to use them as a pressure point for the final negotiations. Israel intends to exchange these settlements for the permanent presence of some settlements on the West Bank (Hamad interview, January 30, 1999). Describing the life of the Israeli settlers in the Gaza-strip settlements as a 'miserable'. A Palestinian from the Gaza-strip said that

The settlers are living inside their fenced settlements and the fence of each settlement is electrified. When they move from their settlements to Israel, two Israeli military patrols will accompany them with their buses or private cars, one at the front and one at the back. They are always expecting military operations, suicide attacks, or at least stone throwers from Palestinians. I wonder how those settlers who are living in settlements can have eight or even fifty settlers socialised. Their life is miserable and they made our life miserable too because their settlements and its security zone occupy thirty per cent of the land of the Gaza-strip. All of the land of the Gaza-strip is not enough for its original inhabitants (Interviews, December 1998-March 1999).

Two opinion polls were conducted among Israeli settlers, one in December 1995 and the second in June 1997, by the Centre for Palestine Research and Studies in cooperation with the Pessa Centre for Strategic Studies/Bar Elan University-Tel Aviv. The first survey was carried out during the Labour government, and the second during the Likud government. 38.7 per cent of the settlers in the first poll believed that the peace process will lead to a Palestinian independent state within 5-10 years to, while this percentage decreased to 30.1 in the second poll. In December 1995, 22.3 per cent believed that the great majority of Israeli settlements in the West Bank and Gaza-Strip would be removed, while in the second poll the percentage decreased sharply to 6.7 per cent. The readiness of Israeli settlers to sell their homes to Palestinians in return for a reasonable price was 15.3 per cent and 12.8 per cent respectively. These polls indicate that the settlers had become more extremist under the Likud government and that their morale had increased during

this period. The freeze of the peace process under Likud with its active settlement policy made them more confident about their future (A poll by the Centre for Palestine Research and Studies, December 1995; and a poll by the Centre for Palestine Research and Studies, July 1997).

One of the Palestinian farmers from Salfet the Author met stated:

According to my knowledge of the settlers of Tapuach (300 settlers), they will not accept the selling of their homes in the settlement, and they will even reject any compensation if their settlement is evacuated in any peace deal between the PLO and Israeli governments. These settlers are very fanatical and extremist, they belong to the most racist group in Israeli society (Kahana Hai). It is possible that these settlers will use military means against the Israeli army in any peace deal that may lead to the evacuation of their settlement ... in Ariel there are settlers who will accept compensation, even though some of them had settled in Ariel following evacuation from their settlements in Yameet (Sinai). They had accepted compensation in the past, and I think they will accept any future compensation (Interviews, December 1998-March 1999).

A poll conducted in 1995 showed that two per cent of settlers believe in the use of military arms against the Israeli army if the army accepts a political order to evacuate settlements by force (A poll by Centre for Palestine Research and Studies, December, 1995). Palestinians believe that if Israel conducted a withdrawal from certain settlements, there would be no noticeable resistance from the settlers side. The settlers know well that the Israeli army is the sole protector for them and without the presence of the Israeli army they will not stay an additional day.

A Palestinian worker in Ariel settlement told me that

He knows of some settlers who bought houses in the settlements only to obtain compensation. They are convinced that one day via the Palestinian-Israeli peace process, Ariel will be evacuated, thereafter, they will receive very reasonable compensation (Interviews, December 1998-March 1999).

Israel compensated each settler of the Sinai settlements with \$50,000 as a result of the Camp David Accord (Hussein, 1993, 49).



Plate; 4.4 Settlement' Sewage Runing in the Mawasi Area & Salseet Province.

Photo: The Author, 1998

4.7 The implementation of the Israeli redeployment over the settlements

An official U.S. report, issued in February 1997, shows that 26 per cent of housing units on the West Bank are vacant. The report mentions that there are 41,000 units on the West Bank, 31,060 of these are inhabited. In the Gaza-Strip, 56 per cent of housing units are vacant. There are 2,300 units in settlements on the Gaza-Strip: 1,200 are vacant (Baba, 1997c, 2). The question arises; if there are more than 10,000 units vacant in the West Bank and Gaza-Strip, why are Israeli governments, both Labour and Likud, engaged in the building of thousands of new units in Palestinian territories? If there are large numbers of vacant units, why do Israelis continue to say that building in the settlements is merely to meet the natural growth of the settlements? More than 10,000 vacant units means that more than 40,000 settlers could settle in these units, if we take the number of settlers in the Palestinian territories as 160,000. The above mentioned 40,000 represent 25 per cent of the settlers. The Israeli excuse is that construction in the settlements is merely for assimilation of natural growth in the existing settlements, but the fact is there is no community in the world that has a natural growth of 25 per cent per annum. Therefore, we can conclude that building in the settlements is not a matter of housing need, rather it has a political dimension. These realities, created during the interim period of the post-Oslo Agreement, are related to final status negotiations. This reveals the Israeli intention to annex some parts of the Palestinian territories, particularly on the West Bank. Israel's acceleration in building new units in the settlements is to show that not only Palestinians are living in the West Bank and Gaza-Strip. There are also large numbers of Israeli civilians present in the same area and Israel is attempting to show itself as protector of this civilian population, and not as an occupation power. There is no doubt that the settlement activities, particularly in the West Bank, are of a political nature. An old man from Salfeet said that

All the Israeli settlers are equipped with machine guns, and I do not see any difference between the Israeli army and settlers. The only difference I see is their clothes. The army are wearing the khaki uniform while the settlers wear civilian clothes (Interviews, December 1998-March 1999).

According to the Israeli-Palestinian agreements signed in 1993, 1994, and 1995 the PNA will receive more control over the land in the West Bank and Gaza-Strip. Some settlements will be enclaves surrounded by a Palestinian controlled area, which is what has happened to Israeli settlements in the Gaza-Strip (www.fmep.org/reports/v8n4.html). For example: Netzarim, an Israeli community situated to the south of Gaza city and to the north of a group of high-density populated Palestinian refugee camps, is a solitary settlement. The Gaza-Jericho First Agreement left this settlement isolated. Other settlements in the Gaza-Strip are in the same situation, such as Mawasi settlements and Kefar Darom. If violence between Palestinians and Israelis breaks out in the Gaza-Strip it will result in much bloodshed.

A complete withdrawal of Israeli forces from 13 per cent of the West Bank, according to the Wye River Memorandum signed in November 1998, would leave 15 Israeli settlements on the West Bank surrounded by Palestinian-controlled land (www.cnn.com/WORLD/meast/9907/27/barak.arafat.03/). It is clear then why the PNA should be concerned about the implementation of this memorandum, and the Israelis, both Labour and Likud, are procrastinating over its implementation. Israelis continue to avoid such conditions. Regarding the situation that a further Israeli redeployment will leave certain settlements isolated, a peasant replied “why then are the Palestinian villages and towns isolated. Is it allowed for Israelis to surround us and isolate us in tens of cantons while they will not be surrounded by Palestinian populated areas”. The peasant did not answer the question of what he would do if the settlement near to him was surrounded and isolated; he just said “better for them to leave” (Interviews, December 1998-March 1999).

Despite the agreements with Palestinians, Israel did not concede the idea of a total withdrawal, particularly from the West Bank. Israel’s ambition is to have security rule and economic domination (this will be discussed in detail in the next chapter) on the West Bank. The classification of land on the West Bank into categories will pave the way for this aspiration. Israel believes that Palestinian sovereignty over their entity should be faulty. This defective sovereignty would be maintained

through what is known as zones A, B, and C. The creation of these land categories would be imposed and represent a *fait accompli* that would remain for a very long period. Over time Palestinians would accept this as fact, and the Israeli target would be achieved. al-Ahmed rejected this Israeli ambition and added: “In this way of thinking peace would not see life. This solution should take into consideration the Palestinian political and legal aspirations” (al-Ahmed interview, November 2, 1998).

4.8 Palestinians-Settlers Relations during the Post-Oslo Agreement

The Palestinian-settler relationship is one of enmity rather than amity. There is no doubt that the Palestinians suffered because of the settlers. They believe that settler existence in the West Bank and Gaza-Strip is at the expense of Palestinians, who have lost their agricultural land (their main income resource) to the benefit of the settlers. Palestinian cities, towns, and villages were unable to expand naturally due to the presence of Israeli settlements (Interviews, December 1998-March 1999).

A villager from Salfeet explained that “his olives trees were burned three times during the post-Oslo Agreement by settlers from Ariel” (Interviews, December 1998-March 1999). The aggressive attitude of settlers towards Palestinians during the post-Oslo Agreement under Labour was the same as during the pre-Oslo Agreement. Under Likud, settlers became more hostile; the uprooting of trees increased, the burning of trees also increased, and trouble caused to peasants during their daily work also increased.

A Palestinian peasant from El-Khana Valley said:

After the demolishing of my home (the writer saw the wreck of the house) by the Israeli government, the settlers turn came ... Emanuel settlement is on the top of this mountain. What I see of them is their sewage which falls from the settlement to the water source which passes behind my farm. This water source is used to irrigate my farm. The water source became polluted, and it seriously affected my citrus farm ... settlers always impede our ways and disturb our life (Interviews, December 1998-March 1999).

Another peasant assured me that the settlers attacked his land many times and they repeatedly uprooted his olive trees on his farm. The last settler's attack took place in mid 1998 where they uprooted more than thirty olive trees near to the fence of their settlement. The Peasant said "their plea was that these trees located near the fence would affect the security surveillance of the settlement". The peasant once was punished by the settlers. He confirmed that this happened under the eyes of the Israeli army (Interviews, December 1998-March 1999).

The possibility of a co-existence between the Palestinians and the Israeli settlers will be very difficult. Israeli settler dealings with Palestinians is based on superiority. This type of relation cannot be accepted by Palestinians. Many believe that co-existence with settlers is possible only if settlers are rehabilitated to accept the presence of Palestinians as a people with at least human rights.

Under any circumstances it is impossible to co-exist with the settlers, I will not accept them in the Palestinian state. They have to evacuate the settlements and go back to Israel. Those people will not understand the meaning of co-existence. They used to consider themselves superior to others. They believe that this land is their land, and we have to leave it. In late 1970's one of the pioneers of Ariel settlers came to my home and visited me, she tried to convince me of her right in Ariel and the West Bank (Interviews, December 1998-March 1999).

Another Palestinian confirmed that he is rejecting the scenario of accepting them as Palestinian citizens under Palestinian law. He argued that "If settlers reject this plan why should I accept it". But another peasant said that

If they accept to be equal Palestinian citizens under the Palestinian law not the Israeli one and that their settlements will be occupied by Palestinians, and not only for settlers, I will accept this type of co-existence. This is of course after the returning of the expropriated land to its original owners (Interviews, December 1998-March 1999).

Regarding compensation to be given to Palestinians in return for their land that was confiscated for settlement establishment and expansion a Palestinian from Mawasi Area said "I am not ready to take any compensation in return for my land. I want my land, and this is my right" this peasant considered that the people who sold their

land to Jews were traitors to the Palestinian people and should be killed (Interviews, December 1998-March 1999).

4.9 The Settlements and Peace

For Palestinians, peace and settlement are not incompatible. In Salfeet the author did not meet a single Palestinian who believed that a settlement policy could co-exist with a just and comprehensive peace. As a farmer from Salfeet stated,

What is the meaning of peace? Is it to uproot the trees? Is it to burn the trees? Is it to confiscate more agricultural land? Is it to construct new empty dwellings? Is it to put more than a million Palestinians in the Gaza-Strip with over 70 per cent of the land, and only 5,000 settlers with over 30 per cent? If I uproot any tree in the settlement they will shoot me, but when they uproot our trees, nobody cares. Is this the meaning of peace? How can those people ask for peace? How can peace be achieved whilst our land is confiscated? How can peace be preserved when Israelis are not willing to meet the basic requirements for peace? Peace in my opinion can only be preserved when Israel returns to the borders of 1967. A dual state is the only solution. I want Palestinian control over our land (Interviews December 1998-March 1999).

Another Palestinian explained that

Israel is prohibiting us from constructing new houses outside the Salfeet plan. The Israeli excuse is that the erecting of houses on agricultural areas is prohibited, but if you look at all settlements in the Salfeet District you will find they are built on our agricultural land (Interviews, December 1998-March 1999).

What applies for Jews does not apply for Palestinians, double standards govern Israeli policy in the West Bank and Gaza-Strip. Building for the Palestinians in this area is prohibited. Palestinians can only build inside the town plan, and the boundary for Salfeet has not expanded since 1967. A youth said:

Under such conditions achieving peace is impossible. Netanyahu was always saying that he wants to make peace. How could peace be achieved whilst the land of the Palestinians is confiscated? How can peace be achieved if the Israelis and settlers are not behaving in a peaceful way towards us. Peace in my opinion could only be accomplished when Israel returns to the borders of 1967. Let settlers return to Israel where there is sufficient land for 200,000 of them. Israelis took the paradise of Palestine (Coastal Area). why do they not leave the land of the West Bank and Gaza-strip to us. This the

only way to sustain peace with Israelis (Interviews, December 1998-March 1999).

Peace means giving consideration to the Palestinian future. This future will be based on the establishment of the Palestinian independent state. How can such a state be formed in the presence of the classification of land in the West Bank and Gaza-strip. The classification of land is the worst of the Palestinian-Israeli agreements. What Israelis tried to establish during the Palestinian-Israeli negotiations regarding the Israeli further redeployment from the West Bank is the creation of a new area named Area D. The irony of the Netanyahu proposal of Area B+ is that the presence of three types of areas A, B, and C is not sufficient for this government. The Palestinian University student questioned what type of peace can be achieved with four categories of Palestinian land (Interviews, December 1998-March 1999).

A real peace between Palestinians and Israelis has not yet been achieved. The conflict between both still exists, the political process has merely changed the form and mechanisms of the conflict. This conflict will remain in existence for a long period. The existence of Israeli settlements and military forces in Palestinian Occupied Territories are a form of occupation. Compatibility between this occupation and peace is impossible. The Palestinian Minister of Public Works continued by saying that Israel has to choose one of these two terms (al-Ahmed interview, November 2, 1998).

Calling to halt Israeli settlement would give the Palestinians some hope of establishing their own independent state. In that case a reasonable solution could be maintained. Without this halting, no solution would be successful. Land means sovereignty, water resources, international-independent access, and a bright future. Abu Medain noted that the PNA did exploit the Israeli concept of a political settlement. Rabin had classified the settlements into political and security (see chapter four), and according to him, he would compromise the political ones for a peace deal. The PLO had entered into a peace deal through the Oslo Agreement, but why had not the PLO asked Israel to withdraw from these settlements in its deal

with Israel? He wondered why did settlements like Kfar Darom and Netzarim in the Gaza-Strip remain? These provide no benefit to Israel. He added that the removal of 140 extremist religious settlers from the city centre in Hebron was possible only after the Hebron massacre (al-Haram al-Ibrahimi Massacre). After the signing of the Oslo Agreement, the international community and even many Israelis would have accepted this demand (Abu Medain interview, February, 17, 1999).

Throughout the interview a Palestinian member of the Public Committee for Resisting Settlement maintained that Israeli settlement activities had increased over the last five years (1994-1999) more than in any other period prior to the Oslo Agreement. Since the Likud Party had assumed power Israeli settlement activities had reached their peak. By-pass roads are more dangerous for the Palestinian future. They surround Palestinian villages, towns, and cities, in contrast to the past when the settlements were surrounded by Palestinians. These roads create Palestinian ghettos in their own land. The conditions of these roads which serve the settlers on the West Bank are better than those serving the Palestinians. They are also longer than Palestinian roads (Interviews, December 1998-March 1999).

But this does not mean that the Israeli settlement activities were negatively affected under the Labour government. These activities increased noticeably and went through a sophisticated plan (Interviews, December 1998-March 1999). The Foundation of the Middle East Peace is based in Washington and is a specialist in monitoring Israeli settlement activities in the Palestinian Occupied Territories noted:

The only success of the Rabin government, regarding the settlement issue, is the return of the dynamics of Jewish settlement in the occupied territories to a situation that prevailed before the beginning of the 1990 housing boom. Settlers have emerged from the Rabin years more confident of Israel's permanent control over the territories than they might have if Likud had retained power (www.fmep.org/report/v3nl.html).

All the actions were undertaken by Rabin are less indicators of a new era of 'drying out' settlements than a rationalisation of overly ambitious Likud settlement plans (www.fmep.org/jul93.html).

Talab al-Saneh (Arab member of the Israeli parliament) does not see any fundamental difference between Israeli political parties regarding the settlement issue. He believes that all parties want control over the land of the West Bank and Gaza-Strip. The fundamental difference he believes, between Labour and Likud is that Labour does not want to create a dual-nation state through annexation of the West Bank, because in that case two and a half million Palestinians would become citizens of the state of Israel. Therefore, the Labour government tried to find a formula that would isolate both peoples and decrease the level of conflict, but at the same time control more land (al-Saneh, 1995, 40). The difference between the two parties is that the Likud party proposes a unification of the 'Land of Israel', whilst the Labour Party proposes unification of the Jewish people.

Likud government intentions for settlement expansion during the coming four years do not exceed Labour's settlement programme. Dan Meridor, Minister of Finance for Netanyahu's government, told the Israeli newspaper Yediot Aharanot on July 19, 1996 how the Likud government regarded to the previous Labour government of 1992-1996,

We have to praise Yitzhak Rabin, may he rest in peace, and Shimon Peres who during the last four years raised the number of Jews in Judea and Samaria by 40 per cent. During their tenure, thousands of homes were built in Judea and Samaria (West Bank) and the number of Jews increased from 100,000 to 140,000 ... but we need not be thankful only to them. We should also praise the Israeli left which didn't utter a word about this for four years.... It is clear as can be that we will not do less in this regard [settlement construction] than the Labour Party. I have already told the American ambassador that he can rest easy about one thing--that Labour's policy of massive settlement will not change. Maybe we will do it a little differently. . . . But it is clear that if we are serious in our intention not to return to the 1967 lines, words alone will not suffice. Settlement is one of the things that determines the borders of the country. Therefore, if we stop settlement in one place or another it means that we have surrendered that place. . . . but it is necessary to continue the settlement enterprise in Judea and Samaria in a sober and

controlled manner, and within our economic limitations. There are communities which for sure were dried out in recent years, and that will certainly be rectified (www.fmep.org/sep96.html).

Netanyahu told Israeli television in July 12, 1996

The United States understands that there is a natural process of development of the Jewish settlements in Judea, Samaria, and Gaza. I showed President Clinton and Congress the table demonstrating the expansion, the growth of the Jewish population in Judea, Samaria, and Gaza by 50 percent under the Labour government, not the Likud government. It is the outcome of natural growth. . . . Natural growth within the framework of the municipal boundaries of the existing settlements is not something that appears to be in dispute . . . regarding new settlements, we will have to discuss in the cabinet and decide how and when to do it. We have not yet decided. The areas of agreement up to now have in fact permitted a 50 percent natural growth of the Jewish population in Judea and Samaria, which is not unimportant (Israeli T.V. July 12 1996 cited in www.fmep.org/sep96.html).

Pinchas Wallerstein, chairman of the Council for Jewish Settlements in Judea, Samaria, and the West Bank (Yesha), noted in mid-1996:

There is no practical need to establish new settlements, but that the ideological imperative to undertake such a policy cannot be disregarded . . . it is necessary to thicken and to strengthen that which already exists . . . the growth of settlements will continue in much the same way as it has during the last four years (Labour government) in communities close to the metropolitan areas of Israel, places like Adam near Jerusalem, and Na'ale and Ofarim near the Green Line (www.fmep.org/sep96.html).

A Palestinian from Salfeet confirmed that the Israelis do not need to announce their plans of establishing new settlements. Israel under both Labour and Likud governments established new settlements. The Israelis announce that new dwellings will be build in this settlement. When they start building, it will become clear that the actual dwellings are not inside the boundary of the settlement. After a few months the number of these dwellings will increase slowly or quickly while a new name will be given to the location. Thus a new settlement will come into existence (Interviews, December 1998-March 1999).

4.10 Conclusion

The two case studies used in this chapter demonstrated that the Israeli policy in the West Bank and Gaza-Strip had not change during the 'peace period' (1993-1999) from that 1967-1993. The chapter showed that Palestinians who are living close to settlement (Salfeet Province and the Mawasi Area) did not see the fruits of peace. In fact, more land was confiscated and several Israeli attempts to attack the Palestinian land took place. The signing of the peace agreement between both sides did not improve the socio-economic (see details of the Palestinian socio-economic conditions in the post-Oslo Agreement in chapter six) and the political conditions of Palestinians. The chapter showed that the Palestinian efforts to resist Israeli settlement activities in the post-Oslo Agreement period lacked a systematic approach and were fragmented between the PNA official institutions and the NGO's. Even the PNA itself did not have a cohesive policy of resistance.

With regard to the Israeli settlers, they became even more aggressive because they were afraid of losing even more land, which would come under PNA control. This chapter proved that Palestinians-settlers relations worsened in the post-Oslo Agreement period and that in fact the Palestinians suffered more acutely as a result. During this period the settlers insisted even more strongly to both the Israeli governments (Labour and Likud) with equal force, that there was no possibility of making a political compromise with the Palestinians based on trading land for peace. Through their activities regarding the Oslo Agreement they confirmed that they would not accept the evacuation of any settlement under any circumstances.

The Israeli settlement activities shaped Israeli policy for the final status Agreement strategy of not returning to the pre-1967 War borders. The construction of several important by-pass roads which divided the Palestinian territories into several cantons, were witness to Israeli intentions regarding the permanent status Accord.

The Palestinian resistance against Israeli settlement activities increased the possibility of breaking out of another *Intifada*. The violence of September 1996 and May 2000 is proof that this is maybe an effective Palestinian alternative to peace.

Chapter Five: The Socio-Economic Impact of the Oslo Agreement Regarding Control of Land

5.1 Introduction

Palestinian optimism after the signing of the Oslo Agreement in 1993 was twofold; political and economic. This chapter deals with the economic issues in the post-Oslo Agreement. It aims to evaluate the Palestinian economic conditions as a result of the signing of the Oslo Agreement and Paris Protocol and how the division over controlling Palestinian land affected the Palestinian economy. The provisions of the Oslo Agreement for dividing the Palestinian territories into categories tried to make the Palestinian-Israeli economic agreement compatible with this division. Section two therefore deals with Palestinian hopes resulting from the peace agreement, both political and economic. The Paris Protocol dealt with the economic relations between Palestinians and Israel and these are examined in section three.

Section four highlights the provision that the Palestinian economy should be characterised as a free market. This was the PNA's pledge before its people and donors but the Protocol prevented the Palestinian economy of becoming as a free economy.

The Israeli measure which most seriously injured the growth and development of the Palestinian economy in the post-Oslo Agreement was the policy of closure. This is in addition to the spatial separation between the West Bank and Gaza-Strip and the isolation of the West Bank from East Jerusalem. Israel resorted to close both the West Bank and the Gaza-Strip from Israel and the world. The cities and villages of the West Bank were isolated according to the different ways of controlling the land agreed between Israel and the PNA as a result of the Oslo II Agreement. Section five explains to what extent the closure affected the Palestinian economy.

There is no doubt that the various ways of controlling land in the West Bank and Gaza-Strip and the controlling of the crossings that linked the Palestinian territories with the neighbouring countries and the world was a major factor in the improvement of the Palestinian economic sectors and this is examined in sections six-eight.

Section nine deals with one of the most dangerous crises related to the prospects for economic development: water. The pre-Oslo Palestinians were the main losers in the region and this situation continued in the interim period. This section describes this and the position of water use in the pre-and post-Oslo Agreement. Palestinian expansion in the agricultural sector could not be isolated from an increase in the Palestinian water-quota. Here an increase in the quantity of water may be achieved if Palestinians managed their water resources, and this is related to control of land. There can be no control of water resources if there is no control over land. Section ten deals with the situation of the Palestinian agriculture during the water crisis.

Reconstruction in the West Bank and Gaza-Strip was the target of the donors. The category of land determined the possibility of undertaking economic projects from the donor's side. This affected the Palestinian economy, particularly, the standard of living. Section eight deals with this standard of living.

5.2 The Hope and the Reality

The preamble to the Paris Protocol announced that Palestinians and Israelis shall co-operate in the economic field. This should be governed by the principles of mutual respect for each other's economic interests, reciprocity, equity, and fairness. Both sides also acknowledged that the Protocol lays the groundwork for strengthening the economic base of the Palestinian side and for exercising its right of economic decision-making in accordance with its own development plan and priorities (Preamble of the Paris Protocol). What happened in the post-Protocol period proved Israel's unwillingness to fulfill its commitments.

When the PNA began in May 1994, it inherited many problems from the Israeli occupation, especially in the economic sector. There were a high percentage of unemployment among Palestinians, a high ratio of poverty in the Palestinian territories, and a distorted economy.

This economy was characterized as, first, a total economic subordination to the Israeli economy, because of the former dependence on exporting cheap Palestinian labour and importing commodities. Second, a considerable lack of Palestinian institutions, especially those that should be in charge of the economic reconstruction and administration of international foreign aid in the interim period. Third, the devastated Palestinian infrastructure, where no noticeable development has taken place since the Israeli occupation in 1967. Fourth, the destruction of the legal environment due to Israeli military orders, which governed the Palestinian economy during the Israeli occupation. Fifth, the weakness of the Palestinian productive base, where the industrial sector remained without any observable development. This sector remained as it was in 1967 when its contribution was 10 per cent of real GDP (Abdulla, 1994, 33:34; UNCTAD, 1996, 23:24; Roy, 1999, 66).

The reform of the economy required two immediate actions, i.e. the building of new institutions for the newly born government administration, including the rejuvenation of existing institutions, and dealing with high unemployment (UNCTAD, 1996, 11).

Palestinians hoped that a process of strategic planning could be initiated in the West Bank and Gaza-Strip. But this could not be implemented on the ground because of the following constraints. Firstly, the continuation of the Israeli occupation of the greater land of the Palestinian territories with control over natural resources such as water and land; secondly, Palestinian economic dependency on Israel due to three decades of occupation; thirdly, the fragmentation of the PNA areas; finally, Palestinian dependency on international assistance in order to finance investment projects (Baidoun, 1998, 6).

5.3 The Paris Protocol

In April 29, 1994, in Paris, the PLO and Israeli economic teams drafted a Protocol on Economic Relations, known as the Paris Protocol (1). This Protocol was incorporated into an Agreement on The Gaza-Strip and The Jericho area which was signed in Cairo on May 4, 1994, and was included in Annex IV of the agreement. When the PLO and Israel signed the Oslo II agreement in Washington DC on September 28, 1995, the Protocol was incorporated in Annex V. Under Annex V the Protocol contained the same number of articles as was signed in Paris. There could be no change to the Protocol, apart from an expansion of the PNA's economic responsibilities in areas coming under its control as a result of the implementation of the first stage of Israeli military redeployment, according to the Oslo II Agreement.

The Protocol defined Palestinian-Israeli economic relations during the Interim period of Palestinian self-autonomy. It was a natural result of the political agreement (Declaration of Principles or Oslo Agreement) between both sides. Because the Oslo Agreement did not give the Palestinian people full political independence, the Paris Protocol also deprived them of economic independence.

This Protocol had both positive and negative aspects. Some Palestinian economic rights were reclaimed through it, whereas other rights remained in the hands of Israelis (Awartani, 1994a, 7). During the interim period, the Protocol affected the Palestinian economy, and played an important role in directing and administering both the growth and collapse of the Palestinian economic sectors.

This Protocol allowed Palestinians to re-inforce their economic base and exercise decisions over economic issues. It also allowed them to export freely their products to Israel, especially industrial and agricultural products (with limitations on some agricultural products). The Palestinians had the opportunity to adjust the balance of trade with Israel, which had been working to Israel's advantage during pre-Paris Protocol period (Makhool, 1994, 11:14). In the interim period the balance of trade continued between the West Bank, Gaza-Strip and Israel, to work in Israel's

advantage. Table 6.1 shows the deficit in the balance of trade between the two sides according to the direction of movement of trucks between both sides.

According to the A1, A2 lists, presented in the Paris Protocol, Palestinians have the opportunity to import goods from Arab and Islamic states, particularly from Egypt and Jordan. Therefore, they will be able to import in quantities agreed upon by both sides to meet Palestinian market needs. The import policy of the PNA for the A1, A2, and B lists (list B could not be imported from the Arab or Islamic states) will include independently-determined and changeable customs rates, purchase tax, levies, excise, and other charges (Paris Protocol, article III). This could be an important step towards diversification of Palestinian trade flows and to the reintegration of a Palestinian economy in a wider regional context than that which it was deprived of during three decades of occupation.

Table 5.1
Estimates of monthly WBGS truckload commodities exports and imports of commodities through monitored commercial crossings, second half of 1997

Month	Monthly Exported Truckloads	Monthly Imported Truckloads
July	2,103	14,029
August	907	8,758
September	1,504	14,663
October	1,313	12,835
November	2,884	15,113
December	3,941	16,304

Source: U.N., 1998, 5;

The PNA will use Israeli customs rates, purchase tax, levies, excise, and other charges for all goods not specified or mentioned in the three lists, and for the quantities of goods of the above mentioned three lists that exceed Palestinian market needs. Experts of a sub-committee of the Joint Economic Committee (JEC) would determine the quantities of Palestinian market needs of the items listed in the A1, A2, and B lists ((Paris Protocol, article III).

If Israel changed the customs rate, purchase tax, levies, excise, and other charges, the PNA should adjust their rates accordingly. In this matter the Palestinian economy is at the mercy of the Israeli economy, therefore this change may injure some sectors of the Palestinian economy.

The goods in the A1, A2, and B lists amount to around 500 items. In the pre-Oslo Agreement, all the goods mentioned were imported from Israel or from abroad (except those Arab and Islamic states that had no diplomatic relations with Israel). The importers were Israeli agencies. The Protocol gave Palestinians the right to import all their needs without Israeli mediation as was the position in the pre-Protocol period. This process will decrease the price of commodities and will open up opportunities for Palestinians to enter and benefit from competition in the international markets (Makhool, 1994, 14:17; Abdulla, 1994, 29).

The Protocol gave Palestinians the right to export their products without Israeli obstacles or mediation. Israeli controlled Palestinian foreign trade in the pre-Paris Protocol, and all such trade was passed through Israeli companies and trade agencies (Abdulla, 1994, 29). In the pre-Oslo Agreement direct international trade with the West Bank and Gaza-Strip was \$56 million through 60 merchants. This trade rose to \$700 million in 1997 through 1,600 merchants (Helelah, 1997, 45).

The Protocol set up the Palestinian-Israeli Joint Economic Committee (JEC). Its function is to follow up the implementation of the Paris Protocol, and to solve problems relating to the protocol that may arise from time to time. Each party may request a review by the JEC of any issue relating to the protocol. The committee reaches its decisions through consensus (Article II). However within the first four years of the interim period no evaluation regarding provisions of the Protocol had occurred. Israel had rejected repeated Palestinian requests to negotiate any revision (Shaheen interview, August 18, 1998). Until May 1999, no such review took place.

Many cases relating to the Palestinian economy will be decided through the JEC, because Israel has a right to share in any of its decisions and can reject any

Palestinian proposal. Of course, the committee will not discuss or deal with any Israeli economic issue occurring in Israel, but will deal only with issues relating to the Palestinian economy. This means that in the post-Oslo Agreement Israel will continue to interference in the Palestinian economy. This Israeli intervention ensures domination over the Palestinian economy, enabling them to run it as subordinate to its own economy. There is no doubt that the PNA wants to decrease Palestinian economic subordination to a minimum. The Palestinian Minister of Trade and Economy stated that we are looking forward to the day when this subordination ends and we are able to link our economy with our natural links; the Arab and Islamic states (al-Masri interview, September 10, 1998).

Because of the Protocol, the PNA can inaugurate a Palestinian Monetary Authority (PMA), which will have the power and responsibility for the regulation and implementation of monetary policies, and will act as the Palestinian official economic and financial advisor (Paris Protocol, article IV). The function of the PMA is the same as that of any central bank in any independent state, except for the right of issuing a national currency. The Protocol confirmed the use of Israeli currency (New Shekel) in the PNA's territories as also the U.S. and Jordanian currencies (UNCTAD, 1996, 13; Makhool, 1994, 17). Here changes in the value of Israeli currency will affect the Palestinian economy, which is what happened in 1998 when Israel decided to devalue its New Shekel by around 20 per cent. The Palestinian economy suffered from this decision and the Palestinian standard of living was badly affected. In this instance the Palestinian people will pay the price for any fault in Israeli monetary policy.

The PNA has the right to determine and regulate independently its own tax policy in matters of direct taxation, including income tax on individuals and corporations, property taxes, municipal taxes and fees. The PNA adopted the same standards for collecting these taxes that were used in the pre-Oslo period.

Israel will transfer to the PNA a sum of 75 per cent of the income tax collected from Palestinians employed in Israel, and the full amount of income tax collected

from Palestinians employed in Israeli settlements (Paris Protocol, article V). Here the PNA showed that the position of the Israeli settlements was different from that of Israeli cities.

The tax system in the West Bank and Gaza-Strip regarding direct tax rates on personal incomes and corporate profits is identical to that in Israel. This is not suitable for the Palestinian economy. There is a fundamental disparity between the two economies with regard to size, structure, and stages of development. Therefore, the PNA should amend the Palestinian direct tax system to reflect its economic character. During the transitional period, the PNA failed to bring about any real change in this matter, despite many Palestinian key economic officials wanting a decrease in tax on personal income.

As for indirect taxes on local production, Palestinian and Israeli tax administrations will levy and collect VAT and purchase tax, as well as any other indirect taxes in their respective areas. The purchase tax rate for both sides will be identical as regards locally produced and imported goods (the Israeli rate would be used), so that the Palestinian VAT rate should not be 2 per cent less than the Israeli rate (The Israeli VAT is 17 per cent). This means that Palestinian VAT should not be less than 15 per cent (Paris Protocol, article VI).

Therefore, the PNA would be deprived of support for some of its economic sectors, particularly the industrial sector. The provision seems beneficial in that both sides will use the same rate of tax on local production, so it will not prejudice either party. But we should bear in mind that the Palestinian industrial sector was damaged during the Israeli occupation and deprived of any kind of support, in contrast to the Israeli industrial sector which received many forms of support for decades. This will raise the issue of the Palestinian right to compensation due to Israeli damage done to all the Palestinian economic sectors during the occupation period.

Palestinian industrial goods would be unable to compete with Israeli industrial goods, when there is free flow of such items from one party to the other. Unfair competition would occur between Israel and the Palestinian territories. This situation may indirectly encourage the Palestinian industrial sector to develop without depending on governmental support such as the lowering of some industrial taxes. The Palestinian industrial sector could have other forms of support from the PNA, such as bank loans, a drop in direct taxes, opening new markets especially in the Arab and Islamic states, and benefiting from PNA economic agreements with the U.S. and European Union.

The Palestinian Under-Secretary for the Ministry of Finance described the Paris Protocol in relation to foreign trade as a mixture of two economic models; a customs union and a free trade zone. Alawna called it “a free customs union zone”. Foreign trade, as the Protocol specifies, is not to become a customs union, nor a free trade zone. The Protocol guaranteed the PNA an independent customs policy on the number and quantities of goods on the one hand, but on the other the Palestinian customs rate should be identical to the Israeli one on the number and quantities of other goods which exceed Palestinian needs (the three lists). Alawna believes that the Protocol is not an agreement between two independent states, the Protocol is a contractual agreement between the PLO and Israel for five years (Alawna, 1994, 41:43).

Makhool believes that the Paris Protocol formed a positive and qualitative move for the Palestinian economy. The PNA will determine the character of the Palestinian economy for the first time in modern Palestinian history. The Palestinians themselves will run their economic structure. But he does not ignore the negative aspects of the Protocol (Makhool, 1994, 24). Palestinian economists believe the Protocol has negative and positive points (Awartani, 1994a, 7:8).

Among the negative, the protocol did not address the issue of natural resources. There will be no change in sovereignty over land, water, and settlements in the interim period. Prevailing Israeli restrictions on the Palestinian control over land

and water thus remain in place. Control of water resources in the West Bank and Gaza-Strip will continue to constrain development of modern Palestinian agriculture (UNCTAD, 1996, 20). Seventy per cent of the West Bank is outside the PNA's jurisdiction and entirely under Israeli control. This situation severely affects expansion of the Palestinian agricultural and industrial sectors.

The protocol did not place any obstacles in the way of Israeli settlers in introducing new manufacturing in the settlements (Abdulla 2, 1994, 29). A settlement like Barkan in Salfet Province, which is considered the biggest industrial settlement in the Palestinian territories, continues to expand. It signs its products "Made in Israel".

Therefore, these products are considered to be Israeli and all kinds of taxes go to Israel, despite the fact that the industrial production is located in the Palestinian territories. The settlement's products enter the Palestinian market easily, particularly in the West Bank, where they escape Palestinian taxation on Israeli products, as per the Paris Protocol.

It is difficult for the PNA to follow products which are manufactured on the West Bank and move about within the West Bank. The PNA could take effective steps to eliminate the flow of the settlement products in the Gaza-Strip, whereas it could not in the West Bank. This is due to the location of the settlements in the Gaza-Strip where all are separated from Palestinian society. The situation in the West Bank is different as the settlements are spreading everywhere. In some places such as Azon Atmeh in Salfet Province there is no visible border between the houses of the settlement and the Palestinian houses (al-Escafee interview, September 4, 1998).

5.4 The Character of the Palestinian Economy

The PLO and the PNA adopted a strategy of a Palestinian free market economy. Arafat's economic adviser, confirmed that the strategy of the PLO was to establish a free market economy. This has been presented and stressed on many occasions, including in the document of the declaration of independence 1988, which was

made five years prior to signing of the Oslo Agreement (Salam, 1998, 46). When Arafat formed his second and third governments in 1996 and 1998, he pledged before the Palestinian Legislative Council that the Palestinian economy would be a free economy without state interference. He declared that the PNA would give the private sector the opportunity to invest in Palestinian economic development and to lead it (Arafat cited in al-Majlis al-Tashreei, 1998, 5).

However, Salam believes that the Palestinian economy of the post-Oslo Agreement, and particularly since the PNA was established in mid 1994, is not a free economy, rather is it a constrained economy due to the implementation of the Paris Protocol. To describe and define the Palestinian economy as a free economy in the post-Paris Protocol is unfair and unrealistic. Salam described the situation of the Palestinian economy thus:

The core of the issue is that we (Palestinians), along with Jordanians and other parties, should be entitled to free exchange of all types of goods, as well as to determine the appropriate means of transportation. Upon examining our situation we discover that we have lists with limited types of goods, lists with limited quantities of goods, and predetermined import and exports procedures (according to the Paris Protocol). The limitations and restrictions extend to include limited days for imports, as well as limited numbers of allowed truckloads per day... the truck passes through 13 inspection points (Israeli) from the factory in Jordan until its destination in area A. A truck may stay from three minutes to two hours at each point (Salam, 1998, 45).

The Israeli policy of implementing the Paris Protocol did not characterize the Palestinian economy to be a free one. The atmosphere which Israel created in the post-Paris Protocol was not that of a free economy and this type of economy is not the economy which the PLO and the PNA planned to implement in the West Bank and Gaza-Strip. Without Palestinian sovereignty over the international crossings, the PNA are unable to run a free economy in the West Bank and Gaza-Strip. The crossings are a vital element in the building a free economy.

The Palestinian Under Secretary for the Ministry of Industry confirmed that the PNA does not direct the Palestinian industrial sector because it is private and this sector knows its interests. He confirmed that the ministry of industry has a right to

supervise and observe the performance of this private sector. It has the right to intervene when this sector appears to be working differently to the Palestinian industrial standard and specifications as laid down in Palestinian law. He believes that the economic role of the PNA is to help the private sector. He added that the PNA has to provide a vital infrastructure for economic development and sign agreements with other countries in order to open up new markets for the private sector, and to enact new and modern laws in order to encourage private sector business (Samara interview, January 15, 1999).

The PNA pledge in the presence of donor countries and the World Bank meeting in Paris was to halt all aspects of intervention in the Palestinian economy by the end of 1998. The PNA interferes and monopolises in only two areas; petroleum and cement. Salam confirmed that these two areas are still being examined intensively and will be dealt with (Salam, 1998, 49). Vital economic sectors of the Palestinian economy are in the hands of the private sector: banks, transportation, communication, agriculture, industry, energy, etc.

The Minister of Justice explained that the PNA is carrying out two integrated programmes for administrative and institutional development. The World Bank and the IMF are financing these programmes. The two programmes belong to the most influential PNA ministries; Ministry of Justice and Ministry of Finance (Abu Medain interview, February 17, 1999).

It is well to remember that during three decades of occupation Israel manipulated commercial agencies and distributed them among selective merchants (Salam, 1998, 47). For example a few merchants monopolised petroleum during the Israeli occupation. The PNA want this sector to be free from monopoly; It needed at least 30 merchants are interested in taking over this commodity.

The PNA distribution of commercial agencies was different. It could be interpreted as PNA favouritism. There is no doubt that some PNA officials exploited their position in order to serve their own interests. However, corruption is not part of the

PNA general practice. Most criticism against corruption is coming from PNA institutions, such as the PLC, the cabinet, and the state inspector.

5.5 Israeli Closure of the Palestinian Territories

The U.N. Special Co-ordinator in the Palestinian Occupied Territories noted in 1996 that the Palestinian economy had been in a state of depression since 1993 except for some brief periods. The report argued that the cause of the economic depression was the Israeli closure of the West Bank and Gaza-Strip. The Palestinian Ministry of Finance and the International Monetary Fund (IMF) expected that the real growth rates for GNP and GDP of the Palestinian economy for the year 1997 would reach 8 and 5.5 per cent respectively. This could only be achieved if Israel did not impose a closure in the West Bank and Gaza-Strip (U.N., 1997a, 1:iv).

The closure not only affects the Palestinians. The U.N. Co-ordinator in the Occupied Territories believes that the greatest loss attendant on the Israeli closure is the separation of the two peoples (Palestinians and Israelis), because the West Bank and Gaza-Strip had been opened to Israel and vice versa since 1967. He argues that the closure and the separation blocked the people-to-people interaction that is necessary to sustain any durable peace in the long-term (U.N., 1997a, iv).

Continuous separation of the West Bank and Gaza-Strip divided the Palestinian market into two areas. The market of both the West Bank and Gaza-Strip is already small, based on 3 million people. The dividing of this small market into two will undermine initiative and production development (al-Masri interview, September 10, 1998). The separation has also significantly affected the opportunity to exchange goods and human experts. Many agricultural products are cheap in the Gaza-Strip because they do not find an export outlet, owing to Israeli restrictions, simultaneously these products are very expensive in the West Bank.

Al-Masri estimated the daily trade between the West Bank and Gaza-Strip in the post-Oslo Agreement only in thousands of \$US, did not reach one million, whilst trade between these areas and Israel continued in millions of \$US. In 1997 the trade

between Israel and the West Bank reached around \$US 2.5 billion (al-Masri interview, September 10, 1998). Despite the political accord confirming the West Bank and Gaza-Strip as one territorial unit, and the economic agreement confirming free movement of agricultural and industrial goods between the West Bank and Gaza-Strip, trade between both Palestinian areas remained insignificant. The Israeli plea for separation rests on security requirements, but there is no doubt that this division also represents an economic target.

In addition to these partitions Israel resorts to the imposition of a collective penalty against Palestinians, that of using the closure of Palestinian territories. The Israeli closure takes four shapes; first, the comprehensive closure of the West Bank and Gaza-Strip simultaneously from Israel, second the complete closure of the West Bank from Israel. Third, complete closure of the Gaza-Strip from Israel. Fourth, internal closure of the West Bank itself, where each city is closed off from the others.

The quarterly report from the office of the special co-ordinator of the U.N. in the occupied territories estimated Palestinian losses from March 1993 to the end of 1996 as a result of Israeli closures:

Closures have reduced by over 20 per cent the total number of days during which normal economic interaction between Israel and the West Bank and Gaza-Strip could take place. The aggregate economic effect has been to reduce by about half the long-run real GNP growth rate after 1993 (2.5 per cent) as compared to the period 1980-1992 (4.9 per cent). The resulting estimated cumulative losses in income-generating opportunities are estimated at \$6,450 million for the period 1993-1996 which, when distributed over the total number of calendar days, yields a loss of \$4.4 million per day (U.N., 1997a, iii).

The Palestinian Ministry of Labour estimated direct daily losses from the closure at \$6 million (Report from the Palestinian Ministry of Labour in Palestinian Ministry of Information, 1996, 12). It is clear from table 6.9 that Palestinian real GDP and GNP declined in 1996 by 1.60 and 2.9 per cent respectively. Repeated Israeli closures were the main reason for this drop.

The heaviest and longest closure of Palestinian territories took place under the Labour government, however this does not mean that under a Likud government there were no closures. Netanyahu's government used this collective penalty several times 1996-1999 (Palestinian Centre for Human Rights 1, 1998, 4).

The direct effect of Israeli closures on the Palestinian economy was to paralyse the movement of Palestinian labour to Israel. Around 1/3 of the Palestinian labour force works in Israel (Makhool, 1994, 19; Naqib, 1997, 10). Therefore, during days of closure we can imagine the effect on the Palestinian labour force caused by these measures. As shown in (table 6.9), Palestinian GNP declines more than GDP, because real GDP is GNP minus the incomes earned by Palestinian workers in Israel.

Since the establishment of the PNA in May 1994 up to February 25, 1996, Israel imposed 23 closures covering 121 days for the West Bank and Gaza-Strip. Ten were imposed as a result of suicide attacks, and the rest during Israeli national and religious days, or as a result of information on expected suicide attacks (Palestinian Ministry of Labour, 1996 in (Report from the Palestinian Ministry of Labour in Palestinian Ministry of Information, 1996, 12).

On the subject of the above mentioned 23 closures, a Palestinian labourer working in Israel would have applied 23 times to obtain work permit, because during that period Israel closed the Gaza-Strip on 23 occasions on the security plea (Report from the Palestinian Ministry of Labour cited in the Palestinian Ministry of Information, 1996, 13). According to Israeli rules, after every closure Palestinian labour must apply for fresh permission to enter Israel. To obtain this authorisation a worker loses a working day, because he has to apply at the Erez checkpoint. This takes at least a full day waiting in a long queue. Usually the procedure takes more than five hours. Over two years Palestinian workers of the Gaza-Strip lost 23 working days just to regain the right to enter Israel, in addition to the 121 closure days. There is no doubt that Israeli businesses depending on Palestinian labour was badly affected by the closures. A Palestinian trader from Gaza said that the Israeli

businessmen were dispirited by their government's policy towards the Palestinian labour. Their business was entirely frozen during the days of closure (interview with al-shareef, august 1999).

Israeli closure does not only affect the flow of Palestinian labour to Israel. It also affects all Palestinian sectors such as industry, agriculture, health. the flow of Palestinian labour within the Palestinian territories (particularly within the West Bank), trade movement between Israel and abroad, trade between Palestinians, tourism, and transportation. During days of closure Palestinian life is paralysed.

The raw material needed for Palestinian industry is imported through Israeli ports, therefore, industrial production is halted during days of closure, and the owners of factories also have to pay the Israeli port authority for storage of their raw materials in the ports. The loss to the Palestinians is doubled (Qidwa, 1996, 7). Palestinian investment in the industrial sector is very weak. Where an investor may have a business plan, the closures can deter him from developing his ideas, because he cannot determine the dates of closures or how long they will last. Under such conditions investment in this sector would be too risky. Very rarely do people venture under such unstable conditions.

Closure also damages Palestinian agriculture in several ways: firstly it prevents the export of all kinds of agricultural products. According to the World Bank, agricultural production accounts for 25 per cent of Palestinian GDP (World Bank, 1994 cited in Elmusa, 1997, 38). In the early 1990's the agricultural sector in the West Bank and Gaza-Strip absorbed around 30 per cent of the Palestinian labour force (Elmusa, 1997, 38). The economy of the West Bank and Gaza-Strip is highly dependent on the export of these products. For example, the Gaza-Strip exports 90 per cent of its vegetable products to Israel, Jordan, Europe, and the West Bank.

Secondly, the raw materials on which the agricultural sector depends are imported from Israel or from abroad through Israel. During the closures, the flow of these materials is halted. In such a case Palestinian farmers lose the opportunity to export

their products both during the season of closure and the following season, because of the lack of inputs. Thirdly, the closure has the effect of increasing unemployment among Palestinian agricultural workers. Palestinian farmers cannot afford to employ labourers if their products cannot find a market. In this situation many farmers prefer to leave their produce on the trees.

At a social level, the Israeli closure threatens the health and the food security of Palestinians, as it disrupts the flow of medical supplies and food, causing acute hardship (U.N., 1997a, iii). The Palestinian Ministry of Health stated that during the closedown of February 25, 1996, five Palestinian patients died at Israeli check points waiting for permission to go to Israeli hospitals or to Palestinian hospitals in other cities. Among the five were three children. The ministry also added that many Palestinian patients suffering from heart disease and cancer died in Palestinian hospitals while waiting for Israeli permission to transfer to Israeli or Jordanian hospitals, because Palestinian hospitals have no medication to treat these conditions (Report of the Palestinian Ministry of Health in Palestinian Ministry of Information, 1996, 36). There is no hospital in Salfeet for example, the nearest being in Nablus City. Whenever closure takes place, Salfeet town and its villages are isolated from the rest of the world by Israeli military check points, preventing local people from reaching Nablus (Interview, December 1998).

The closures of 1996 created chronic food shortages for the first time. The Palestinian Under-Secretary of the Ministry of Supplies informed me, that we found ourselves facing a real food crisis, including a shortage of bread flour, which is a staple food for most Palestinians. This shortage led to the price of bread doubling (al-Qudsi interview, January 9, 1999).

The movement of the university students in the West Bank was also affected by the Israeli closures. The Palestinian Ministry of Education stated that thousands of university students were prevented from reaching their colleges and universities during the February-March 1996 closure. The majority of the West Bank students could not leave their villages and cities to travel to the five universities and many

colleges of the West Bank. (Report from the Palestinian Ministry of Education in Palestinian Ministry of Information, 1996, 50). University students from the Gaza-Strip have faced severe problems in reaching their universities in the West Bank since Israel used the closure as a tool of collective punishment against the Palestinians in 1993. The problem of the Gazian students in the West Bank Universities had not been solved by the end of the interim period. No students have been granted permission to move from the Gaza-Strip to the West Bank since the early 1990's (Friends of Birzeit University, 1998, 4).

A month after the closure of March 1993, the UNRWA found itself running four emergency centres supplying food to 69,000 refugee families and 30,000 non-refugee families as a result of the closure. The applications submitted to the UNRWA seeking food, money, and jobs outmatched its capabilities of supplying emergency aid (Roy, 1994, 30).

The Israeli closure also disrupted the PNA's efforts to develop its new institutions, as well as badly affecting the role of international organisations and aid donors in the process of capacity-building (U.N., 1997a, iii). The Under-Secretary of the Ministry of Supplies confirmed that because of the internal closure of the West Bank, employees of the ministry could not reach their work in the main government buildings in Ramallah. More than 90 per cent of the employees of the Ministry are not from Ramallah City. All other Palestinian ministries face the same problems because of the closures (al-Qudsi interview, January 9, 1999).

It is important to note that the spatial separation of both West Bank and Gaza-Strip compelled the PNA to establish two main offices for each PNA institution and ministry, one in the West Bank and the second in the Gaza-Strip. This has created two separate institutions with no administrative and functional link between the two offices of the same ministry. The only persons who can move freely between the West Bank and Gaza-Strip are the VIP holders (Israel issues a VIP cards to high Palestinian officials allowing them to pass freely between the West Bank and Gaza-Strip). Usually, Israel issues these cards to ministers, under-secretaries, and director

generals of the ministries who are the only people who can move between the two ministerial offices in the West Bank and Gaza-Strip. However, during some of the closures, Israel prevented even the VIP holders from moving between the West Bank and Gaza-Strip.

Salam Fayyad, the resident representative of the International Monetary Fund in Palestine described the PNA as operating under very difficult conditions and with modest capabilities during its early days. But with time the structure of the Palestinian institutions emerged. The Palestinian economy made reasonable progress. For example, the experts of the International Monetary Fund expected that revenues in 1995 would reach 6.7 per cent of GDP, whereas in reality revenues managed double that level. The experts of the Fund also expected the revenues of the PNA in 1996 to reach 17.2 per cent of the GDP, when in fact revenues attained 20.7 per cent (Fayyad, 1998, 4:5).

Fayyad believes that the difficulties faced by the PNA in infrastructure and institution-building are due to the Israeli closures in 1994-1998 and the halting of the Palestinian-Israeli peace process (Fayyad, 1998, 6). There is no doubt that the closures seriously affected Palestinian institution-building. However, the main difficulty faced by the PNA in infrastructure and institution-building was the fragmentation of Palestinian territorial integrity. The Oslo Agreement classified three categories of land: the PNA could work freely in Zone A, and some restrictions were put on Zone B, while Zone C were entirely under the Israeli occupation. The PNA has no responsibility over that zone. Zone C, as mentioned in the previous chapters, covers around 70 per cent of the West Bank, and 30 per cent of the Gaza-Strip.

The PNA has responsibility for all Palestinians (though not all the land) in the West Bank and Gaza-Strip, since more than 90 per cent of Palestinians live in Zones A and B. The PNA controls populated areas without having access to natural resources, which are mainly located in Zone C. It is extremely difficult for any government to carry out successful development plans under such conditions.

5.6 Sovereignty

During the interim period, Israel continued to control all the crossing points linking the Palestinian territories with the world. The movement of Palestinian trade fell under the Israeli control, and Israel had the right to halt this movement at any time during the closures as discussed above. Vital issues for the Palestinian economy such as the movement of persons and goods, control of the crossing points with Egypt and Jordan, the use of an Israeli port (Ashdod), and the use of the Israeli international airport (Ben Gurion) came under Israeli control (al-Masrojy, 1998, 40; Naqib, 1997, 62).

The PNA agreed with Egypt and Jordan separately to open a free border zone. This agreement was never implemented because the border lay under Israeli authority. Israel treats the question of sovereignty over the border as a matter to be addressed in the final status negotiations (al-Kuronz interview, October 26, 1998).

The Oslo Agreement allowed the Palestinians to open their own international port and airport in the Gaza-Strip (Oslo II, Annex I, Articles XII and XIV). But up to the end of this period work on the port had not started and Israel continued procrastinating over the implementation of the provisions concerning Gaza port.

The Palestinian international airport was opened in early 1999 (according to the Wye River Memorandum). This means that it only opened in the final year of the interim period although the airport was in working order two years before. The International airport is only operational during the day. Gaza International airport only serves Palestinians from the Gaza-Strip. Palestinians from the West Bank prefer to use the Israeli or the Jordanian airports because of obstacles created by the Israelis which make it very difficult to enter the Gaza-Strip.

The existence of the airport and Gaza port will enable the Palestinian private sector to establish direct trade relations with the international community without Israeli mediation which affects their benefits. Samara stated that the Ministry of Industry is encouraging Palestinian businessmen to organise direct relations with foreign

businessmen by organising mutual meetings, international industrial exhibitions, and training in different countries (Samara interview, January 15, 1999).

5.7 The Palestinian Labour Sector

The restricted Palestinian economic growth of employment opportunities in the Israeli market reoriented the West Bank and Gaza-Strip labour force away from indigenous agriculture and industry which were critical sectors for the development of the productive capacity towards semi-skilled and unskilled labour (Roy, 1999, 65). In early 1993, the Palestinian labour sector in Israel formed around 40 per cent of the Palestinian labour force. The total Palestinian of population of working-age (persons aged 15-64) was estimated in 1996 as 1,248,218. While the total labour force was calculated at 528,319. The annual growth of the Palestinian labour force in 1996 was estimated to be 40,000 persons (U.N., 1997a, 24; U.N., 1997b, 9). The table below illustrates the position of Palestinian labour.

Table 5.2
Estimates of the working-age Population, labour force, employment,
underemployment and unemployment for the WBGS,
average 1996 and first quarter 1997

Rates	Average 1996	First Quarter 1997
Labour Force Participation Rates	42.33 %	40.91 %
Full-Employment Rates	64.18 %	70.32 %
Underemployment Rates	12.03 %	9.13 %
Unemployment Rates	23.90 %	20.57 %

Source: U.N., 1997b, 9.

In 1992 the Palestinian labour force in Israel was judged in 1992 to be 116,000 (about a third of the labour force at that time). Instead of allowing an increase in the Palestinian labour force in Israel to show Palestinians the benefits of peace, Israel sharply reduced this number during the peace period. In 1995, the number of Palestinian workers in Israel was thought to be 32,000 (U.N., 1997a, 1; ESCWA, 1997b, 2). During the peace period between Palestinians and Israelis, Israel reduced the Palestinian labour force by more than 70 per cent of that in the pre-Oslo

Agreement. This decline severely damaged the Palestinian economy. Unemployment among Palestinians reached its peak. As mentioned in chapter four the main slogan of the Israeli Labour Party in the pre and post-Oslo Agreement was that the party (who ruled Israel 1992-1996) would support social and economic improvement in the region especially between Palestinians and Israelis. The sudden decline in Palestinian labour in Israel (as a result of the security measures) created a critical economic situation which the PNA had to deal with. The improvement of Palestinian economic conditions is an Israeli slogan never an Israeli practice.

The Palestinian Minister of Housing believed that Israel through its economic policy of putting restrictions, barriers, and obstacles on the free movement of the goods, labour and people wants the mission of the new-born Palestinian authority to fail. It wants to prove that the period of Israeli occupation is better than that of the PNA (Hamad interview, January 30, 1999).

To overcome the unemployment crisis that faced it, the PNA proposed the creation of industrial zones which would absorb thousands of employees. These zones were divided into three types. Border industrial zones, internal industrial zones, and industrial zones located within the borders of the municipalities. The border industrial zones were recommended to be set up close to the Palestinian-Israeli border; one in Gaza city and another in Jenen in the north of the West Bank. The industrial border zones would help Israel to overcome its security problems by decreasing the flow of Palestinian workers into its territories (Samara interview, January 15, 1999; al-Kuronz interview October 26, 1998).

The PNA looked to the industrial border zones as an economic project, while Israel looked to them as a security scheme. The demands of security and the economic projects did not meet. The flow of raw materials, goods, trucks and persons such as experts, businessmen are essential to the economic success of such undertakings. These essential elements are in contradiction to the complex security measures taken by Israel. Therefore, the fundamental difference to the target and importance of the industrial zones between Palestinians and Israelis could undermine these

project in the interim period. The idea of the industrial zones was welcomed by the aid donors and they showed readiness to support these ventures. The U.S, EU, and the World Bank supported the creation of the Gaza industrial zone, a part of which became operational by late 1999.

As the reason for instituting the industrial zones was concerned with the absorption of Palestinian unemployment, the Palestinian public sector took on thousands of Palestinian workers. In May 1994 the PNA began its work of institution-building efforts in the Gaza-Strip and Jericho region. In late 1995, the PNA's responsibilities expanded to the rest of the cities of the West Bank. There is no doubt that the PNA's institution-buildings absorbed assimilated number of the many unemployed.

Sara Roy estimated the jobs created by the PNA in the public sector until mid-1998 as 89,130 (ROY, 1999, 71). Salam Fayyad, evaluated the Palestinian Labour force in the public sector in 1998 to be 14 per cent of the total labour force. This ratio seems reasonable in relation to neighbouring Arab countries such as Lebanon, Egypt (except for the military forces) and Jordan where the public sector labour forces account for 15, 34, and 37 per cent respectively. However the wages of the Palestinian workers in the public sector constitute 54 per cent of the recurrent expenditure of the PNA. This ratio is very high in relation to the neighbouring Arab states. In 1996, the wages in Lebanon, Egypt and Jordan make up of the 28.6, 24.4, and 37.7 per cent current budget respectively. The wages in those states also comprise 6.1, 30.0, and 11.1 respectively of GDP, whereas in Palestine the wages for the public sector labour force amounted to 15 per cent of GDP. This is a cause for concern for the future development of the Palestinian economy (Fayyad, 1998, 7). The average number of employees in the PNA was 71,654 in 1996, which increased to 78,215 in the first quarter of 1997. According to the Palestinian Central Bureau of Statistics (PCBS), this represented 17.81 per cent and 18.72 per cent of the Palestinian labour force for the years 1996 and 1997 respectively (PCBS, 1997 cited in U.N., 1997b, 14).

The Palestinian expansion of the labour force in the public sector came about as a result of two conditions; the first was the demand made by the PNA by virtue of the shortage in Palestinian society of many necessary institutions vital to any community (following three decades of Israeli occupation of the West Bank and Gaza-Strip). Second the result of the repeated Israeli closures which increased the rates of unemployment to 40 per cent during the days and months of the closedowns. The PNA attempted to solve this problem by expanding employment in the public sector. This decision might solve some of the social problems attendant on the Israeli closures which affected Palestinian society and threatened the existence of the PNA itself. The Palestinian private sector was also badly affected by Israeli closures, so it could not absorb the huge numbers of jobless. Such a solution to the unemployment problem which happened as a result of the closures will not allow the PNA to solve its economic difficulties.

The development expenditure of the PNA during 1995-1997 came to 7 per cent of GDP. This number should rise to 9-10 per cent to be consistent with other developing countries in the same situation as the Palestinian economy (Fayyad, 1998, 8).

5.8 Industry

The result of the Israeli policies towards the pre-Oslo Agreement was the steady weakening and disablement of Palestine's economic base, an erosion of its productive capacity and the growth of the service sector as the largest domestic employer (Roy, 1999, 65). The Palestinian industrial sector forms a small part of that Palestinian economy as a whole. Palestinian industry accounts for only 10 per cent of GNP and it shares 15 per cent of the labour force (Awartani, 1996b, 8).

In the post-Oslo Agreement period the production of Palestinian goods and services suffered from declining competitiveness. Joseph Saba, the director for the World Bank mission to the West Bank and Gaza-Strip since 1997, believed the decline was due to a number of constraints faced by Palestinians. First were obstacles erected by Israel. Second, Israeli control and limitation of land and water were

reflected in high prices. Third was the small size of the Palestinian market that was fragmented further because of the division into very small markets according to the classification of land and the spatial separation of the West Bank and Gaza-Strip. Fourth the halting of the Palestinian-Israeli peace process since 1996 created an uncertain political environment. Fifth, was the weakness of the Palestinian industrial sector, where more than 90 per cent of the industrial establishments employ less than seven workers. Sixth, there were difficulties in obtaining finance, due to the lack of collateral. Seventh, was there was a lack of raw material, where almost all the inputs are imported from Israel and abroad. Finally, the lack of development in the Palestinian legal system for business, particularly the low level of courts' effectiveness and enforcement of contracts (Saba, 1998, 61).

Saba believed that the first six points mentioned above are due to Israeli behaviour towards the Palestinian economy, where the PNA is responsible for the lack of development in the Palestinian legal system for business, particularly the low level of courts' effectiveness and enforcement for contracts. But he added that different active projects from the donors and the World Bank attempted to improve the legal and institutional system (Saba, 1998, 60:61).

In this regard one Palestinian from the Mawasi Area noted that in this area:

The PNA has no responsibility, everything we want to do has to get the Israeli approval. The quantities of our vegetables that we export to Israel and abroad is up to the Israeli decision. I cannot blame the PNA for such an attitude which is out of its hands. I only blame the PNA for accepting these types of measures and agreements (Interviews December 1998-March 1999).

Saba also believes that the problem of competitiveness in the West Bank and Gaza-Strip cannot be separated from the implementation of the Paris Protocol combined with Israel's permanent restrictions on the movement of Palestinian people and goods. This restricted Palestinian access to external trade and fragmented Palestinian areas into small isolated cantons. All of these factors disadvantaged Palestinian consumers and damaged competitiveness. The Palestinian economy was

cut off from free trade and international markets and lay under the Israeli market which often has higher prices than the international prices (Saba, 1998, 59:60).

Successful industrial development policy will require a reversal of the impact of the Israeli occupation. A skilled and trained labour force, access to capital, water, an increase in the supply of electricity, land, infrastructure, direct access to export and import commodities, transport facilities and political stability are required. Yet as I have demonstrated the West Bank and Gaza-Strip lack many of these elements. Skilled and trained labour in Palestine is rare, and the Palestinian skilled labour in the Diaspora could not return to Palestine because of Israeli restrictions on their re-entry. A small proportion of them returned after the Oslo Agreement. Palestinian capital in the Diaspora do not want to enter the risk due to an unstable political situation, where they do not know to what extent the Palestinian-Israeli peace process will continue to succeed. So the majority of them prefer to wait and see the result of this process. The electricity, water and land which are needed for industrial development are still under Israeli control. The Palestinian infrastructure was damaged during the Israeli occupation and no noticeable improvement was achieved during three decades of occupation. The export and import from and to the West Bank and Gaza-Strip were restricted due to the Israeli implementation of the Paris Protocol, the Israeli obstacles, and the Israeli comprehensive and partial closure that affected the movement of exports and imports.

In the post-Oslo Agreement, some writers wrote about the way to improve the Palestinian industry as if the West Bank and Gaza-Strip were no longer under occupation. Basher al-Bargothy, the Palestinian Minister of Industry (1996-1998) believes that this is not true. Palestinians are not living in an independent Palestinian state, and the main obstacle to the improvement of their industry is the Israeli daily interference in their internal and external affairs. This interference came as a result of the Israeli control of the crossing points, land, and water. He also does not ignore the lack of financial and human skilled capabilities which is fundamental to the industrial development (Bargothy, 1996, 10).

The largest Palestinian industry is in textiles and clothing. It accounts for 19 per cent of the industrial establishments, and absorbs 32 per cent of the Palestinian industrial labour force. This industry is linked with Israeli companies: as much as 85 percent of Palestinian establishments in this sector are working as subcontractors to Israeli companies and manufacturers. As a result of the Israeli-Jordanian Accord, many of the Israeli companies shifted to deal with the Jordanian establishments as their new subcontractors. (Palestinian Ministry of Industry¹, 1997, 2:8, Roy, 1999, 73).

More than 80 per cent of the total of Palestinian industries employ eight workers or less. These are workshops rather than manufacturers. The Palestinian industrial sector concentrates on the food industries, soda drinks, clothes and textiles (Samara interview, January 15, 1999). The capital for individual establishment is approximately \$ 10,000. This represents a major obstacle to economic growth and will continue to do so as long as Israeli closure remains in place. The largest component of private investment (85 to 90 per cent) has remained residential housing which makes little contribution to economic development. In 1993, private investment fell from 21 per cent of GDP in 1993 to 12 per cent in 1997 (Roy, 1999, 71).

Palestinian industry is mainly family industry, this means that the members of the family work in the manufacturing industry that they inherited. This affects production efficiency because the main reason for working in the factory is the worker's family relationship to the owner of the factory, not his skill and experience.

The family structure of Palestinian industry may be an obstacle to modernisation, as experts will not take the opportunity to work in these industries and improve them. However, this type of family concern protected Palestinian industry during the occupation period. Samara believes that despite these negative aspects, Palestinians should be proud of their industry which developed during the years of occupation (Samara interview, January 15, 1999). There are some family industries which

recognise the benefit of modernising the technology and administration they use. Some that came into being in the post-Oslo Agreement period were not based on the family and these industries scored great successes in different fields. If the period of the Israeli occupation needed family businesses to protect this industry from collapse, the post-Oslo period required the modernisation of the Palestinian industry.

The private industrial sector has not been able to obtain financial loans to widen and encourage its industrial activities. Such loans at a low rate of interest, provided by the Industrial Development Bank and other banks, would support the Palestinian private sector and assist it in spreading and diversify industrial production. The banks present in the West Bank and Gaza-Strip provide loans at a high rate of interest, aimed at achieving maximum profit with minimum risk (al-Masrojy 2, 1996, 20). But the existence of more than 30 banks and branches in the Palestinian territories in the post-Oslo Agreement has worked to benefit the Palestinian economy and particularly Palestinian industry.

The absence of a Palestinian national currency and the use of more than one coinage tends to reduce the ability of commercial banks to perform their function of transforming debt maturities, because of the problem of currency mismatching inherent in their portfolios. This may play a reasonable role in extending long-term loans, which are considered essential for economic growth and investment (UNCTAD, 1996, 13).

In addition to the absence of feasible bank loans, the private sector have to provide their industry with the infrastructure for their projects, water, electricity, roads, and land. Here the cost of ventures increases sharply, so many businessmen avoid investing in the industrial sector (al-Masrojy 2, 1996, 20).

In the post-Oslo Agreement period, Israel put even more restrictions on the movement of the Palestinian businessmen than during the occupation period (Samara interview, January 15, 1999). Without the investment of the Palestinian

capital of the Diaspora, economic development would be very weak. This raises the question: If the peace period is worse than the occupation period, why should Palestinians support this process? Israel's failure to fulfill its economic obligations shows that Israel is not willing to give the Palestinian economy the opportunity to develop, improve and one day be independent. The Israeli control of the future of the Palestinian economy is as important a matter as the Israeli stranglehold over the international crossing points, airports and the Israeli port.

The industrial areas in the Gaza-Strip faced more difficulties than on the West Bank. Here the flow of industrial products is easy. Israel cannot supervise (except during the closure days) all the dozens of routes connecting the West Bank with Israel, whilst the Gaza-Strip is linked to Israel by only two crossing points (Bet Hanoon and Almontar). The Gaza-Strip is totally enclosed within Israel and the Israeli military patrols make frequent checks of the fence. This condition is not present on the West Bank. Anyone who travels from the Gaza-Strip to Israel feels that he is going to another country.

Israeli controls over the movement of Palestinian industrial and agricultural products in Bet Hanoon and Almontar (Eritz and Carni) the crossing points are extremely destructive. All the products are taken off the trucks and checked one by one. Then they are put back again. Through this process many items that are destined for export fall below export standards because of the rough checking by the Israeli army who are not specialised in this work.

Israel argues these measures are necessary because of security concerns. But the question arises, are Palestinians from the Gaza-Strip a threat to Israeli security while Palestinians from the West Bank are not? Events have been shown that military operations (persons and materials) that were conducted against Israelis operated from both the West Bank and Gaza-Strip. Many Palestinians from the West Bank carried out suicide operations as well as from the Gaza-Strip. This should prove that these measures are not of a security nature, they are to damage the Palestinian economy in the Gaza-Strip.

The Palestinian Minister of Transportation said that Palestinian trucks are not allowed to carry Palestinian products from or to the Palestinian territories through the Israeli port of Ashdod. This is in spite of the fact that these trucks moved freely between Israel and the West Bank and Gaza-Strip during the Oslo Agreement period (Qawasmi interview, September 23, 1998) Hundreds of Palestinian truck drivers found themselves jobless and the Israeli policy deepened the crisis of Palestinian unemployment. The Palestinian truck owners lost out and the value of their trucks fell sharply: the Israeli truck owners by contrast, benefited substantially from these restrictions.

To amount any manufacturing industry one needs to acquire the land that the project will be built on. Many private industrial projects were cancelled because of the very high price of the land in areas A and B. Prices reached their peak in the post-Oslo Agreement period. The border of Areas A and B especially on the West Bank is placed in the main cities and the built-up area of the villages. The majority of Palestinian investments in the industrial sector are located in Zone A. This is due to three factors: firstly This Zone has a reasonable infrastructure that can serve any project; second, to avoid Israeli interference through security measures, third, to obtain permission for the project from the PNA. In the past the permit was obtained from the Israeli military authorities, and was usually rejected. The implementation of further Israeli redeployment will increase the area of Zones A and B. This will decrease the price of the land in these regions.

In Area C the price of land is very cheap, but the Palestinian investors preferred not to invest or initiate any industrial project there, because it is under Israeli authority and Israeli military orders will regulate their projects if they get permission from the military authorities. The Palestinian Minister of Industry believes that the classification of land especially, in the West Bank is the main obstacle to Palestinian economic development. If these categories of land continue, there will be no opportunity for Palestinians to improve their economic sectors (al-Kuronz interview, October 26, 1998).

The smuggling of industrial and other products between the West Bank and Israel enabled Israeli companies to dump spoiled food on the Palestinian market. The Palestinian Ministry of Supplies seized huge quantities of this spoiled food in the Palestinian market. For example in August 1998 the Supervision Department of the ministry destroyed 45,153 kilograms of spoiled food on the West Bank (Ministry of Supplies, August 1998).

5.9 Water Crisis

As the control over land has always been at the core of arguments and action in the Arab-Israeli conflict, it is also a salient issue in the water dispute between Arabs and Israelis (Elmusa, 1996, 69). Control over land is intimately connected to power over water resources. The water crisis in Palestine is a result of Israeli authority over Palestinian land. Despite the Israeli recognition of the Palestinian rights to the water resources in the West Bank and Gaza-Strip, the system of distributing water after Oslo is no different from the pre-Oslo Agreement period.

The 28 million cubic metres (mcm) which were added to the Palestinian quota according to Oslo II Agreement (1995) will never meet the Palestinian demand for water. During the pre-Israel state period, the Zionist Movement estimates of the water resources in Mandate Palestine indicated that Palestine was rich in such resources. This estimate was adopted by the Zionists in order to convince the British Mandate to allow wide-scale Jewish migration to Palestine (Tantish, 1989, 16:120). The boundary for the 'Jewish National Home' proposed in the Paris Peace Conference 1919 by the International Zionist Organisation (see map 1.1) was

not only to secure all water resources already feeding Palestine, but also to be able to conserve and control them at their sources ... it is highly desirable in the interests of economic administration, that the geographical area of Palestine should be as large as possible (Cited in Elmusa, 1996, 70).

However, in the post-Israeli state period, Israeli official sources began to talk about a water crisis in Israel. Israeli estimates of water resources in Palestine are related to a policy of expansion rather than to the real quantity of water reserves. It is clear that the amount of water available is an Israeli state secret. No regional or

international party shared in determining the figures, and Israel has supplied different figures at different periods. Therefore, we shall look to these numbers with doubt, unless a neutral party conducts project and research to determine the final figures of water quantities in Mandate Palestine.

5.9.1 Ground Water Resources

The water resources of Israel, the West Bank and the Gaza-Strip are connected to each other. Ground water forms the main source of water for both Palestinians and Israelis. It is divided among four major aquifers; the eastern aquifer, the north-eastern, the western, and the coastal which covers the Gaza-Strip and the middle Israeli coastal area. The first three are called the Mountain aquifer (Elmusa, 1997, 13; Betriji, 1997, 46). Elmusa believes that the four mentioned aquifers could be classified as international water, because their parts are located within the Palestinian territories and Israel, therefore, their water should be distributed between the two sides (Elmusa, 1997, 27). But this is true of the three aquifers other than the eastern one which is situated entirely on the West Bank, and its water goes to the West Bank. None of this aquifer's water leaks into Israeli territory. Therefore the water of this aquifer should be considered differently from the other three aquifers.

According to the Oslo II Agreement, Israel provided data to the PNA concerning the Mountain aquifer, namely a total annual recharge of 679 million cubic metres (mcm) (Oslo II Agreement, Annex III, schedule 10). An Israeli academic study for the World Bank calculated the annual recharge of the mountain aquifer as 600 mcm and the annual recharge of the coastal aquifer as 350 mcm (Ben-Gurion University of the Negev with Tahal Consulting Engineering LTD, cited in Elmusa, 1997, 12). While Betriji believes that the annual refill of the coastal aquifer is around 283 mcm (Betriji, 1997, 85).

Israel consumes 85-90 per cent of the aquifers of mandate Palestine, using 483 mcm/ annum from the Mountain aquifer (40 mcm/annum goes to the Israeli settlers in the Jordan Valley), while it pumps 118 mcm/annum to the Palestinians of the

West Bank (Elmusa, 1997, 31;). The British Middle East magazine estimated in 1979 that Israel's pumps 600 mcm/annum from the West Bank aquifers (Middle East Magazine September. 5, 1979 cited in Betriji, 1997, 103).

If we accept Elmusa's figure, then Israel is pumping from the West Bank aquifers more than four times what it is pumping to its original owners (Palestinians). This is a flagrant violation of international law concerning the occupied territories. The presence of the Israeli settlements is a reflection of Israel which transfers citizens (settlers) to the occupied territories, also pumps water to them and their settlements.

5.9.2 Surface Water

The main surface water for Palestinians and Israelis comes from the Jordan River(2), where Lake Tiberias (Sea of Galilee) is considered to be the largest reservoir for the river water and divides the river into two parts; the upper Jordan which is found to the north of Lake Tiberias, and the lower Jordan is which situated to the south of the lake. Israel, Syria, Lebanon, Jordan, and the West Bank share the water of the Jordan River, because the river and its branches pass through these countries (Tantish, 1989). The amount of water that flows through the upper and lower Jordan before it enters the Dead Sea is estimated to be one billion mcm/annum. Israeli and the West Bank water resources contribute less than seven per cent of the water of the Jordan River (Aqel, 1998, 6).

Palestinians on the West-Bank were prevented from using or benefiting from the water of the Jordan River basin, despite the fact that the West Bank has a considerable border on the river. The only source of water for Palestinians in the West Bank and Gaza-Strip comes from the aquifers.

Until the early 1990's, Israel pumped 620-700 mcm/annum from the Jordan basin, while nothing had been delivered to the Palestinians since the War of 1967. The Johnston Plan of 1953 (3) gave Israel and the West Bank a quota of the Jordan basin of 400 and 215 mcm/ annum respectively (Elmusa, 1997, 33: Israeli agricultural Ministry, 1959 cited in Tantish, 1989, 123). During the years of Israeli

occupation and even during the interim period not a single drop of the Jordan Basin water was provided for the Palestinians of the West Bank.

According to the Israeli-Jordanian Accord of 1994 (4), Israel and Jordan should co-operate in finding sources to supply the Jordan with an additional amount of 50 mcm/annum of water of drinkable standards. To find such quantities, Israel will have to decrease its pumping from the Yarmouk River (a stream of the Jordan River). But according to the Johnston Plan (1953) Israel should decrease its draining of the Jordan Basin water by at least 220 mcm/annum.

Despite the huge quantity of water Israel steals from Palestinians through controlling the aquifers of the territories, or through pumping double its quota of the Jordan River basin which was allocated to Israel by the Johnston Plan, Israel is still trying to solve its water crisis at the expense of others, particularly the Palestinians, who are facing a serious water shortage.

5.9.3 Israel and its Neighbouring Countries

Israel previously attempted to solve its water problem by conducting wars against its neighbours (such as the war of 1967) which enabled Israel to control the water of the West Bank. Through this war Israel increased its border with the Jordan River and its streams when it occupied the Golan Heights in Syria. In 1978 and 1982, Israel launched two wars against the military bases of the PLO in South Lebanon. Beside its political aim of destroying the PLO military and political presence in Lebanon, Israeli planned to reach the banks of the Litani River in southern Lebanon. This river is one of the most voluminous rivers in the region, with an annual recharge of 700 mcm (Tantish, 1989, 252). When Israel withdrew from south Lebanon after the two mentioned wars, it maintained control of an area of Lebanese territory which it claimed was to protect its security, but this zone has a considerable border with the Litani River banks.

Ariel Sharon told the Israeli Dabar newspaper in 1981 when he was the Israeli Minister of Defence that the only solution to Israel's water crisis would come

through the acquisition of land, because 2/3 of Israeli water needs are located in Lebanon, the Golan Heights, and the West Bank (Dafar June 14, 1981 cited in Tantish, 1989, 17). This means that Israel needs to continue to rule the three Arab occupied territories just to satisfy its water requirements. This is a fundamental violation of the main principle of the peace process of the Arab-Israeli conflict which is based on peace in return for land.

Israel is using the river's water and pumping it into its territories. An American newspaper reported that, according to an American CIA source, Israel is constructing a tunnel (10-17 km) to reach the Litani water, where it has installed huge water pumps (International Herald Tribune, June 10, 1983 cited in Betriji, 1997, 113). While the head of the Lebanese project commission for the Litani River claimed that Israel does not appear to have been tapping the Litani's water (Al-Hayat, December 1994 cited in Elmusa, 1996, 71).

5.7.4 Israel and the Water Issue in the Peace Process Period

In the early 1990's, Israel changed its policy of war to one of making peace with its neighbours. Israel aims to solve its water crisis through the peace process, but again at the expense of its neighbours and in particular the Palestinians.

Israel pumps between 1800 and 2400 mcm/annum from the different water sources (treatment of sewage 100 mcm/annum) of Mandate Palestine. More than 1,000 mcm/annum from the West Bank aquifers and the Jordan River basin (Tantish, 1989, 134:188). Despite this there is no doubt that Israel is facing a water crisis. Betriji estimated the Israeli water deficit in the year 2000 would be 1,500 mcm/annum (Betriji, 1997, 118). The table below illustrates Israeli per capita cm of water in 1993 in relation to other countries in the Middle East. The table also shows that the Palestinian water situation is the worst in the region. Palestinians only receive 1/3 of the per capita water of Israelis. The Palestinian water crisis has come about as a result of the Israeli policy of stealing their water and pumping it to its territories and settlements.

Table 5.3
Water quantities cm/per capita (1993) in
some Middle-Eastern states

The Country	cm/per capita
Iraq	2,110
Turkey	1,830
Syria	1,420
Israel	300
Jordan	250
WBGS	100

Source: Betriji, 1997, 177.

Israel has recognised Palestinian water rights in the West Bank, but this issue will be addressed in the permanent status negotiations. The issue of ownership of the water and sewage-related infrastructure on the West Bank will also be addressed in the permanent status negotiations (Oslo II Agreement, annex III, article 40, provision 1:5).

Delaying the settlement of water rights until the permanent status negotiations indicates that both sides recognise that the distribution of water resources is of common interest. No party believes that it is a matter of its own interest embodied in its sovereignty. Water distribution is under Israeli control, and this situation will continue during the interim period. Therefore, Israel will continue pumping water from the West Bank and Gaza-Strip to its settlements and to Israel itself as it did before. The agreement did not prevent Israel stealing Palestinian water. On the contrary, Israel understood this provision to mean that it could continue its illegal activities in the occupied territories.

None of the Israeli-Palestinian agreements mentioned, in particular Palestinian water rights in the Jordan basin, is an issue of the final status water negotiations. As I mentioned in chapters four and five, in the post-Oslo Agreement period, Israel concentrated its settlement activities on the Jordan Valley which is the West Bank border of the Jordan River. This demonstrated that the Israelis retained the ambition to annex the valley in the final status negotiations with the Palestinians. The valley

is considered to be a strategic location for Israeli security to defend it from any eastern threat during war time, and a strategic source of water.

5.9.5 Settlements and Water

The settlements' quota of water in the post-Oslo Agreement period did not change from that in the previous one. The agreement dealt with the water issue of the Israeli settlements in the West Bank in these terms:

Existing water and sewage systems serving Israelis (settlers). [which] shall continue to be operated and maintained by the Israeli side solely, without interference or obstructions (Oslo II Agreement, Annex III, Schedule 8, provision 2c).

Where the agreement dealt with the water issue in regard to settlements of the Gaza-Strip is said:

The existing water systems supplying water to the settlements and the Military Installation Area, and the water systems and resources inside them shall continue to be operated and managed by the Mekoroth Water Co. (Israeli company) (Oslo II Agreement, Annex III, Schedule 11, provision 2).

The pumping of water to the settlements in the West Bank and Gaza-Strip exceeded the Israeli official quota (Report by the Inspector of state of Israel cited in Elmusa, 1997, 84). With the government support settlers controlled their water resources by themselves. This could have been an official policy to provide more facilities to encourage Israelis to move and settle in the Palestinian territories. The ratio of settlers to Palestinians in the West Bank is less than 10 per cent (except settlers in East Jerusalem).

According to the table below, Israeli settlers consume 8 per cent of the West Bank water. They consume half the amount of the Palestinians on the West Bank. Even this figure is small and far from the reality. If settlers on the Jordan Valley, who form no more than 5-10 per cent of the total number of settlers in the West Bank consume 40 mcm/annum, it is difficult to conclude that more than 90 per cent of the settlers are consuming only 10 mcm/annum of the total settlers' consumption. It is true that the settlements of the Jordan Valley are agricultural, but there are

industrial and even another agricultural and industrial settlements in other sectors of the West Bank.

Table 5.4
The West Bank's water distribution

	mcm/annum	percentage
Israel	413	65
Israeli settlements	50	8
Palestinians	110	17
unused water	58	9

Source: Wiski, 1995 cited in Betriji, 1997, 141.

What helps the Israeli settlers to pump more water from the Palestinian territories to their settlements is the advanced equipment that they use. Palestinians from Salfeet Province and Mawasi Area showed me the wells that were drilled by the settlers. These seemed well equipped with high-level technology. As a result of over-use the water level in the Gaza-Strip aquifer dropped sharply. Therefore, in the Mawasi Area some Palestinian wells were unable to pump water because the water level fell below the depth that they could reach. The primitive equipment of the wells was not capable of draining off the water. Israeli wells are deeper and well equipped with the latest technology.

Until the late 1980's, the settlements' wells in the West Bank formed 5 per cent of the total number in the area, but their pumping capability accounted for 27 per cent (Tantish, 1989, 214). Of course this percentage increased in the Israelis favour during the 1990's, due to the following: the occupation of the greater part of the West Bank continued, the Israeli settlement activities doubled (see chapters four and five for more details) The Oslo Agreement did not eliminate the Israeli draining of the West Bank aquifers, and finally, the Israelis gained access to further technological innovations.

5.9.6 The Palestinian Water Crisis

The Palestinians of the Gaza-Strip use 100 mcm/annum from the Gaza-Strip aquifer (apart of the coastal aquifer), where 85 per cent of the Palestinian consumption in

the strip goes for irrigation (Betriji, 1997, 105). al-Najar confirmed that the capacity of the Gaza aquifer is 60-70 mcm/annum, and the Gaza-Strip is pumping 110-115 mcm/annum (al-Najar, 1998, 3). This means that there is a shortfall of 45-50 mcm/annum, which has been made up by pumping most of this amount from the aquifer's reserves (Map 5.1). This has affected the quality of the water in the Gaza-Strip, where it is now salty.

The poor quality of water in the Gaza-Strip renders it unfit for human consumption, because of the huge amounts that has been pumped from wells in the strip by Palestinians and Israeli settlers. al-Najar believes that many people, particularly children have become infected by water-borne diseases because of the poor quality of the water. (al-Najar interview, February 18, 1999).

The density of the Gaza-Strip is considered to be one of the highest in the world. Its aquifer cannot supply sufficient water for its original population (Palestinians). Even if the Israeli army and settlers completely withdrew from the area, the Gaza-Strip would face a water crisis. In any permanent peace treaty between Palestinians and Israelis, this catastrophe must be carefully studied and a reasonable and applicable solution be drafted, otherwise it will endanger peace in the region in the future.

Israel informed the PNA that the settlement wells of the Gaza-Strip are pumping 5 mcm/annum. This is the same quantity that the Israeli Water Co. Mekerot provides to the Gaza-Strip. But the Palestinian Water Authority (PWA) confirmed that in the post-Oslo Agreement, the thirty Israeli wells of the settlements in the area were pumping 10-12 mcm/annum (PWA, 1997, 6). As shown in chapter five, the population of the Israeli settlers in the Gaza-Strip who number less than 8.000 and form less than 1 per cent of the Palestinians of the Gaza-Strip, are using 10-12 per cent of the water of the area.

According to the Oslo II Agreement, Israel is committed to providing the Gaza-Strip with an additional 5 mcm/annum (in the pre-Oslo II Agreement Israel provided just by 5 mcm/annum). This amount is part of the 28 mcm/annum that

Israel is committed to supply the Palestinians in the West Bank and Gaza-Strip. al-Najar assured me that since the signing of the Oslo II Agreement up till February 17, 1999, Israel had not supplied the Strip with a single cubic metre (al-Najar interview, February 17, 1999).

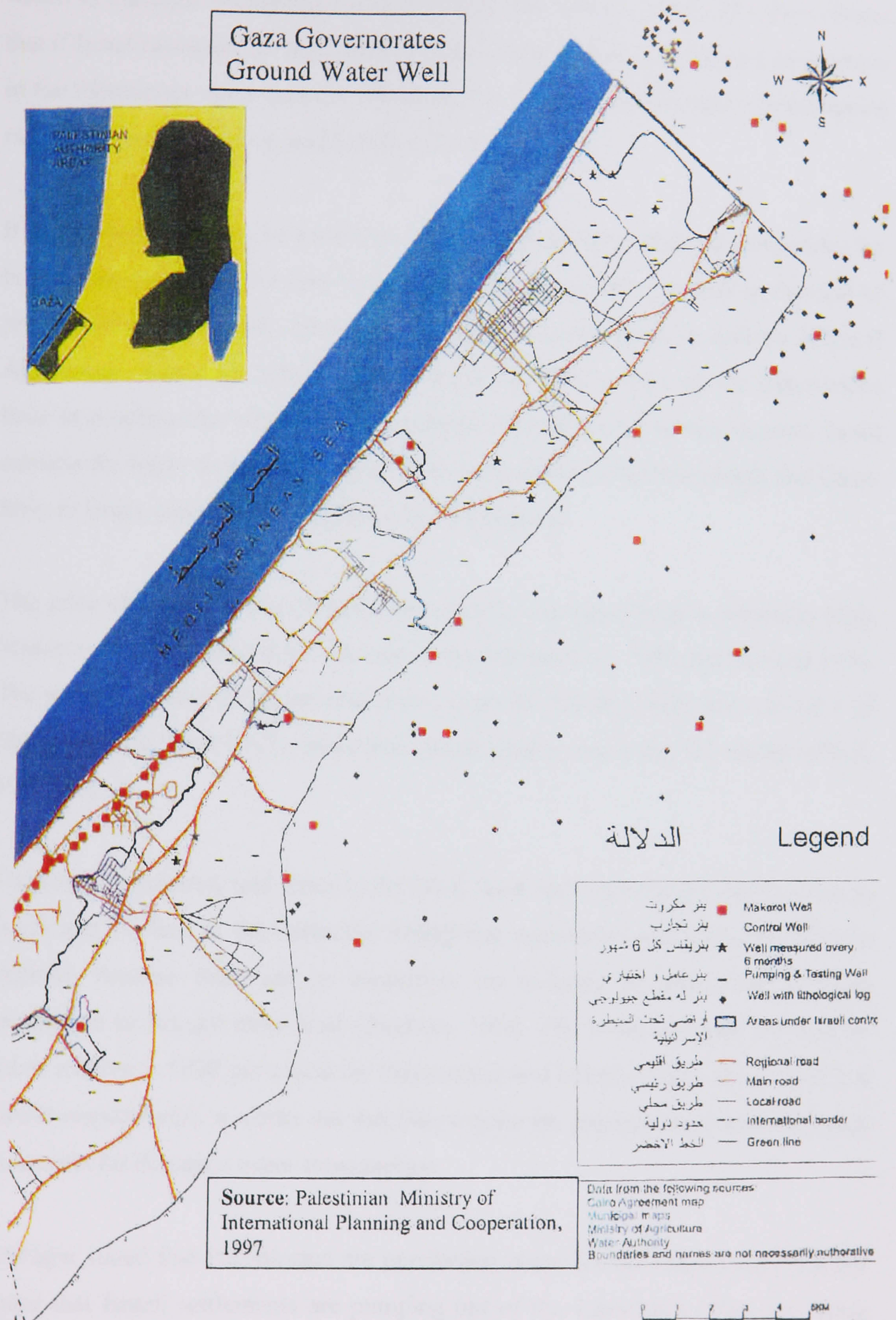
Despite the water crisis in the Gaza-Strip, Israel tries to pump out the water of Gaza-Strip before it reaches the Gaza aquifer. Israel drilled tens of wells close to the 'Green Line' in the north and east of the strip. The Palestinian Ministry of Planning and International Cooperation drafted a map of these wells (Map 5.1).

The Gaza-Jericho Agreement did not mention any additional quantities of water for the Gaza-Strip regardless of the fact that it was facing a serious crisis. In the Oslo II Agreement, 5 mcm/annum were added to the Palestinian quota. This will be provided through the Israeli company Mekerot. So the PNA and the company are to draft a commercial Agreement regarding this provision (Oslo II Agreement, annex III, schedule 11). The weak point of this provision is that the agreement is not with the government of Israel, it is with an Israeli company. In practice Mekerot treated the PNA badly. Many times the representatives of the company refused to sit with those of the PWA to solve the problem of implementing the provisions of the agreement. The company also halted the flow of water to the strip on many occasions.

Palestinian water rights on the West Bank are between 600-800 mcm/year. During the Israeli occupation Israel allowed Palestinians to use 200-228 million cubic meter/year (World Bank, 1993, vol. 4, 54). This amount was provided by the aquifer water rather than the Jordan Basin. The 28 mcm/year which were added for the domestic use of the Palestinians in the West Bank and Gaza-Strip do not meet Palestinian needs.

Map 5.1

Gaza Governorates
Ground Water Well



Another important factor is the rising level of Israeli fresh water consumption which is currently increasing by 15-20 mcm/year (Betriji, 1997, 89). This means that if Israel maintains its high level of water consumption, then despite an increase in the Palestinian water quota by 28 mcm/year, the huge gap in water consumption rates between Palestinians and Israelis will remain.

If any party (Palestinian or Israeli) wants to purchase water from the other side, the buyer must pay in full the real costs incurred by the supplier, including the cost of production at source and conveyance all the way to the point of delivery (Oslo II Agreement, Annex III, article 40, provision 18). This mean that the Palestinians have to purchase the water which is pumped from their territories, because Israel extracts the water from wells located in its settlements in the West Bank and Gaza-Strip to Israel, and then back again to the Palestinians.

The price of the water that Mekerot provides for the Gaza-Strip is relatively high. Mekerot raised the price more than ten times between May 1994 and October 1996. The water price rose by 65 per cent in two years. In October 1996, this reached 1.17 Shekel/cm (excluded VAT), while the cost of a cubic meter was 0.2 Shekel (PWA, 1997, 18).

The cost of electricity and water in the West Bank and Gaza-Strip is higher than in Israel and Jordan. In this situation Palestinian agriculture and industry will not improve because there are no incentives for industry or agriculture to raise production or irrigate more land (Baidoun, 1998, 28). If we compare the cost of water relative to GDP per capita for Palestinians and Israelis (1,720 and 12,170 US Dollar respectively), it works out that Palestinians are paying seven times as much as Israelis for domestic water consumption.

Al-Najar stated that Palestinians are purchasing water for the Gaza-Strip from the water that Israeli settlements are pumping out of the Gaza-Strip. They are being forced to buy their own water back from Israel. The water that they are purchasing

from Israel is more expensive than that sold to Israelis (al-Najar interview, February 18, 1999).

Palestinians consume about 37 per cent of what they demand as a result of using what is supplied and not what is needed. The Palestinian Water Authority (PWA) and the German Agency for Technical cooperation (GTZ) estimated the average net per capita domestic water consumption of about 41 litre/capita/day, whereas, the Palestinian demand was estimated by the GTZ as 110 litre/capita/day as an average per capita volume of domestic water (PWA, 1997 and GTZ, 1994 cited in Baidoun, 1998, 19). The table below illustrates the lack of water supply in the Palestinian territories. It is the poorest area in the region. The per capita volume of water in Israel is more than four times that of the Palestinian territories, where both sides share the same water resources.

Table 5.5
Comparative Water Supply, Litter/capita per day in
the WBGS with other countries

Country	Average water supply Litter/capita per day
Egypt	230
Jordan	137
Israel	280
WBGS	62

Source: World Bank 1997

The efficiency of the Palestinian water distribution network is very poor with losses ranging from 40-60 per cent in most municipalities (World Bank's report 1993 cited in Baidoun, 1998, 19). This situation is a result of the lack of maintenance of the water network during the years of occupation. The Palestinian water network has remained in pre-1967 War conditions. With time its condition deteriorated and its efficiency decreased.

Al-Najar stated that the World Bank is financing a project for the renovation of the water network in the West Bank and Gaza-Strip. She believes that this project could reduce water losses. The World Bank is also financing a scheme for the repair

of some wells in the West Bank and Gaza-Strip (al-Najar interview. February 17, 1999).

The Joint Supervision and Enforcement Team (JSET) on the West Bank will be set up under the control and supervision of the Joint Water Committee (JWC). The function of the JSET is that of monitoring, supervising, and enforcing so as to rectify the situation whenever an infringement has been detected (Oslo II Agreement, annex III, article 40, provision 16:17 and schedule 9). This role will be implemented in the Palestinian territories but not in Israel. The JSET will operate in all categories of zones A, B, and C in the West Bank. Therefore, an additional form of indirect Israeli occupation will come into being zones A and B.

The treating, reusing or properly disposing of all domestic, urban, industrial, and agricultural sewage is another serious problem. In another provision of the Oslo II Agreement, both sides gave assurances that they would take the necessary measures for the physical protection of the water and sewage systems in their respective area and each side would reimburse the other party for any unauthorised use of or sabotage to the water and sewage systems situated in the zones under its responsibility serving the other side (Oslo II Agreement, Annex III, article 40, provision 3:22:23).

Abu Safieh confirmed that the Palestinian Water Authority (PWA) protested to Israel through the Palestinian-Israeli Joint Water Committee (JWC), but no Israeli measures were taken to stop the flow of Emanuel sewage (Abu Safieh interview, September 14, 1998). In Mawasi Area between Rafah and Khan Younis, a Palestinian farmer showed me how the Israeli settlement close to his land dumped its sewage onto his cultivated land. This damaged the fertility of his land, which could no longer be worked (Interview with the public in December/January 1998, 1999).

Table 5.6**The gap between the Palestinian and Israeli consumption of water (1993)**

	Palestinian side	Israeli side	Palestinian/Israeli (%)
Total consumption (mcm/year)	210	1,754	12
Irrigation use	130	1,112(1)	12
House use	70	536	13
Industrial use	10	106	9
Water consumption in all sectors per capita cm/year	105	330	32
Consumption in Irrigation sector per capita cm/year	65	210	31
Household consumption sector per capita cm/year	35	100	35
Growth in water consumption (mcm)(2)	25	345	7
Cost of one cm for household consumption (Us dollar)	1	1	100
Cost of one cm for irrigation (Us dollar)	17	13	
Irrigated areas (1,000 dunum)	200	1,864	11
Irrigated area per capita (dunum)	0.1	0.35	29
Irrigated/cultivated (%)	5	50	10
Irrigated/irrigable (%)	33	90	39
Growth (1,000 dunum)(3)	0	340	0

source: Elmusa, 1997, 43.

(1) This is included 200 mcm from the sewage treatment.

(2) For the period 1967-1973.

(3) For the period 1970-1990.

In al-Kana Valley in Salfet Province, the author saw the sewage of the Emanuel settlement flowing through the valley. The flood of sewage mixes with the fresh water of al-Kana stream which irrigate the Palestinian farms in the valley. It destroys the agriculture of the Palestinian peasants in the valley. One peasant whose home was destroyed in the valley told me

My home was demolished due to the Israeli plea that it was built without permission ... Do the settlers of Emanuel have permission to send their sewage to the stream that makes its water undrinkable? (Interview with the public in December/January 1998, 1999).

5.10 Agriculture

There are 1.7 million dunums under cultivation in the West Bank. The majority of this lands is planted with olives, grapes, citrus, vegetables, almond family. and yield fields. Only five per cent of this land is irrigated. In the Gaza-Strip 177,000 dunums or 49 per cent of the strip are under cultivation. Of this area 106,000 dunums are irrigated agricultural land. The contribution of the agricultural sector in the Palestinian GDP ranges between 32.9 and 39.5 per cent in 1994 and 1990 respectively. The surplus of the vegetable and fruit production of the Gaza-Strip was estimated in mid 1990's to be 130,000 ton/annum (ESCWA, 1997a, 2:5).

The PNA inherited a weak economy especially in the agricultural sector. This sector was targeted by the Israeli occupation, because it included the land and water which formed the heart of Israeli policy towards the Palestinian territories.

The expansion of the Palestinian agricultural sector is directly related to the quantities of water that are allocated by Israelis. Israel controls and dominates the water in the West Bank and Gaza-Strip by issuing military orders governing the regulation of these resources. The Israeli legal system considers water resources as state property, and it leased these resources to the Israeli water company (Mekerot) for 49 years. Naturally Mekerot worked to serve the Israelis not Palestinians.

The table below compares the position of agriculture for Palestinians and Israelis in 1992, based on an estimated Palestinian population of 2 million.

Table 5.7

Position of the agriculture for Palestinians and Israel in 1992

	Palestinians	Israelis	Palestine/Israeli %
Population (million)	2	5.2	39
GDP (\$million)	2,650	64,510	4
Per Capita (\$)	1,325	12,420	11
Employees in agricultural sector (%)	33	3	1100
Employees in all sectors (thousands)	219	1,650	13

source: Elmusa, 1997, 39.

In the post-Oslo Agreement period the proportion of workers in the agricultural sector continued to occupy 30 per cent or more of the total Palestinian labour force. Despite the fact that there are eleven times more Palestinian agricultural workers than Israelis, as is clear in table 6.7, the area of irrigated Palestinian land per capita is only equal to 25 per cent of the area of Israeli irrigated land per capita. Israel was also able to water 90 per cent of its land, while Palestinians were only able to irrigate 33 per cent of theirs, as shown in table 6.6. As mentioned in the previous section, Israel used its power to restrict the water supply to Palestinians. Water resources, particularly in the West Bank, were greatly exploited by the Israelis.

Irrigated agriculture is the main source of water consumption. Out of 800,000 dunums in the Palestinian territories, 210,000 are irrigable land. The Israeli restrictions on well drilling have kept Palestinian irrigation supplies nearly constant at about 160 mcm/annum for the last 20 years, or 762 cm per dunum (PWA cited in Baidoun, 1998, 19). Table 6.6 shows that in 1993 the West Bank and Gaza-Strip consumed 130 mcm. The PWA estimation could be more accurate because the PWA number is based on some projects conducted by the World Bank and other donors.

As mentioned before there is no final estimate about the water resources and consumption. Tables 6.6 and 6.8 show different figures but give the same indication in water consumption and other related matters. Table 6.6 was drafted as a result of academic research, while table 6.8 was drafted by al-Najar who is the director of Water Development in the PWA.

Table 5.8
Water consumption in different sectors in the Palestinian territories and Israel

The sector	West Bank	Gaza-Strip	Israel
Agriculture mcm/annum	95-100	85-90	1320
House use mcm/annum	27-30	25-27	325
Industry mcm/annum	3-5	2	125
Total mcm/annum	125-135	108-115	1.770

Source: al-Najar, 1998, 5.

The Israeli settlement policy played the major role in the deterioration of Palestinian agriculture in the pre-Oslo Agreement and continued to play the same role in the peace period. As mentioned in chapters four and five, the Israeli settlement policy continued in the post-Oslo Agreement period. Israel supported the Israeli settlements and deprived the Palestinian farmers of their rights, and in particular their water rights. Israel tried and succeeded in many cases in confiscating the land of Palestinian peasants as shown in chapter two. For example, Israel provides the Israeli settlers in the Jordan Valley with 40mcm/annum, and at the same time it supplies the Palestinians of the West Bank with around 100 mcm/annum for agricultural purposes. The population of the Israeli settlers in Jordan valley is less than 10,000, while the Palestinian exceeds 1.5 million on the West Bank. Although the Israeli settlements in the Jordan Valley did not attract large numbers of Israelis, Israel continues pumping a huge amount of water to these settlements. If this water were directed to the West Bank, a considerable area of irrigable land could be irrigated. Agricultural production could increase, which would boost Palestinian GDP and thousands of employment opportunities would be created.

Agricultural land is located in zone C, therefore the future of the development of this sector relies on Israeli wells. The water supply is essential for the expansion of this sector. As I mentioned before, Israel is willing to allocate the Palestinian water of the West Bank to its citizens, either Israelis in Israel or settlers in the settlements. The five years of the interim period proved that Israel is not willing to expand Palestinian agriculture. Israel is willing to enlarge its settlements whether they be urban or rural. It even created many new posts and settlements. It constructed many by-pass roads on the West Bank. In order to extend the settlements, build new spots and settlements, and pave by-pass roads, Israel resorted to confiscating tens of thousands of dunums, including thousands from agricultural land.

The failure to develop Palestinian agriculture will raise food prices, because of the high population growth which is more than 6 per cent (natural growth plus numbers of Palestinian returnees). The current area of agricultural land, unless expansion

takes place, will not help solve the unemployment problem. but will hamper economic development. (UNCTAD, 1996, 56).

A group of Palestinian farmers in Salfeet were asked through an interview in January 1999, why they did not irrigate more of their irrigable land. They replied that water is not available to do so, because “our water (the water of the West Bank) is being pumped to Israel and the settlements of the West Bank”. The aim in the past and now is thus not to increase the area of the irrigable land but rather to keep our irrigated land safe from confiscation for settlement activities. Some Palestinian farmers lost their irrigated land during the settlement process of confiscating land. Since the 1967 War the extending of irrigable land in Palestinian has been negligible. One of the farmers said that some olives trees on his farm close to the Emanuel settlement were uprooted by some settlers under the guard of the Israeli army.

In the Gaza-Strip the PNA constructed new housing projects on the agricultural land. Palestinians believe that the major obstacle to Israeli settlement expansion is the presence of the Palestinian population in their homes. The Palestinian Minister of Housing said that we chose some new housing sites on rich agricultural land to develop housing projects because of their nearness to the settlements. The aim was to stop the expansion of these settlements by housing people on these projects. Hammad gave examples such as; al-Zahra Town in the southern of Nezarim settlement, and al-Karyah al-Namodajeya (Ideal Village) in the northern of Gaza City. He added that two other housing projects planned to be constructed in Khan Younis and Rafah near to the settlements of the two areas (Hamad interview, January 30, 1999).

Therefore, Palestinian agricultural land in the West Bank has been reduced in size. The same process has been followed in the Gaza-Strip, due to the population increase from both natural growth or the arrival of tens of thousands of Palestinian returnees in need of housing. The policy of Palestinian Ministry of Housing of

using agricultural land to construct residential developments also decreases the area of the agricultural land in the strip.

Israeli agriculture also consumes seven times more water than Palestinian agriculture. Table 6.7 shows that workers in the agricultural sector make up 33 per cent of the total Palestinian labour force, while in Israel it accounts for only 3 per cent. The Palestinian labour force is greater than the Israeli if the total populations are the same, because more than 50 per cent of Palestinians are between the ages of 16-40 years, while Israeli society is the same as European societies.

As mentioned in section three, the PNA's import of agricultural products from the Arab and Islamic states appears in the A1 and A2 lists. According to article 8 of the Jordanian-Israeli agricultural Agreement signed on October 26, 1995, Israel accepted the Jordanian demand to add new products to the two lists according to the PNA's request. Israel was also to allow the free passage of Jordanian agricultural products to the PNA's territories (Agricultural Agreement between the government of the Jordanian Hashemite Kingdom and that of Israel).

The Israeli practice regarding its agreement with Jordan was very clear. It is to isolate the Palestinian market from its neighbours (Jordan and Egypt) so as to become its sole market. The Minister of Trade and Economy stated that neither new products were added to the lists nor free movement of products was facilitated (al-Masri interview, September 10, 1998).

There was no change in the status of the distribution of water from Israelis to Palestinians during the post-Oslo Agreement except that 28 mcm (for domestic use) was added to the Palestinian quota as mentioned above. Israel did not respect this obligation particularly in the Gaza-Strip. Therefore, the domestic water situation deteriorated during the peace period. The quantities of water allocated for domestic use remained constant, while the population increased at least 25 per cent during the interim period 1994-1999.

The Palestinian territories have a short shore for fishing that is adjacent to the Gaza-Strip. Through the issuing of different military orders during the years of occupation, Israel was able to impose many restrictions on Palestinian fishing. In the post-Oslo Agreement period, some Israeli restrictions continued to apply to Palestinian fishing. One Palestinian fisherman claimed:

Israeli obstacles continued daily in the interim period. The restrictions on the width that is allowed for us is the same ... this width is very poor for fishing we cannot see any improvement in the fishing sector in the peace period ... the Israeli attitude is the same ... I can confirm that nothing has changed from their side ... they are still dealing with us as an occupier force not as a peaceful neighbour (Interviews, December 1998-March 1999).

5.11 The Palestinian Standard of Living

Table 6.9 below shows that the Palestinian GNP after the post-Oslo Agreement fell below the level it reached during the *Intifada* period. This was due to the fall in the number of Palestinian workers in Israel. The Palestinian GDP saw some improvement in the interim period. For example the GDP increased by 11 per cent between 1994 (the year of the establishment of the PNA) and 1995.

The GDP shows the real conditions of the Palestinian economy without reference to the Israeli labour market because the real GDP equals the real GNP minus the Palestinian workers' income from Israel as shown in table 6.9. In 1992 the income of Palestinian labour in Israel accounted for 30 per cent of the real GDP. This type of economy is an unhealthy one, and the Palestinian economic subordination is very clear. This is why the Palestinian economy suffered during the days of Israeli closure.

Despite these closures and obstacles which hamper its improvement, the Palestinian economy shows an ability to advance and develop. We can imagine how much the Palestinian economy could progress if the Israeli obstacles were removed. These impediments can only be disposed of by the creation of a politically and economically independent Palestinian state.

In the post-Oslo Agreement period, Palestinian population growth could undermine the hope of the growth of per capita GDP. For example, the population growth between 1994- 1995, 1995-1996, and 1996-1997 was 6.6, and 7 per cent respectively, while the growth of GDP for the same periods was 11, minus 1, and 5 per cent respectively. This means that the Palestinian population increased by 19 per cent for the said three years, while GDP increased by 15 per cent for the same period.

The Palestinian Minister of Finance believes that the rise in Palestinian real GDP was due to the increase in public expenditure and the expanding of the constructional sector and not as a result of the greater volume of agricultural or industrial products (Nashashibi, 1997, 6:25).

The Palestinian economy has exhibited considerable resilience and an ability to regenerate growth after repeated external shocks. These shocks resulted from the different types of Israeli obstacles (U.N., 1997a, iv).

Table 5.9
Real National Income and Per Capita Income Estimates for the West Bank
and Gaza-Strip, 1988-1992 Average and 1992-1997
(in constant 1995 US\$)

End-Year	Real GDP (US\$ million)	Real GNP (US\$ million)	Population (WBGS)	Per Capita GDP (US\$)	Per Capita GNP (US\$)
1988/92 Average	3,657.13	4,910.69	1,710,200	2,150.52	2,889.87
1992	3,728.55	5,003.68	1,864,500	1,999.76	2,683.66
1993	3,196.55	3,892.25	1,974,000	1,619.33	1,971.76
1994	3,551.90	3,996.65	2,114,000	1680.18	1,890.56
1995	3,956.48	4,203.99	2,242,500	1,764.32	1,874.69
1996	3,893.17	4,082.07	2,383,000	1,633.73	1,713.00
1997	4,107.30	4,408.64	2,554,000	1,608.18	1,726.17

Source: UN1, 1997, 6.

5.12 Conclusion

This chapter examined the impact of the control of land on the Palestinian economy. It showed that the control of land is directly related to Palestinian economic development. It showed that the early Palestinian hope of a prosperous economy after the Oslo Accords was directly related to an aspiration to control their land. The chapter also discussed the conditions of the Palestinian economic sectors during the post-Oslo Agreement and evaluated the impact on the lack of development in these sectors relating to the absence of the control of land.

By highlighting the water crisis in Palestine during the pre and post-Oslo period the chapter showed that Israel remain in control of the water resources. It imposed limitations on the Palestinian expansion of certain economic sectors, particularly agriculture. The chapter demonstrated that land and water are interlocked, while water plays a role in Israeli territorial claims, the alienation of land has an impact on Palestinian access to water.

In the 1970's the GNP of the West Bank doubled in eight years, while in the Gaza-Strip it doubled in eleven. This is considered to be the great achievement of the Palestinian economy. However this was not relaised through independent growth and self development. It was a result of the Palestinian subordination to the Israeli economy. When Israel faced an economic crisis in the 1980's, the GNP of Palestinians in the West Bank and Gaza-Strip dropped sharply by 50 per cent in the West Bank and 30 per cent in the Gaza-Strip (Naqib, 1997, 105). When Israel used its policy of closing the Palestinian territories, the ratio of unemployment rose and on occasion reached to 50 per cent. The fundamental problem of the Palestinian economy is its subordination to the political and economic decisions of Israel.

The average Palestinian population growth in the West Bank and Gaza-Strip is 6 per cent (3.9 per cent net growth and 2 per cent net population movement) (U.N., 1997a, 24). The 2 per cent came about even after the many Israeli obstacles and restrictions on the return of Palestinians. Palestinian population movement came as a result of the Oslo Agreement and its consequences, as the PLO members and

others were returned to the West Bank and Gaza-Strip. This growth of 6 per cent is a very high percentage in relation to the limited resources available to the PNA, therefore the Palestinian GNP per capita declined. The question arises as to how the Palestinian economy will cope with the return of hundreds of thousands of impoverished Palestinians to their homeland from the refugee camps in countries such as Lebanon, Jordan, and Syria if the same land restriction continue as in the interim period.

The Palestinians the of Diaspora still refrain from investing their capital in their homeland. They expect to find everything set up to facilitate this investment, while Jewish capital outside Israel has been investing in Palestine since the first wave of Zionist migration. Jews are investing in the settlements of the West Bank and Gaza-Strip, despite the danger they face because of the settlement. The number of Palestinian investors from the Diaspora who invest in Palestine is very limited in relation to their numbers. The massive restrictions that the Israelis put in place to limit the influx of Palestinian capital from the Diaspora have also played their part in creating this situation.

If Palestinian trade was released from Israeli obstacles and the agreements signed with Israel, its export would double and the majority of its export and import would go to and come from other Arab countries, Japan, U.S, and the European Union.

Foot-notes

1. Paris Protocol see the Protocol and all the Palestinian-Israeli Agreements in the Israeli Foreign Ministry home page www.Israel-mfa.gov
2. For more details about the Jordan River see Tantish, 1989, 102-113
3. Johnston Plan. For details of this plan see Elmusa, 1997 (3). Pp174
4. The Israeli-Jordanian Accord of 1994. See the Israeli Foreign Affairs Home Page www.Israel-mfa.gov.il/mfa/go.asp?MFAH00PC0 PP27

Chapter Six: Land Ownership during the Interim Period 1994-1999

6.1 Introduction

This chapter shows the relation between land registration and ownership and how it was affected by the control of land by way of three different categories during the interim period. It discusses the possibilities of resolving the ownership of land in the different categories of according to the Oslo classification. The chapter also shows the legal aspect of land ownership in the post-Oslo period.

The Palestinian legislative process passed through two stages during the transitional period: firstly legislation by the PNA executive authority in the absence of the Palestinian Legislative Council (PLC); second, legislation by the PLC after the Palestinian general election of 1996. Section two deals with these stages and the difficulties that faced the PNA in the judicial process with a focus on the future of Palestinian Land Tenure (section two).

No fundamental changes have taken place in the interim with regard to Land Tenure in the West Bank and Gaza-Strip. But we cannot ignore the efforts that the PNA have made in an attempt to resolve certain issues which have accumulated throughout Palestinian modern history. The PNA have made efforts in the Gaza-Strip which show in what way they may be able to resolve the problem of ownership of more than 20 per cent of the land etc. Sections and four and five deal with the PNA contribution to land ownership.

6.2 Legislation in the Interim Period

The legislative process in the interim period passed through two stages: the first continued from the establishment of the PNA in May 1994 until the Palestinian

general election of January 1996. The second covered the period up to May 4, 1999 -the last day of the interim period- (Abu Hanoud, 1998, 21).

Throughout the first stage, the PNA President and the Palestinian Cabinet (Executive Authority) held the legislative power. This authority was granted by and based on the Gaza-Jericho Agreement of May 4, 1994. The agreement specified that the PNA should consist of one body of 24 members (Cabinet) which should carry out and be responsible for all legislative and executive powers and those responsibilities granted to it under the agreement. It also stated that the PNA's jurisdiction shall cover the Gaza-Strip and the Jericho area (Gaza-Jericho Agreement, article iv provision 1, article v provision 1a). Therefore, the President of the PNA and sometimes in association with the Palestinian Cabinet passed legislation and presidential decisions. Some of these laws were issued by the President without reference to the Cabinet.

As a result of the Oslo II Agreement of September 28, 1995, the general election took place in the West Bank and Gaza-Strip in January 1996. According to the declared agreement, the elected PLC took over responsibility for judicial issues and became the legislative authority.

The PLC was the first elected, legislative and national council for Palestinians in their modern history. For Palestinians this was a new development and they lacked experience in running the Council. It was unclear whether they should be trying to resolve the problems which Israel had created or immediately attempting to create a new Palestinian legal system. During their modern history they did not share in the drafting of their laws (the laws that governed Palestinians were Ottoman, British, Jordanian, Egyptian, and Israeli Military Orders). There was also the daily Palestinian problem with the executive authority that came into existence and so on.

During its first period of office the PLC concentrated more on political issues, the daily problems that faced the people, and how to run the Council itself, while in its second period the Council concentrated more on the legal issues of enacting

different laws. In this period, 27 laws were introduced to the Council, and in the third period the legislation process continued (Abdul Haq, 1998, 9).

Throughout these three periods from 1996 to 1999, the PLC enacted laws which attempted to unite the legal system in the West Bank and Gaza-Strip. As mentioned in the second chapter, two legal systems applied in the Palestinian territories. Palestinian laws (Ottoman and British Mandate laws with little amendments by the Egyptian Administration) were applied in the Gaza-Strip 1948-1967, while Jordanian laws were used in the West Bank during the same period. Of course, this is in addition to the Israeli Military Orders which abolished or amended the majority of the Palestinian and Jordanian laws.

The PNA guaranteed to use its power within its territorial jurisdiction. This jurisdiction, found in the Oslo II Agreement covers the West Bank and Gaza-Strip territory as a single territorial unit except for: first, issues that were to be negotiated in the permanent status negotiations such as: Jerusalem, settlements, and military locations; secondly, power and responsibilities not transferred to the PNA (Oslo II Agreement, article xvii, provision 1 and 4).

Legislative power was guaranteed to the PNA according to the Oslo II Agreement which meant that any primary and secondary legislation, including basic laws, laws, regulations and other legislative acts. The agreement gave the Ra'ees (President) of the Executive authority the power to promulgate laws adopted by the PLC, and to issue secondary legislation, including regulations, relating to any matters specified and within the scope laid down in any primary legislation adopted by the PLC. But the agreement specified that "legislation, including amendments or abrogations of existing laws or military Orders, which exceeds the jurisdiction of the PNA or which is otherwise inconsistent with the provisions of the DOP and Oslo II Agreement shall have no effect and shall be avoidable" (Oslo II Agreement, article xviii, provision 1-4).

The agreement continued to guarantee the Israeli military governance of the West Bank and Gaza-Strip legislative, judicial and executive powers over areas not under the territorial jurisdiction of the PNA (Oslo II Agreement, article xvii, provision 4). Israeli settlers enjoy all the rights of the Israeli civil laws despite the fact that they are living in the occupied territories and the future of their settlements they are living in will be determined in the final status negotiations. The Palestinians of zone C continued to be governed by Israeli military laws.

Throughout the Palestinian-Israeli negotiations after the Oslo rounds, Israel tried its best to guarantee only an executive power to the proposed Palestinian Council who would govern the Palestinian people in the interim period (Masharka, 1998, 4). Despite the Israeli political system which is based on three authorities: executive, legislative, and judicial, the Council that Israel proposed at the beginning consists of 24 members with limited executive power. In the eyes of some western scholars Israel is considered the sole democratic state in the Middle East and yet it has rejected for many rounds the Palestinian right to have a Council with more than 24 members with a legislative power. To win legislative power for the 88 members of the PLC, was a tough battle for the Palestinians in the negotiations.

The PLC enacted legislation which exceeded its authority that was guaranteed to it in the Oslo II Agreement. It tried to take the first step towards Palestinian statehood by enacting legislation that covered all the Palestinian territories not just some areas of the West Bank and Gaza-Strip such as; zones A and B. Despite the fact that the PLC members recognised that these laws would not be applied in zone C, they promulgated the laws in order to confirm the Palestinian legal right over all the West Bank and Gaza-Strip. The new regulations also confirmed the unity of the Palestinian land and people in the West Bank and Gaza-Strip. These laws also affirmed the Palestinian political aspirations to establish an independent state at the end of the interim period. Through these laws the PLC attempted to build the institutions which are essential for the creation of any state and make the Palestinian legal system compatible with that of the state.

More than one legal system has been applied to the Palestinian territories. In zone A, it governs all aspects of Palestinian life, while in zone C the Israeli military orders regulate some elements of Palestinian civil life while others are come under PNA laws. For example, matters relating to education, health and criminal issues (not related to security issues) have been transferred to the PNA. Those conceited with other civil affairs including the land (survey, registration, and transfer) or security issues are overseen by the Israeli military orders.

When a Palestinian is in zone C, he is under different legislation than when he is in zone A. In zone B the Palestinian will be under two legal systems: the Israeli military orders with regard to security matters and the Palestinian laws relating to all civil affairs. In zone C security matters and civil affairs are an Israeli responsibility. There is no doubt that such legal conditions in the Palestinian territories negatively have affected the civil life of the Palestinian people including the land issues. The issues relating to land confiscation, land survey (which was halted after the Israeli occupation of the West Bank in 1967), land registration and transfer of ownership in zone C are an Israeli obligation. In zones A and B the land issues are the PNA responsibility. Therefore if a Palestinian citizen owns two tracts in zone A and another in zone C he will be subject to two different laws.

As a result of the Palestinian-Israeli agreements, the PNA was unable to establish a comprehensive and united legal system within the West Bank and Gaza-Strip because of the following reasons:

Firstly, not all responsibilities of all aspects of Palestinian life were transferred to its jurisdiction. Secondly, the agreements with Israel gave the Israeli military government the authority to continue issuing military orders controlling some aspects of Palestinian life. Thirdly, the PNA has no power over the Israelis in the West Bank and Gaza-Strip even inside the territories that had passed to its full and direct control. For example, if an Israeli citizen committed offences in zone A and B the PNA has no criminal jurisdiction over him (Oslo II Agreement, Annex IV, Provision 2a). This means that the PNA has no authority over the Israeli settlements and settlers in the West Bank and Gaza-Strip. In this matter they would follow the

Israeli legal system. The PNA are not allowed to interfere in the life of the settlers though their puissance is a clear interference in Palestinian life. Fourthly, the PNA have no power over the Israelis. The Israeli military government however has jurisdiction over Palestinians that are not living in the PNA areas. Israel has different levels of power over Palestinians in zones B, and C as mentioned above. This type of control was shown in detail in previous chapters.

6.3 The Legal Changes with Regard to Land Ownership

On May 20, 1994 the President of the PNA issued his first decision confirming the continuation of the application of the laws and legislation which were to be applied in the West Bank and Gaza-Strip (al-Waqa'ye al-Filistinia, 1994). The order abolished many Israeli military orders which were enacted after the 1967 War. The laws governing the ownership of land before the 1967 War from 1948-1967 (Palestinian laws and Jordanian laws) would be applied in the PNA territories. The decision was issued as a result of signing the Cairo Agreement, therefore, the Egyptian laws were to govern the Gaza-Strip and the Jordanian laws the Jericho area. Due to the Israeli redeployment from the West Bank the Jordanian laws were extended to cover zones A and B. As for the land laws, all the Israeli restrictions (Military Orders) that were imposed during their occupation were abrogated and replaced by Egyptian and Jordanian laws.

Neither the PNA Cabinet nor the PLC issued any comprehensive legislation or amended the previous laws regarding land tenure which govern land ownership or registration in the West Bank and Gaza-Strip. The Palestinian laws (Mandate laws and Egyptian amendments) continued to be applied in the Gaza-Strip, while Jordanian laws applied at the West Bank (Tamari interview, October 11, 1998).

The PLC recognised the danger that Palestinian land is under as a result of the Israeli settlement activities in the post-Oslo Agreement. It issued 23 resolutions relating to the land and resisting the Israeli settlement activities in its first two rounds 1996 and 1997 (Abdul Haq, 1998, 10). The negative aspect of these decrees was that neither could be brought into force on the ground as the area was under

Israeli control. Therefore, no change occurred particularly in relation to rulings regarding the confiscation of land and house demolition.

The PLC in its decree No. 2/13/181 on June 19, 1997 acknowledged the Palestinian necessity of enacting a new Land Tenure law for the West Bank and Gaza-Strip. Therefore the PLC asked the PLO ambassadors in neighbouring and European countries to provide the Council with their land tenure laws (PLC resolution No. 2/13/181).

The Council adopted many orders relating to the resistance of the Israeli settlement policy. The Council's decision No. 178/12/2 considered the rural areas that were threatened with confiscation for the Israeli settlements as national priority areas for Palestinian development (al-Majles 1, 1998, 35). The different means for implementing this concept by Palestinians and Israelis is obvious. The Israeli national priority settlements had a lot of government support, while Palestinian villages and their land are unable to receive PNA support: this land is not under Palestinian control. Chapters four and five explained the Israeli policies which interrupted and prevented the development of zone C.

During the interim period, the PLC expressed the need for Palestinian society to have its own Land Code governing this crucial issue and to unify the legal system in this regard. But it did not express that such tenure is crucial in the interim period. This can be deduced from the laws which were enacted by the Council or were in the process of being enacted. During the interim period no draft of a law was submitted to the PLC, either from the executive authority or from the members of the PLC.

On May 23, 1996, according to the request of the PLC Committee for Land and Resisting Settlement, the PLC decided to ask the executive authority to study the possibility of forming a Palestinian Land and Survey Authority. This authority was to deal with the problems of land and its ownership (PLC decree No. 1/6/39). Despite the importance of the establishment of such an authority which the

executive authority recognised, the PLC decision was not executed during the interim period (PLC Committee for Land and Resisting Settlement, 1997c). More details about the Land Authority can be found in section four.

Due to the circumstances that the PNA had dealt with which have been described in the previous sections, it became increasingly difficult for the PLC to enact or even amend a new law concerning the ownership of land. If the PLC had ordained a new Land Code, this would have affected the heart of Palestinian sovereignty. Under the interim period circumstances, the PNA was not able to apply its new Land Code over the greater part of the West Bank and Gaza-Strip. The PLC passed other civil laws that indicated the unity of the Palestinian territories as a step to Palestinian statehood.

But, it is not only these circumstances that compel the PNA to maintain the laws that govern the ownership of land in the West Bank and Gaza-Strip without amendment or changes. The Palestinian Minister of Justice believes that the changes or amendments of the Land Code are unnecessary to be useful. He added that in many cases the amendment caused more unexpected problems rather than solving the disputes (Abu Medain interview, February 17, 1999). The most important step that should be taken by the PNA is the creating of a Palestinian land and survey authority (see section 7.5.1), rather than the issuing of a new land code. The main target of this authority should be to carry out a surveying in order to determine the ownership of land. As mentioned above, 2/3 of the land of the West Bank is not registered and people enjoy the ownership of large tracts of this land by traditional means. The survey will seem as an appropriate introduction to the registration of the land in the name of its historical owners. The land that has had no traditional owners for generations will be transferred to the government. Palestinians should not be rushed into drafting the land code but they should start a survey of the land. Around 29 per cent of the West Bank became zones A and B due to the first Israeli redeployment of 1995 (see map 2.1). As a result of the implementation of the Wye River Memorandum around 42 per cent of the West

Bank fell into zones A and B where the land survey and registration is a Palestinian responsibility.

6.4 The PNA's Measures to Solve Some Problems of the Land ownership in the Gaza-Strip

In the eastern Gaza-Strip from Rafah to the Gaza Valley, there is around 70,000 dunums which have not been registered since the Ottoman rule. Neither the British Mandate nor the Egyptian administration surveyed this land as a step towards its registration. It was not in the Israeli military government interests to register the land, rather were they more motivated to confiscate the land from the Palestinians as a means of uprooting them. These 70,000 dunums was owned by Palestinians, who have lived and cultivated it for generations. This land is known as *Beir el-Saba'a* Land (Map 6.1).

In late 1990's the Finnish government financially and technically supported a project for the determination of the ownership of this land. The scheme known as the Finnish Project will end the debate over ownership. The Palestinian Minister of Justice confirmed that, the PNA acknowledge and recognise that this land belongs to its historical and original owners, those hundreds of citizens who inherited it from their fathers and grandfathers without any legal impairment since, and even before Ottoman rule (Abu Medain interview, February 17, 1999).

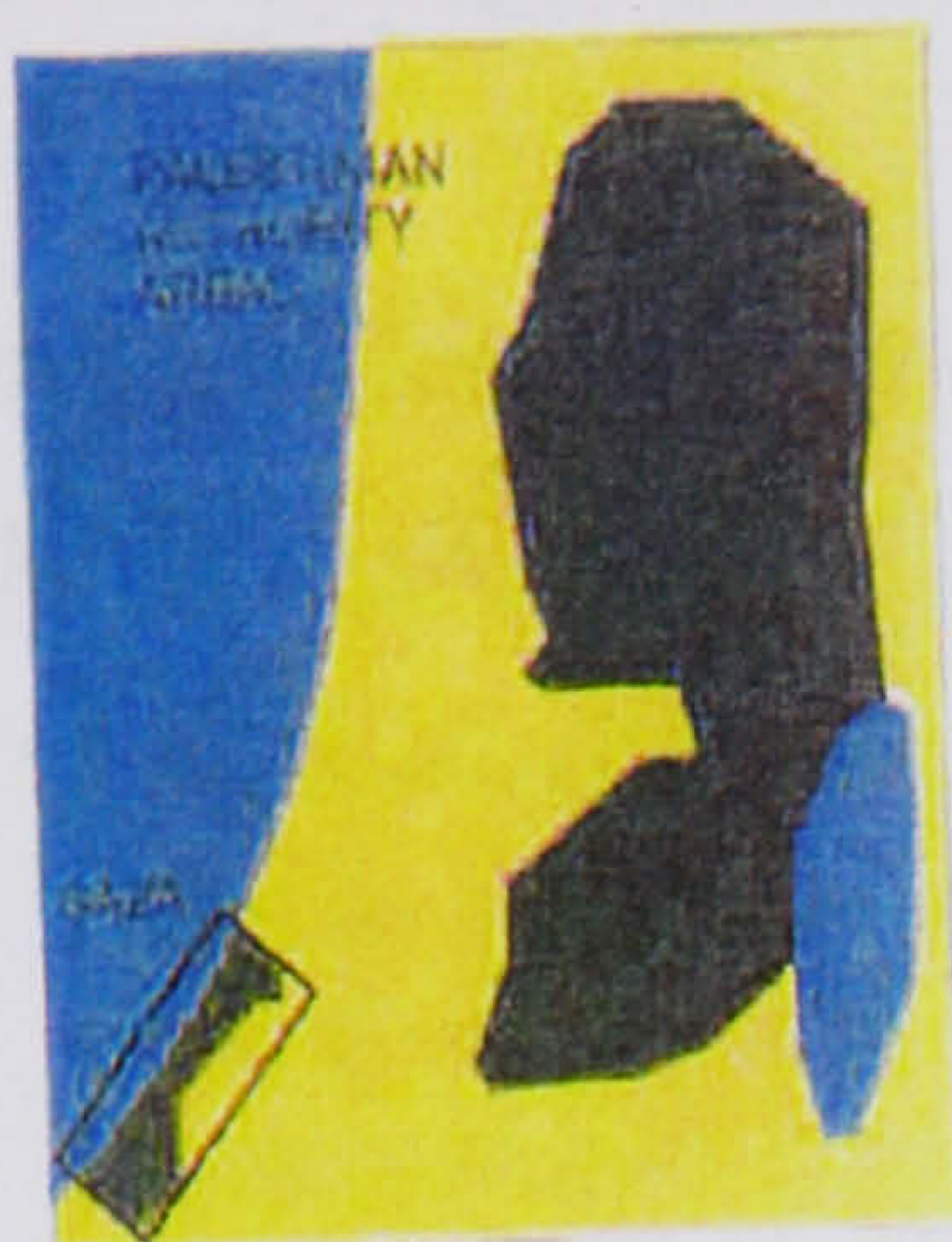
There is no doubt that the ownership of this land would go to the people not to the government. The people cultivated it and inherited it for generations and owned it by traditional forms of holding. The PNA recognised this fact and tried to solve this problem on that basis. The solution serves the interests of the citizens. The survey of the Northern area of the project has finished and the next step will be taken is to announce the findings of the survey and to give the people the right to raise objections against the results of the survey or to present proof of alternative ownership. Waleed Ayoob, the commissioner of the scheme noted that procedures for registering this land in the name of its historical owners will pass through a legal process, which will take time. The work in the southern area of the project

will start at the beginning of the year 2000, where the same process will be adopted. Ayoob confirmed that the plan will be completed by mid 2001. when all the 70.000 dunums will be registered in the name of their owners. He confirmed that these will pay only one per cent of the land value (Interview, December 20, 1999).

Under the Egyptian administration (1948-1967), they tried to hand over to the Palestinians a large amount of governmental land in the Gaza-Strip. This attempt began in 1962 and continued until 1967. This land was allocated for agricultural purposes, where it was estimated that there were more than 20.000 dunums in the northern Gaza-Strip, and more than in the southern (Ayoob interview, December 20, 1999).

The best known programmes regarding this undertaking were those of Mashro' Amer (Amer Project) in the southern Gaza-Strip and Mashro' Naser (Naser Project) in the northern Gaza-Strip. The Egyptian's aim was to increase the agricultural land and to encourage people to cultivate more cultivatable land. The difference between *Beir el-Saba'a* Land and the land of the Amer and Naser schemes was that land in the former area had been inherited for generations, while that in the latter two projects had been uninhabited and uncultivated. The Egyptians sold this governmental land at public auctions. People could pay by instalments. The Egyptian administration divided the payment into five instalments to be paid per annum or one instalment every two years. When the war of 1967 broke out and Israel occupied the Gaza-Strip, people had not paid all the instalments.

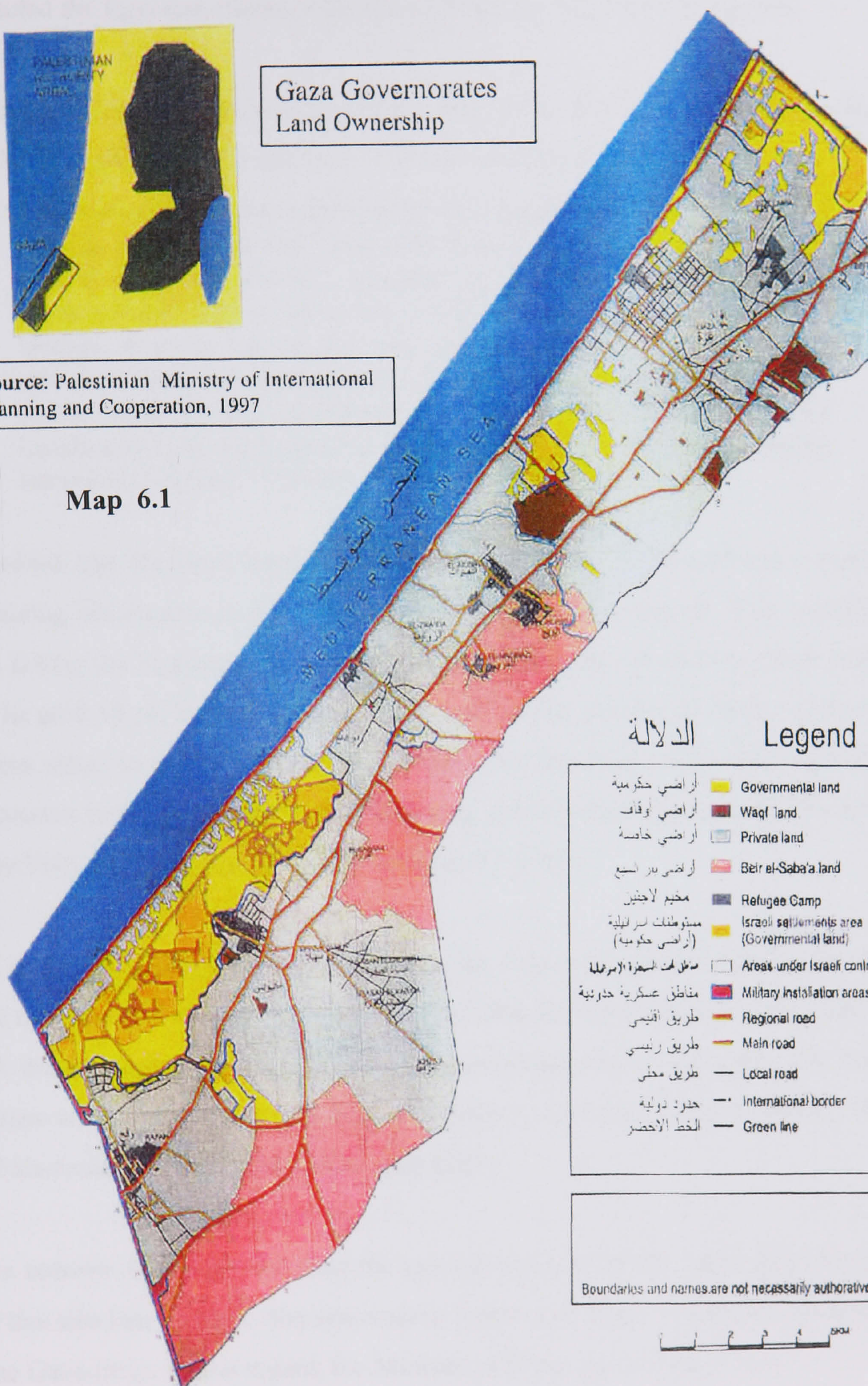
When the Israeli military government was formed as a result of their victory in the 1967 War, the Israelis decided to continue the Egyptian initiative and asked Palestinians to pay the remaining instalments. But Palestinians refused to complete their remaining instalments to the government of occupation except a small number of people. The Palestinians have never looked on the Egyptian administration in the



Gaza Governorates Land Ownership

Source: Palestinian Ministry of International
Planning and Cooperation, 1997

Map 6.1



Gaza-Strip as an occupying power as they do the Israelis. Palestinian public opinion respected the Egyptian efforts in the Gaza-Strip over the 1948-1967 period.

When the PNA came into existence in the mid-1990's it tried to solve this problem.

The PNA's solution as the Minister of Justice explained was that:

People should pay the remittance of the instalments but not at the same price as inbefore the 1967 War. The dunum was sold to the people for several Egyptian Pounds, whereas its price is currently tens of thousands and even in some places it is in hundreds of thousands of US Dollars. In some regions the area was converted from an agricultural area to a housing development and its price increased sharply as a result. Abu Medain confirmed that the PNA will recognise the instalments that were paid during the Israeli occupation (Abu Medain interview, February 17,1999).

He added that the land should be valued according to its current value and the remaining instalments paid in relation to that value. For example, if the purchaser paid during the Egyptian administration two instalments out of five, which means that he paid 40 per cent of the cost of the land, he has still to pay 60 per cent of its current value. In addition to that he confirmed that the PNA had decided to exempt the owners from 40 per cent of the remaining amount that the purchaser has to pay to the PNA (Abu Medain interview, February 17,1999).

The means by which the PNA dealt with the remaining instalments for the land (*Ard al-Aqssat*) were similar to those of the Israelis, the difference being that the PNA decreased the value of the remaining instalments by 40 per cent. The Israeli estimate which was always very high was made by an Israeli military officer, while the Palestinian evaluation was more reasonable.

If we remove *Ard al-Aqssat* from the government land in the Gaza-Strip, we will find that this land (without the settlements) forms less than five per cent of the area of the Gaza-Strip. In this regard, the Minister of Housing, told the author:

Five per cent of the land of the Gaza-Strip is definitely not sufficient for future generations to provide for public needs such as hospitals, schools, parks, housing projects etc. (Hamad interview, January 30, 1999).

Waleed Ayoob, the adviser of the Minister of Housing and a former director of the government land department in the Gaza-Strip, confirmed that more than 50 per cent of the government land of the Gaza-Strip is occupied by Israeli settlements. He added that these have already been built on government and not on private land. Private land that was confiscated for settlement purposes was a very small area (Ayoob interview, October 3, 1998). It is clear that in the same way as the Israeli military authorities the PNA have no interest in considering any land that was inhabited or cultivated for generations and not registered as government land. The question arises as to what and how much land the PNA will leave for future generations of the Gaza-Strip for vital public projects and requirements. For the survival of the people of the Gaza-Strip, the PNA should struggle to eradicate the Israeli settlements from the strip as these settlements prevent Palestinian expansion on government land which already constitutes only 5 per cent.

During the Israeli occupation a small number of people accepted the Israeli proposal to exchange their private property for government land. The exchange came as a result of the fact that the private land was surrounded by government land. The Israeli military government confiscated the government land in order to establish a new settlement and expand an existing one, so the private land was confiscated. The military proposed to exchange this private land for government land in other location. Very few people accepted this demand so the exchange took place for that minority (Abu Medain interview, February 17, 1999).

The director of the government land department in the Gaza-Strip confirmed that the PNA would not recognise this exchange, because Israel was an occupying power and it had no legal right to change the ownership of land in the occupied territories. Abu Arafat believes that the exchange took place between a powerful party (military government) who compelled the second and weaker party (a Palestinian legal and original owner of the land) to accept the transfer (al-Debari interview, October 6, 1998).

In the Mawasi Area, there is some government land which is cultivable (1). The PNA offered it for lease for 1-3 years following a decision by the president of the PNA. The aim of this order is to cultivate more land that is close to the Israeli settlement chain in Rafah and Khan Younis (Qatif Chain); in an attempt to stop the expansion of the settlements in the area (al-Debari interview, October 6, 1998).

al-Debari confirmed that this land is estimated to be about 3,000-4,000 dunums. He stated that the Ministry of Housing was and still is responsible for government land, 25 per cent of which has already been leased. The lease was given to the people who had cultivated this land for a long time, but the Ministry's condition was that the lease should not exceed five dunums per person. The leaseholder should also have experience in agriculture and a personal history of cultivating land. He added that those people who worked this land before the Israeli occupation would be dealt with in a different way from those who had done so after the Israeli occupation (al-Debari interview, December 21, 1999).

6.4.1 The Land Registries in the Gaza-Strip

As a result of the war of 1956, Israel occupied the Gaza-Strip for three months. Before its withdrawal, Israel seized all the land registries. The Egyptian administration overcame this problem after the 1956 War by issuing new title deeds in different forms such as a certificate of *mukhtar* (head of the village or in some cases the head of the family or tribe), the owner's copy of the title deed, returning to the tax registries, etc (al-Dahdoh interview, October 4, 1999).

Israel not only appropriated the Land registries of the Gaza-Strip, but also others belonging to other provinces of Mandate Palestine. In the Gaza Land Registration Offices, there were records belonging to provinces such as; Hebron. Beer Sheva. and the southern coastal area (al-Dahdoh interview, October 4, 1999).

The same Israeli attitude was repeated in the 1967 War when the military government confiscated these registries and transferred them to Israel. al-Dahdoh told the author that when he was the head of the land registration office in the Gaza-

Strip in 1970s, he saw all the Gaza-Strip registries during a visit to Israel (al-Dahdoh interview, October 4, 1999).

Al-Dahdoh confirmed that after the 1967 War the Land Registration Office attempted to reregister all the land of the Gaza-Strip. He added that the office was able to compile land registries for the Gaza-Strip in a short period of time. He also confirmed to the author that in the early 1970's Israel gave a copy of the land registries to the Gaza-Strip Land Registration Office. Registries belonging to Hebron, Beer Sheva, and the southern coastal area of Mandate Palestine were not returned to the Gaza's office (al-Dahdoh interview, October 4, 1999).

On the eve of the Israeli withdrawal from the Gaza-Strip in May 1994, the Palestinian employees in the Gaza Registration Office smuggled out all the registries and hid them. All that remained in the Gaza Registration Office were some very old registries which had no value. By the time the Israelis discovered the Palestinian action, there was no time for them to recover the registries, because their troops were preparing to evacuate the city (al-Dahdoh interview, October 4, 1999; Ayoob interview, October 3, 1998). This operation may have helped the PNA to maintain the people's land rights in the strip, particularly when we know that many land disputes between Palestinians themselves were not resolved during three decades of occupation. During the years of occupation the people tried to solve their disputes without recourse to the courts. For example, as a result of the 1967 War, those Palestinians who were not in the Gaza-Strip during the course of the war were considered absentees. According to Israeli military orders, the land that belongs to an absentee will fall under the authority of the Israeli custodian for the absentees. consequently people prefer to solve their problems in the traditional manner. This way left many disputes regarding land ownership unresolved.

6.4.2 Land Registries of the Israeli Settlements in the Gaza-Strip

It should be understood that in the Gaza-Strip, the PNA have all the land registries (Fischbach, 1997, 41) including these of the land that the settlements were built on. The PNA should estimate the area of the Gaza-Strip settlements and it should also

accurately estimate the governmental land that was used for Israeli settlements. The ownership picture of the land in the Israeli settlements in the Gaza-Strip is very clear vis-à-vis the picture on the West Bank.

The most of the land in Israeli settlements in the Gaza-Strip was captured and leased by the military government to the Israeli settlers. The government land leasing process took place in the military government offices. From the beginning of the occupation, Israel kept the documents of each settlement with the director of the government land department (Israeli military officer). Those Palestinians who worked in the housing department of the 'Israeli civil administration' were not allowed to see the lease agreements (Ayoob interview, October 3, 1998). On the eve of the Israeli withdrawal from the Gaza-Strip, the Israelis took all the documents proving the agreement leases of this land. The PNA has no data about the lease, such as why the land was leased, to whom (Israeli individuals, official institutions, or companies) for how long the contract was valid, and so on. The PNA asked the Israeli side to hand over these contracts many times, but they ignored the Palestinian demand. al-Debari confirmed to the author that during the meeting between the PNA and the Israeli officials, Israelis informed them that the land is identical to the land of Tel Aviv. It is under Israeli responsibility and it will continue like this (al-Debari interview, December 21, 1999).

The Israeli military government leased a great deal of governmental land to Palestinians as well as Israelis. Some of it was leased to Israeli citizens for commercial or industrial purposes. Ayoob believes that Israelis did not pay the rent of the land despite having no legal right to the land leased in the occupied territories (Ayoob interview, October 3, 1998).

International law prohibits the occupying power from giving the land of the occupied territories to its citizens. But Israeli individuals benefited from the Gaza-Strip government land and were able to establish their own businesses where they employed Palestinians on the land that should have been allocated to the Palestinian's development and improvement.

6.5 The PNA's Measures to Solve Some Problems of the Land Ownership in the West Bank

As mentioned in chapters one and two, the question of land ownership in the West Bank has still not been settled. Around 2/3 of the land there has not been surveyed, therefore, these large areas were not recorded in the registration offices. Israel dealt with this land as state land and gave itself the right to expropriate hundreds of thousands of dunums for settlement purposes. Most of the 'state land' that was seized was cultivated or inhabited by Palestinians (2). This policy of classifying unregistered land as 'state land' continued during the post-Oslo Agreement. For the Israeli governments, the meaning of unregistered land (state land) in the occupied territories even after Oslo was to uproot Palestinians and settle Jews.

To prevent these lands being confiscated by the Israeli military authorities, some villagers in the Hebron Governorate proposed before the PLC members that their land which was not entered in the land registries should be put under PNA ownership (PLC Committee for Land and Resisting Settlement, 1997a). This proposal was not realistic, but the question arises why the original owners suggested such a thing, despite the belief that this is their land inherited for generations.

The director of government land in the Ministry of Housing on the West Bank stated that in several cities of the West Bank there are some places that have not yet been surveyed. In a city like Bethlehem, more than 20 per cent of its area has not been surveyed. But this does not mean that the owners of these lands have no documents that prove their ownership. People have certain documents but not *tabo*. These were issued to them as an introduction to the survey and registration of their land and handed out by the Jordanian government 1948-1967. The PNA recognised the Jordanian documents and are dealing with them as official proof of the land ownership (Sha'lan interview, December 24, 1999).

As a result of Israeli redeployment in the West Bank, zones A, B, and C were connected to each other. The Israeli withdrawal divided some parcels of land. This

means that the same parcel is located in two areas such as; zones A and C or zones B and C. As mentioned above the responsibility of land registration in zones A and B is the PNA, while zone C is under Israeli jurisdiction. Where there is a common parcel divided between zones A and C or zones B and C, the Israeli military government took the registration document of that parcel, as a part of it is located in the Israeli area of responsibility known as zone C (al-Majles 1, 1998, 28). Sha'lan confirmed that until the end of 1999, Israel had not supplied the PNA with a copy of these documents (Sha'lan interview, December 24, 1999). As long as the parcel is divided between the two jurisdictions, it is helpful for both to have the same documents for it.

Even some documents related to plots located in zones A and B were seized by the Israelis on the eve of their withdrawal from these areas. Some of these documents were returned to the PNA after long and hard negotiations, while others are still in Israeli hands, and they are refusing to hand them over to the PNA (Sha'lan interview, December 24, 1999). The question arises as to why Israel is so interested in having such documents and does not surrender them to the PNA. This Israeli behaviour gives evidence to the idea that there are many cases of Israelis purchasing land illegally. Therefore, they are concerned to conceal the fake transfer of land. Palestinians have become familiar with the Israelis procrastinating on many issues, including those relating to land. The post-Oslo period has revealed that Israeli secondary interests are over the implementation of the agreed provisions even if the provision is clear.

In Hebron, the Israelis showed a readiness of hand over 90 per cent of the land registries of the city to the PNA after the signing of the Hebron Protocol 1997 (more details about this Protocol in chapter three). The PNA were determined to obtain all the registries of the city (Tareefi interview, August 20, 1998).

Another type of land on the West Bank that has been inherited from the Ottoman rule and the British Mandate is the *mosha'* land which is still found on the West Bank (it is dealt with in detail in chapter one of the study). Thousands of dunums

are registered as *mosha'*. For example 2,000 in the Boreen village of Nablus Governorate are in this category of land ownership (PLC Committee for Land and Resisting Settlement, 1997c).

In some areas a partial solution for the problem of *mosha'* land was made by the British Mandate (see chapter one). Israel did not make any effort to solve the ownership problem of this category of land. The PNA also did not take any practical action to resolve this complex phenomenon of land ownership. The PNA took action by passing regulations to settle ownership. The agreements signed with Israel did not prohibit it from taking such action, and did not even mention *mosha'* land. This category of land is present in zones B, and C. Therefore, the PNA could start its operation in zone B.

6.5.1 The Palestinian Land Authority (PLA)

When the PLC decided to set up the PLA, they asked the Palestinian Executive Authority to implement the decision and create this authority. The PLC aimed to put an end to the unregistered land that was inhabited or cultivated by Palestinians particularly, on the West Bank, so that the West Bank was the primary target for the PLC resolution. The main function of the land authority that the PLC proposed was to take responsibility for surveying the hundreds of thousands of dunums on the West Bank that were not registered, as a legal first step to registering them in the land registries (Tamari interview, October 11, 1998).

The PLC decision was also an attempt to stop all the illegal processes of transferring land to Israeli hands (military government, companies or individuals) that mean taking place particularly, on the West Bank. As mentioned in chapter two, many illegal transfers have taken place in the West Bank. Fake authorisations from persons were used to complete some conveying of land to Israelis without the knowledge of those people (Tamari interview, October 11, 1998).

al-Dahdoh describes the position of the land ownership and registration on the West Bank as an area which is still entering a tailspin stage (al-Dahdoh interview,

October 4, 1998). Israel benefited from the conditions of land ownership that were inherited from the Jordanians and the British Mandate. This situation left hundreds of thousands of dunums without registration or survey that enabled Israel to confiscate it for its settlement expansion and on the plead that it was 'state land'.

Bearing in mind that most registered land on the West Bank is situated in zones A and B. As mentioned in previous chapters these zones cover the main cities and the built-up area of the villages. The greater part of unregistered land is located in zone C which is under full Israeli control. Therefore, the PNA has no responsibility to deal with land ownership in about 70 per cent of the West Bank. This percentage increased after the implementation of the Wye River Memorandum of 1998. Up to early 2000 the PNA controlled 42 per cent of the West Bank and Gaza-Strip as zones A and B.

Tamari replied, that the land authority can and should start working in zones A and B where land registration is under PNA responsibility (Tamari interview, October 11, 1998). There is no doubt that starting a survey and registering the land in areas A and B will give the proposed land authority appreciable experience to continue their work in areas from which Israel will withdraw. If the PNA did not reach agreement with Israel on the main issues (refugees, settlements, border, water, and Jerusalem), the interim period would be extended and this happened after May 4, 1999 (last day of the interim period). It was expected that both sides would not reach final agreement in the year 2000. The PNA is required to begin the survey in zones A and B by the PLA.

There is no doubt that the establishing of the PLA is a progressive step towards solving the complexities of land ownership on the West Bank. But the main obstacle to the success of this authority will be the presence of the Israeli occupation. Their success means the success of the peace process, because most Palestinian land under Israeli occupation is still part of the Palestinian-Israeli conflict, which should be solved in the permanent status negotiations that start in late 1999.

The Palestinian Minister of Housing stated that the PNA asked the World Bank to financially support the setting up of the PLA. Therefore, the PNA and the World Bank negotiated the Palestinian demand in several meetings. The Finnish government will also help by giving technical and financial support. The Palestinian Executive authority acknowledged that the main function of this authority is to survey and then register the unregistered land which international aid is going to cover. Hamad confirmed that the PLA would come into existence in the year 2000 (Hamad interview, December 23, 1999).

There is no doubt that the differences between the various Palestinian ministries connected to the land issue (Ministry of Justice, Ministry of Housing, and Ministry of Finance) also play a role in delaying the formation of such an authority. A Palestinian official confirmed to the author that differences between the Ministry of Housing and the Ministry of Justice concerning the structure and responsibilities of such an authority with regard to its role, were obvious. He added that departments of the PLA would be cut from the two ministries. It took a long time for both ministries to get a unified attention to the role of the PLA.

6.5.2 Taxes for Purchasing and Selling land

Until the interim period, taxes for the purchasing and selling of land were around five per cent for each process. This percentage is relatively high and was inherited from the British Mandate. Therefore, many land purchasing transactions took place between people without recording the transfer in the Land Registration Office (*Tabo*). The PNA through the Ministry of Justice decided to decrease this tax to one per cent only (Abu Medain interview, February 17, 1999).

The PNA's aim in this decision is to encourage people to register the transfer of land in the official place where people's rights can be preserved. Also the decree is an attempt to put an end to many problems of land ownership that have arisen in the West Bank and Gaza-Strip due to the failure to register the land in the Land registration Offices. This will serve as a new financial resource for the PNA if people register their land in the land official offices. Previously, the great

proportion of the operation of buying and selling land occurred between people in the presence of a lawyer without registering the transfer officially or paying the five per cent tax.

In practice, the decision to decrease the purchasing and selling tax has a positive aspect and has encouraged people to register the land transfers in the official registries, where the vast majority of land transfers are taking place in 1999 (al-Debari interview, December 21, 1999).

6.6 The Absentees' Properties

As stated in chapter two, the Israeli custodian of absentee properties took responsibility for properties of Palestinians who fled or were compelled to leave their homes in the War 1967. As a result of the signing of the Oslo Agreement, thousands of Palestinians returned to the West Bank and Gaza-Strip. Many absentees were among those returnees, who enquired about their properties.

In the Gaza-Strip, the Minister of Justice and the adviser to the Minister of Housing confirmed that all the properties of the absentees in the Gaza-Strip had returned to their rightful owners. The properties of the Gaza absentees is not in the form of large areas of land but of houses, flats and taxi numbers (Abu Medain interview, February 17, 1999; Ayoob interview, October 3, 1998).

On the West Bank all matters related to absentee land is under the authority of the Department of Government Land in the Ministry of Housing. Sha'lan, the director of this department stated to the author that any person who, according to the Israeli military, is considering a absentee, must prove his rightful ownership of the land which is located in zones A or B. The PNA will release his property direct (Sha'lan interview, December 24, 1999).

The PNA abolished the Israeli absentee law as it gave the absentee the right to repossess his properties if he authorised someone to administer them during his

absence, bearing in mind that the release of the properties should be in zones A or B which come under PNA jurisdiction (al-Debari interview, October 6, 1998).

The types of properties of the West Bank absentees are different to those in the Gaza-Strip. Hundreds of thousands of dunums pass to the Israeli military government by the mere fact of declaring it absentee property on the West Bank. In zone C, by contrast with the PNA attitude towards the absentees, Israel did not turn over the properties of the Palestinian returnees and continues to deal with them as absentee properties.

This Israeli behaviour is not surprising as Israel has had control of Palestinian Arab properties since 1948 (as a result of the 1948 War) when the Palestinian left their cities and villages to live in Israel. These Palestinian properties were considered absentee properties regardless of the fact that their owners lived in Israel and enjoyed Israeli nationality.

6.7 Conclusion

This chapter has discussed the problematic issues linked to the struggle over the ownership of land by individuals and government. The complexities of land ownership in Palestine were the legacy of more than a century. Each ruler tried to interpret the land tenure to serve his own interests, particularly the Israeli military government. In this regard the Egyptian administration to the Gaza-Strip (1948-1967) interpreted the land tenure to serve the Palestinian people. We can say that the Egyptian took the right steps to deal with land ownership in Palestine and that the PNA should continue them.

The application of the more than one law regarding land ownership in the West Bank and Gaza-Strip damaged the PNA performance, but there is no doubt that the territorial continuation in the Gaza-Strip helped them to solve many problems regarding land possession, while the cantonisation of the West Bank into different zones became a major obstacle in solving the land ownership problem which has been passed down for more than a century.

As Palestinian history has shown the transfer of land was not the Palestinian wish. The setting up of the PLA is vital to stem the transfer of land into the Jewish hands. This may happen in zones A and B which made up around 35 per cent of the West Bank until May 1999.

Foot-notes

1.This land was registered in the name of the British High Commissioner, and under the Egyptian administration of the Gaza-Strip 1948-1967 it was recorded in the name of the Egyptian Administrator Ruler. At the time people illegally cultivated the majority of this land. The PNA and the previous governments did not recognise the ownership of those people and consider them illegal owners.

2. The situation of unregistered land on the West Bank is similar to the said 70,000 dunum of the Gaza-Strip, that were handed down by Palestinians for centuries rather than decades. It is not the fault of the people who inherited this land that the previous government did not carry out a survey of these lands as an preamble to its registration.

Conclusion

This thesis has divided the struggle over land into three different stages. First the period of the Ottoman rule, the British Mandate, and the post-Israeli state which lasted until June 1967; second, the Israeli occupation in the West Bank and Gaza-Strip from 1967-1993 and third, the struggle over land in the post-Oslo Agreement. The last named has been the focus of the thesis covering the period between 1993 and May 1999.

Within the first stage, since the 1880s, Jewish settlement in Palestine was small and slow. Settlement activity increased when it became organised by the Zionist political movement of Herzl in Basle, Switzerland from 1897. Herzl and later Zionist leaders believed in the importance of establishing 'facts on the ground' (Settlement in Palestine), which would make it easier to sell the enterprise of the Zionist Homeland in Palestine for international approval.

The Zionist strategy since the founding of the International Zionist Organisation in 1897, adopted the gradualism strategy to achieve its target in Palestine. The Zionists first raised the slogan of establishing a homeland for Jews in Palestine. This slogan remained for several decades until they successfully attracted thousands of Jews to migrate to Palestine and purchased hundreds of thousands of dunums in the most fertile areas in Palestine. It is important to clarify that the small purchase of land by Jewish settlers, was sold to them by mainly Lebanese landlords who owned substantial tracts and who were motivated more by greed than by patriotism. During this stage (1880-1948) the Zionist population did not exceed more than 30 per cent of the whole population in Mandate Palestine and their holding of land was only seven per cent till 1948. However as a result of the 1948 War they managed to successfully establish their state which amounted to over 80 per cent of Mandate Palestine.

As a result of the emergence of all Zionist institutions which were required for the establishment of an independent state, the Zionist demand changed dramatically. They asked for the establishment of a state not a homeland. They tried their best to increase the area of any proposed state. For example as a result of Peel Partition Plan in mid 1930's, the Zionist Congress asked the Zionist leaders to negotiate with the British government the increase of the area of Jewish state with the British Mandate. The Zionist concept of the area of the their state was recondite and unclear (Smith, 1992, 99).

Regarding the Peel Partition Plan, David Ben Gurion (the head of the Zionist Agency in Palestine) confirmed when he directed a speech in May 1937 to the International Zionist Congress that

There could be no question ... of giving up any part of the land of Israel ... it was arguable that the ultimate goal would be achieved most equally by accepting the Peel proposal (Cited in Smith, 1992, 99).

It could be said that Chaem Weizmann was the most expressive and direct person who applied the policy of gradualism to the controlling of land. When he accepted the Balfour declaration, the Churchill White Paper, and the partition plan of the Peel Commission, he did not really agree to their terms or intend to abide by them, he tried ceaselessly to circumvent the restrictions of official British policy without openly challenging their legality. In most cases the limitations he sought to overcome were directly or indirectly related to the scope of the projected state (Taylor, 1971, 21). The Zionist policy of gradualism continued in the post-Oslo period.

The Zionists succeeded overwhelmingly in implementing their policy of gradualism which led to the creation of Israel in 1948. This occurred with the significant and massive financial and political support of the superpowers such as Great Britain and the U.S. This help was offered more because of their colonial interests than human sympathy for the Jewish question in Europe.

The strategy regarding land was based on the Zionist expansionist ideology. As mentioned above they accepted the Peel Partition Plan that gave them 20 per cent of mandate Palestine, then they struggled until they guaranteed 54 per cent in the U.N. Partition Plan of 1947. In the Arab-Israeli War of June 1967, the Zionists succeeded to control all mandate Palestine in addition to some parts of Egypt (Sinai), Syria (Golan Heights), and Jordan (Wadi Araba). The principles guiding the Zionists in the aftermath of the June 1967 War, addressed by the Israeli Prime Minister Leve Eshkol in August 1967, asserted that “we shall never permit a return to a situation of constant threat to Israel's security, of blockade and aggression” (Cited in Lukacs, 1992, 171). This means that Israel will never return to the 1967 War border. In his interior policy Eshkol supported the Allon Plan in regard to settlement in strategic areas of the Occupied Arab Territories, which demanded the annexation of approximately 40 per cent of West Bank, all Gaza-Strip, the Golan Heights, and annexation of some parts of Sinai (Harris, 1980, 51).

The idea of not returning to the 1967 War border has unified all the wings of the Labour Party and the Likud Party even the doves of the Labour Party. In his speech to the U.N. General Assembly in 8 October 1968, the Israeli Foreign Minister Abba Eban (considered as a Labour dove) addressed the Israeli Nine-Point Plan. In his preamble he asserted the Israeli acceptance to the U.N. Security Council resolution No. 242 (6) of 22 November 1967 (Lukacs, 1992, 178). But he did not confirm the Israeli will to conduct comprehensive withdrawal from all the Arab Occupied Territories. We should keep in mind that Israel was always ready to enter into a peace negotiations with the Arab states. Eshkol, the Israeli Prime Minister, confirmed the Israeli will to achieve peace with its neighbouring Arab Countries, by entering into direct negotiations with all Arab States either together or separately (Cited in Lukacs, 1992, 171). From Eshkol's point of view Israel wanted peace, but without returning to the pre-June 1967 War boundaries. According to Eban “Israelis are willing to seek agreement with each Arab State on secure and recognised boundaries within the framework of a permanent peace” (Cited in Lukacs, 1992, 178).

In the post-Oslo Agreement period, all the Israeli leaders from the Labour Party and the Likud Party reassured repeatedly the Israeli will to establish peace with Palestinians, but the previous target of the Zionists leaders from 1960's until early 1990's that pledged of not returning to the 1967 War Borders remained constant.

The ambiguity of land size used by Zionists remained uncertain, vague, and undetermined. There was no law that defined the border and the area of state of Israel. The area and borders were linked with the holy promises. The promise they adopted would be determined according to Zionists capabilities, which meant that military power determines the suitable promise for the area of the state.

Zionist ideology regarding control of land was based on two main factors the expansion of Israeli territories, the expulsion of Palestinians and the replacing of them with new Zionist immigrants. This ideology passed through two stages. The first, the establishment of the Israeli State was based on the expulsion of more than 700,000 Palestinian refugees and 350 destroyed villages (1948 War). The second period began as a result of the 1967 War when 300,000 Palestinian refugees came into existence.

The imposition of the State of Israel on the Palestinians and especially the impact of the defeat by Israel of the Arab armies in 1967 shifted the discussion about Jewish settlement and access to land. Since the early days of the Israeli occupation of the West Bank and Gaza-Strip, Israel declared that it would not return to the June 4, 1967 borders. From the Israelis, viewpoint the pre-June 1967 borders were not at all secure despite the fact that Israel State had established itself in over 80 per cent of Mandate Palestine. Therefore, Israel decided to expand its territories by annexing certain parts of the West Bank, and other neighbouring countries. The reason for this was because Israel from 1967 onwards linked security issues with controlling the land.

This was the common factor between both the Labour and Likud governments despite the fact that they varied in implementing these ideas in practice. Likud

intensified settlement activities once they assumed power (1976-1992), unlike Labour who concentrated their activities on strategic areas with a small Palestinian population area like the Jordan Valley. This ideology was based on the desire to keep their state purely Jewish. Theoretically, Labour could then trade the remaining territories (non-strategic areas) for peace. This would enable Israel to present itself as a peace seeker, but in fact it was a situation which would lead them to be a key figure in the region in terms of economic power. For Likud, the thesis showed that the settlement in all the Palestinian Occupied Territories was considered to be a Jewish right despite international condemnation. By spreading settlements everywhere in the West Bank and Gaza-Strip, the Party have made the total Israeli withdrawal from the Palestinian Territories impossible. Both Likud and Labour have a similar stand towards the future of Jerusalem in that settlement there should be intensive and continuous. Israel will never withdraw from 'its capital'.

Indeed the history of Israeli occupation of the West Bank and Gaza-Strip proved that the Israeli aim was to use it as a reserve for cheap labour in Israel. Almost thirty years of occupation left the areas without quality infrastructure and in the case of Gaza Strip undermined opportunities for local development of independent water and power sources. The Gaza-Strip in particular was repeatedly characterised by commentators as a prison camp where the inmates were used by the Israel occupiers as and when they chose (Elmusa, 1996, 32; Oweiss, 1985, 255). There is no doubt that the struggle from 1960's to the 1990's made the Palestinian question a political one rather than a question of refugees requiring economic assistance, rehabilitation or resettlement. The Palestinian struggle for their political and legal rights was crowned by the Palestinian *Intifada*. Its impact over both Palestinians and Israelis was great and pushed both sides to recognise the rights of the other. These types of changes on Palestinian and Israeli political thought produced the Oslo Agreement of 1993.

There is no doubt that the this Agreement had positive and negative features for the Palestinian side. The advantages were; firstly, Israeli recognition of the Palestinians as a people who have political and legal aspirations, which hits at the heart of

Zionist ideology. The Zionist belief is that the Palestinian people do not exist, according to Herzl (the founder of the political Zionism) who wrote that 'Palestine a land without people, will be given to a people without land'. Secondly, the control of the Palestinian people over some of their land where they were able to create the nucleus of a Palestinian entity (Shaath, 1993, 6). And finally, the establishment of the PNA offers another advantage which is the recognition of Palestinian rights and support from the international community, especially the Western countries which have started to deal with the Palestinians rights more realistically.

On the other hand the disadvantages are tangible. The PLO lost its eminent position in the Arab and Muslim world which caused them to lose much of their support (Shaheen interview, August 18, 1998). Secondly, the vague nature of the certain provisions of the DOP (particularly, military bases, settlement activities, and the border of the settlement) enabled Israel (the powerful party) to interpret these provisions according to its interests. Thirdly, the classification of the Palestinian territories into three different categories with different levels of control of land propelled the Palestinians into an endless debate with Israelis about Palestinian rights and responsibilities in each area.

The Palestinian acceptance to enter into negotiations with Israeli culminated in the Oslo Agreement which was set up to resolve the Palestinian question through a process of phased solutions. This indicates that Palestinians learnt from the Zionist strategy of phased expansionism i.e obtaining land gradually and demanded their land be returned to them in stages in the same gradual way that it had previously been occupied by Zionists. Therefore, the Oslo Agreement was in direct opposition to Zionist strategy. The agreement also proved that further Israeli expansion had to cease and that even the land of the West Bank and Gaza-Strip would not be controlled. This land of the West Bank and Gaza-Strip is not however considered by the Palestinians, as their entire homeland. They believe that the whole of Mandate Palestine is theirs.

During the Mandate period and even later, the Palestinians rejected all the political proposals for resolving the Palestinian question. This rejection was based on the Palestinian almost naive belief that the whole of Palestine belonged to the Palestinians and there was no area compromise.

In contrast, the Zionists, by accepting the Peel Partition Plan (gave then 20 per cent of Palestine), U.N. Partition Plan (they obtained 54 per cent of Palestine), and the Security Council Resolutions 242 and 338 (secured from them more than 80 per cent of Palestine) they accepted with the intention of acquiring more land at a later date. The Zionists acceptance of the different plans and resolutions was based on the implementation of their rights and had no bearing on Palestinian rights i.e they fully intended to resist any attempts to execute the part of these plans which focused on Palestinian rights.

The thesis explained the Zionist strategy and ideology regarding the control of land through the gradualism theory. This study may help the coming Palestinian generations to acquire a greater understanding of the Zionism and allow them to successfully adopt their enemy's strategy to accomplish real freedom for Palestine. The Palestinian coming generation will judge if the Oslo Agreement was cohesive with the theory of phased solution or not.

As for the Israeli settlement activities, the thesis has shown that there was no fundamental difference between the Israeli settlement policy in pre and post-Oslo. For instance around 10 per cent of the land of the West Bank was confiscated in the post-Oslo Period (al-Ayyam, January 27, 1997). Thousands of new units were built, and the number of settlers increased dramatically. It is essential to realize however, that implementation of these activities took place in a very strategic way; i.e. Israel started working on expanding the existing settlements and connecting them together and at the same time joining them to Israel with sophisticated by-pass roads, rather than building new settlements. Therefore in the final status negotiations, these settlements would be taken into account to be annexed by Israel instead of being removed.

The implementation of the Gaza-Jericho First Agreement (1994) brought into existence a new Palestinian entity which was established on the greater part of the land of the Gaza-Strip and Jericho area. The implementation of the first phase of the Oslo II Agreement regarding the Israeli redeployment enabled the PNA to control certain areas on the West Bank. This did not cause many difficulties for the Israeli settlements but further redeployment in the future will create crucial problems for certain Israeli settlements i.e. some will resemble isolated islands in a Palestinian ocean which will create headaches for Israel in terms of communication and security. This is why Israel relied on redeployment (according to signed agreements) as a strategic method, and in addition, in order to gain other benefits declaration that they wanted to keep the PNA ruling isolated, fragmented areas with no territorial integrity which would result in a weak Palestinian entity and more security for Israel.

The weak implementation of parts of the Oslo Agreement and the failure of Israel to put into effect the key elements has had a disastrous impact on the Palestinian economy. The PNA is isolated, enabling Israel to close the PNA areas whenever they want to by alleging security needs. The main reason behind this sort of closure was not related to security factors at all however, but is simply in order to control the Palestinian economy. Israel benefited from this situation, not only economically, but also by creating an economic environment for the Palestinians that was harsh hoping to force them to rush to a final agreement of economic concessions rather than concentrating on territorial ones (total Israeli withdrawal).

The unfair Israeli distribution of water has left the Palestinian areas with a chronic shortage for daily use and irrigation especially for certain types of crops. Even after the Oslo Agreement which purposefully ignored this matter, Israel paradoxically increased the extra quota of 28 mcm/year which was not even enough for the Palestinian population growth (natural growth and number of returnees). In the future, there should be a just solution to this vital issue not by pumping a great amount of water to Israel but by involving better technical and technological devices, by searching for new resources and by reducing the waste of water.

The PNA inherited a devastated infrastructure from Israel. It was impossible to establish or rehabilitate all of it on the West Bank and Gaza-Strip within a short time frame. The Palestinian infrastructure needs time to become well established, particularly because of the lack of financial aid. Baidoun from the International Labour Office argues that the situation has not improved in the West Bank and Gaza-Strip during the interim period for the following reasons. Firstly, the population increased substantially and thus the demand for the services increased. Secondly, the supply of services did not expand and the quality did not improve in the same proportion as the demand. Therefore, the gap has widened. Third, closures, restrictions on the movement of materials and equipment by the Israelis were contributory factors. Fourth, the implementation capacity of the PNA for projects was not sufficient. Fifth, the flow of international assistance was not regular or smooth (Baidoun, 1998, 6).

As a result of not finalising the implementation of the Oslo Agreement, which demanded Israeli withdrawal from almost 90 per cent of the West Bank and Gaza-Strip, another problem was created for the PNA in placing the land in Palestinian public possession (land ownership) in order to register it (due to long term occupation since Ottoman rule), to their traditional Palestinian owners, and because of this the PNA was unable to do as it had done in the Gaza-Strip in surveying and registering the land.

According to the above, the most reasonable solution to even the least of the Palestinians aspirations, is for Israel to conduct a comprehensive and total withdrawal from the pre-1967 War borders. The area of the pre-1967 forms just 20 per cent of Mandate Palestine, while the area of the post-Israeli state covers 80 per cent. This raises a critical question that although the Palestinians accepted the idea of establishing their independent state on only 20 per cent of their historical homeland, Israel has not accepted keeping their state within the 80 per cent of their 'historical homeland'. The following solution may be proposed with regard to the question of the future of 160,000 settlers. There is an option of giving the settlers the choice of either being transferred to Israel with compensation (as happened to

Israeli settlers on the eve of Israeli withdrawal from Sinai according to Camp David Accord of 1978) or the possibility of remaining under Palestinian sovereignty and having equal citizenship rights as Palestinian subjects. For example around 1,000,000 Palestinians live in Israel and enjoy Israeli citizenship, but there are 160,000 Israeli settlers living in the West Bank and Gaza-Strip who equally need to accept Palestinian citizenship, which would not distinguish them from Palestinians.

The law that governs the Israeli settlers currently discriminates between them and the Palestinians in the settlers' favour. If Israel is serious about the need for peace then it will have to change from the mind set that Palestinians are only good for their labour power. This is labour incidentally that has built Israel at the expense of being unavailable for Palestinians to develop their own nation in the way that generations of Palestinians had sought to do in order to free themselves from the shackles of occupation. The indignity of Palestinian workers at the Erez checkpoint linking the Gaza Strip and West Bank, the delays that they are subjected to and the frustration that the Israeli regime imposes, undermines any initiative Israel says it has for peace. It also adds enormous transaction costs to the promotion of economic development in the West Bank and Gaza-Strip. But of course what Israelis fear now is no doubt the possibility of a vibrant Palestinian economy no longer dependent upon Israeli trade - already evident by the PNA refusal to accept food imports from Israel dumped in the West Bank and Gaza-Strip beyond its 'sell by date'.

Unfortunately daily Israeli activities and policies in the West Bank and Gaza-Strip demonstrate that Israel still holds an ideology which is dependent on force and supports their illusion that bulldozers and soldiers create peace (Heikal, 1996b). Elmusa put the Israeli criteria for the Final Peace Accord as:

All in all, when it comes to Israel's territorial aims in the West Bank, one cannot help but think that after the rabbis feel redeemed, after the generals feel secure and the hydrologists' thirst is slaked, the Palestinians will be left with a tattered West Bank fragment, insecure and dry (Elmusa, 1996, 77).

We have to bear in mind that it is the people who approve historical and strategic solutions, not the leaders. So unless both the Palestinian and Israeli public accept

the final solution we will not have a lasting settlement and we may have another Intifada. This means that Israeli manoeuvring should not in any way take advantage of the weak position of Palestinians to risk delivering an unjust and a non-genuine settlement.

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