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SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activities in the Gaza Strip and the West Bank, including East Jerusalem, and the Golan Heights. Unless otherwise stated, the items in this section have been written by Geoffrey Aronson directly for this section or drawn from material written by him for Report on Israeli Settlement in the Occupied Territories (hereinafter Settlement Report), a Washington-based bimonthly newsletter published by the Foundation for Middle East Peace. JPS is grateful to the Foundation for permission to draw on its material. Major documents relating to settlements appear in the Documents and Source Material section.

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LOOKING AHEAD TO FINAL STATUS

BEYOND THE OSLO FRAMEWORK

From Settlement Report, January–February 1998.

Despite the stalemate in the Israeli-Palestinian talks, Israeli prime minister Benjamin Netanyahu is continuing to push his proposal for a negotiating framework he presents as capable of meeting the basic if often antagonistic requirements of both the Israeli and Palestinian leaderships. The proposal, which had been developing for some months, is based on a rejection of the very concept of the interim period that is at the heart of the Oslo process.

"A final agreement is peace," Netanyahu declared in a speech to the Knesset on 27 October 1997. "It is clear that any interim agreement does not contribute to peace and does not advance us towards this goal. Whoever is not ready to go to a final agreement demonstrates that he doesn't want a genuine peace but only wants to receive property and rights." The further redeployments called for in Oslo, in his view, risk exploding the process by antagonizing both Israelis opposed to further territorial transfers to the Palestinian Authority (PA) in the absence of a final agreement and Palestinians for whom

any conceivable Israeli withdrawal would be inadequate.

Netanyahu's Proposal

In March 1997, following Israel's reconfirmation of its commitment to further redeployments in the Hebron protocols, the PA rejected as insufficient Netanyahu's proposal for the first such redeployment, and it has never been implemented. Since that first offer, Israel has been backtracking.

On 4 September, Netanyahu's cabinet explicitly linked the implementation of redeployments to Israeli satisfaction with the PA's battle against terror attacks on Israeli targets—a move widely interpreted as killing the prospect of any additional Israeli withdrawals from the West Bank in the context of the Oslo framework.

It was at their meeting on 8 October 1997—their last to date—that Netanyahu first broached the idea of bypassing the interim stage and indeed abandoning the Oslo framework—including Israel's commitment to undertake three further redeployments from the West Bank—in return for negotiations on a final status agreement.

"The redeployments are a problem for us and for you," Netanyahu reportedly told Arafat, "and if we start to discuss them, the negotiations will go on forever. It would be

better if we were to put everything aside and reach a permanent status arrangement—one that will be a good deal for you, too—within a short time.”

Arafat was said to have rejected the offer, first because the primary objective of the PA since Netanyahu's election has been to force the implementation of the redeployment scheme, and, second, because Netanyahu was unwilling to make an explicit promise that the negotiations would result in the establishment of an independent Palestinian state—the overriding objective of Arafat's diplomacy.

Despite Arafat's rejection of Netanyahu's October formula, and in the absence of an explicit U.S. rejection, Netanyahu saw no reason to modify the central element of his proposal—rejection of Oslo's call for three redeployments, which the prime minister himself had endorsed as part of the Hebron redeployment agreement initialed in January 1997.

In late October, Netanyahu added another element to the package presented to Arafat. Israel, for the first time since the Oslo process began, appeared ready to make an explicit connection between limits on settlement expansion, however inconsequential, and diplomacy with the Palestinians. Under the formula, Israel would be prepared to halt those expansion projects currently in the planning stages for a six- to nine-month period of talks when a final status agreement would be negotiated, but construction already underway would not be affected. In return, the Palestinians would agree to forego the implementation of the redeployment schedule until after a final status agreement had been struck and to refrain from internationalizing its dispute with Israel by petitioning the Arab League, European Union, or the United Nations.

“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,” explained a senior Israeli official. “We have enough settlement activity under construction to last us for this period.”

The continuing construction of a settlement at Har Homa in annexed East Jerusalem, which had precipitated Palestinian demands for a settlement halt, would, therefore, be outside the scope of such an agreement.

“When we say settlements,” an Israeli official explained, “we are not talking about

construction in Jerusalem. As far as we are concerned, Jerusalem is not on the agenda.”

On the ground, however, it was clear by November that construction at Har Homa had indeed been slowed. Government plans noted that activity at the site would resume sometime in 1998.

IDF Redeployment

Netanyahu appeared to amend his rejection of a second further redeployment after U.S. opposition was made clear in a frosty meeting with Secretary of State Madeleine Albright in London on 14 November. In the wake of the meeting, Netanyahu insisted that he had not compromised the 4 September cabinet decision linking a redeployment to the improvement of Israeli security and a Palestinian agreement to forego a third and final redeployment set for mid-1998. Nevertheless, Netanyahu was reported to have promised Albright that he would undertake a second redeployment, and there was a widespread supposition that Netanyahu also committed Israel to constrain settlement planning during final status talks in a manner outlined in late October.

In the days following the talks, discussion focused on the projected size of the second redeployment rather than on whether it would take place. The Clinton administration, in contrast to its actions preceding the abortive first redeployment in early 1997, made it clear that it expected a “significant and credible” redeployment, amounting to a transfer of 10–15% of the West Bank to some form of Palestinian control—i.e., from area C status (under Israeli control) to either area A or B status (under a measure of PA control). It also supported the Palestinian demand that this redeployment result in the creation of territorial continuity between the PA-controlled areas of major Palestinian population centers in the West Bank. Netanyahu reportedly offered Albright a redeployment figure of 3–5% of the West Bank. Both options were far less than the 30% transfer demanded by the Palestinians. PA negotiator Saeb Erakat ordered the preparation of three options for a second redeployment, showing Israeli redeployments of 12%, 15%, and 30% of area C. In each instance, the Palestinians' territorial preferences—territorial continuity between areas under PA control, especially near the Green Line and all built-up areas—were addressed.

Netanyahu made clear, however, that he had not abandoned the preferences that he expressed to Arafat in October. In a 28 No-

vember speech, he called for a single further redeployment to take place in five months, "but only on condition that the Palestinians fulfill their commitments and take concrete measures against terrorism." In remarks to American Jewish personalities, Albright endorsed the equation at the heart of Netanyahu's diplomatic strategy. "If Arafat will not fulfill his security commitments thoroughly and efficiently," Albright said, "he can forget the redeployment."

Prospects for a second redeployment were complicated even more by an Israeli cabinet decision on 30 November, championed by Infrastructures M Ariel Sharon, to determine the territorial parameters of a final status map before any consideration of a second redeployment and to "take the necessary steps to continue the existence and strengthening of settlements in Judea and Samaria."

In addition, it became clear that notwithstanding the government's willingness in principle to undertake a second redeployment, there was no change in Netanyahu's demand that it be implemented only in return for a cancellation of the third redeployment and upon the Palestinians fulfilling commitments detailed in an appendix to the Hebron agreement.

Netanyahu continued to maintain a variety of back-channel dialogues with Arafat. In meetings between Arafat and Netanyahu representative Yitzhak Molho and senior Israel Defense Forces' officers, Netanyahu reintroduced his plan for accelerated final status talks.

Silvan Shalom, Israel's deputy defense minister, observed after discussions between Arafat and Molho that "it's clear that the gap between the sides' position on the second redeployment is unbridgeable." Whoever thought that Israel would redeploy from more than 6% of the West Bank was "daydreaming," he added.

While most of the maps drawn by Israel in the latter weeks of 1997 made no direct reference to U.S. and Palestinian demands for a second redeployment, Defense Minister Yitzhak Mordechai did present his suggestions to the inner cabinet in December. Mordechai explained that "compromises are required from both sides, in order to bridge between [Israel's] security and the territorial requirements of the Palestinians."

The plan suggests that the parts of area C, which are under full Israeli control, around the West Bank cities of Hebron, Jinin, and

Nablus be transformed into area B, in which Israel maintains overall security control and the PA assumes civil responsibilities. In addition, a small fraction of area C would be given area A status, where the PA has full civil and security responsibility.

The Netanyahu cabinet on 8 December, however, led by the religious parties and Ariel Sharon, continued its refusal to present a concrete redeployment plan for consideration by the United States or the Palestinians. In three meetings during December between Netanyahu and Albright, no Israeli further redeployment plan was presented. In its 16 December communiqué, the cabinet maintained that "no agreement has been made to slow construction in Judea and Samaria." Nor, promised Netanyahu, was there an "intention to uproot Jewish towns as part of the second redeployment."

"The moment of truth is approaching concerning the contradiction between the Whole Land of Israel and the interests of Jewish communities along the [central West Bank] mountain ridge," explained Alex Lubotsky, an MK of the Third Way party, which favors a second redeployment. "It is necessary to show leadership and take difficult decisions," he said, "and to prefer the interests of the Land of Israel and not of the settlements."

READING THE MAPS: ISRAEL'S FINAL STATUS OPTIONS

From Settlement Report, January-February 1998.

Israeli policy shaping "final status" issues since the advent of the Netanyahu government in mid-1996 has changed markedly. Whereas previous Israeli governments refused as a matter of principle to delineate Israel's territorial demands, government members have embraced the notion of a spirited public debate on Israel's territorial requirements under a final status agreement with the Palestinians.

Accompanying the change in attitude has been the publication of some often vague and incomplete details about three closely related but nonetheless distinct maps—Ariel Sharon's option, Prime Minister Benjamin Netanyahu's own "Allon Plus" map, and a "Security Interests" map devised by the Israel Defense Forces (IDF).

None of these maps has been published in an authorized, detailed fashion, leaving many inconsistencies and much speculation about issues as important as the inclusion or

exclusion of certain settlements from territories to be annexed by Israel as part of a final agreement. Still, incomplete versions of the maps that have appeared in the public domain offer important insights into Israel's abiding interest in maintaining permanent strategic control over the entire area between the Jordan River and the Mediterranean Sea, the extent of Israel's territorial demands, and the relationship of settlements and associated infrastructure to these demands. The maps also attest to the transformation that is taking place in the Likud party. Its leaders as well as rank and file are in the process of accommodating themselves to the fact that the "integrity" of the whole "Land of Israel under Jewish sovereignty" and even the permanent retention of all Jewish settlements under full Israeli sovereignty are unsustainable political goals.

It hardly needs to be said that none of these maps meet even the minimum expectations of the Palestinian leadership, not to mention the even more expansive expectations of much of the Palestinian public. The Oslo process, however, is less a negotiation between Israelis and Palestinians than an internal Israeli debate about how much territory, authority, and sovereignty to offer the Palestinians. Indeed, the maps are a vivid testament to the emerging national consensus supporting Israel's permanent retention of "greater Jerusalem" and at least one-half of the West Bank, together with the large majority of West Bank settlements, as the price the Palestinians must pay to achieve an ersatz independence. There has been almost no information regarding Israel's permanent territorial interests in the Gaza Strip.

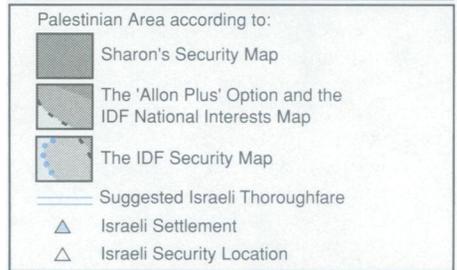
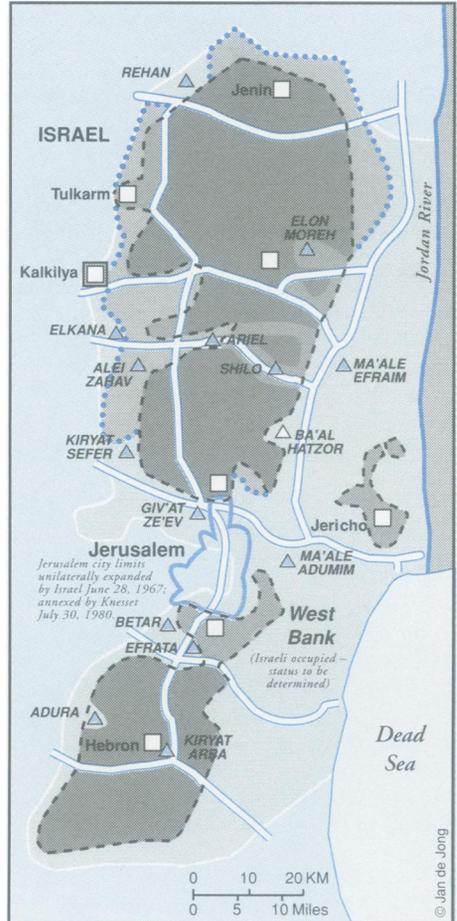
The map entitled "Israel's Final Status Options" illustrates the three Israeli alternatives for a final status territorial division of the West Bank. These options are rendered by gradually increasing the territorial configurations of projected Palestinian self-rule, in which lighter shaded areas are added to the darker shaded territorial options.

The Sharon Map

The proposal outlined in the darkest grey, advanced by Ariel Sharon, offers Palestinians the least territory, reserving from 30 to 39% of the West Bank for Palestinian self-rule. Not including the small enclave around Jericho, it provides for three large noncontiguous Palestinian "cantons" centered on Nablus, Ramallah, and Hebron. The Nablus canton would be separated from the Ramallah one by the Israeli settlements of Ariel

and Shilo, while the Ramallah canton would be separated from the Hebron canton by Israeli-annexed metropolitan Jerusalem, which,

Israel's Final Status Options



according to Sharon would include Bethlehem and its surroundings. Israel would also retain a 20-km.-wide strip along the Jordan Valley border, a 7- to 10-km.-wide strip along the Green Line border, and three roadways running in an east-west direction across the West Bank.

The Sharon option would likely leave 30 smaller settlements surrounded by Palestinian territory. Ten of these would be outside an Israeli bypass-road grid. One important feature of the Sharon option is the road from the settlement of Givat Ze'ev near Jerusalem to the settlement bloc of Rehan in the northern West Bank designed to facilitate Israeli control over the vital groundwater supply along its trajectory. The map has been presented to Arafat adviser Mahmud Abbas, Jordan's Crown Prince Hassan, and U.S. National Security Adviser Sandy Berger during the last seven months.

The "Allon Plus"/IDF "National Interests" Map

The middle option is "Allon Plus," the final status map Netanyahu unveiled in mid-1997. [See Settlement Monitor in *JPS* 105]. Allon Plus would increase the Palestinian self-rule area to up to 46% of the West Bank and add another eight settlements (to Sharon's thirty) that would be surrounded by Palestinian territory, all of which would be linked to bypass roads. (Curiously, Netanyahu's map appears to exclude the Kiryat Arba and Hebron settlements from annexation by Israel.)

Allon Plus—which retains Israeli sovereignty over a 15-km.-wide belt along the Jordan Valley border, an expanded strip along the Green Line border, and an expanded "metropolitan Jerusalem"—differs from the Sharon map in that it provides for only two rather than three major areas in the West Bank (aside from the Jericho enclave). Nonetheless, the territorial continuity of each would be disrupted by the strategic placement of Israeli settlements under Israeli sovereignty and the creation of four transport "corridors" of unspecified width running in an east-west direction between Israel and the Jordan Valley. Sharon has noted that "the details may vary but, in principle, the essence [of the Netanyahu map] is very much the same" as "A Vision of Israel at Century's End," the proposal he published in 1977.

The Allon Plus map is similar to the IDF National Interests map, except that the latter would maintain as broad corridors the security passes and settlements around Shilo, while Allon Plus envisages these thoroughfares as narrow passes. (The National Interests map is an updated version of a "vital interests" map submitted for cabinet discussion in early 1997 by the IDF Planning Branch, itself an updated version of the map prepared

by the Planning Branch at Prime Minister Yitzhak Rabin's request during the Taba talks preceding the signing of the Oslo II accord in September 1995.)

The IDF Security Interests Map

The most generous option for the Palestinians is the IDF Security Interests map—presented to the cabinet on 14 December 1997 by Defense Minister Yitzhak Mordechai along with the IDF's "National Interests" map—which would leave 53% of the West Bank for Palestinian self-rule. It would also leave the larger Israeli settlements around Ariel surrounded by Palestinian territory. Israeli news reports have mentioned 45 West Bank settlements outside Israeli sovereign areas, but closer inspection reveals that this option would not add to the ten isolated settlements lacking bypass-road linkage that appear in the Sharon and Allon Plus maps. The IDF Security Interests option focuses on external security control, exercised throughout the Jordan Valley and the Hebron hills, in contrast to the other two options, which focus on control of water resources and a security alignment not just around but also within the West Bank itself. More specifically, it retains Israeli sovereignty over a 10- to 15-km.-wide strip along the Jordan Valley border, a 3- to 7-km.-wide strip along the Green Line, and two roads running in an east-west direction across the West Bank—one in the north and one in the south.

It should be noted that the status of the settlements left outside of Israeli sovereignty zones under all three options has not been spelled out, though, clearly, in all cases they would have some kind of extraterritorial status.

SETTLEMENT CHRONOLOGY

From Settlement Report, January–February 1998 and March 1998.

1997

7 November

Yerushalim reports that the Netanyahu government intends to increase by more than 300%—to \$3.6 million—the allocation for protection of East Jerusalem settlements, including Jewish seminaries in the Old City's Muslim Quarter.

9 November

Globes reports that 11,000 Palestinians are employed in settlements and in industrial zones along the Green Line.

11 November

Ha'Aretz reports that final approval has been received for the construction of 372 units at the settlement of Alfe Menashe, increasing the number of dwellings in the settlement by almost 40%.

Yerushalim reports that there have been only 195 building starts for Israelis throughout Jerusalem in 1997 due to a combination of factors, including a national real estate slump and a lack of labor. In 1995, there were 400 building starts. The plan for 1998 is 1,000 starts, all in Har Homa.

12 November

Palestinian landowners in the West Bank village of Kaddum complain that six mobile homes belonging to the settlement of Kedumim have been placed on their land.

Four Palestinians from the West Bank town of al-Bireh ask an Israeli court to remove 20 mobile homes placed on Jabal al-Tawil by settlers from the Psagot settlement.

14 November

Yerushalim reports that during the first nine months of 1997, the Housing Min. sold only 232 dwellings in Ma'ale Adumim, compared to 613 in all of 1996. In Section 06 of the town, 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. During 1998, plans for the construction of 3,000 units in Section 07 were expected to progress.

16 November

Labor MK Ofir Pines claims that 20% of people listed as residing in settlements do not actually live in settlements but nonetheless take advantage of the income tax reduction of 7% afforded to settlers.

21 November

Qol Ha'Ir reports that the Housing Min. is offering 730 new homes in some settlements for as little as one-tenth of their market value in an effort to encourage settlement expansion. The average cost is less than \$30,000 per dwelling. After a \$2,800 down payment, the outstanding balance is either financed as a non-dollar-linked loan or forgiven as an outright grant.

23 November

Ma'ariv reports that Prime Minister Netanyahu has written to settlers in Hebron reiterating that his government continues "to

support, assist, and strengthen the Jewish community in Hebron." Days earlier, the Defense Min. approved the construction of a 1,000-sq.-m. building in the Old City's Jewish Quarter.

26 November

Ha'Aretz reports that the first families have moved to the new settlement of Oranim in the Modi'in Bloc, which straddles the Green Line. Some of the 95 already completed homes in Oranim are less than 100 feet from the Israeli village of Lapid.

30 November

Heads of West Bank settlements who are also members of the ruling Likud party and who represent most of the settlements and 80% of the settler population, voice their support in principle for the government's position favoring a second redeployment in the West Bank. They also declare support for the Allon Plus map as a basis for a final agreement with the PA.

The Ministerial Economic Committee endorses new subsidies to Priority Area A for tourism facilities in West Bank and Gaza Strip settlements.

2 December

Tenders are reportedly issued for the construction of 26 dwelling units in the settlement of Nisanit in the Gaza Strip—the first authorization for new construction at the site since the Shamir government, 1988–92. More than 100 applicants participate in a lottery for 39 "build-it-yourself" dwelling units in the Golan settlement of Qatzrin.

Ha'Aretz reports that construction has begun on 120 units in the settlement of Ariel, the first new construction in the settlement since the Netanyahu election in mid-1996. Tenders for an additional 200 units were to be issued soon.

5 December

Construction of 130 new units is approved for the settlement community Gilo in East Jerusalem.

12 December

Yerushalim reports a decision to establish a new West Bank industrial zone on 700 dunams (4 dunams = 1 acre) near Jerusalem. According to its promoters, industries locating to the zone will provide work for settlers currently employed in Jerusalem and Tel Aviv.

Qol Ha'Ir reports that DM Mordechai has approved construction of 800 units in the settlement of Givat Ze'ev.

14 December

Yedi'ot Aharonot reports that Ministers Ariel Sharon and Yitzhak Mordechai have agreed to support the construction of Route 80 along the western ridge of the Jordan Valley, linking the Israeli town of Beit Shean with Arad via the West Bank settlements of Ma'ale Ephraim and Ma'ale Adumim. Sharon considers this road to be the western border of the Jordan Valley security zone that he has proposed Israel annex as part of a final status agreement.

18 December

The Knesset Finance Committee approves \$3 million to complete infrastructure work begun in smaller settlements between 1990 and 1992.

Twenty members of the U.S. Congress send a letter to Prime Minister Netanyahu "conveying our support for your government in its efforts to resist pressures to cede even larger portions of Judea and Samaria to the PA."

20 December

Knesset Coalition Chairman Meir Shitreet announces that Likud, as part of a final status agreement with the PA, is prepared to evacuate settlements in the West Bank and Gaza Strip and to exchange territory in Israel's Negev region in return for Israeli sovereignty in the Etzion Bloc near Bethlehem.

25 December

The Israel Land Authority (ILA) publishes a tender for 100 additional units in the Gaza settlement of Nisanit (see 12/1 above). When occupied the units will double the settlement's population to 1,000.

28 December

Peace Now reports that public building starts in the West Bank increased to 160 units in the third quarter of 1997, double the rate of the first quarter of 1997 and up 23% from the second quarter. Most construction in the settlements is not undertaken by publicly funded interests.

In deciding a case brought by Palestinian laborers in an Israeli settlement who argued they should be paid according to the wage scale determined by Israeli law, an Israeli judge rules that settlements employing Palestinians must follow Israeli law and not the local [Jordanian] laws in force in the occupied territories.

29 December

Ma'ariv reports that a special police unit dedicated to demolishing houses without required permits has been established.

31 December

Ha'Aretz reports that immediately after the capture of the Western Wall in Jerusalem's Old City in June 1967, the chief rabbi of the IDF asked the military commander in the area to blow up the Dome of the Rock and the al-Aqsa mosques.

1998**1 January**

The ILA intends to begin marketing lands for housing construction in the following East Jerusalem settlements: 200 units in Ramot, 163 units in Shuafat, 100 units in Gilo. Land for 1,000 units is also planned for distribution at Har Homa.

4 January

The Housing Min. confirms plans to build 30,000 new homes in the West Bank, with the capacity to double the settler population by 2020.

7 January

Ha'Aretz reports that the IDF, for budgetary reasons, has stopped providing soldiers to guard seven of the ten settlements where it provided such a service.

8 January

Ha'Aretz reports that the Housing Min. has a "planning reserve" of 30,200 residential units in West Bank settlements, primarily in settlements around Jerusalem. Almost one half are awaiting the signature of DM Mordechai, whose approval is required in order for construction to commence. Mordechai has approved 2,150 of the dwellings. Under the plan, settlements such as Alfe Menashe and Ariel will double in size, with Ariel adding 3,690 units and Ma'ale Ephraim adding 561 units. In Ma'ale Adumim only 458 of the 4,050 in planning stage have been approved by Mordechai. In Beitar, plans for 1,330 units have received final approval.

9 January

Ma'ariv reports that the Defense Min. has given final approval for the construction of 94 new units in the settlement of Elkana and 570 units in "Olive Hill" in the settlement of Efrat.

14 January

Thirty thousand people, most of them settlers, demonstrate in Rabin Square in Tel Aviv against any further redeployments.

20 January

Ha'Aretz reports settler complaints about blaring muezzins in mosques near settlements, complaints that subsequently appeared in the 12-page list of violations of the Oslo accords compiled by the Netanyahu government (see Doc. C).

21 January

IDF begins bulldozing Palestinian land near Neve Delim settlement in Gaza as first step to expanding the settlement.

Initial infrastructure work begins at the settlement of Kochav Ya'acov near Ramallah for the construction of 800-1,000 units on 200 dunams. There are currently 160 families in the settlement.

22 January

In Neve Delim, the IDF opens fire on Palestinians protesting the bulldozing of land, injuring four.

Israel receives the last loan backed by the \$10-billion U.S. loan guarantees made available in 1992. The \$1.4 billion loan is the largest ever issued under the guarantee program. Altogether, \$9.3 billion in guaranteed loans were raised. The United States exacted "settlement penalties" amounting to \$780 million.

The Interior Min. approves two building plans for Ras al-Amud in Jerusalem: "Arab sector" plan includes the construction of "additional public space," 1,020 housing units; "Jewish sector" plan includes 132 housing units, thereby entitling American landowner Irving Moskowitz to apply for a construction permit from the Jerusalem authorities.

25 January

Ma'ariv reports that Ateret Cohanim has begun rehabilitating 18 homes in the Muslim Quarter of Jerusalem's Old City while continuing its efforts to purchase additional properties "to Judaize the Old City." Sixty Jewish families now live in the Muslim Quarter.

26 January

Israel's deputy minister of housing reports that there are 1,180 empty houses in West Bank settlements: 1,000 in smaller settlements and 180 in larger urban outposts.

30 January

A poll of settlers by Qol Yisra'el notes that 44% of those queried would accept compensation to return to Israel. Twenty percent of settlers believe there will be a Palestinian state, only half as many who thought so in 1995.

12 February

Israeli and Palestinian troops face off with weapons after Palestinian soldiers, responding to Palestinian complaints, try to destroy a fence erected by a settler from Neve Dekalim on Palestinian land. Senior commanders arrive on the scene and diffuse the confrontation.

DEVELOPMENTS IN EAST JERUSALEM**ACQUIRING LAND IN EAST JERUSALEM: AN INTERVIEW WITH DANIEL SEIDEMANN**

Reproduced here are excerpts of an interview conducted by Graham Usher in June 1997 for the Jerusalem File, a new Jerusalem-based quarterly to be published jointly by the Institute for Jerusalem Studies (an IPS affiliate) and the Jerusalem Media and Communications Center. Daniel Seidemann, an Israeli advocate associated with Ir Shalom (an Israeli peace organization founded in 1994 to ensure equality in the city of Jerusalem), is one of Israel's foremost experts on land issues in Jerusalem.

Usher: What means does Israel use to purchase land, especially in densely populated Palestinian areas?

Seidemann: . . . The major way in which property has been taken over in East Jerusalem is by government means for expropriation. Israeli law grants the Ministry of Finance broad discretion to expropriate land for public purposes. This includes the construction of new neighborhoods in East Jerusalem. Since 1967, more than 24 out of 70 square kilometers have been expropriated. The overwhelming majority of this land was for new Jewish neighborhoods, with 40,000 residential units built on these properties for Israelis only. With rare exceptions, these were not Palestinian residential areas, but empty areas, so there were few demolitions. The main exception was the Jewish Quarter of the Old City, which was inhabited. The reason the Jewish Quarter was expropriated was because much of the ownership prestate was Palestinian, with leases granted to Jews. Without expropriation, the Jewish Quarter could not have been restored. This is not the case with Gilo, East Talpiot, and similar areas. These did not involve actual dispossession of families but rather expropriation of their properties.

From the early 1980s to 1992, there was also covert government action, not officially sanctioned. Certain government agencies and

authorities, acting in concert with settler groups, used legal, quasi-legal, and illegal means to take over Palestinian properties, especially in Silwan and the Muslim Quarter. This involved the illegal allocation of tens of millions of government dollars. Private contributions were a pittance, for instance such as those from Ateret Cohanim and Elad. It involved systematic abuse of the absentee property law, with properties being declared absentee properties on the basis of questionable and false documents. It involved conflict of interests issues, where people from the settler groups sat on committees handing out money to themselves. Illegal loans, and so on. There was illegal allocation of funds and government properties to settler groups without tenders, bids, or criteria. There were strong hints of misappropriation of funds.

This was uncovered by myself and members of the Knesset and brought to the Supreme Court in 1991. The Supreme Court threw us out, arguing that each individual Palestinian must defend himself. It turns out that the government was also paying legal expenses for settler groups to the tune of hundreds of thousands of dollars. . . . But we cracked the genetic code.

When Rabin came in in 1992, the line was to stop the government's active support but not to do anything to roll it back. In August 1992, the settler groups staged a fake takeover of property while Rabin was in Washington, DC. The result was a government board of inquiry to examine the policy. This clarified everything we had been arguing. Since then, the active support has for the most part ceased. The acquisition of properties has continued at a much slower pace.

In the vacuum, we are seeing the greater importance of private contributions, especially those of Irving Moskowitz. Moskowitz supports the acquisition of properties with millions of dollars, sometimes through the settler organizations, but mostly through himself. He does this either directly or through straw companies, e.g., eleven properties were purchased in this way in Silwan. There are sixty-one properties of this kind which receive government support or financing in the Muslim Quarter. Some of these are subject to court proceedings, and the settlers have had a number of setbacks. The Palestinians (belatedly) have started to get organized on this matter. There have been a number of cases, in Silwan and the Muslim Quarter, where the court has ruled in

favor of the Palestinians. There are cases where they have been ruled against.

That's the scope. The significance is the potential for the Hebronization of Jerusalem. Jerusalem has the basis for coexistence should the appropriate political conditions arise. Even with all the expropriations, Israelis and Palestinians don't live cheek by jowl, and Israelis can visit East Jerusalem without the escort of a paratrooper guard. This is not so in Hebron. So the takeovers threaten Hebronization. (One of the things flourishing today are private security firms, costing \$3 million a year, which accompany the settlers wherever they go. In the two or three takeovers that have occurred since the 1996 elections, it's not the settlers who have entered buildings but the private security firms. There is no public oversight of these firms, and the situation, again, has all the earmarks of a Hebron solution.

The sale of properties by Palestinians has occurred mostly in Jerusalem, less so in the West Bank. Everybody lies, so it is impossible to get real figures and imaginations run wild. But, in Jerusalem, you have first-world money chasing third-world conditions. Properties owned by Palestinians may be worth next to nothing, since they won't be developed. But, in a two-tiered economy, once they fall into the hands of Israelis, they will be developed and so will be worth a hell of a lot. So there are people selling. There are bona fide deals which are denied, and the denial is part of the deal. On the other hand, there are fraudulent deals. Archives have been opened to the settler groups—it's not a level playing field. So settler groups are involved in transactions which they know are not bona fide. This often is the case. You also have cases where Palestinians sell and settler groups buy on the basis of forged documents—then you are dealing in a nether world where bribery, corruption, and forgery the rule.

There is more hype than substance to the selling, but there are transactions. The settler groups often say they have 40 properties in the pipeline but, of the 40, they may end up with 4 or 5 or 10. When there was government involvement in the buying, we had a sense of the scale, which was moderate. But now it is impossible to know. But when the settler groups can move in, they do move in. There are also delayed takeovers—where settler groups will wait two years to enable Palestinian owners to set up homes in Costa

Rica. There are deals, but less than when there was active government involvement.

Under [former Jerusalem Mayor Teddy] Kollek, the municipality did not take kindly to the settler groups, but neither did it do everything it could to stop them. Prior to 1992, it was the government which aided the settlers. Under Rabin, the situation was reversed—the municipality did everything to help the settlers but had limited authority. It tried to help Moskowitz. But Rabin did not bankrupt the settler groups—which he should have done—he stopped the support but did not hold them accountable to reclaim properties and monies. The settler groups were still viewed as above the law.

Since Netanyahu's election, we have looked for active government support. I am sure there is some. There are two schemes afoot: one to commission settler groups to build in the north-east corner of the Muslim Quarter, and the second to build 200 residential units on stilts in the archeological garden in Silwan. Sharon is behind this. The National Infrastructures Min. has denied this while the Lands Administration threatened people with a police investigation. So I would say that we hit the nail on the head. If Sharon becomes finance minister, he will be able expedite these schemes, although even so, I think we have a reasonable chance of shooting it down. The resumption of active government support, like in the past, I haven't seen.

THE QUIET BUILDING BOOM

Graham Usher, "The Politics of Housing in East Jerusalem," to appear in the Jerusalem File. Graham Usher is the Jerusalem-based correspondent for the Economist and al-Ahram Weekly.

With the impasse in the peace process, there are signs that the Israeli-Palestinian conflict is returning to its source, which is less a struggle over the status of a future Palestinian polity than over the ownership and control of land. This war of position is being fought out throughout the occupied territories but especially in East Jerusalem.

On the one hand, the Israeli government has long-term plans to expand the eight Jewish settlements in East Jerusalem by 22,000 housing units (not including the 6,500 units being built for the Har Homa settlement at Jabal Abu Ghunaym). On the other hand, Palestinians are resorting to intifada-like tactics, such as a revival of commercial and

general strikes to protest Israeli actions in the city.

Less publicly, the 170,000 or so Palestinians living in East Jerusalem are engaging in what the Israeli advocate Daniel Seidemann has coined a "quiet building boom" across the nineteen Palestinian villages within the municipal boundaries. The difference is that while the settlement expansions enjoy the sanction of the Israeli authorities, Palestinian construction, almost universally, is "illegal."

In May of 1997, Jerusalem's Likud mayor, Ehud Olmert, declared a moratorium on the demolition of "illegal" Palestinian constructions in East Jerusalem until October. Prior to this, the municipality had been demolishing Palestinian houses in East Jerusalem at an average of 50 a year. The freeze came less from a change of policy than under pressure from Israel's General Security Service, wary that a spate of housing demolitions in East Jerusalem would spark protests akin to those that followed the Western all tunnel opening in September 1996.

The moratorium has been seized on by Palestinians in East Jerusalem to address their chronic housing needs. "The Palestinians sense that they can now build without getting a demolition order or at least without an order being implemented," says Seidemann. The result is the construction of hundreds of new houses, floors, and extensions throughout East Jerusalem, and especially in Palestinian villages like Isawiyya, annexed to Jerusalem by Israel after the 1967 war. Tucked in between the Jewish settlement of French Hill and the Hebrew University, Isawiyya is home to around 7,000 Palestinians. It is also a graphic illustration of Israel's discriminatory land policies toward Palestinians in East Jerusalem.

Before the 1967 war, Palestinians in Isawiyya owned 10,000 dunams of land. After the occupation, Israel annexed 3,000 dunams, declaring the remaining 7,000 dunams to be outside "municipal Jerusalem" and inside the West Bank. In the years since, Israel has expropriated a further 1,000 dunams for the French Hill settlement and redrawn Isawiyya's borders so that the village now covers no more than 660 dunams. Of these, Palestinians are legally entitled to use 120 dunams for residential construction.

Coupled with a rising birth rate, the result of this squeeze on Palestinian living space has been massive overcrowding and worsening housing conditions. Throughout the Palestinian villages in East Jerusalem, the aver-

age density is 6.8 persons per housing unit compared to 3.3 persons per unit in the settlements.

Should Palestinians try to use lawful means to build houses, they will have to navigate “a maze of legal, economic, and bureaucratic obstacles,” says Seidemann. A building permit from the municipality can cost \$20,000 and take up to five years to be authorized. Even when all the financial and administrative procedures are observed, the municipality is in no hurry to issue permits to Palestinians. According to Khalil Tufakji, a member of the Palestinian Housing Committee, 108 building permits were issued last year for the entire Palestinian population of East Jerusalem. Almost ten times this number was issued to the Jewish population, says Seidemann.

The undeclared aim of these policies is to drive out Palestinians from East Jerusalem or, as the municipality would have it, to maintain Jerusalem’s overall “demographic balance” of 72% Jewish and 28% Palestinian. The sole succor Palestinians have is that the policies are not working.

In 1996, Israel’s Interior Ministry chose to “reinterpret” the law governing Palestinian residency rights in East Jerusalem. In the past, East Jerusalem’s Palestinians could lose their residency status if they lived outside the city for seven or more years or took a foreign passport. Under the new interpretation, residency can be revoked if Palestinians fail

to produce evidence that “their center of life” is within Jerusalem’s municipal borders. The result is that 1,047 Palestinians from East Jerusalem, but now living in the West Bank or elsewhere, have lost their residency status over the last two years.

But the measure has also produced a massive wave of Palestinians returning to East Jerusalem from the West Bank and Gaza to ensure their residency rights. “The policy has clearly backfired,” says Seidemann. “The Israeli authorities have discovered that for the satisfaction of depriving 500 Palestinians of their residency in East Jerusalem, they are getting 5,000 Palestinians returning to their homes.” It is largely these “returning Palestinians,” say Palestinians from East Jerusalem, who are propelling the current “illegal” building boom.

The Israeli press alleges that the building is being financed by the Palestinian Authority. Palestinians in Isawiyya wish it were true. Rather, they say, the illegal building in East Jerusalem is what it appears—spontaneous, grass-roots movement that has grown in response to a major housing crisis. But the movement clearly has a political dimension, admits Muhammad Mahmud, a Palestinian from Isawiyya. “We have learned from the Israelis,” he says. “They gained control of East Jerusalem by creating facts on the ground. If Palestinians are to get it back, we, too must create facts on the ground.”