

***ehud olmert's  
Hebronization of  
Jerusalem?***

Graham Usher spoke with Daniel Seidemann in Jerusalem in June 1997.

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

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*Daniel Seidemann:* A distinction needs to be made between acquiring land within Palestinian neighborhoods, which is highly explosive politically, and other land issues which are equally explosive and have a much greater impact.

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 km<sup>2</sup> out of 70 km<sup>2</sup> have been expropriated. The overwhelming majority of this land was for new neighborhoods, with 40,000 new residential units built for Israelis only on these properties. With rare exception these were not Palestinian residential areas, but empty areas, so there were few demolitions. The main exception being the Jewish quarter of the Old City which was inhabited. The reason the Jewish quarter was expropriated was because much of the ownership was Palestinian, even though pre-state there were leases

granted to Israelis (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.

Other means of expropriation are subject to three levels of analysis: (1) What was taken from Palestinians by expropriation (2) What was allowed Palestinians under the planning laws and properties that remained and (3) the takeover campaigns from the 1980s to 1992, which have been proceeding at a slower pace since.

Regarding this last point. From the early 1980s to 1992, there was a covert government action, not officially sanctioned. Certain government agencies, positions, authorities acting in concert with settler groups, using 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, properties were declared absentees properties on the basis of questionable and false

documents. It involved conflict of interests, where people from the settler groups sat on committees handing out money to themselves. Illegal loans etc... 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 \$100,000s...

When Rabin came in in 1992, the line was to stop the governments' 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, for the most part, has 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, i.e. eleven properties were purchased in this way in Silwan. Some of these are subject to court proceedings. 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. There are sixty- one properties of this kind which receive government support or financing in the Muslim quarter.

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, Israeli 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, which again has all the smackings 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 Israeli's, 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. Third, you 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 is 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 2 years to enable Palestinian owners to set up home in Costa Rica. There are deals, but less than when there was active government involvement.

Under Kollek [former mayor], 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 that aided the settlers. Under Rabin, the situation was reversed - the municipality did everything to help the settlers, but it 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 the elections, we have looked for active government support. I am

sure there is some. There are 2 schemes afoot - one to commission settler groups to build in the north-east corner of the Muslim quarter and two to build 200 residential units on stilts in the archeological garden in Silwan. Sharon is behind this. The National Infrastructure Ministry denied this, while the Lands Administration threatened people with a police investigation. So I would say 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.

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*GU: Recent policies to limit Palestinian presence in Jerusalem have backfired. What is going to happen now?*

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*DS: Hard to say. Jerusalem is in a state of flux. Up until 3 years ago, all authorities were used to consolidate Israeli rule in Jerusalem. Sometimes there was self-restraint, but only because restraint was seen to be more effective in perusing the goal. Nothing really changed in the residency law, but there has been a more rigid application of it. Likud has simply done away with the fiction. But fiction was at the heart of how the city*

functioned. But the rigid policy is clearly backfiring. We have a mayor, a Prime Minister, a Ministry of the Interior whose conditioned reflex is that Palestinians must know who is boss. The problem is that rigid measures are counterproductive - they may be able to remove the residency of 500 Palestinians but only at the cost of 5,000 Palestinians flooding back in.

The center of life specification is an interpretation that hasn't been put to the test. It was always in the parameters. The center of life specification predated the Likud government. It started under Labor. It turned nastier under Likud, but it didn't involve a change in law. It involved a change in the interpretation of the law.

The goal of Har Homa is to cut off East Jerusalem. But Har Homa will be cut off by East Jerusalem. You have a critical mass of population. The Palestinians present these issues dramatically, out of a victim culture. Which is legitimate. Yet, after 30 years, after Israel has invested billions of dollars to change the geography and demography of East Jerusalem, what is the result? In 1967, the ratio was 25.6% Palestinians; it's now 30% Palestinians. The Palestinian character of East Jerusalem is not threatened. This is not to deny that horrible things haven't been done to Palestinians or the character of East Jerusalem. But ...

I'm ... crazy about the illegal building character either. There should be a rational way to allow for urban development in Jerusalem because Jerusalem is a unique city. Ad hoc responses from the ground up will destroy the city for the Israelis and the Palestinians. In the absence of any alternative, I understand why it is happening, but I can't feel pleased about it. The Palestinians are doing what they can and what they can is what they can get away with.

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GU: *The status quo is untenable?  
What strategies do you suggest?*

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DS: There is a continuum between things that can be done within the existing system, to reform of the existing system to those interim arrangements which require the accession of power within the existing system but without waiving fundamental claims. Then there are final status issues. Palestinians have been driven historically to only avail themselves of those powers in the status quo that would not entail a strong acquiescence in the legitimacy of Israeli rule. This is a rational decision, but it comes with a large price tag ... The Palestinians have not availed themselves of all or most of the things they could use without acquiescing in the status quo i.e.

disorganization, the lack of information, the lack of monitoring of information. It is not hard to build a case on Jerusalem. But the Palestinians have to do it for themselves - it won't be done for them. There is no ghost in the machine.

There are changes which face the Palestinians with challenges but also opportunities i.e. Olmert recently committed to a project to build 400 units (for Palestinians) on land that was once expropriated. There has to be a decision - what takes precedence? Finding solutions for people, knowing this will be used for public relation purposes by the government if they don't retreat? Or will the Palestinians accept with *quid pro quo* to take the sting out of the political extortion. There are opportunities in Sur Bahir and Um Tuba because of the more reasonable planning schemes that have been approved. The Palestinians could organize the private sector to fill in the void that has been left by the Israeli government and municipality. Can they get international backing for this? Something which would drive the Israeli government up the wall but without any real counter-argument, since if Israel is not providing houses then why shouldn't the Palestinian private sector do it?

Third, both Palestinians and Israelis should be working on the interim

arrangements, the accession of powers that will allow the final status talks to take place. This government is not interested, but public opinion requires it. This will require a mastery of detail. There is work to be done.

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GU: *What about city planning allocations?*

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DS: Municipal allocation of funds - it is impossible to find out what goes where. Even the municipality can't find out. In a study that had been commissioned by Kollek the estimation (which was never filed) was that between 5 and 10% of the budget goes to East Jerusalem, probably at the lower end of the scale. In 1992/3 [former deputy mayor] Benvenisti estimated that the allocation of funds in West Jerusalem was six times greater than in East Jerusalem. This brings me to estimate a seven per cent allocation of funds in East Jerusalem - this figure has never been discredited by the municipality.

At the government level, the data is even harder to get. I have one piece of paper which shows that Israeli municipal construction in 1995 allocated 175 million NIS, 1.5 million of which was for East Jerusalem (for services that served both Israelis and Palestinians, roads and public institutions), i.e. less than 1%.