

Evolving Regimes of Land Use and Property in the West Bank

Dispossession, Resistance, and Neoliberalism

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Abstract

This article examines the strategies of land use and property that Palestinians have implemented to oppose and complicate processes of land dispossession under changing political-economic circumstances. Specifically, it focuses on the period from the beginning of the 1980s until the Oslo accords, and on the post-Oslo era. Through an in-depth analysis of site-specific practices of land use and property in the villages of al-Walaja and Wadi Fukin, it argues that in the rural areas of the West Bank, from the pre- to the post-Oslo period, the core of the property strategy through which Palestinians have advanced claims over the land has evolved from a set of collective relationships into an individual, market-based relationship. Based on extensive ethnographical fieldwork carried out in 2018 and 2019, this article brings together insights from the fields of agrarian political economy, settler colonial studies, and indigenous studies to question the assumption that individual ownership of land is an effective protection against land dispossession, especially in settler-colonial contexts.

Keywords

Regimes of land use and property; settler colonial dispossession; neoliberalism; land politics; rural West Bank.

*In 'Ayn al-Hanya, unleash your horse and let it drink
A hundred would be unleashed and a hundred would be drinking
Two hundred [. . .] girls trilling around it
Two hundred jewels spread around it*

In the old days our grandmothers used to sing this song. Today the Israelis took over 'Ayn al-Hanya [al-Hanya spring]; they let foreign visitors see it but they prevent us from going there.¹

'Ayn al-Hanya is one of the over twenty natural springs of al-Walaja, a rural village located in the southern outskirts of Jerusalem that, along with neighboring villages such as Battir, Husan, and Wadi Fukin, used to be known for the abundance of water flowing into their agricultural land. Since 1948, the story of these springs has been tied to the relentless settler colonial process of dispossession and repossession of indigenous lands, whose latest episode was the enclosure of 'Ayn al-Hanya in 2018: isolated from the rest of the village of al-Walaja by the Wall and a checkpoint, 'Ayn al-Hanya and vast tracts of its surrounding agricultural land are currently located in the seam zone, an enclave of land trapped between the Wall and the Green Line. Even if they retain *de jure* ownership of this land, the villagers are *de facto* no longer able to access and use it, especially after part of it was turned into an Israeli national park (Refa'im Park).

In settler colonial contexts, land use is a crucial determinant of land-as-property and, as Brenna Bhandar and Eyal Weizman suggest, an arena for advancing land claims and shaping prevailing property relations.² This article identifies strategies of land use and property that Palestinians have implemented to oppose, resist, and complicate processes of land dispossession from the beginning of the 1980s until the Oslo accords and in the post-Oslo era. It analyzes how such responses have articulated with political, economic, and spatial structures, paying particular attention to Palestinian national strategies of agricultural development, land property rights, and market conditions.³ The article also seeks to understand how these responses have shaped "how indigenous people now think and act in relation to the land" and to each other.⁴ It argues that in the rural areas of the West Bank, from the pre- to the post-Oslo period, the core of the property strategy through which Palestinians have sought to protect their land from dispossession has evolved from a set of collective relationships into an individual, market-based relationship.

Through an in-depth analysis of these processes in two villages, al-Walaja and Wadi Fukin, we intend to offer insights on, rather than compare, the kind of site-specific practices of land use and property that have emerged at different historical junctures in response to processes of dispossession. This work is based on extensive ethnographic fieldwork carried out between 2018 and 2019: we conducted over sixty interviews with villagers, lawyers, and civil society actors; we collected archival materials; and we carried out field observations and geospatial analysis of land use changes in al-Walaja and Wadi Fukin. Additionally, fieldwork with the Applied Research Institute of Jerusalem, the Union of Agricultural Worker Committees, and the Committee against the Wall and Settlements allowed us to gain a deeper understanding of Israeli land policies in the region of Bethlehem.

From a conceptual point of view, we consider that land is both a material object – which can be used for the production of subsistence and other goods and services – and a social and political object. As such, each parcel of land may be the object of a bundle of rights – use, usufruct, waste, alienation, destruction, and so on – and these different rights may be held by different actors, individual or collective.⁵ Within this perspective, we understand land dispossession to encompass those situations by which land users lose all or part of their land rights under external pressure and thus against their full will.⁶ In turn, land dispossession entails a disruption of livelihoods, social relations, and collective identity. Indeed, land rights are enshrined in social relationships.⁷ This is why land property is regarded here as a “relational meshwork,” through which individuals “structure the use, possession, occupation, and imagining of land.”⁸ Norms and practices regarding land property have been diverse across societies, depending on ecological context and social history. For example, in his typology of land property regimes, Étienne Le Roy distinguished twenty-five types.⁹ Thus, private ownership of land – where all (or nearly all) rights, including the right to alienate, are held by one person, natural or legal – is only one particular way to organize the control and use of land. The same applies to its usual complement, namely public ownership of land – where a public authority, the state in many cases, holds all the rights. Within a given society, several sets of norms and practices may coexist with regard to different kinds of land.

In today’s world, however, privatization and marketization of land are gaining ground, facilitated by new land laws enacted in many countries since the 1990s.¹⁰ According to its proponents, private land ownership has the advantage of being a secure mode of land tenure, which favors long-term investment and access to formal credit, as land can be used as collateral. Further, land markets allocate land to the highest bidders, who are supposed to be the most productive.¹¹ The drive toward land privatization and marketization has a long and varied colonial history that goes beyond settler colonial contexts. In the nineteenth and twentieth centuries, Western colonial governments promoted these policies in their colonies in the name of economic productivity and efficiency. But the current drive is strongly related to the expansion of neoliberal policies since the 1970s and 1980s. These policies are based on the premises that, in any society, the market is the most effective way to coordinate individual actions and competition between individuals is the best way to achieve economic efficiency. Competition is organized through the prices of goods and services. Far from signifying the state’s non- (or limited) intervention in the economy, neoliberalism instead assigns an active role to public policy: that of setting up markets and maintaining the conditions of their functioning, in other words organizing the economy and the society in terms of the market.¹² Within this context, land is a major issue for governments as well as for international organizations such as the World Bank, which assists countries “to recognize equitable land and property rights for all; improve policies and law; title, survey and register land; resolve land conflicts; and develop land administration services.”¹³

This article begins with a historical overview of regimes of land use and property

in Palestine. It then introduces the sites of al-Walaja and Wadi Fukin and features their spatial, economic, and social evolution since the Nakba. In the third and fourth sections, it analyzes changes in land use patterns that emerged in response to Israeli attempts to dispossess villagers of their remaining land, and the set of social relations, practices, and representations that have prevailed among members of rural communities with respect to each other and to the land, before and after the Oslo accords.

Regimes of Land Use and Property in Palestine

Co-ownership, Expansion of Private Ownership, and Conflicting Claims

Under Ottoman rule, Palestinian land was classified into several categories, among which three were of particular significance: 1) *miri* land, by far the most widespread, was owned by the state and farming families were granted usufruct rights upon payment of high tributes to the sultanate; 2) *mülk* land, less extensive, was akin to freehold land; and 3) *mawat* land was uncultivated land without owners, but which individuals could claim for cultivation under specific circumstances.¹⁴

In most villages, access to and agricultural use of *miri* land and water springs were regulated by a collective system of ownership known as *musha'*. This system was anchored in an equalizing principle that preserved rights to land and water shares for all of the village's families: usage rights were periodically redistributed among the families according to their workforce and needs, through direct negotiation between the male members of the extended families (*hama'il*).¹⁵ Each family kept for itself the harvests from its temporarily held pieces of land.¹⁶

During the eighteenth and nineteenth centuries, private ownership of land developed in Palestine, with rich urban or rural notables buying *miri* land from the sultanate, which was in need of money, and from destitute freeholders who defaulted on loans taken out from these notables.¹⁷ This trend was consolidated by the 1858 Ottoman Land Code, which enabled the privatization of *musha'* land, with the objective of encouraging farmers to improve their land and increase taxable output, and formalized the procedures to buy, sell, mortgage, or inherit land. Each would-be smallholder had to register his land with the state administration. Fearing additional taxes and conscription, farmers refrained from registering land and, as a result, private land ownership did not spread widely among them. It is estimated that around 70 percent of cultivated land in Palestine was still held under the *musha'* system in 1914.¹⁸ Still, an active land market developed, which led to land concentration in the hands of a largely urban and absentee elite, and to a process of social stratification between these elites, smallholders, and landless rural populations.¹⁹

Private ownership of land gained further ground during the British Mandate (1918–48), as colonial administrators launched various programs aimed at “developing” Palestine. These programs included partitioning and privatizing *musha'* land through a comprehensive survey that would assess and register ownership claims and assign land titles. They also included consolidating control over lands that were claimed to be state domain.²⁰ Throughout the 1920s and 1930s, the implementation of these colonial

land policies resulted in the acceleration of land transfers from Arab landowners to Jewish purchasers, and to an overall increase of land leases and concessions granted on state domain by British authorities to Jewish settlers.²¹ The latter were backed by Zionist agencies, such as the Jewish National Fund (JNF), that incentivized Jewish immigration in Palestine and promoted afforestation schemes on uncultivated “dead” lands, a key activity for developing the landscape according to British authorities. The planting of non-native tree species such as pine and cypress trees not only symbolized the act of redeeming the land by mixing Jewish labor with the soil, but it was also an effective means through which settlers could advance and consolidate land claims in Palestine. Jewish tree-planting became a synonym for land transfers and dispossession of rural Arab communities, who increasingly understood British policies as favoring settlers’ encroachment on the land.²²

Rural populations fought many claims over lands declared state property, fearing that they could be leased to Jews, and they opposed Jewish afforestation plans through a variety of means that included cutting down, damaging, and, in extreme cases, setting fire to trees. At the same time, they planted and cultivated fruit trees as a strategy to advance claims on all kinds of land, including disputed lands. In some cases, disputed lands were planted overnight with trees taken from the Mandate forestry department. Fearing that these trees could be distributed to Jews, Arabs would plant them first in order to establish a claim over the land.²³ Moreover, Arab villagers refused to cooperate with Mandate surveyors who were reliant on the participation of local claimants for their surveys.²⁴ In such a way, they sought to preserve the land under the collective *musha‘* system, considered as a “safeguard against alienation.”²⁵ In spite of this, the privatization of land advanced during the Mandate, at the end of which only 25 percent of cultivated land was still *musha‘*.²⁶

The formalization of land titles continued under Jordanian rule (1950–67),²⁷ but was halted by the Israeli occupation of the West Bank in 1967: at that time, only around 30 percent of the West Bank had been registered in the Jordanian landholding books.²⁸ In the eastern area of Bethlehem, for example, Jordanian surveyors had worked in the town of al-Khadr, but they had been unable to do the same in al-Walaja and in Wadi Fukin.²⁹ As a result, over 90 percent of these latter villages’ *miri* lands still have no formal title of ownership today.³⁰

Undermining Palestinian Forms of Use and Property, Land Seizure

Control over Palestinian land, understood in its spatial, economic, social, and symbolic dimensions, has been central to the Israeli settler colonial project, oriented first and foremost toward the erasure of the indigenous population’s relation to the land. However, according to Karl Polanyi, this kind of endeavor is not unique to settler colonialism but inherent to any process of modern colonization: “For in every and any case the social and cultural system of native life must be first shattered.”³¹ Through the combination of different techniques, legal and otherwise, the Israeli state has worked to degrade and render illegible indigenous uses of the land, as well as configurations of ownership, and replace them.³² Israel has justified its land policies by the economic

rationale of using the land effectively.³³ As in other historical instances of organized land dispossession, some lands have been declared “unused,” thus justifying their seizure.³⁴ In the case of Palestine, the main objective has been to establish a Jewish presence on the land, through cultivation and settlement. As Bhandar emphasizes, this discourse of “unused land” is coherent with the “Zionist historical narrative of [the] divine claim to the land” that resulted in a host of dispossessory policies, key among which is the declaration of vast tracts of Palestinian land as “state land.”³⁵

After the Elon Moreh case in 1979, when the Israeli High Court of Justice rejected the seizure of Palestinian land for settlements on “security” grounds, a widely used technique after 1967, Israel increasingly turned to a legal strategy of seizing any “unused” and untitled land in the West Bank by declaring it “state land.” This has happened through a wholesale reinterpretation of the Ottoman legal criteria for classifying and establishing rights over *mawat* and *miri* lands: on the one hand, Israel restricted individuals’ ability to acquire land rights by improving *mawat* lands;³⁶ on the other hand, it adopted the principle that any untitled *miri* land left uncultivated for a certain period would revert to the state.³⁷ In this way, the Israeli state has dispossessed Palestinians of vast tracts of *miri* and *mawat* lands since 1979. These evolving strategies and practices of dispossession show how, for Palestinians, the 1948 Nakba was not a one-shot catastrophe but an on-going process. The cases of al-Walaja and Wadi Fukin show how this continuous Nakba has restructured indigenous space in ways that work to erase their local practices of land use, their livelihoods, and modes of life.

Al-Walaja

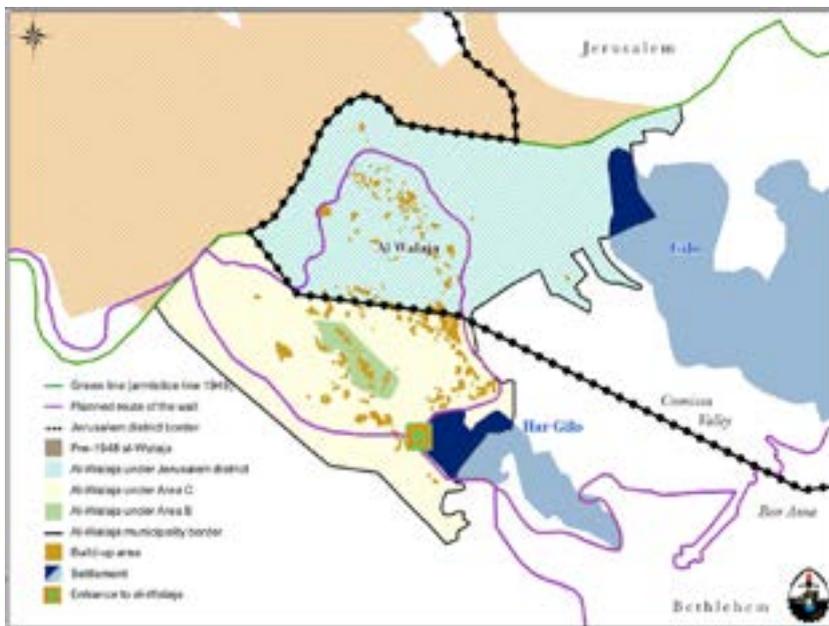
Following the signature of the armistice agreement between Israel and Jordan in 1949, the larger part of al-Walaja’s lands fell under the control of the newly established state of Israel, while its eastern part was included within the West Bank (see map 1). As a result, al-Walaja lost over 70 percent of its original territory, including its built-up area, and its inhabitants were forced to leave.³⁸ The majority fled to refugee camps in Jerusalem, Bethlehem, and Jordan; around 5 to 10 percent fled to the West Bank side of the village. As an elderly woman recalled: “When we fled, we had no money, no wheat, and no barley... People had nothing when they fled, not even water. We fled at night, each person telling the other to run away.”³⁹ This woman, her family, and the rest of the displaced inhabitants waited for a chance to return to their homes: “The UN had promised us that we would go back,” an old man pointed out, “but we didn’t and now we are still refugees.”⁴⁰

The Israeli military forces deliberately razed the village in 1954, and those who had moved to the eastern side of the village started to build the “new” village of al-Walaja there in the 1960s. However, this eastern area was small, and largely made up of uncultivated mountainous (*jabali*) and waste (*bur*) land, with scarce water resources. Villagers gradually developed this land to cultivate rainfed field crops, seasonal vegetables, and fruit trees, but agriculture ceased to be the primary source

of income by force of circumstances, and villagers were compelled to embark on a process of livelihood diversification.

In the aftermath of the 1967 war, Israel occupied the West Bank and Jerusalem and forcibly integrated the Palestinian economy into its own. Palestinian markets, including agricultural markets, were overwhelmed with low-priced, in some cases subsidized, Israeli goods. Because of the competition with Israeli products, Palestinian agriculture became less and less profitable. One farmer described the dynamics of agrarian change in al-Walaja in the 1970s and 1980s:

In my family, we used to plant grapes. It was a big effort to produce them and then, on the market, the price of our product was very high compared to the price of Israeli products. Agriculture became unprofitable and insufficient to cover our needs. So, I realized that I needed to start working somewhere else. This was the Israeli policy to keep us away from our land, so we started looking for jobs in the Israeli market.⁴¹



Map 1. The new al-Walaja. Map by Issa Zboun, Geo-Informatics Department, Applied Research Institute of Jerusalem (ARIJ), Bethlehem, Palestine; modified by Mikko Joronen.⁴² Reproduced here with the permission of the authors.

Palestinian labor flowed into Israel: between 1970 and 1973, when wages in Israel were double those in the West Bank, most of the men of al-Walaja started commuting as day-laborers to Jerusalem, Tel Aviv, and other Jewish-Israeli cities to provide for their families, while women, elders, and children continued to tend home gardens and domestic animals and prepare dairy products for family consumption, exchange, and

distribution among neighbors.⁴³ The labor transfer was part of a broader Israeli strategy to free up the land in order to establish settlements.⁴⁴ Indeed, Israel established over 130 Israeli-Jewish settlements in the West Bank between 1967 and 1993, including Gilo (1971) and Har Gilo (1972) on the land of al-Walaja.⁴⁵

Moreover, in 1981, 13 percent of al-Walaja's territory – the neighborhood of 'Ayn al-Juwayza – was unilaterally annexed to the Jerusalem municipality. Yet, in most cases, inhabitants of 'Ayn al-Juwayza were granted neither Jerusalem residency nor Israeli citizenship and consequently Israel considers them illegal dwellers in that area. In an effort to pressure residents to leave, the Israeli state regularly targets 'Ayn al-Juwayza for house and agricultural infrastructure demolition, including the uprooting of trees, while failing to approve an official master plan that would allow its inhabitants to engage in construction under Israeli law.

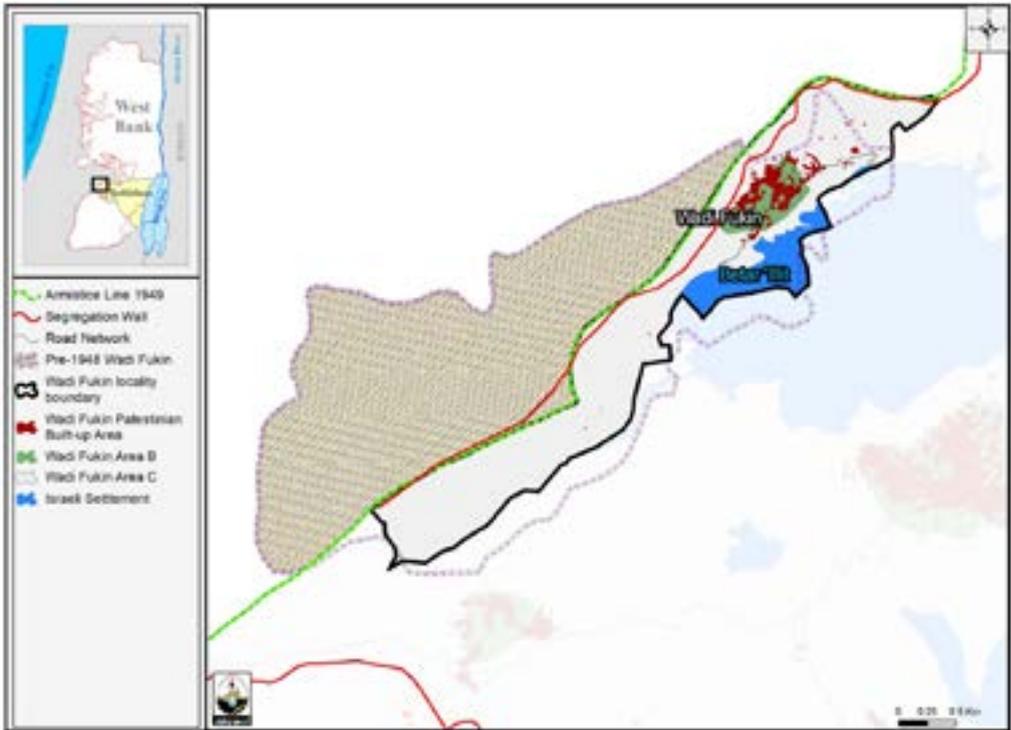
Following the Oslo accords (1993–95), 97 percent of the land located within the West Bank side of al-Walaja was classified as Area C and placed under total Israeli civil and military authority, which enforces severe restrictions on using, developing, and building on the land there. Only 3 percent of the village was classified as Area B, under partial control of the Palestinian Authority (PA). The case of al-Walaja illustrates well why many analysts consider the Oslo accords to have entrenched Israeli control over the land, rather than representing a success for the Palestinian struggle for self-determination through the establishment of the PA.⁴⁶ In the West Bank as a whole, Area C accounts for 70 percent of the territory.

Moreover, in the 2000s, the village was almost completely surrounded by the separation Wall. As the Wall was not built along the pre-1967 border (Green Line), it created a so-called “seam zone,” an enclave of land bordered by the Wall on the east and the Green Line on the west. This is where most of the villagers' olive orchards and agricultural terraces, as well as 'Ayn al-Hanya, one of the few springs left to the village, are located. Palestinian access to this land is regulated by a system of agricultural gates and permits that are granted only to those who have formal proof of land ownership. Since 2013, Israel has turned part of this seam zone into Refa'im Park, which Jewish-Israeli residents of Jerusalem and the nearby settlements use for recreational activities.⁴⁷

Wadi Fukin

Wadi Fukin, located eight kilometers southeast of al-Walaja, was also transformed into a “border” site by the 1949 armistice line (see map 2). The armistice agreement ceded the entire land base of the village, including its inhabitants, to Israel that, in violation of the agreement itself, expelled the people of Wadi Fukin across the demarcation line.⁴⁸ As a result, people mainly fled to the neighboring villages of Nahalin and Husan but also to Red Cross refugee camps. Israel was condemned for its action within the Israel-Jordan Mixed Armistice Commission, and the UN mediated a new accord between Israel and Jordan, which changed the position of the armistice line, allowing the return of people to Wadi Fukin in exchange for other

lands in the region of Bethlehem.⁴⁹ Nevertheless, tensions over the exact location of the borderline continued, leading to attacks on the village until 1954, when the Israeli army evacuated the entire village for a second time, forcing most of its residents into Dahaysha refugee camp in Bethlehem. Only a small percentage moved elsewhere in the West Bank or Jordan. However, according to elders, people never completely left Wadi Fukin: villagers continued to cultivate their parcels of land, commuting daily in secret from neighboring villages at first and then, throughout the 1960s, from the camp of Dahaysha.⁵⁰ Therefore, through some sort of “guerrilla agriculture,”⁵¹ most of the families preserved their land and water rights.



Map 2. Wadi Fukin. Map by Ayman Abuzahra; the Wall (red line) is planned and has not been built yet. Geo-Informatics Department, Applied Research Institute of Jerusalem (ARIJ), Bethlehem, Palestine. Reproduced here with the permission of the author.

In 1972, after almost twenty years of displacement, villagers of Wadi Fukin resettled in the eastern part of their original village land located in the West Bank. According to oral history, the mukhtar of the village, who was also residing in Dahaysha camp, wrote to the Israeli authorities asking for their permission to move back to the village. It is unclear whether official permission was granted or not, but villagers point to the broader context that helped make their return possible. First, after Israel occupied the West Bank in 1967, the borderline between Jordan and Israel moved to the Jordan River and, consequently, mitigated Israeli concerns over security in borderline areas

such as Wadi Fukin.⁵² Second, Israel had no clear settlement plans for the area at that time and, thus, the return of people to Wadi Fukin was not necessarily perceived as a threat. Third, at the beginning of the 1970s, the Israeli authorities, concerned about the growth of the Palestinian resistance operating from the camps in Gaza, moved Palestinian refugees from Gaza to the West Bank, including to Dahaysha refugee camp.⁵³ Within this frame, hundreds of families were given money and a house to transfer to camps in the West Bank: “Anyone who would give away his Gaza ID would get seventy JD [Jordanian dinars],”⁵⁴ recalls an old man from Wadi Fukin. At the same time, refugees already living in West Bank camps were encouraged to find accommodations elsewhere. Elders from Wadi Fukin who used to live in Dahaysha recall being urged to leave their houses in the camp to the newly arrived refugees from Gaza. All of these circumstances favored the return of some of the people of Wadi Fukin to their village.⁵⁵ In 1972, villagers moved back and rebuilt Wadi Fukin in a collective effort supported by a system of popular committees.

Despite the loss of six out of the seven valleys that constituted the original area of Wadi Fukin, those who returned to the remaining land continued to have access to abundant water resources. In the valley, a system of eleven springs enabled farmers to plant irrigated vegetables. They also redeveloped rainfed field crops mainly used as fodder for their sheep and goats. As a result, in Wadi Fukin, unlike al-Walaja, agriculture remained the primary source of livelihood for most of the families until the 1980s. However, the loss of most of the arable and pasture land meant that agricultural activity could never reach pre-1948 levels. Agriculture suffered another blow in 1985, when vast tracts of land were declared “state land” to establish the Jewish-Israeli settlement of Beitar Illit. Since then, buildings meant for low-income Israeli ultra-Orthodox have penned in Wadi Fukin on its eastern side. In addition, it has been squeezed on its western side by the expansion of Tzur Hadassah, built upon the Green Line on the site of Ras Abu ‘Ammar, a Palestinian village depopulated in 1948 and destroyed in the 1950s. Today, Wadi Fukin is an isolated enclave, internally divided into administrative zones by the Oslo accords.

Despite the differences between al-Walaja and Wadi Fukin, both exhibit the major changes in Palestinian use of rural highlands from the two decades following the Israeli occupation of the West Bank, as a consequence of Israeli policies that restricted agricultural expansion and investments, imposed limits on water use for agricultural purposes, and encouraged the transfer of farmers from agriculture to wage-employment in the Israel economy.⁵⁶ As Palestinian farmers’ ability to cultivate their lands diminished, so did the total area under permanent cultivation. As a result, vast tracts of territory were exposed to seizure as “state land.”

Collective Planting for the Homeland

At the turn of the 1980s, in response to Israel seizing Palestinian lands under the banner of “state land,” Palestinians adopted a preventive strategy of expanding cultivation to protect from confiscation land that had previously been abandoned or

used irregularly. The centrality of cultivation to land politics in Israel/Palestine has been largely acknowledged. Studies have focused, for example, on how the Palestinian olive tree and the Israeli pine tree play an integral part in the battle for asserting control over territory.⁵⁷ Yet, the conditions and practices that render cultivation, as a political practice, possible – or impossible – are often absent from these accounts. Omar Tesdell and Paul Kohlbry have narrowed this gap by analyzing how alternative forms of agricultural development became crucial to the broader political strategy of the 1980s that sought to confront occupation and dispossession.⁵⁸ Within this frame, rendering cultivation viable from an economic point of view and building a self-reliant and resistant Palestinian agricultural sector were deemed crucial for both political and economic reasons. As Hisham Awartani explained, the main objectives were to protect the land from confiscation, to raise the share of agriculture in the income of rural families as an alternative to wage-work in Israel, and to reduce Palestinian dependency on the Israeli economy.⁵⁹ All of this was inspired by the wider notion of *sumud muqawim*, a local idea of dynamic resistance to the occupation that involved farmers and other social groups in transforming cultivation into a site of collective anti-colonial contestation.⁶⁰

Palestinian scientists began to carry out research and produce data on, for example, the distribution of land in the West Bank according to its use, with a view to assess which land was apt for which type of agricultural use. Combined analyses of soil structure, rainfall, and topography provided a database to explore the most suitable land reclamation methods in each district of the West Bank.⁶¹ Other studies focused on whether irrigated or rainfed crops would better meet objectives of expanding land utilization and supporting domestic rural economies.⁶²

Meanwhile, Palestinians set up a system of mass organizations, agricultural groups, and committees to support farmers and provide them with technical assistance to increase their capacity to protect endangered lands through extended use, land reclamation, and construction of new agricultural roads and cisterns to collect rainwater. Within this context, farmers were encouraged to plant olive and fruit trees that “could help complicate and impede Israel’s settlement policies.”⁶³ The Palestinian Agriculture Relief Committee (PARC), for instance, distributed millions of olive trees, especially in the southern central highland region, that were planted in open spaces used for animal grazing and in rainfed cropping areas.⁶⁴

Change in Agricultural Land Use

During this period, both Wadi Fukin and al-Walaja saw a shift from seasonal crops to olive trees in rainfed agricultural areas: tree cultivation required less labor time and capital than field crops, and was thus better adapted to villagers’ resource constraints. In addition, uncultivated lands were reclaimed to expand olive tree cultivation. Land that could not be reclaimed due to the high cost continued to be used as natural pastures for sheep and goats.

According to oral histories with elders in Wadi Fukin, before the 1980s, topography and rainfall generally determined which crops were grown where in the village.⁶⁵ On

the gentle slopes of the hills encircling the village, farmers used to practice rainfed cropping with cereals such as barley, wheat, and local sorghum (*dhurra bayda*), legumes such as chickpeas and lentils, and forages such as vetch, clover, and sorghum. On the steeper slopes, grassy uncultivated zones were used as pastures for large flocks of goats and sheep. Beekeeping was also a long-established livelihood activity in Wadi Fukin. Recalling with nostalgia past times when almost every family had beehives, farmers attribute the special taste of their honey to the wild thyme, oregano, and sage that, growing abundantly on the hills, fed the bees. As for the valley, it was intensively cultivated with irrigated seasonal vegetables such as tomatoes, beans, zucchini, eggplants, pumpkins, and white cucumbers. There were also indigenous fruit trees but no more than fifty old olive trees. From the 1980s on, olive trees were planted in the northern and southern hills of the village, replacing rainfed field crops. Later, steep and rocky patches of land on the eastern hillsides, previously used for animal grazing, were partially reclaimed and put under tree cultivation.

In al-Walaja, as in Wadi Fukin, farmers before the 1970s used to crop rainfed cereals, legumes, and forages. On the terraced slopes and around the village in the valley, they also farmed rainfed vegetables such as tomatoes, snake cucumber (*faqus*), and squash in summertime, cauliflower and green beans in wintertime. Irrigated vegetables were cultivated in small areas adjacent to the few remaining water springs such as 'Ayn al-Hanya. Throughout the 1970s, rainfed crops were progressively replaced by grapes, apricots, and almond trees, and pasture land. During the 1980s, olive trees became the predominant species, planted next to older fruit trees on agricultural terraces.

Evolution of Land Tenure Arrangements

New tree crops were planted mostly on lands that were still held in undivided parcels among members of each extended family (*'a'ila*). Investigating the kind of property arrangements that prevailed in the 1970s and 1980s within families, we found that individuals often indicated an elder of the family as the only legitimate "owner" of the land to assert its common character. However, access to and use of irrigated land was increasingly regulated in terms of individual rights established through a series of informal agreements between the male descendants of each extended family. In some cases, families preferred to put on hold the distribution to individuals of land use rights, waiting for the return of relatives dispersed outside the village. As a matter of fact, those who had been forced to resettle in Jordan or other foreign countries maintained their rights to lands and to hours of water shares (where applicable) just as their kin remaining in the West Bank did.

Even if common ownership of the land and the dispersion of its owners did, in certain cases, prevent or retard the process of putting uncultivated lands into use, it remains the case that a joint effort between and within village families was carried out to protect lands from confiscation. According to an old farmer of Wadi Fukin, referring to the mutual aid practices in farm labor, "Villagers had good bonds because everyone needed the other and there was something called *'awna* that means giving help, providing help, asking for help. They used to provide help to each other in tilling

the land, in harvesting, in picking the crops, in everything regarding the land.”⁶⁶

To ensure a continuous use of the land, an informal and orally regulated system of land “borrowing” emerged within each extended family. Individuals who had already shifted to wage-work in Israel generally lent their share of irrigated land to paternal relatives and only took care of land planted with olive trees, which required less time and effort. Meanwhile, those unable to return to their village lent all their lands, whether irrigated or not, for an undefined time to their relatives. Most of these agreements did not entail any monetary exchange. According to a farmer: “Selling or renting out land or water shares is illicit [*haram*] because, according to the Islamic religion, if you don’t want to work the land, you should leave it and let someone else work on it. If you don’t work the land, you should lose your right to it.”⁶⁷ Some land sales between extended families were already taking place at that time and some borrowing agreements involved payments, but these were rare. This system enabled farmers to protect their lands vis-à-vis the Israeli state while preserving their use rights within the community. The latter constituted the basis of “exchange” between parties: the one who took care of the land had the right to benefit from its products, while the right holder was entitled to reclaim the land at any time.

In places like Wadi Fukin and al-Walaja, whose original population was mainly living abroad, people established different kinds of agreements. A couple in their sixties whom we interviewed in al-Walaja explains that in their family, “Those who were in the village were taking care of the land, harvesting the crops, making the [olive] oil, and thus they received a bigger share of the oil. Those who were in Jordan were also taking oil, but only a small part. They still had a share of the land in the village, so we used to send them a little bit of oil.”⁶⁸ Others divided the oil into equal shares. In a few cases, there was no redistribution at all.

As shown above, cultivation became a collective endeavor through which rural communities tried to oppose settler colonial dispossession. Yet, cultivation did not reverse the process of livelihood diversification, nor did it relieve landowners of the individual responsibility to protect the land.⁶⁹ On the contrary, increased Israeli dispossession and adverse political-economic circumstances contributed to render this responsibility increasingly burdensome and costly.

When the Homeland Becomes an Individual Plot of Land

In recent years, market-entrenched practices of land use and privatization of remaining undivided lands have emerged in the Palestinian rural highlands as strategies to resist settler colonial dispossession. These practices are inscribed into the wider neoliberal project in Palestine, which has its roots in the Oslo accords of the mid-1990s.

Oslo’s Economic and Social Impacts

The Oslo accords, beyond dividing the West Bank into administrative areas A, B, and C, laid the foundation for massive land confiscation, settlement activity, construction of bypass roads and other infrastructure, as well as the erection of the separation

Wall. Throughout the 1990s and 2000s until now, the massive expansion of Jewish-Israeli settlements and their connecting infrastructures in Area C reduced most Palestinian rural villages to isolated pockets of land. Subjected to entanglements of neoliberalism and settler-colonialism, or neoliberal colonization, these enclaves have been turned into “spaces of concentrated inequality.”⁷⁰ Israel set up a system of closure and checkpoints aimed at controlling the movement of people and goods between Israel, including Jerusalem, and the West Bank, reshaping these spaces in the process.⁷¹ Restrictions on Palestinian labor movement to Israel resulted in the loss of the primary source of income for most rural households. Denied wage-work in Israel, some workers sought jobs in the Palestinian public sector. Nonetheless, rural areas were plagued by high unemployment. Palestinians’ living conditions deteriorated alongside the general condition of the Palestinian economy. Many men, in desperate need of an income, illegally crossed the Green Line to work inside Israel or took jobs in Israeli settlements.

These dynamics were inherent to the broader changes that occurred in the Palestinian political economy after Oslo, which saw the emergence of a new Palestinian elite connected to the PA, the main channel of external funds.⁷² The Oslo accords also reinforced the fragmentation of the Palestinian people. In particular, Palestinian refugees still waiting for the implementation of their “right of return” (internationally recognized by UN General Assembly Resolution 194) felt excluded or at best marginalized from the national project itself, as the Oslo accords transformed their right of return from a central national precept into a negotiable right deferred, along with other issues such as the fate of Palestinian Jerusalemites, to successive negotiations.⁷³ These issues are crucial to understand the current dynamics of land use change in Wadi Fukin and in al-Walaja.

As already mentioned, descendants of the population of these villages maintain their right of return. Yet, seven decades of forced displacement with no prospect of return, deteriorating socioeconomic situations in refugee host countries in the Middle East, and skyrocketing land prices in the West Bank have encouraged many to sell their land and water shares. At the same time, Palestinian Jerusalemites have been subject to a host of Israeli policies aimed at the Judaization of Jerusalem. Urban planning restrictions, house demolitions, and discriminatory practices in the housing market have forced many of them to move into areas that, though physically separated from the city of Jerusalem by the separation Wall, remain within its municipal boundary. One of these “residual areas” is the ‘Ayn al-Juwayza neighborhood of al-Walaja: it offers Palestinian Jerusalemites the opportunity to purchase houses and land at prices cheaper than those elsewhere in Jerusalem and, by so doing, to maintain their (revocable) right of residency in Jerusalem.⁷⁴ Thus, the demand for land has increased in this area.

Real Estate in al-Walaja

Increased demand for land has driven up its price, producing what some Palestinian refugees and villagers consider an opportunity to unlock dead capital. As a villager

from ‘Ayn al-Juwayza explained: “Before 2000, people used to take care of the lands of their cousins and relatives who were in Jordan. But, since then, the price of the land has increased a lot and, as al-Walaja people living in Jordan didn’t have a Palestinian ID to come back, when they heard that one dunum of land is worth fifty thousand JD, they started selling the land.”⁷⁵ In spring 2019, according to other villagers, the market value of one dunum of land could reach up to one hundred thousand JD. Within this context, undivided family lands have been parceled into individual shares, mainly by having courts issue a succession order (*hasir irth*).⁷⁶ These shares have been held under a regime of quasi-private ownership albeit not yet formalized through property titles.⁷⁷ Decoupled from “established social bonds and reconstructed as a commodity like any other,” this land could henceforth be traded on the market.⁷⁸

Lands in ‘Ayn al-Juwayza are mainly sold to Palestinians from Jerusalem and Israel who have enough capital to develop them. Meanwhile, land in the West Bank side of al-Walaja, mainly those in the small patch of Area B, is sold to relatives in the village. As these buyers generally lack the financial means to build on the land, they contract with real-estate investors: buildings are usually divided between the landowner who gets one share, or one apartment, and the investor who sells the remaining shares. In some cases, residents of the village who own a more substantial amount of land (five to ten dunums) sell part of it in order to get the capital needed to build for their sons. In such a context, uncontrolled construction has become a widespread phenomenon all over the village. Under the pressure of shrinking space due to settlements and the Wall expansion, Palestinians reclaim what remains of their agricultural lands to build on it, without permits. Building becomes the act that openly defies Israeli land policies and efforts to control space. Israelis react to this by threatening to demolish all new construction, a means that has often been used to displace Palestinians from areas of strategic importance for Israel’s expansion. In November 2018, there were fifty-four pending demolition orders in ‘Ayn al-Juwayza, and seventy-four in Area C in al-Walaja.⁷⁹

Within this frame, turning abandoned and undivided agricultural lands, generally more exposed to the threat of confiscation, into building plots of individual nature becomes an alternative, and more lucrative, means to establish a permanent claim of land ownership. This dynamic is also observed in Shu‘fat camp in Jerusalem, where contractors produced a discourse similar to the one we recorded in al-Walaja: “We try to resist as much as we can: people are using the lands and they are trying to build. They are trying to stay on the land and to resist.”⁸⁰

Vegetable Cultivation in Wadi Fukin

In Wadi Fukin, a different trend in land use, though inscribed within the same neoliberal logic, has emerged in recent years. In the context of a rapid reduction in available land, villagers have adopted capital-intensive forms of irrigated agriculture, with the intention of raising the productivity of their remaining land and marketing their produce. According to villagers, local and international NGOs introduced intensive techniques of vegetable production such as greenhouses, drip irrigation, hybrid

seeds, pesticides, and synthetic fertilizers to the village in the late 1990s. Indeed, after the Oslo accords, the Palestinian Authority (PA) has adopted a donor-driven model of agricultural development.⁸¹ In so doing, according to some villagers, the PA, through the intercession of NGOs, “started acting as an agency for Israeli and foreign companies selling seeds and chemical fertilizers. For them, in order to succeed with their business, they had somehow to kill original, traditional agriculture.”⁸²

Confronted with increasing livelihood precariousness, many villagers adopted these new cropping techniques and started planting greenhouse-grown crops such as tomatoes, cucumbers, peppers, and green beans in the valley. At first, those who joined this venture obtained higher yields than before and were able to sell their products in the central markets of Bethlehem and Bayt Jala at prices lower than those of labor-intensive local crops. However, over time, it appeared that hybrid seeds and seedlings had to be purchased on the market for every productive cycle as, unlike heirloom seeds, they could not be reproduced; fertilizers and pesticides had to be bought and used in increasing quantity from year to year to sustain yields in the face of mounting soil erosion and plant diseases; and annual maintenance costs for the equipment proved significant.

In addition to rising costs of production, small-scale farmers in Wadi Fukin were also exposed to intensified competition for marketing farm products: among themselves, with Israeli subsidized farmers, and with larger-scale Palestinian producers. Moreover, they experienced exacerbated settler violence on their farmlands. Yet, as many farmers lamented, no governmental agencies or NGOs sent its experts to support or advise them.

Under these pressures, members of each extended family, men and women alike, sought to secure their access to scarce land and water resources by making individual claims over the shares of inherited family land: these are increasingly considered as individually owned assets that need to be secured through a succession order among heirs and descendants of a family, in order to be used for production or exchanged on the market. As a farmer pointed out, referring to the process of resource individualization within the community: “Nowadays, nothing is common anymore. Almost everyone has his own water reservoir [for agricultural use]; we share water reservoirs among brothers but not even between cousins.”⁸³

The individualization of risks associated with planting has had serious consequences for those who did not gain enough money to be able to renew their farming production. Dropping out of the venture of intensive farming, they joined the ranks of people who, in the village or in the diaspora, rented or sold their land to those from Wadi Fukin or neighboring villages who had enough capital to develop intensive vegetable growing. Hence, land prices have progressively increased. Nevertheless, people still favor renting rather than selling their land. The renting system, which entails a yearly payment in cash, has replaced the previous “borrowing” system.

The farmers who managed to gradually expand the sizes of their farms and equipment, and secure access to shares of water, have relied on a stable network of external actors who can provide them with different forms of material support. In

doing so, they have succeeded in turning farming into their primary livelihood activity. Other families have introduced only some of the new cultivation methods on their small-size farms, which supplement income derived from wage work in Israel. Lastly, villagers with more regular sources of income have planted irrigated plots of lands with olive trees. In this case, trees have the double significance of a permanent claim of use and a temporary withdrawal from the agricultural market-based dynamics. In fact, part of the irrigated land is located in Area B and could be used for building expansion: while some families have already divided their land and built on it, others have decided to use it as reserve capital.

In summary, in Wadi Fukin, several intertwined processes have taken place after the Oslo accords: the individualization of property rights; the transformation of land into a commodity that is easy to trade on the market but difficult to access, or to protect from confiscation through continuous use, for those with insufficient capital; the commoditization of other production means, like seeds, fertilizers, and labor; and the emergence of competitive and individualistic behaviors.

Conclusion

In this article, we have sought to show that, since Israel at the beginning of the 1980s signaled its intention to declare all unregistered and uncultivated lands in the West Bank as state land, land use and land property have become even more active battlefields for advancing land claims in the rural highlands of the West Bank. On the one hand, settler law and capital have been deployed to break existing social and economic patterns of indigenous land use and property, and to replace them with other land uses and property relations. On the other hand, Palestinians have deployed a myriad of forces that, neither fully isolated and spontaneous, nor fully organized and coordinated, have cumulatively worked to hinder the settler colonial process of dispossession. Initially developed as a general national attempt to assert Palestinians' hold on the land through collective anti-colonial resistance, land use has evolved in recent years into a set of individualized tactics, based on the presumption that individual land property better serves the struggle against dispossession. Both movement and countermovement have taken place in the context of the development of neoliberalism, in the West Bank and on a global scale. Although long-standing institutions regulating access to land and water, based on kinship and other locally constituted social relations, have not completely disappeared, new forms of exclusion among kin and neighbors signal the "wrenching reconfiguration of social bonds" and the expansion of a regime close to private ownership, where land is a marketable commodity.⁸⁴ As other scholars have highlighted, various processes are contributing to this in the West Bank, among them the PA's program of land registration and formalization of individual land titles launched in 2005, with the support of the World Bank until 2016.⁸⁵

Yet, as the literature in agrarian political economy – and specifically the literature about land grabbing – has shown, the assumption that individual ownership of land is an effective protection against land dispossession is highly questionable. Property titles

may indeed enable landowners to have access to legal remedies and compensation, if applicable, if their land is seized, especially by the state. But property titles do not guarantee that the land cannot be seized for reasons of “public interest.” Furthermore, as soon as land becomes a marketable commodity, it may be lost, especially by the poor, in two main ways: they mortgage the land to get a loan and are eventually compelled to transfer it to the moneylender if they cannot repay the loan; or, when faced with economic difficulties, they sell the land. Within this perspective, individual ownership of land is riskier than a mode of tenure that does not allow mortgage or sale.⁸⁶ In its 2008 final report, the Commission for the Legal Empowerment of the Poor, against all odds, recognized that collective rights and customary forms of tenure can be very effective in ensuring land tenure security for individual households.⁸⁷

In al-Walaja and Wadi Fukin, as in other rural areas of the West Bank, the adoption of market entrenched practices of land use has already begun to engender socioeconomic differentiation and may lead to the expulsion of some people from their village – not as consequence of their land being seized or their home being demolished by the Israeli state, but because of economic hardships. This is especially true for those who have engaged in intensive vegetable growing, which is a risky and capital-demanding activity. The law of the market would then handle the reallocation of land to the highest bidders, whether Palestinians or Israelis, through the intermediation – illegal, but well established – of Arab middlemen. In any case, the choices that Palestinians are currently making as regards land tenure in the West Bank will have huge consequences for their future.

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