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## **LAND AND THE ISRAELI-PALESTINIAN CONFLICT**

### 1. INTRODUCTION:

Land is at the heart of the conflict between Palestinians and Israelis. Land constitutes nationalistic and ideological symbols, which further complicate the underlying dynamics of the conflict. The struggle over land between Palestinians and Israelis culminated in the wars of 1948, 1967 and several insurrections (Intifadas). In an attempt to resolve the conflict during the Madrid Conference in 1991, the formula “land for peace” was adopted as a guiding principle for further negotiations. This formula invokes the importance of land issues in the conflict and its resolution.

Israeli land policy in the Palestinian Territories focuses on land expropriation for the expansion of Israeli colonies and thus eclipsing the prospect for a viable Palestinian state with sovereignty over the remaining 22% of historical Palestine. Circumventing the legal system, undertaking military action and implementing de facto policies under the slogans of peace have achieved Israeli occupation and colonization.

Israeli occupation and colonization policies resulted in a fragmented Palestinian entity with limited access to its rightful ownership of its land and natural resources. Thus, Palestinians have become economically dependent on Israel in a way where their future sustainability becomes at stake.

The dispossession of Palestinians, the expropriation of their land and water rights and their struggle for such rights have plunged the region in violence for more than 50 years. This paper attempts to discuss the analytical components of land issues that have been and are conducive to conflict. Although the paper will focus on the West Bank and Gaza Strip in the analysis, it refers to Israeli land policy followed in the area as a whole since Israel's establishment. The paper also gives an overview of the impact of Israeli land policies on Palestinian integrity and their implications in creating more conflict and causing more violence.



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## **2. Analytical Component**

### **A Brief Historical Overview**

#### **2.1 Ottoman Period:**

Palestine became a province of the Ottoman Empire in 1516 which ruled it for almost 400 years. During the latter years of the Ottoman Empire, 60% of the population was involved in agriculture and the population was divided between townspeople and a relatively small nomadic group. All these people believed themselves to belong in a land called Palestine, despite their feelings that they were also members of a large Arab nation. In 1858 the Ottomans announced the Ottoman Land Law that would have profound consequences for years to come. At that time, most of the land was managed and owned according to traditional forms of land tenure. The new law required the registration of the land in the name of individual owners.

#### **2.2 Palestine Under the British Mandate**

When the Ottoman Empire collapsed after World War I the British came to power in Palestine, receiving a mandate over the land in 1922 from the League of Nations. The borders of mandate Palestine were defined to include an area of 27,000 km<sup>2</sup>. The period witnessed mass immigrations of Jews to Palestine, encouraged and facilitated by the Jewish Agency, the quasi government established for the Jews in Palestine, and the World Zionist Organization. The Jewish Agency took advantage of the British Mandate authorities to the best of their ability in their immigration and colony policies.

The Zionist movement, from the beginning, looked forward to a practically complete dispossession of the indigenous Arab population so that Israel could be a wholly Jewish state, or as much as was possible. Land bought by the Jewish National Fund (JNF) was held in the name of the Jewish people and could never be sold or even leased back to Arabs (a situation that continues to the present). The Arab community, as it became increasingly aware of the Zionists intentions, strenuously opposed further Jewish immigration and land buying because it posed a real and imminent danger to the very existence to Arab society in Palestine. Thus the Zionist program could not have succeeded without the strong support of powerful figures in the British government.



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In 1937, in the midst of a Palestinian revolt, the British sent a commission of inquiry, under Lord Peel, to investigate the reasons for the rebellion. The Peel commission recommended that Palestine be divided between a Jewish state and an Arab state. In 1937, Jews in Palestine owned 6% of the land. As the Peel partition plan designated a much larger area for the Jews that would involve the evacuation of 250,000 Palestinians from the proposed Jewish State, the Palestinians refused to accept the plan and it was tabled.

### **2.3 The 1948 War and the Geopolitical Changes in Historical Palestine**

In 1947, another partition plan, this time by the UN, was proposed to divide Palestine into a Jewish and Arab state (Map 1). Again, Palestinians rejected partition because Jews, who owned 7% of the land and were 35% of the population, were being given 54% of the land. The Zionists, however, declared Israel an independent state and immediately began evicting Palestinians from their land and homes. War erupted between Israel and the Arab states and by its end in 1948 Israel had gained control of over 78% of mandate Palestine and 750,000 Palestinians were expelled to become refugees. Jordan and Egypt administered the 22% percent of historical Palestine that remained outside of Israel's control, the West Bank and Gaza Strip, respectively (Map 2)

### **2.4 The 1967 War: Israeli Occupation of the West Bank and Gaza Strip**

In 1967 another war broke out between Israel and the several neighbouring Arab countries. Apart from the 1948 war, no single event had a greater effect on the sovereignty of land in Palestine. Israel defeated its Arab rivals again, gaining more territory in the Golan Heights from Syria, the Sinai Peninsula and Gaza Strip from Egypt, and the West Bank from Jordan. The Sinai was returned to Egypt in the 1979 Camp David Accords, but to this day Israel retains control of the Golan Heights, the West Bank, and the Gaza Strip. Israel immediately began an intense campaign to colonize these lands with the long-term vision of incorporating as much as possible into Israel proper. The extent of this colonization can be seen in the map3. In addition, Israel expanded the borders of East Jerusalem from 6.5 km<sup>2</sup> to 71 km<sup>2</sup> to cover areas from Ramallah and Bethlehem districts and formally annexed this land to Israel. The borders of the expanded Jerusalem Municipality were drawn to include as much vacant land and as little Palestinian built-up area as possible. Like the rest of the West Bank, Jerusalem has undergone intense Israelization meant to dilute the Palestinian population of the city and at the same time separate the city from the rest of the West Bank with dense colony building along its eastern border (Map 3).



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## 2.5 The Geopolitics of the Peace Accords

In 1987, the Intifada broke out, carrying its message of rejecting the continuation of the occupation and at the same time calling for a resolution to the historic conflict between Israelis and Palestinians. The Intifada met severe repression from Israel but nevertheless was successful in bringing the issue of Israeli occupation to light in the international community and was critical in paving the way for the Madrid Peace Conference of 1991. The Palestinian people, by and large, accepted the discourse of peaceful negotiations based on the grounds outlined in the conference. The guiding principles of these negotiations were 'land for peace' and the implementation of United Nations Resolutions 242 and 338, which call for a withdraw of Israeli forces from the areas it conquered in the 1967 war.

The Madrid Conference faltered, but secret negotiations were held between Israel and the Palestinian Liberation Organization (PLO), which had been previously exiled to Tunisia following the 1982 Israeli invasion of Lebanon. The result was the Declaration of Principles (DOP), signed on September 13, 1993. The DOP called for an interim period of 5 years during which the Israeli military would gradually withdraw its army from the Palestinian territory and the repatriated PLO, as representatives of the Palestinian people, and the Israeli government would initiate negotiations over the unresolved (final status) issues, which include Jerusalem, refugees, colonies, borders and water, all corner stones of the Israeli-Palestinian conflict. The final status negotiations were scheduled to begin in May 1996 and finish by May 1999. It was also agreed upon that neither party should initiate any action during the interim period that might jeopardize the outcome of final status negotiations.

A series of subsequent agreements, popularly known as the Oslo Accords, were signed in order to implement the DOP. In Oslo I of May 4, 1994, the Israeli government agreed to withdraw from Jericho and most of Gaza, where the newly formed Palestinian National Authority (PNA) would rule. In accordance with the "Oslo II" agreement of September 28, 1995, Israel withdrew its forces from more areas of the West Bank and the land was further divided into Areas A, B, and C, which designated varying levels of Israeli control.

The Israeli military withdrew from lands classified as area A, and complete control was assumed by the PNA. This marked the first time that a Palestinian government retained sovereignty over any Palestinian land. In area B, the Palestinians have full control over civil matters but Israel continues to have overriding responsibility for security. In area C, Israel



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retains full control over land, security, people and natural resources. Subsequent agreements were made between 1995 and 2000 that resulted in further redeployment of Israeli military forces and expanded the area under Palestinian control. At present (March 2002), area A comprises 1,004 km<sup>2</sup> of the West Bank. A further 254.2 km<sup>2</sup> of the Gaza Strip is also under Palestinian control. Area B now comprises 1,204 km<sup>2</sup> of the West Bank, while the rest remains under full Israeli control in area C (Map 4).

**Table 2.5: The Redeployment percentages according to the agreements.**

Agreement	Date	Area		
		A	B	C
Oslo II	September 1995	3 %	24 %	73 %
Wye I	October 1998	10.1 %	18.9 %	71.0 %
Wye II & III (not implemented)		18.2 %	21.8 %	60.0 %
Sharm I	September 1999	10.1 %	25.9 %	64.0 %
Sharm II (implemented in delay)	January 2000	12.1 %	26.9 %	61.0 %
Sharm III (implemented in delay)	March 2000	18.2 %	21.8 %	60.0 %
What should have been	1997	> 95 %	0 %	< 5 %

## 2.6 Unresolved Land Disputes Post Oslo

The Oslo Accords were initially received well by Palestinians. But on the ground, Israel continued expropriating the land of the Palestinian territory and expanding Jewish colonies there, causing Palestinians to doubt Israel's genuine aspirations for a just colony. After eight years of negotiation and continued Israeli colonization under the guise of a peace process, the situation in Palestine was becoming quite tense.

In date US President Bill Clinton convened talks in Camp David between Israeli Prime Minister Ehud Barak Chairman Yasser Arafat in which a framework for a final agreement was discussed. The Palestinian negotiators were offered about 62% of the West Bank on a discontinuous landmass for their future state (Map 5). This state would be completely surrounded by Israel, with no international boundaries, and its water supply dominated by Israel. The bulk of Jerusalem would remain under Israeli control, with the exception of a few Palestinian neighborhoods on its periphery. In addition, the Palestinian government would have to clear with Israel any economic or political agreements in pursued with other countries. The proposal opened a Pandora's Box of final status issues in a hasty manner with a take it or leave it approach that had no real chance to succeed.



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Such an arrangement would, in fact, eliminate the possibility of a viable state and leave the Palestinians in permanent subjectivity to Israel. The resulting Palestinian enclaves would be completely surrounded by Israel and movement from and between these areas dependent upon Israeli approval. The Palestinians would be left with no basis for economic development. Consequently, the Palestinians rejected the plan. The situation was ignited with Ariel Sharon's visit to the Haram Al-Shariff on September 28, 2000 and the Palestinian Territories once more erupted in defiance of Israel's occupation. Throughout the last year and a half of the Al-Aqsa Intifada, the Israeli authorities have stepped up their colonizing activities in the Palestinian territory, destroying Palestinian agriculture, confiscating land, building colonies, and caging Palestinians in small cantons of land surrounded by military checkpoints. Land and its production has traditionally been the mainstay of Palestinian society and economy. Defending it is now the basis of the Palestinian political struggle. That struggle is waged on many levels, in a context in which the status of land is vulnerable and which the ability to define land status and make use of its resources is subject to the overwhelming power of the Israeli occupation.

### **3. PALESTINIAN LAND TENURE SYSTEM AND ITS VULNERABILITY**

#### **3.1 Land registry**

Since Ottoman times, Palestinians have registered their land by the guidelines of successive occupations. However, the much of the population continued to identify ownership of land in traditional informal ways right through the Jordanian period, in which land is recognized as belonging to a particular family and is known to be such by everyone in the village. In 1918 70% of Palestine was common land, a figure that dropped sharply during the British Mandate and Jordanian period. Common land is managed by a group of people, usually the whole population of a village, in the common interest. Rights to grazing, water resources, harvesting of wood and other resources are shared. The village elders (*Mukhtar*) were responsible for dividing the land into portions and distributing them among farmers.

In the West Bank, the Jordanians attempted to decrease the amount of land held in common, and continued the campaign the British had begun to register the land, a campaign that was halted by the 1967 war and the Israeli occupation of the area. On the eve of the war land registration in the Palestinian territory fell into four categories:

- Land registered in compliance with the Jordanian Land and Water Law number 40 of 1952.
- Land registered in compliance with the Ottoman and British Mandate law or the Jordanian law number 6 of 1964.
- Land settled and surveyed but not registered before the 1967 occupation.
- Land not settled or registered by any law.



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About one third of the land in the West Bank fell under the first two categories, most of the land was unregistered. That land that had been unregistered was registered in the name of the Jordanian Treasury. In 1968 the Israelis froze the land registration process and cancelled incomplete registrations, thus depriving Palestinians a way to secure the ownership of their land. Today Palestinians living in areas A and B and Palestinian controlled areas in the Gaza Strip may register their land under the Palestinian Authority, but Palestinians in area C continue to be denied the right to do so.

### **3.2 Land fragmentation and Inheritance**

The household is the fundamental unit of family life in Palestinian society, which separates the private domestic realm from the public domain. At a higher level, kinship exists between extended families and so called *hamuleh*. In general, the *hamuleh* are headed by social leaders - *Mukhtar* - respected old men who are elected to lead the community (Heiberg and Ovensen, 1993). These social networks provide a crucial asset to agricultural Palestinian society.

Traditionally, inheritance is facilitated through the family without a formal process of transference of ownership. At times a family's land is fragmented between the children after the death of the parents. The PNA has attempted to ebb the process of land fragmentation in its Agricultural Law Project. Article 7 of this law states "it is not permitted to take any actions that will fragment any agricultural land holding with an area of less than five dunums, unless the Ministry of Agriculture agrees."

However, as all laws of the PNA, this is only effective in Areas A and B. Palestinians in most of the Occupied Territories are under Israeli rule and are not permitted to register their land. The Israelis use a complicated system of law and military orders to take advantage of the traditionally informal processes of land inheritance and fragmentation in the pursuit for control over the land of the Palestinian territory.

### **3.3 Tenure security**

The confused legal situation with respect to land ownership in the Palestinian territory has created a situation that discourages Palestinians from investing in the land while at the same





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time making it vulnerable to the Israeli authorities. Palestinian landowners in area C and Israeli-controlled areas of the Gaza Strip are completely unprotected from the Israeli military and the colonists who seek to gain control over as much of the Palestinian Territories as possible. The sections below will further detail Palestinian land tenure security in its legal context and review the effects of its insecurity in light of Israeli colonial policies.

## **4. LAND AS A SOURCE OF VIOLENCE AND CONFLICT**

### **4.1 ISRAELI OCCUPATION AND LAND EXPROPRIATION**

#### **4.1.1 Scope and type of land affected**

The scope and type of land affected by the colonization of the Palestinian territory is determined by the unique geopolitical ambitions of Israel to create an ethnic Jewish state in as much of historical Palestine as possible. Two primary goals guide the expropriation of Palestinian land for the colonization project: expansion and separation from the Palestinian population. Though Likud emphasises the former and Labor the latter, both of Israel's main political parties juggle these two goals as they extend and reinforce Israeli control over the Palestinian territory. Land is therefore chosen for expropriation on hilltops overlooking and surrounding Palestinian built-up areas, areas that block the merging of Palestinian built-up areas while facilitating the merging of colonies, areas that may be easily annexed to Israel proper in the future, or that secure economic resources, militarily advantage or negotiating leverage.

According to Israeli data, there are 140 colonies in the West Bank and Gaza. However satellite images show 282 Jewish built-up areas in the West Bank, including East Jerusalem, and 26 in Gaza. This is excluding military sites. These built-up areas cover 150.5 km<sup>2</sup> (GIS database, ARIJ, 2000). Currently the total number of colonists in the West Bank and the Gaza Strip is over 400,000. There are 18 Israeli colonies in the Gaza Strip housing an estimated 7,000 Israeli colonists, and over 200 in the West Bank with a population of about 400,000 colonists, half of whom reside in colonies in expanded East Jerusalem.

#### **4.1.2 Physical Infrastructure**

The physical infrastructure of the Israeli occupation may be divided into four categories: Jewish colonies, military camps, bypass roads and checkpoints. Colonies are both the ends for which the Israeli occupation exists and the means by which the process of colonization is





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sustained. The size and nature of the colonies varies widely. Some are small outposts, consisting of a few trailers, while others are the size of small cities with thousands of inhabitants. They may serve residential, agricultural and industrial purposes. Though colonies are usually a military liability, requiring Israeli forces to protect them, sometimes they serve a military function, providing bases from which to fire at Palestinian population centres for instance.

Most, but not all colonies are built in particularly strategic areas. In the Gaza Strip they lie predominantly:

- To the south along the coast, securing Israeli control of the coast and its waters.
- Near the Egyptian border to likewise secure control of the border now and in the case of a final colony with the Palestinians.
- At two junctions further north in the Strip. The Israelis use these to split the Gaza Strip in three isolated areas.
- In the West Bank, the focus has been on the following areas:
  - The Jerusalem area, to create demographic barricades to preclude of any Palestinian claims to it.
  - Along the West Bank's western edges so as to make the return to the 1967 borders practically impossible, to control its water resources and so as to make the colonies appealing to colonists, who commute to work inside Israel.
  - The Jordan valley for its presumed importance to Israel's security as well as for its agricultural resources.

Furthermore, the growth of colonies is mainly geared to the formation of blocks; i.e. they grow outwards and towards each other. Successive Israeli governments have encouraged the development of specific blocks more than others. The result of such growth is the grouping of Palestinian towns and villages into many separate cantons. Indeed, the Israeli intention is to make the contiguity of any Palestinian state in the future practically unattainable.

Like colonies, military camps are scattered throughout the Palestinian territory but are concentrated in particularly strategic areas. The vast majority of military camps are in the Jordan Valley, which all Israeli planning schemes intend to retain as an "eastern security



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zone" in the event of a colony with the Palestinians and much of which has been declared a closed military zone. Camps are also located near Palestinian population centers. In the past, many of the military camps constructed by Israel were actually precursors to civilian colonies. But this practice has declined in recent years, as the Israelis no longer attempt to legitimate colony building with military necessity.

THE TERM BYPASS ROAD WAS BORN WITH THE OSLO ACCORDS TO DESIGNATE ROADS IN THE PALESTINIAN TERRITORY THAT LINK JEWISH COLONIES TO MILITARY CAMPS AND TO ISRAEL PROPER WHILE CIRCUMVENTING PALESTINIAN BUILT-UP AREAS. THEY ARE A CENTRAL TOOL IN ISRAEL'S CREATION OF AN APARTHEID SYSTEM IN THE TERRITORIES. THE ISRAELI MILITARY HAS COMPLETE CONTROL OF THESE ROADS AND FREQUENTLY FORBIDS PALESTINIANS TO USE THEM. THESE ROADS CARVE UP THE PALESTINIAN AREAS INTO ISOLATED GHETTOS AND OFTEN DEPRIVE PALESTINIANS OF VITAL AGRICULTURAL LAND. THESE PRACTICES HAVE FRAGMENTED BOTH LAND AND PEOPLE. THE SITUATION IS VERY SERIOUS WITHIN THE MAJOR CITIES OF THE WEST BANK WHERE BY-PASS ROADS FORM ASPHALT BOUNDARIES THAT LIMIT THE EXPANSION AND DEVELOPMENT OF THE PALESTINIAN COMMUNITIES, AND FURTHER DISCONNECT PALESTINIAN COMMUNITIES FROM EACH OTHER. THE CONSTRUCTION OF BYPASS ROADS, WHICH REQUIRES THE CONFISCATION OF A 75 METER BUFFER ZONE ON EACH SIDE OF THE ROAD, CAUSE IMMENSE DESTRUCTION TO PALESTINIAN LAND. COMPLEMENTING THE BYPASS ROADS IS A COMPLEX SYSTEM OF MILITARY CHECKPOINTS. TOGETHER, THEY ALLOW THE ISRAELIS TO CUT OFF PALESTINIAN AREAS FROM ONE ANOTHER AT WILL. DURING THE AL-AQSA INTIFADA, THE ISRAELIS HAVE MADE FULL USE OF THIS CAPABILITY, SPLITTING THE GAZA STRIP INTO THREE SEPARATE CANTONS



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AND THE WEST BANK INTO 64 ( MAP 6). THIS HAS CAUSED IMMENSE DAMAGE TO THE PALESTINIAN ECONOMY AND HAS DISPOSSED THEM OF THE ABILITY TO MAKE USE OF THEIR LAND.

#### **4.1.3 Demographic Manipulation**

In extending their control over the land of the Palestinian territory, the Israeli forces encounter the obvious problem that there are three million Palestinians living there. Israel has responded to this difficulty by sustaining a costly campaign of encouraging Jews to move to the colonies and thus change the demographic balance. Though Palestinians still greatly outnumber colonists in the Palestinian territory, the 400,000 colonists in the West Bank and the 7,000 in the Gaza Strip and the power they wield over the use of Palestinian land presents the most serious threat to the possibility of a viable future Palestinian state and present Palestinian land rights. Such demographic manipulation is most distinct in expanded East Jerusalem where 200,000 colonists live both in the old city and in surrounding colonies.

During the Al-Aqsa Intifada, the Israeli government has declared many times that they are willing to limit the expansion of colonies to account for their natural growth. However the populating of the colonies is anything but natural. The incentives offered to Jews to move to the colonies grossly distort population growth in the colonies. The average growth rate for Jews in Israel is 2.0% per year (the rate including non-Jews is 2.5% per year). However, the population of the Jewish colonies grows at around 8.5% per year, which amounts to over four times the Israeli growth rate. Between 1996-98 there were 130 colonies that had an average annual growth of over 2%. That means that over 80% of the colonies grow at rates higher than the overall Israeli average. Growth in colonies varied from one district to the other. Between 1996 and 2001 there was a remarkable increase in the colonist population in Ramallah District (165% relative increase) as well as Jerusalem. The next largest increase was in Bethlehem District. This indicates that, after having focused on Jerusalem for many years the Israelis have started enlarging the colonies in the adjacent districts.

Even so, Israel has a difficult time moving Jews into the Palestinian territory fast enough to fill the housing units they are building. Many of the colonies have hundreds of housing units that remain uninhabited. Furthermore, when new housing units are added to a colony, they rarely fill in the open space within the land already confiscated. Instead, the Israeli authorities will confiscate another nearby hill in order to maximize the amount of land appropriated. The land expropriated by a particular colony often includes vast open space that is not actually developed by the colonists.



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#### 4.1.4 FINANCING POLICIES:

There are few sources of information concerning budget allocations of the Israeli government on colonization activities. It is difficult to obtain such figures through the Israeli Statistical Abstract because Israeli colonies are not categorized separately in the methodology undertaken to compute Israeli expenditure on construction.

Nevertheless, there are a number of known financial incentives offered to Israeli colonists to utilize colony infrastructure and move into them. These are summarized below:

- Colonist family income in Alkana colony, for instance, reached 17,000 NIS (\$3778) per month in year 2000, whereas the average Israeli income in that year did not exceed 10,300 NIS (\$2288) per month.
- Colonists receive a tax exemption of 7%.
- Expenditure on security for the colonies reached 900 million NIS (\$200 million) per year.
- Industries in colonies received \$46 million in grants and a \$5 million allocation from the Ministry of Industry in the year 2000.
- Colonies received also \$18 million in 2000 from the Ministry of Tourism.
- Every colonist is granted \$17,777 from the Ministry of Housing.

According to an article in Al-Quds newspaper, a report issued by the Israeli Ministry of Interior indicates that financial grants bestowed on Israeli colonies are 8 times larger than those designated to the development of built-up areas in Israel. For example, a citizen in the north of Nazareth receives an average of \$122 as a grant, whereas a colonist in Hebron receives a grant of \$1085 (Al-Quds Newspaper, 2002).

#### 4.1.5 Legal Strategies for Colonization

The history of the legal system in Palestine is unique. Through the centuries, various systems have been enforced by different foreign powers. Laws that are currently valid in the Palestinian territories are more or less laws that have been issued previously by successive ruling and colonizing powers, namely the Ottoman Empire (1517-1917), the British Mandate (1919-1948), the Jordanian and Egyptian administrations (1948-1967), the Israeli military



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occupation (1967-2002) and the PNA period (1994-2002). Successive occupations incorporated the laws of previous rulers into their own legal system.

When Israel conquered the Palestinian territory in 1967 it established a Civil Administration (military government) to rule the territories. The first Military Order (MO) of the military government established the validity of existing laws already in force (laws of previous occupations), in so far as they did not contradict with MOs imposed by the occupation authorities. The military establishment was given all administrative, legislative, appointment and managerial authority. The Civil Administration was given the power to implement new measures in situations where Ottoman, British Mandate, Jordanian, Egyptian, and Israeli laws were unclear. Since its inception, the military government has passed more than 1,500 MOs in the West Bank, with a separate numbering system created for Gaza. In spite of their generally arbitrary nature, military orders and regulations have acquired the power of law and have rarely been successfully challenged in Israeli courts. When the PNA came to power in 1994 it was given the mandate to create legislation effective in areas under its control. However, the Oslo Accords affirmed that all MOs must continue to be endorsed as long as they are not amended or cancelled by the Israeli Civil Administration

Laws pertaining to land were issued by all the occupying powers but the two most pertinent to the situation today are the Ottoman Land Law of 1855 and Jordanian Planning Law Number 79 of 1966. The Ottoman Land Law, which is based on Islamic teachings, considered the barren land as common property for the Moslems who restored it. The British Mandate land ownership law, on the other hand, applied the same rules and regulations related to neglected and barren land, but it was necessary to obtain official endorsement from the land director before the new ownership would be recognized. The procedures for obtaining official permission were applied under Jordanian law in order to limit the conflicts that might occur during the transference of land ownership and to ensure orderly practices.

The Jordanian Planning Law Number 79 of 1966 required development plans to be prepared, approved, and kept up to date. A permit for building or plan for development may be refused if it conflicts with an existing plan. A High Planning Council advised by a Central Planning Department would prepare and approve regional plans, and local commissions would prepare "outline" and "detailed" plans to be approved by the High Planning Council and District Commission, respectively. In 1971 the Israeli authorities amended Law number 79 by MO 418, under which all significant decisions on permits and plans would be made by a High Planning Council appointed by the Military Commander. Most members of the High Planning Council have been military officers and all have been Israeli citizens. In any event, as mentioned above in section II. 2.1, the Palestinian land registration process was frozen in 1968 by MO 291, thus prohibiting any Palestinian local planning schemes to be approved. Since Oslo, the authority of the High Planning Council continues to effect all of Area C in the West Bank, or 60 % of the land.



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In an effort to tie up loose ends in preparation for negotiations, in the early 1990s Israeli authorities hurriedly drew up about 400 town and village plans, and were approved as "partial" plans under Law number 79, though no such provision exists in the law. The boundaries drawn provide opportunity for local infill within the village and no real growth or development. The largest areas of land were allocated for the Jewish colonies. The boundaries are not identical, but similar, to the boundaries between Areas A and B and Area C, illustrating the way in which the Oslo Accords institutionalized Israeli planning schemes.

For the past ten years the reason the Israelis have most often given for refusing Palestinian permits to build houses or otherwise make use of land in Area C is because Palestinian plans conflict with an Agricultural Area (S15/R15). Plans S15/R15, which declare almost all of the West Bank for agriculture, were drawn up in the early 1940's under the British Mandate and began to be put into use by the Israelis in the 1980's. These plans have never been displayed publicly and there is no evidence of their use under either the British or the Jordanians.

In addition to refusing Palestinians the ability to develop their land, the legal system of the occupation facilitates the confiscation of land for the use of Jewish colonists. A primary MO used to legitimate the confiscation of Palestinian land is MO 58 of 1967, known as the Absentee Property Law. The MO transfers lands and properties of absentee Palestinians to the Civil Administration. An absentee is defined as any Palestinian who left the West Bank before or after June 7, 1967. 340 km<sup>2</sup> were confiscated under MO 58 and defined as abandoned property.

In 1969, the Civil Administration issued MO 321, which gave the military the authority to confiscate land for public services. It is important to understand that in Israeli terminology, "public" actually means "for Jews." Thus public works in the Palestinian territory are inevitably those that benefit the Jewish colonies, bypass roads being the most common. These MO and others have for the past 35 years facilitated the expropriation of Palestinian land for Israel's colonial project.

The colonization of the Palestinian territory has always been a strategic goal of successive Israeli governments. Israeli authorities' standard attempt to frame their activities within a legal framework, but these justifications changed over time and never created a deterrent to the policy of colonization itself. In the 1970's the Israeli High Court of Justice granted approval to the construction of colonies on the basis that they were temporary and for the purpose of security needs. This was implemented by designating sections of land as 'military areas' closed for access of Palestinian landlords. Such military areas had often developed into colonies, after Palestinians gave up the legal process to retain their land. In the 1980's, however, this changed as the absurdity of these claims became clear and the colonists themselves became more public in speaking about the purpose of their settlement in the Palestinian Territories.





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After a court case concerning the colony of Elon Moreh, the government abandoned the security justification, and changed its tactic to colonizing "state lands." To accomplish this, vast areas of land are declared state land and entrusted to the Jewish National Fund, an organ of the World Zionist Organization. A proclamation of state land is made by the Civil Administration's supervisor of government property followed by an examination by the Civil Division of the State Attorneys office, based on the Ottoman Land Law of 1855. Legally, the designation of state land does not bar Palestinians from using the land. Depriving Palestinians of that right is based on an administrative procedure of discrimination by which alien persons are prohibited from benefiting from the land. An alien person is one who is not one of the following categories: 1) An Israeli citizen, 2) one who has immigrated to Israel under the Israeli Law of return in which any Jew may immigrate and claim Israeli nationality, 3) one who is entitled to the same status of immigrant under the Law of Return (i.e. a Jew by descent or religion, 4) a company controlled by 1, 2 or 3. Thus virtually the whole population of the Palestinian territory is defined as aliens.

If an area is declared state land the residents have a forty-five day period to appeal the decision to the Military Appeals Committee. A special appeals committee of Israelis is then appointed to hear the appeal. It is not unusual for an appeal to be stuck in an expensive legal process for many years and a decision intentionally delayed, particularly if the residents have clear proof of ownership and the court may be forced to rule in favor of the residents. Additionally, the residents of the land under scrutiny may receive a stop work order, forbidding any development or working of the land, for the extent of the long court proceedings.

The administrative tasks involved in the process of land expropriation are handled by the Administrator of the Lands of Israel: Custodian of Abandoned and Government property in the Palestinian areas, an adjunct of the Israeli Lands Authority, whose director is the Minister of Agriculture. The same Authority administers some 93% of the land in Israel Proper, which are also barred to alien persons as defined above.

The colonies are not subject to any of the legal difficulties that Palestinian communities face. They are administered through a completely different process and the colonists live under Israeli civil law. The plans for the colonies are approved smoothly and the colonists are free to use the land as they please. Even if new colonies are built or land confiscated outside the legal process by the colonists, they are rarely challenged and perhaps are encouraged by Israel authorities. The implications of this discrimination on Palestinian landholding are clear and severe.

The same Israeli Lands Authority administers some 93% of the land in Israel Proper, which are also barred to alien persons as defined above (The Arab Association for Human Rights). Though the ILA is a public body and should not discriminate against citizens, it works side by side with the quasi-governmental JNF, which openly declares its policies are to secure





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land for exclusive Jewish use. The extensive territory of public land has been accumulated by a continual process of land expropriation from Arab owners, which has systematically reduced Arab land ownership to cement Jewish control over all parts of the country. The process takes place within an extensive framework of 36 laws and military regulations that have allowed state authorities to confiscate lands. Below is a brief outline of the major ones:

- **Absentee Property Law (1950):** This law allowed the Israeli state to acquire property (including land) of those expelled during the 1948 war. Even if the owners came back or actually still are in the country, they will still be referred to as “present absentees.”
- **Land (Acquisition for Public Purposes) Ordinance (1943):** This law authorizes the government to confiscate land for public purposes with limited compensation.
- **Defense (Emergency) Regulation 125 (1945):** This law was used in declaring sections of land ‘closed military areas’, which can extend to a whole village without any compensation.
- **Agricultural Settlement (Restrictions on the Use of Agricultural Land and Water) Law (1967):** This law prevents Jewish leaseholders of state lands to lease them back to Palestinian Arabs.

Israel has sought other ways to acquire more land and control Palestinian Arab community’s access to it. Israelis have often limited the jurisdiction of Palestinian Arab localities by creating regional councils to put large areas under Jewish control. Also, Palestinian Arab communities were prevented from expanding the land due to Israeli zoning activities. Forced evictions are another method, where illegal building is tolerated in Jewish communities and harshly punished within Arab communities, whose houses built outside the planning framework or without a permit were demolished, usually to change settlement patterns. The price of State land leasing is connected to military service, thus, Palestinian Arab tenants cannot enjoy such price variations, where the majority does not serve in the army. Palestinian Arab areas have not received the same development benefits from the state, since most of the areas declared under national priorities were Jewish areas. Furthermore, it is apparent that Israel continues to limit Palestinian Arab participation in planning committees as a means to keep Palestinian Arab areas underdeveloped and restricted (Arab Association for Human Rights).

It is clear that the Israeli government has pursued similar policies in both Israel proper and the Occupied Territories with the intent to dispossess the Palestinian population from their land and transfer it to exclusive Jewish use. Arabs in Israel have suffered under these policies since 1948 and in 1967 those of the Palestinian territory also came under discriminatory Israeli policies in the form of the Civil Administration. It is the effects of those policies on the people of the Palestinian Territories to which we shall now turn.



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## **5. LAND AS A SOURCE OF VIOLENCE AND CONFLICT**

### **5.1. Impact of Israeli Colonization**

The struggle over land between the Palestinians and Israelis is the core of the conflict. The Israeli occupation is primarily concerned with controlling the land and its resources and minimizing Palestinian access to it. This Israeli political agenda has rendered Palestinian development unsustainable and has made the prospects of a viable Palestinian state very slim. Israel's water and land policies against the Palestinians have had debilitating impact on the Palestinian society and economy. Lack of Palestinian sovereignty over the 1967 land borders and over their resources exacerbates the point of contention between the parties causing more potential for conflict.

The following sections give an analysis of the impact of Israeli occupation policies on the Palestinian socioeconomic and environmental conditions. Israel adopted several policies to undermine Palestinian communities. Those directly related to Palestinian accessibility to land and resources are those policies of expropriation and dispossession. Such policies are aimed at decapitating the Palestinians from the physical control of their economic resources, namely land and water, for Israeli colonists' use only. To ensure Palestinian subordination and de-development, Israeli land and water policies are complemented by discriminatory investment and trade policies against Palestinians.

#### **5.1.1 Socioeconomic Impact**

Israel's control of Palestinian economic resources has had a direct impact on Palestinian economic activities, especially in the agricultural sector. The Israeli Military Administration has issued various military laws to confine Palestinian accessibility to water and land. In the pre-Oslo period Palestinian economic dependence was a result of Israel's subordination of the economy as a tariff free market for Israeli commodities, without extending the same benefits to goods produced in the West Bank and Gaza Strip in the Israeli market. During the Oslo period and its aftermath, Israel's de facto policies against Palestinians continued to trample on Palestinian water and land rights. Moreover, Palestinian economic dependence was upheld by the Oslo Accords, which also kept border crossings under Israeli control and divided the Palestinians Territories into cantons separated between the Israeli and PNA as discussed in section II.1.5. The Paris Economic protocol failed to reduce the economic dependence as the agreement restricted Palestinian customs policy and linked it with that of Israel. Palestinian public revenues were placed at the mercy of Israeli whims and Israel has used this relationship as political leverage during negotiations with the Palestinians.



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Such Israeli policies and the legacy of the occupation have made the Palestinian society and economy vulnerable, thus increasing the discrepancy in the balance of power and exacerbating the conflict.

### 5.1.2 Land Usage and Forced Reconversion:

As discussed above, the Oslo Accords divided the lands of Palestine into three classifications: areas A, B, and C. In area C, Israel retains full control over land, security, people and natural resources. The majority of Palestinian agricultural land lies in these areas, which are confiscated by Israel for Jewish colony construction.

Israel's physical control of Palestinian land was achieved through a tight system of regional zoning and restriction of Palestinian building. As discussed above, by the manipulation of selective Ottoman, British, Jordanian and Israeli laws formulated prior to Israeli occupation and by issuing military orders during Israeli occupation, Israel was able to acquire 60% of the West Bank and 22% of the Gaza Strip, thereby placing it out of Palestinian reach and use. Israel has continued to expand Jewish colonies and their infrastructure on confiscated Palestinian land, which is mainly agricultural.

Land confiscation has not stopped during the peace process. In fact, it was a policy implemented by different Israeli elected parties in that period, where the areas of land confiscated has increased. Land confiscation has significantly increased in both incidents and quantity during periods of violence, especially at the wake of Al-Aqsa Intifada in September 2000 and beyond. It is thus evident that the rate of land confiscation is a good indicator of the rate of violence and political turmoil in the region. The table below gives both the incidents and quantity of land confiscated from September 1993-October 2001.

Table 5.1.2(a) Land Confiscation from September 1993-October 2001

Year	Land Confiscated (Dunum)	
	Incidents	Quantity
1993 Sept-Dec	5	7775
1994	14	8945.67
1995	5	1100
1996	10	30834
1997	33	41386
1998	24	23880



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1999	16	25912
2000	11	4588
2001 Jan-Oct	23	12759.5

Source: ARIJ database

Moreover, Israel moved large sections of its army to the Palestinian territories, where military barracks and training areas were built on Palestinian cultivable lands and pastures. Israel has also established many industrial parks and factories within Israeli colonies in the West Bank. The total area confiscated for colony expansion reached 76940.4 dunums in the period 1990-2001.

Due to Israeli land confiscation and political conditions, Palestinian agricultural land has been decreasing for Palestinian use. Out of total 612,556 hectares –the total area of the West Bank and Gaza Strip (not including roads and other public use)- only about 178,669 hectares are under cultivation by Palestinians. The cultivated area has declined in recent years from over 240,000 hectares. Forests and nature reserves (declared by Israel) occupy an additional 56,270 hectares. Only 70,000 hectares of the total rangeland area (220,000 hectares) in the West Bank and Gaza is accessible to Palestinian shepherds. This limited area provides less than 15% of total feed requirements in Palestine. Moreover, an area of 7,000 hectares adjacent to the Jordan River was completely sealed off and confiscated, including 800 hectares of highly fertile cultivable land.

Palestinian limited access to land within the West Bank and Gaza Strip is due to the existence of Israeli colonies, military bases, and by-pass roads with large buffer zones that are superimposed on the whole area, and which Palestinians have no access to. Table 2.1.1 shows Israeli land use statistics within the West Bank and Gaza Strip.

Table 5.1.2(b) Israeli land Use in the West Bank and Gaza Strip (1999)

Gaza Strip	Land Use Type	Area in Km <sup>2</sup>
	Yellow Area	16
	Israeli colony built-up areas	9
	Israeli colony area	54
	Israeli Security Zone	57
	Israeli military Base	3
	Gaza Boundary	362



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West Bank	Israeli colonies 1999	149
	Israeli colonies 2001	154
	Israeli Military Base	38
	Closed Military area	999
	West Bank Boundary	5,661

Source: ARIJ GIS Unit

The statistics above reflect the forced reconversion of a significant area of the Palestinian Territories hampering Palestinian access to land and building activities, especially in Area C, where it is almost impossible to acquire building permits from the Israeli authorities. Moreover, the construction of by-pass roads commonly occurs along the perimeter of Palestinian built-up areas. A 75 m “safety zone” on either side of these roads restricts Palestinians from any type of construction activity. These practices have fragmented both land and people leading to overcrowding and loss of open space. The by-pass roads built so far in the West Bank exceed 340.8 km in length.

Encroachment of Israeli colonization affects Palestinian urban and agrarian planning. Palestinian built-up area is congested in areas A and B due to difficulty in building in Area C. Palestinian urban expansion has often been at the expense of agricultural land found in Areas A and B. This has compounded the loss of Palestinian agricultural land due to Israeli land confiscation in Area C. Crops of some types are planted in the proximity of built-up areas so as to provide the labor necessary for crop production. However, the filling in of any possible open space in Areas A and B has been done at the sacrifice of these crops. For example, in Hebron district, 49% of vineyards and 43% of field crops were lost due to urban development in the districts (3,070.9 hectares).

Since Palestinians do not have full access to the areas of the West Bank and Gaza Strip, it is not sensible to compute the population density by dividing total population over total area, unlike the common methodology used in the rest of the world. The total size of Palestinian built-up area in the West Bank is no more than 368.5 km<sup>2</sup>, which is equivalent to 6.49% of the total area of the West Bank. In Gaza, Palestinian built-up area is 50.3 km<sup>2</sup>, which is 14% of the total area. Calculating population density as the number of population over the total Palestinian built-up area, we find that Palestinian density in the West Bank is 5,155/km<sup>2</sup> and that in Gaza is 19,875/ km<sup>2</sup>. In contrast, Israeli population density (calculated as the total number of Israeli population living in colonies over Israeli built-up area) reaches 2,230/ km<sup>2</sup> in the West Bank and 716/ km<sup>2</sup> in Gaza Strip.



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To calculate population density as the total Palestinian population over accessible land areas in the West Bank, we find that it reaches 902/km<sup>2</sup> in Area A, 797/ km<sup>2</sup> in Area B and 43/km<sup>2</sup> in Area C. Increases in the population density in areas A, B and C obviously result in part from procreation. However, due to Israeli land confiscation, increases in Palestinian population density are also a function of loss of accessible land.

The implications of such Israeli policy are clear. Under the weight of an expanding population competing for a decreasing amount of land, Palestinian physical infrastructure, including roads, houses and sewage systems, has suffered from excessive deterioration. The vulnerability of the infrastructure has direct impact on the economic infrastructure needed for employment. Additionally, overcrowding and deteriorated infrastructure create a breeding ground for health problems and social de-development. The depletion of resources due to Israeli occupation policies prevents the possibility of establishing Palestinian sovereignty over their land. This, in turn, has been the key reason for conflict between the Palestinians and Israelis. Failing to redress this issue will plunge the region into further strife and violence, as is evident during the current political turmoil in the area.

Furthermore, Israeli control over large parts of the Occupied Territories has affected geographic contiguity in a way that it is unfeasible to undertake integrated planning throughout the region, or to formulate and implement comprehensive developmental plans. Encroachment on agricultural cultivated land due to Israeli and Palestinian urban expansion has made management of agricultural land use particularly critical.

### **5.1.3 Obstacles to Economic Activities**

The Palestinian economy is a fragile dependent one due to the legacy of more than 30 years of Israeli occupation and subordination. With the presence of checkpoints, and expansion of Israeli colonies, the West Bank and Gaza Strip have become cantonized. The lack of geographical continuity, the lack of sovereignty and the continuous depletion of Palestinian resources hinder the possibility of a viable Palestinian market.

A major reason for Palestinian economic dependence on Israel has been the lack of export market access for Palestinian goods and the Israeli restriction on flow of goods from abroad. A second dependency is that Israel has been the major employment outlet for Palestinian workers who cross daily for work in Israel. Due to unstable the political situation and the lack of independent marketing ports, frequent closures of Palestinian borders (which became prominent after the signing of the Oslo Accords) create a crisis situation for Palestinian workers, particularly during the Al-Aqsa Intifada.



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The agricultural sector has been one of the prominent and traditional sectors in the overall Palestinian economy. However, the sector's contribution to the GDP has declined dramatically, especially in the last two decades. In 1970 agriculture constituted over a third of the GDP and nearly 50% of the population was involved in agricultural production. Today, agriculture accounts for less than 10% of the GDP, employing a correspondingly small proportion of the workforce (13%). The decline in contribution is due to several factors, particularly Israeli policies of land confiscation and limited control over water resources.

Israeli authorities have taken several measures to restrict Palestinian agricultural activity and decrease its profitability, which are summarized below:

1. Stopping Palestinians from digging new wells and limiting the pumping of water and imposing fines on offenders. At the same time, Israel allowed Jewish colonists to pump Palestinian underground waters and to build wells with no quota.
2. Limiting Palestinian irrigated agriculture for alleged security reasons, closing down vast agricultural areas.
3. Closing down all branches of agricultural banks in the Territories and the restriction of a credit supply market.
4. Restricting export market access and regulating Palestinian agricultural exports to the Israeli market, while granting Israeli farm products free access to the territories.

Such policies were not totally alleviated with the signing of the Oslo Accords. In contrast, Israel imposed non-tariff barriers and other economic sanctions on Palestinian products under the pretext of security. The Israeli government has also maintained a policy of extremely high protective tariffs on agricultural products and inputs. Import tariffs for most agricultural products and inputs, even after reductions under the recent GATT agreement, range from 100-350 percent. Another principal problem is restrictions in the Economic Protocol on the import of feeds and fertilizers from countries other than Israel, resulting in higher prices for Palestinian producers. Thus Palestinian farmers are left with no choice but to purchase through Israeli importers or highly protected Israeli supply firms.

Due to increasing land confiscation (242,688 hectares have been confiscated since September 1993 until January 2002 in the West Bank only) and closure policies after the signing of the Oslo Accords, it has become difficult for farmers to reach their lands to cultivate or to export their surplus to outside markets. This caused the fall in prices of agricultural products and the fall of revenue. Agriculture has become a less profitable enterprise, especially when the Palestinians are highly dependent on Israel for inputs (pesticides, fertilizers, seeds). Increased transportation costs caused by the closure inflate input costs further.





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During the current political uprising, several Israeli practices, including colonists' violations, have increased and further aggravated the Palestinian agricultural sector:

1. The policy of closure, roadblock erection and separation between villages and districts.
2. Uprooting, bulldozing and burning trees.
3. Harassing farmers while working on the land and preventing them from picking their produce.
4. Limiting the movement of herds.
5. Destruction of agricultural lands and tree uprooting for military construction.
6. Destroying green houses.

These practices have had the following ramifications:

1. Hindering marketing processes and reducing prices of agricultural products.
2. Stopping agricultural projects, such as land reclamation, that aim to enhance the efficiency of the sector.
3. Restricting the movement of agricultural workers and the transport of agricultural products.

As a result, this sector has suffered enormous financial losses. The table below gives a summary of those losses, according to a report issued by the PNA Ministry of Agriculture.

**Table 5.1.3 Agricultural Losses from September 2000-December 2001 (Intifada period)**

Source of Losses	Value of Losses (in US\$)
Agricultural export restriction	15,997,500
Reduction of agricultural product prices	55,200,000
Uprooting of plants and destruction green houses and farming equipment	97,012,168
Reduction of revenues from agriculture transportation, marketing and exporting	27,950,000
Loss in livestock production	25,667,000
Losses in olive sector	13,404,237
Contract farm workers losses	156,400,000
Bulldozing 3,000 hectares of land prepared for field crops and 123 hectares planted with field crops	46,892,600
<b>Total Losses</b>	<b>438,523,505</b>

Source: Ministry of Agriculture



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Economic dependence and economic losses in the agricultural sector discourage employment or investment in that sector. Such huge economic losses during the Intifada incurred by Israel are not only a feature of conflict but also a recipe for more political instability.

#### **5.1.4 Food Security**

The current food security situation in Palestine is a reflection of the years of political instability in the region. In recent years, Palestine has moved away from a position of self-reliance in the field of food production. A combination of Israeli land, water and macroeconomic policies imposed on the Palestinian agricultural sector, as discussed above, has made the Palestinians more dependent on both Israel and Israeli trade channels for food imports, of which the most critical basic staple is wheat.

Israel controls about 80% of Palestinian water, which is the sole resource for drinking and irrigation purposes. This has led to the scarcity of water resources needed for irrigated agriculture, thus exacerbating agricultural productivity in the area. Moreover, Israel controls 60% of the West Bank in area C limiting Palestinians access to the agricultural areas and natural resources found there. Israel controls 20% of Gaza's area through the establishment of Israeli colonies, closed military areas, by-pass roads and yellow areas. Continuous land confiscation further limits Palestinian use of their land and resources. This has become more visible during the current Intifada, where Israel has confiscated 0.4% of the West Bank's area within the first year of the uprising. Bulldozing of Palestinian land and tree uprooting have formed more pressure over already scant Palestinian land availability. According to estimates made by the PNA Ministry of Agriculture, 494,101 trees were uprooted in the period between September 2000 and December 2001.

Having a dependent economy without sovereignty over resources and lacking appropriate development policies, especially for land and water management, has made Palestinians vulnerable to external economic and political shocks, without a local economy to cushion it. With Israeli closure policy, the recession in the Palestinian economy has adversely affected the purchasing power of average households, especially that of the poor. This has contributed to the asymmetrical and negative effects of food insecurity.

As discussed in the previous sections, the Palestinian agricultural sector has suffered tremendously during the current Intifada, incurring a loss of almost \$438,523,505. Individual farmers have also been adversely affected financially where their agricultural revenues fell and their income became less stable and hardly sufficient. Farmers have not been able to market their agricultural produce within local markets and have been forced to



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sell it at low prices. Losses incurred as a result constitute 11.4% of the total losses within the agricultural sector. Since agricultural products could not reach different local markets, the prices of those products in those areas rose, making it unaffordable for poor families. Ultimately, the deteriorating political conflict has worsened living conditions. According to a survey carried by the Palestinian Bureau of Statistics (2001), 14% of Palestinian households totally lost their income during the Intifada, whereas 47% of the household lost half of their income.

Low living standards are reflected in the change of food consumption patterns among Palestinian households. Poverty has forced many households to consume less nutritious food supplies. For example, 62.3% of the households claimed that their intake of meat during the Intifada has fell (Palestinian Bureau of Statistics, 2001). Women's health and nutrition are special concerns, because women are "often self-depriving or involuntarily deprived of food...[they are] the "shock absorbers" of households, who absorb shortfalls in income or consumption, often at some nutritional cost to themselves" (Wiebe et al, 2001).

It is apparent that conflict and food insecurity are linked in a destructive cycle, where a principal source of conflict lies in lack of food security, which creates new potential for conflict. The forced confiscation of land and discrimination in the access and use of land, water and goods prompt Palestinians to take action against perceived deprivation and injustice.

### **5.1.5 Labor Market**

As discussed earlier, Israeli policies are aimed at de-developing and de-institutionalizing the Palestinian economy and society. Through such policies Israel maintains a political edge over the Palestinians and allows Israel to develop at the expense of Palestinian resources. An important sector of the Palestinian society severely hit by such policies is the Palestinian labor market. Palestinian workers, especially unskilled labor, have become more reliant on remittances and employment in Israel, due to lack of an adequate employment infrastructure in the Palestinian Territories and to a fragile agricultural sector.

Reliance on Israeli labor market for employment and income has proved detrimental during political crises, where Israeli closure policies rendered many Palestinian workers unemployed. In the absence of employment opportunities within the Palestinian economy, Palestinian households become victims of poverty.



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The increase in employment in Israel was achieved by both “push and pull factors.” According to Heiberg and Ovensen, “The push factor was constituted by increasing problems in the local production of agricultural and industrial goods, caused by: 1) lack of access to traditional Arab markets; 2) Unrestricted competition from cheap Israeli products; 3) Israeli legal restrictions on Palestinian economic activities; and 4) claims on land and water resources by expanding Israeli colonies” (Heiberg et al, 1993).

The effect of the abovementioned factors has had a visible impact on employment in the agricultural sector. The agricultural sector used to employ almost 60% of the Palestinian labor force in 1965. Ever since, the sector’s contribution has declined, employing about 13% of the labor force today. The fall in employment level in agriculture is a result of Israeli land confiscation policies, water policies and high cost of agricultural production as well as increasing competition with Israeli products. Palestinian farmers were not given a free export market for their produce nor were they granted access to credit markets.

Restriction on the agricultural sector has had adverse impact on Palestinian rural women, who contribute significantly to farming activities. Women constitute 38.4% of the agricultural workforce. Palestinian women are responsible for the following activities:

- Harvesting fruit
- Cultivate homestead land
- Manage the use of by-products such as manure
- Weed planted areas

A participatory rapid appraisal of rural women’s work carried out in 1996/1997 shows that women participate extensively in the field. Since a large proportion of Palestinian women are outside the labor force; 85.9% in the West Bank and 88.4% in Gaza Strip (PCBS Labor Force Survey, 2000), women are available to help out in agricultural tasks, as and when required. 80.2% of women working in agriculture are classified as “unpaid family members.” Additionally, 0.1% of women working in agriculture are employers and 15.5% are self-employed (PCBS Labor Force Survey, 2000).

Women work in agriculture more on a part-time basis than on a full time basis due to other responsibilities they carry in childcare and household chores. 66.5% of women work part-time and 14.7% work full time. Women, therefore, contribute significantly to rain fed agriculture, since many stages of agricultural production require only part time work (ARIJ, 1994).



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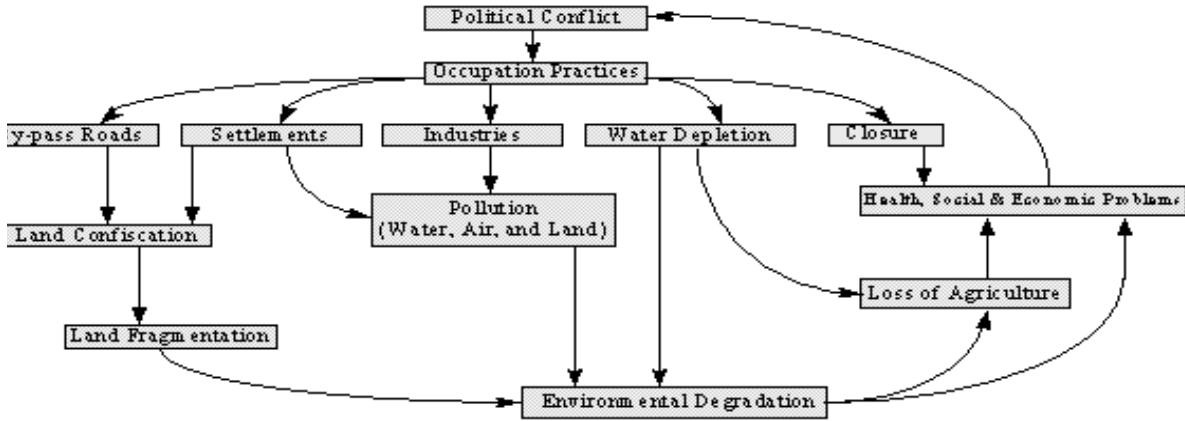
The role of women is affected by the political situation, which has a marked effect on the number of Palestinians, predominantly males, employed in Israel. The presence of this large number of temporarily unemployed men is likely to influence the division of work tasks in rural homes.

Land confiscation and restriction on agricultural activities put both rural men and women at a disadvantage. There will be limited access to land for employment for both sexes. This is especially detrimental during siege imposed by the Israeli authorities. Moreover, land confiscation deteriorates land fragmentation that complicates the problem with women's inheritance rights to land and their use of this land as a source of income or subsistence.

## **5.2 Environmental Impact**

The case of Palestine is a striking example of the organic relationship between environmental degradation and the political conflict. Sovereignty over natural resources is one of the key elements for any nation to achieve sustainable development and sound environmental management. Without the ability to regulate land use over a contiguous piece of land, natural ecosystems cannot be maintained, the status of the environment cannot be monitored and environmental protection cannot be implemented. The figure below systematically details such relations and dilemmas outlining the political causes of environmental degradation and how that feeds into more conflict.

**Figure 5:** The effects of Israeli occupation practices on the Palestinian environment.



### 5.2.1 Water Scarcity

Palestinian entitlements for water include the underground water of the West Bank and Gaza aquifers, in addition to their rightful share in the waters of the Jordan River as riparian. Israel has restricted Palestinian water usage and exploited Palestinian water resources. At present, more than 85% of the Palestinian water from the West Bank aquifers is taken by Israel, accounting for 25% of Israel’s water needs. Palestinians have around 286 MCM of the water accessible to supply three million Palestinians in both West Bank and Gaza Strip with their domestic, industrial and agricultural needs (Palestinian right to water in the West Bank and Gaza Strip is estimated at more than 900 MCM). For comparison, in 1998 less than six million Israelis were utilizing 1,959 MCM (ARIJ, 2000). Jewish colonists in both the West Bank and Gaza Strip consume huge amounts of the scarce Palestinian water resources, The 6,900 colonists in the Gaza Strip and 350 thousand colonists in the West Bank including East Jerusalem are consuming 10 and 65 MCM per year respectively (ARIJ, 2000). Jewish colonists receive continuous water supply, largely from Palestinian water resources, while Palestinians receive an intermittent supply of water especially during summer months. The colonies themselves are built on top of water resources. In Bethlehem district, for example, 29% of Israeli urban development has been done in highly sensitive water localities. At the same time, 25% of the Palestinian population is still not connected to household water distribution networks because Israel is hampering the efforts of the Palestinian Water



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Authority to provide this essential service. This has led to the formation of a water black market that sells water to Palestinian homes at extremely high prices.

Israel has practiced many water policies throughout the occupation period to limit Palestinian access to water and to undermine the infrastructure needed for it. In Gaza, water was declared to be a public commodity, in accordance to Israel Water Law 1959, soon after occupation began (Roy, 1995). The objective of this law is to impose needed regulations on water use. Israeli authorities limited the Palestinian use of artesian wells by stopping them from digging new wells, limiting the pumping of water and imposing fine on offenders. The Israeli authorities also compelled owners of artesian wells to limit the annual pumping of water to prescribed levels. Those who were over pumping were prosecuted in military courts (Dajani, 1991).

Such stringent and discriminatory water policies have had a debilitating impact on Palestinian agricultural sector. Israel imposed water quotas on Palestinian farmers, restricting them to a small proportion of the water available, whereas Jewish colonists were provided with diverted water coming from Palestinian water resources. Thus, Jewish farmers were given the chance to develop modern farming economy and a more competitive agricultural market. The high cost of agricultural water has raised production costs for Palestinian farmers, thus lowering the productivity and competitiveness level of that sector (Roy, 1995).

Israeli policies affecting Palestinian access and use of water has had adverse effects on all other factors of production hampering development initiatives and a self-reliant economy. Israeli water policies complemented other policies to subordinate the Palestinian economy, environment and society.

### **5.2.3 Uprooting Trees, Deforestation, and Nature Reserves**

The total forest area within the officially designated areas is reported to have decreased from 30,074 hectares in 1971 to 23,159 hectares in 1999 (PNA Ministry of Agriculture). More than half of the decreased area was in Gaza, where 95% of the forests disappeared (from 4,200 hectares in 1971 to 200 hectares in 1999). About 80% of destroyed areas of official forest are attributed to the Israeli occupation as a result of establishment of military bases (2%), colonies (78%) and by-pass roads (less than 1%). Only 35% (8,010 hectares) of the current 23,169 hectares of official forest area is accessible to Palestinians.





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Moreover, the Israeli authority has also completely destroyed large Palestinian agricultural fields. For example, between September 2000 and March 2001, a total of 298 hectares of land were “shaved” by Israeli forces in the Gaza Strip (Israeli army uses the expression “shave” to indicate complete removal of any living thing from the surface of the area).

Uprooting trees has been a prominent feature of the occupation and is carried out both by the Israeli military, colonists, or a collusion of both, a practice that has increased during the current Intifada. It is estimated that 75% of Israeli colony urban development on cultivated land has occurred on vineyards. The table below shows the type and number of trees uprooted between September 2000 and December 2001.

**Table 5.2.3 (a): Type of Trees Uprooted by Israeli Authorities (September 2000-December 2001)**

Type of Tree	Olive	Citrus	Palm	Banana	Vine	Other
Number uprooted	155343	150356	12505	18400	39227	49851

Source: PCBS, 2001

Uprooting trees has not only been an environmental problem but has also had repercussions on agricultural revenues and on food security. Such violations create an environment of hostility that further exacerbates the conflict between the two sides.

Moreover, in considering the status of nature reserves, one should critically examine the policies and actions that are encompassed in the designation of a ‘nature reserve’ area. Of the 48 designated nature reserves, only 19 reserves are located in A and B. The lack of a Palestinian voice in management of the protected area is illustrated by the fact that several Israeli colonies (with their associated by-pass roads), and military bases have actually been built inside or within parts of the nature reserves. This building has taken place despite the fact that both the core and surrounding buffer zones of these protected areas are designed to be carefully managed and free of human construction. The total area of the colonies and military bases located inside nature reserves is 3.0607 km<sup>2</sup>, which constitutes 0.63% of the total protected area in the West Bank. The table below shows the Israeli military bases built on nature reserves.

**Table 5.2.3 (b) Israeli Military Bases Located Within Palestinian Nature Reserves**



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Nature Reserve	Area of Military Bases (km <sup>2</sup> )	District
Nahal Parat Reserve	0.2105	Jerusalem, Ramallah, Jericho
Sertavah Reserve	0.0977	Nablus
Har Kabeer reserve	0.2856	Nablus
Tamoon reserve	0.4338	Nablus
Har Gadi reserve	0.2069	Nablus
<b>Total</b>	<b>1.2348</b>	

Source: ARIJ, GIS Unit, 1995

#### 5.2.4 Pollution

Common locations for Israeli colonies are hilltops overlooking Palestinian communities. Such locations allow Jewish colonists to pollute Palestinian land, disposing of wastewater, solid wastes and industrial waste on surrounding Palestinian communities below.

The wastewater from many colonies is collected and discharged to the nearby villages without treatment. Some examples of affected communities are Al-Khader south of Bethlehem, Dura and Bani Na'im near Hebron. Disposed wastewater often threatens to pollute the West Bank Aquifer as well. While accurate information about wastewater generated in colonies is difficult to obtain, it is estimated that 80% of domestic water ends up as wastewater. This means that approximately 4.3 million cubic meters of wastewater are generated per year from Jewish colonies in the West Bank only. A large amount is dumped, untreated, on Palestinian land, creating a health hazard for many communities (Qumsieh, 1998).

According to a study conducted by the Environment Office of the Israeli Civil Administration in the West Bank, an estimate of 1.3 kg of domestic waste is generated daily per Jewish colonist. There isn't much quantitative information about the amount disposed but evidence shows that much of the waste is dumped onto Palestinian land or dumping sites. Israeli colonies that are primarily cattle and livestock farms have the manure dumped in concentrated form into Palestinian lands, destroying the soil structure and polluting the water resources. Animal manure creates breeding grounds for mosquitoes and flies, increasing the potential of diseases. The solid waste generated in West Jerusalem, for instance, is dumped in a nearby Abu Dis Palestinian dumping site. Also, livestock farm effluents from nearby Rush Tsorim colony contaminate a village in Nahalin, located in southwest of Bethlehem.



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Another hazardous source of pollution is industrial waste coming from Jewish industrial parks built in colonies. Israel has moved many of its polluting industries from inside Israel to areas near the 1967 border or inside the Palestinian territory. An example is Geshuri Industries, a manufacturer of pesticides and fertilizers, in Kfar Saba that was moved to an area adjacent to Tulkarem inside the West Bank in 1987. The reason behind its movement is the plant's closure by an Israeli court order in 1982 because of its detrimental effects on land, public health and agriculture. The waste from the factory has damaged the citrus trees and polluted the soil in the area as well as contaminated the groundwater. Such Israeli polluting further depletes the scarce Palestinian natural resources. There are at least seven industrial zones in the West Bank. These occupy a total area of approximately 302 hectares, located mainly on hilltops, facilitating the flow of industrial waste into adjacent Palestinian lands. There is not much information about the composition of the waste dumped, but those can be guessed, given that the industries in those colonies manufacture material such as aluminum, leather tanning, textile dyeing, batteries, fiberglass, plastics and other toxic products. It is evident that the reason behind firms relocating in the West Bank is to avoid the more stringent Israeli environmental regulations found in Israel.

Palestinian communities living near Israeli colonies have become “pollution havens” for all forms of waste generated by Israeli colonists. Such acts do not only undermine the intrinsic value of the environment but are also a total disregard of the human value of Palestinians. Israeli pollution of Palestinian towns and villages is a form of structural violence that adds to the tension between the two communities and offers more reasons for conflict.

## **6. LAND AS AN INSTRUMENT IN POST-CONFLICT SITUATIONS**

### **6.1. Colonies**

The Israeli colonies are the most significant barrier to reaching a post-conflict situation in Palestine. The manner in which the colonies have been built completely disrupts the territorial continuity of the Palestinian territory, are a constant threat to Palestinian landowners, and are a blatant violation of the Israeli-Palestinian agreements, not to mention international law. The difficulties involved in securing a viable state for the Palestinian people and dealing with 400,000 Israelis living in the Palestinian territory are immense. Several scenarios are possible to solve the problem, none of which are without challenges.

The most obvious method to solve the colony problem is to evacuate them. However, Israel established the colonies precisely to hold on to a much land as possible and will not easily remove some of them, much less all of them. Furthermore, though perhaps some of the colonists would leave voluntarily if they were compensated, many would refuse to leave, some violently. As of yet the Israeli government has not breached the issue of compensation to colonists and shows no signs of doing so. Nevertheless, in a different political



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environment than the one that currently exists, a serious discussion about evacuation of colonies could be discussed and there is some negotiation room to come to an agreement.

In the absence of a total removal of the colonies, as is required of the Israelis in UN resolutions and international law, outlying colonies that interrupt the territorial contiguity of the new Palestinian state could be removed while those adjacent to Israel Proper could be annexed to it. In exchange, land of equal size and quality now in Israel could be annexed to the Palestinian state. Such land exchanges could include part of the Negev adjacent to the Gaza Strip, land to the south of the West Bank, sovereign port rights in Ashdod, a land bridge between the West Bank and the Gaza Strip, or the northern part of the Little Triangle.

Another arrangement for the outlying colonies in the Palestinian territory would be to allow the colonists to stay there and live under Palestinian sovereignty. The current relations and lack of trust between the parties at this time however, seems to eliminate this possibility.

## **6.2 Land Delimitation**

Connected to the issue of colonies is the issue of borders. If Israel were to draw a border around the colonies as they stand, it would create a long maze-like arrangement that would create untold security problems for both Palestinians and Israelis and eliminate the possibility of a viable Palestinian state. The current borders of Areas A and B, surrounded by Area C cause these very problems and are also impossible to sustain.

A particularly sensitive issue involving borders is the status of Jerusalem. As mentioned above, the Israelis annexed large areas of the Ramallah and Bethlehem Districts into their Jerusalem Municipality, which they consequently filled with Jewish colonies they now consider neighborhoods of Jerusalem. Palestinians do not recognize the Israeli borders and do not distinguish between the colonies in Jerusalem and the rest of the West Bank. East Jerusalem is not only important to Palestinians for religious and historical reasons, but because it is the urban hub of the West Bank. The city is the traditional economic center of life in the West Bank and is considered the only area capable of functioning as a capitol for their future state. Furthermore, East Jerusalem is geographically central and travel between the north of the West Bank and the south involves traveling through the city. The exclusion of West Bank Palestinians from the city and the dispossession of their rights to its land will remain a central conflict potential between them and the Israelis.

## **6.3 Returnees**

No less significant a factor in the resolution of the Israeli-Palestinian conflict is the status of the five million plus Palestinian refugees of the 1948 and 1967 wars. Many of these refugees continue to live in horrible living conditions in refugee camps in the Palestinian territory and



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in surrounding Arab countries. Israel refuses to accept the return of more than a token number of the refugees and continues to deny it has any responsibility for their status.

In addition to its concern about preserving the Jewish character of the country, Israel has maintained that it is impractical to allow the refugees to return because the country is full of immigrants and because the old Palestinian villages are destroyed and their boundaries indistinguishable. In fact, there are complete records for landholdings of about 700,000 families and 450,000 individual files. The original inhabitants of each village are known, as is the location of their inhabitants today and their history for the past fifty years. The refugees know where their land is and often live within a several hour drive from it. The areas of the old villages are usually well defined. Furthermore, research shows that to this day 78% of Jews in Israel are concentrated in 15% of the country, primarily in urban areas and traditional areas of commerce. Seventy-five percent of Israel, including those areas from which the refugees came, remains sparsely populated by about 154,000 rural Israeli Jews. If the refugees were permitted to return to their villages, these Jewish inhabitants would, for the most part have the choice as to whether they wanted to move to predominately Jewish areas and the population density of Israel would be minimally raised.

Some are suggesting the repatriation of refugees to the future Palestinian state. However, this arrangement not only falls short of the full meaning of the right of return, it will also cause serious demographic problems. Even if the entire Palestinian territory is returned to the Palestinians and only 500,000 of the refugees are repatriated there, the population density will increase to 862 per km<sup>2</sup> in the West Bank and 5,040 per km<sup>2</sup> in the Gaza Strip. If the same number of refugees' return and the size of land under Palestinian control is equal to the current situation the figures would be an incredible 4,007 per km<sup>2</sup> in the West Bank and 10,096 per km<sup>2</sup> in Gaza. The burden on the land and water resources in either of these scenarios would be enormous and the possibility of sustainable development almost zero.

## **7. LAND AS A MEANS TO ADDRESS STRUCTURAL ISSUES**

In addressing the convoluted causes of conflict, it is essential to consider the strategic options below, which incorporate the political, institutional, technical and socioeconomic aspects of policy. Such measures can be helpful in limiting the consequences of conflict and controlling the potential factors for more conflict in the long run:

The strategic options suggested include the following:

Political options:



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- ❑ Emphasize the need for ultimate withdrawal of Israel from all Palestinian land occupied in June 1967 including the evacuation of settlements, abolition of closed military areas and reexamining the ecological significance of nature reserves.
- ❑ Highlight the inevitability of total Palestinian sovereignty of their natural resources
- ❑ Compensation for past use of land by Israel
- ❑ Develop alternatives and contingency plans for land resource management under adverse political conditions.

#### Institutional and legal options:

- ❑ Build a modern land registry system and complete registration of all land.
- ❑ Legislate the management of communal and state lands.
- ❑ Develop regulations and mechanisms for land aggregation and prevention of land fragmentation.
- ❑ Promote the role of cooperatives in land management.
- ❑ Enforcement of the regulations regarding encroachment on agricultural land.
- ❑ Ensure participation of all stakeholders in land resource management through decentralization, coordination and transparency.
- ❑ Strong enforcement of laws regarding land management.
- ❑ Promote integrated rural planning and development.

#### Technical and infrastructural options:

- ❑ Maximize use of land for urban areas through proper land use planning.
- ❑ Preserve open space in master plans.
- ❑ Develop a modern land ownership database.
- ❑ Continue in constructing roads that provide easy access to agricultural land especially in hilly areas.
- ❑ Land reclamation to increase cultivated areas.
- ❑ Promote local capacity in integrated land resource management
- ❑ Build a modern GIS for land resource management.
- ❑ Develop decision support systems and planning tools for sound land management.
- ❑ Assess extent of land degradation and identify hot spots where mitigation measures need to be taken.
- ❑ Optimization of land and water to maximize profit and at the same time maintain sustainability.

#### Social and economic options:



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- ❑ Develop special credit systems and other incentives for land reclamation and rural road constructions.
- ❑ Provide incentives for family planning and protection of agricultural land.
- ❑ Introduce supplementary irrigation where applicable to increase returns and reduce vulnerability of rain fed farming.
- ❑ Restore Palestinian water rights through negotiations to increase irrigated areas.

## 8. CONCLUSION

The people of the West Bank and Gaza Strip are currently living under the longest military occupation in modern history, one that has turned increasingly violent and repressive during the Al-Aqsa Intifada. It is not difficult to see from a brief overview of the history of the Israeli occupation and the policy imperatives that guide it that the strategic dispossession of the Palestinians from their land is not simply a conflict potential among others, but the very essence of the occupation. The conflict between the Palestinians and Israelis is as old as the Zionist movement and it will continue until the Palestinians are free of Zionism's quest to control all of historical Palestine. Zionism has been institutionalized in the policies first of the Jewish Agency, then the Israeli government over the Arabs of Israel, and later the Palestinians of the Palestinian territory living under the constant threat of the Civil Administration and the ever-present Jewish colonists.

At enormous financial and political investment, the Israeli government has succeeded in establishing 282 built up areas in the Palestinian territory housing over 400,000 Jewish colonists. Connected by bypass roads and separated from Palestinian areas by a matrix of military checkpoints, the colonies exist in an apartheid-like relationship with the Palestinians. The separate legal system under which Palestinians live discriminate against them in every way and make them and their land vulnerable to the colonial movement.

After 35 years of occupation, Palestinians of the Palestinian territory live in isolated cantons, surrounded by the Israeli military. Their economic, social and political lives are dominated by a foreign power and are punished for not giving away their land quietly and happily. Until Palestinians live on their own sovereign land, they will continue to resist the Israeli occupation. The end of the occupation will mean the just resolution of the issues that matter most: the presence of the colonies, borders, water resources, the refugees, and Jerusalem. Only in the stability and sovereignty that results from such a resolution may the Palestinians be able effectively create and implement the national policy needed to secure the sustainable use of the small piece of land that is the Palestinian territory and its resources.





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