

Sharon government continues land grab in East Jerusalem, West Bank and Gaza

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On January 20 *Haaretz* revealed that the Sharon government was engaged in the mass seizure of Palestinian properties throughout East Jerusalem. The government had secretly invoked its 1950 Absentees' Property Law to cover the Occupied Territory.

The law was originally drafted to facilitate the mass confiscation of Palestinian land that followed the 1948 Israeli-Arab war. Hundreds of thousands of Palestinians became refugees, and were forced to abandon their homes and farms. Israel confiscated this land under the 1950 law, which was transferred to an official custodian before being reapportioned for exclusively Jewish development.

After the 1967 Six Day War, Israel occupied East Jerusalem, but decided not to enforce the Absentee Property Law in the territory. According to *Haaretz*, however, in July last year the prime minister and attorney general approved the application of the law throughout the city. This edict affected as much as half of all property in East Jerusalem, including hundreds of acres of Palestinian agricultural land.

The pretext for the state theft was the illegally constructed "security barrier", which divided properties and cut off or restricted access to Jerusalem for thousands of Palestinians living in nearby regions of the West Bank. The Sharon government classified all those blocked from their property as absentee landowners.

"These people's property was always considered absentee assets, but so long as no fence existed, these people could get to their property and everything was fine from their standpoint," an unnamed Israeli senior judicial official involved in the case told *Haaretz*. "The fence is the result of terrorism. It's not fair that a man becomes an absentee because his tie to his land has been cut without his doing. But morality is one thing, and what is written in our laws another."

Israel's attorney general, Menachem Mazuz, announced February 1 that the Absentee Property Law, while remaining on the books, would no longer be applied in East Jerusalem. Mazuz claimed that he was never consulted when the decision was made to apply a law that had been expressly rejected 36 years ago. He cited "many legal difficulties" with the legislation, and expressed a desire to avoid "opening new fronts in the international arena, and in the area of international law in particular".

Under international law, no Israeli legislation is valid in East Jerusalem, since its annexation in 1980 has never been recognised. Geneva Conventions against property seizures in occupied

territory prohibit the kinds of measures included in the Absentee Property Law.

Israel's backdown was not, however, motivated by any new found respect for international law. Rather, the retreat was seen as a necessary manoeuvre in the face of US pressure, particularly with Secretary of State Condoleezza Rice's scheduled visit. The Bush administration had no principled objection to the property seizures, but feared that their particularly blatant character would provoke international opposition, and complicate their attempt to cultivate a more compliant Palestinian leadership under newly elected President Mahmoud Abbas.

Israel has not released any information on exactly how much land they confiscated; lawyers for Palestinian landowners understand that it amounted to hundreds of hectares. It remains unclear whether all Palestinian property seized in the past seven months will be returned to their rightful owners.

In some cases the stolen property has been incorporated into Israel's security apparatus. Israeli authorities confiscated one 36-room hotel for use as an Israeli Border Patrol security post. Last September five officers were indicted for abusing Palestinian detainees at the centre. One man was allegedly forced to jump from a second-story window; another was burned with cigarettes and forced to drink urine.

Notwithstanding Israel's reversal on the Absentees' Property Law, the Sharon government will continue its efforts to bolster its stranglehold over East Jerusalem. A *Washington Post* investigation published February 7 found that the absentee legislation was just one of the means through which the Sharon government was attempting to encircle the occupied city.

"The Israeli government and private Jewish groups are working in concert to build a human cordon around Jerusalem's Old City and its disputed holy sites, moving Jewish residents into Arab neighborhoods to consolidate their grip on strategic locations," the article began.

"The goal is to establish Jewish enclaves in and around Arab-dominated East Jerusalem and eventually link them to form a ring around the city, a key battleground in the decades-long Israeli-Palestinian conflict because of its Jewish and Muslim holy sites, according to activists involved in the effort and critics of the campaign.

"The Israeli government has sometimes violated its own laws and regulations to advance the encircling effort, the *Post* investigation found. Critics of the plan charge that the government

is subsidizing and protecting Jewish groups that are deliberately scuttling peace efforts by establishing Jewish enclaves in overwhelmingly Palestinian neighborhoods.”

The National Religious Party’s Effie Eitam, housing minister from March 2003 until last June, openly admitted that the Sharon government was a full participant in these operations. “It’s all done under the eye of the state,” he told the newspaper.

As in the West Bank, Zionist settlements in East Jerusalem have been steadily consolidated and expanded over the past 12 months. The settlers receive government protection throughout the territory, including in those centres established in violation of Israeli law. The *Post* reported that in at least one case, religious extremists who moved into an unauthorised development were protected by private security guards funded by the state.

By contrast, Palestinian homes held to have been built illegally are destroyed. According to the Israeli Committee Against House Demolitions, 147 Palestinian homes were torn down by the Israeli authorities last year.

The Israeli Peace Now organisation released its annual “Settlements Watch” report on February 2. The survey of settlement and outpost activity in the Occupied Territories in Gaza and the West Bank found that large-scale construction and expansion took place in 2004.

The expansion of Zionist settlements and the open land-grab in Jerusalem provides a more telling indication of the real state of affairs in Palestine than does all of the rhetoric that has accompanied the recent talks between the Sharon government and the Palestinian Authority under Abbas. They prove that Israel is continuing its efforts to alter the “facts on the ground,” so as to block the possibility of any viable Palestinian state ever being formed.

Peace Now found that “massive construction in various stages” took place in over 40 veteran settlements. After analysing aerial photographs, the liberal Zionist group determined that at 21 settlements the expansion took place outside existing construction lines. The report concluded: “This trend indicates an attempt to expand the construction lines of settlements before Israel and the US reach agreement on the exact location of these positions.... Agreed upon construction lines may be used to determine the limits of future settlement growth that the US would deem permissible, despite the Road Map.”

At least 180 hectares (18 square kilometres) of constructed land or land prepared for use was added to Israeli settlements last year. “There were approximately 3,500 housing units under construction throughout the West Bank at the end of 2004,” the report continued. “Tenders were issued for construction of 962 housing units last year, while private construction was under way in dozens of settlements. Large settlements, in particular, were home to huge construction sites, with hundreds of housing units being built in each of them.”

Settlement expansion was most pronounced in those sections of the West Bank that now fall behind Israel’s so-called security barrier. “Despite the Israeli government’s denials that it intends to turn the boundaries of the security barrier into a permanent border, such settlement construction in regions west of the security barrier indicates an attempt to do just that,” the report stated. The

organisation also noted a trend towards expanding and making more permanent the 99 settler outposts in the West Bank.

Settlement expansion has also occurred in Gaza, despite the Sharon government’s “unilateral disengagement” plan, under which all Israeli settlements are supposed to be removed. Figures issued last month by the Israeli Interior Ministry showed a 5 percent growth in the population of Gaza’s settlements in the last six months of 2004, with the total increasing from 8,158 to 8,550.

The Peace Now report demonstrated the fraudulent character of the planned Gaza pullout. Since announcing the policy in February last year, Sharon has made no moves against the settlers, and has in fact presided over an expansion of their population. Moreover, even if the withdrawal goes ahead as promised before the end of the year, Israel will continue to control Gaza’s borders, coastline and airspace.

The illegal expansion of Zionist settlements in the Occupied Territories has only been possible with the support—sometimes tacit, sometimes explicit—of the Sharon government.

The State Attorney’s Office has conducted an investigation into illegal official support for the settlements over the past decade. According to the newspaper *Yediot Aharonot*, the as yet unreleased report found that “every echelon, from minister to low-level clerks, ignored settlers’ violations of the law ... bypassing the zoning laws and master plans.” State money was poured into settlement expansion.

Peace Now called for an investigatory committee to be formed, and for those responsible to be brought to justice. “The people who knew of the illegal construction and allowed it to happen—even ministers, even the prime minister—should stand judgement,” spokesman Yariv Oppenheimer said. “What happened here was a crime and this crime has to be investigated. These buildings were deliberately put on the ground. They didn’t fall from the sky. Public money shouldn’t be used for illegal activity.”



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