

West Bank Landscam

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Creating "facts on the ground."

Foreign Minister Yitzhak Shamir warned the Israeli media not to dig into the West Bank land scandal. This was Zionist "land redemption," he claimed. But in an article first published in Al Hamishmar, Yaron Elyosef writes that land purchases in the Territories strayed far from Zionist tradition.

The arrests of Avraham Salim, Yehoshua Mizrahi and Michael Oren, who had in their possession the forged signatures of Mohammed Za'alul, opened a virtual Pandora's box in Israel: suspicions of land-dealings in the West Bank characterized by threats, swindles and, perhaps, murder. The dirt that was evidently swept under the green carpet lawns and cottages of the "Jewish" West Bank is now beginning to stink.

Are people in the upper echelons of Israeli politics and security really involved?

'Plunder'

Dr. Meron Benvenisti, director of the Institute for the West Bank and Gaza Strip Project, financed by the American Rockefeller and the Ford foundations, believes that in the system of land transfers on the West Bank, there are loopholes that tempt criminal elements. He notes that it is important to distinguish between the approximately 120,000 dunams of land (30,000 acres) acquired from Arabs in the West Bank and the more than 2.5 million dunams (625,000 acres, approximately 49 percent of the area of the West Bank) confiscated and declared state lands by methods that Dr. Benvenisti calls "institutionalized plunder."

Expropriation of Arab lands and their transformation into state lands has been accomplished in several ways:

- Under abandoned property enactments of 1967, lands whose legal owner has left the country, or that belong to a corporation registered in an enemy country, may be transferred to the custodian of abandoned property. In this way 430,000 dunams of land have come under state control.

- Lands registered as Jordanian crown lands may be transferred to state control. (About 527,000 dunams have been acquired in this manner.)

- In 1980 the government of Israel

adopted a new approach: Under a new interpretation of an Ottoman law dating back to 1855, areas not cultivated or registered in the Land Registry Office were declared state lands. Anyone claiming ownership of these lands was required to appear within a short period of time before a military appeals board to prove ownership. Thus, for example, the Hebron military appeals board that passed judgment on the lands of Tarkumiya demanded that the Arab peasants prove their ownership by presenting aerial photographs of the area. An additional 1.5 million dunams of land were transferred in this manner to state control.

— Lands have been expropriated for public use in accordance with Jordanian law. The authority to review and restrain given by Jordanian law, in these matters, to the Council of Ministers and the king of Jordan, was transferred to the deputy chief of the civilian administration.

Some lands have been seized for security purposes. At the beginning of this year there were about 23 closure orders in force, encompassing an area of about 1 million dunams. This land was seized for security purposes, but it was soon utilized for the erection of settlements, after the High Court of Justice established that the Israeli settlements in the occupied territories are part of the regional defense system and therefore considered a security necessity.

It is important to note that we are speaking of lands that are not Israeli state lands, but state lands in general, i.e. those that, before the occupation, were called Jordanian Crown Lands, and before that the "High Commissioner's lands." These lands will belong to any political entity that rules the West Bank in the future.

Three Simple Facts

According to Dr. Benvenisti, the framework of the land acquirement deals in the West Bank is based on three simple facts. First, land value is determined by the use made of it. For Arabs, the land may be good only for agriculture, but the administration can alter the designation of the land, thus enhancing its value. A contractor can therefore buy land from an Arab who thinks it is worth, say, \$1,000, can pay him \$2,000 and still make a tenfold profit by building on the site.

Secondly, there is a general lack of urban planning in the territories. "The planning bodies," says Benvenisti, "worked according to ideological considerations, not according to logic." Private contractors know the only thing that matters to the government is the erection of more houses. A contractor who acquires a tract of land — even if it is remote and lacks an approach road and even if there

is almost no possibility of building a utilities infrastructure on it — can go to the Ministry of Agriculture, receive a building permit, and turn the site into a pioneering settlement. This permit automatically enriches the contractor. In the next stage, the contractor requests approval for development of a utilities infrastructure. Apparently if he is on good terms with those in charge, his case receives priority arbitrarily. The state finds itself paving roads and setting up water and electricity infrastructures for every chance site that some contractor has managed to buy.

The State Comptroller dealt at length with this phenomenon when he wrote in his report for 1984: "From the findings, it is evident that the erection of settlements in Judea and Samaria is accomplished without attention to obligatory planning arrangements. This situation is not only a blow to proper administration, but it is also liable to cause complications in the construction and development of settlements, and unnecessary allocation of resources. The government connected land acquisition with the myth of land redemption. In this situation, every scoundrel is a Yehoshua Hankin (the redeemer of the Jezreel Valley), and every settlement in the Occupied Territories is a Degania (the first kibbutz)."

Thirdly, the Arab population is defenseless in the face of such measures. At first, all disputes over lands in the West Bank were litigated in local courts — in Nablus, Hebron, Kalkilya and Tulkarm. But because those courts dared to issue injunctions against fraudulent land takeovers, the military administration issued enactment No. 1060 delegating the authority to arbitrate land disputes to a military review board. In addition, land acquisition in the Territories is carried out by power of attorney allowing a person (usually a land-dealer) to sell land in its owner's name. Jordanian law grants this power of attorney for five years only, after which the purchase must be registered at the Tulkarm Land Registry Office. But recording it in the registry is liable to reveal frauds with regard to the powers of attorney, so the military administration issued an enactment in 1979 extending their validity to 10 years and — a year later — to 15.

Higher-Up Involved?

The question now creating a stir is whether some highly-placed person in the security sphere is involved in the episode. The police commissioner has clearly stated that no top figures are being investigated in connection with the affair. Without disputing his word, one cannot help wondering about the nature and extent of the involvement of at least five government agencies:

The Defense Ministry: When Ariel Sharon entered the Ministry of Defense and Rafael Eitan became chief of the Israel Defense Forces general staff, far-reaching changes took place in the West Bank military government. Till then, the administration in the Territories had acted in accordance with an approach crystallized at the time of Moshe Dayan and adopted by Ezer Weizman as well. The military government saw itself as a bridge to a political accommodation and felt its job was to create practical conditions for coexistence. This concept changed completely during the Sharon-Eitan era. The government feared that it was about to lose power to the Alignment, so it began creating "facts." Sharon and Eitan beamed a strong message to military government personnel that their role was to assist in settling the Land of Israel. A



West Bank Arab — did his home get lost

symbiosis between them and the settlers came into being, and it found an expression in, among other things, regional defense forces — the "Palmach" of the settlers, which were in daily contact with the military government. The political echelon signalled: "Help the settlers." This was done without issuing explicit orders. Top-ranking officers would speak about settlement on the land and would ask, with apparent casualness, "What about that Arab — has he sold his land yet?" The new spirit was quickly detected: An officer who helps the settlers is a good officer and is worthy of promotion; one who does not succeed in getting an Arab in his command area to sell his lands is not. The 'smart' officers understood what was wanted of them. A persistent rumor, for example, refers to the involvement of the defense establishment in cases of land situated in the midst of the planned area of a settlement that, for some reason, remained in Arab hands. As soon as the owner suspected the area was about to become a military area, he hurriedly sold it, even at half-

price. Was land expropriated in those areas to lower the land's value?

Unsatisfied

The Bank of Israel: The involvement of the Bank of Israel is very closely connected to the "sub-subsidiary" companies. These are firms set up by subsidiaries of both private and public settlement bodies, which are registered in Ramallah. Thus the founders of the firms achieve two ends: First, it is the "sub-subsidiary" firm that buys the land from the Arabs so that, to all appearances, the land is sold to an Arab company from Ramallah, and its licensed owner could be an Arab, but its shares are controlled by Jews. Secondly, a company registered in Ramallah is considered a foreign corporation and is required to pay only 25 percent

really used to acquire land, and is not smuggled abroad? Is there any connection between the department of foreign currency and the tax authorities? Tzaban refused to quote the answers he received. He only stated that they did not satisfy him and that he had become convinced that the state comptroller should investigate the matter.

The Ministry of Agriculture: The former deputy minister of agriculture, MK Michael Dekel, was in charge of issuing permits to contractors for the establishment of settlements on lands they bought. Many questions arise concerning the K'ramim affair. K'ramim is located about three kilometers north of Karnei Shomron. After problems arose concerning the approval of K'ramim as a new settlement, it was decided to tack it onto Karnei Shomron as a northern neighborhood and call it Karmeit Shomron. The

return for \$6,500 per dunam, plots of land in a settlement which would ultimately feature a country club with two swimming pools — one heated and one with a jacuzzi — 10 tennis courts, a soccer field, a volleyball court, riding stables and more. Potential purchasers who bothered to investigate discovered that the firm was registered with the registry for Jordanian firms in Ramallah, though its owners included residents of Israel proper. (The entire operation is now under investigation.) It was announced that this firm was selling lands in Ramat Kidron, despite its awareness that the ownership of these lands had not been established and was being litigated. Jumbo also took pains to get people to sign a contract that contained a statement that they had actually visited the area and had seen the land. Customers who demanded to inspect the area were told it was impossible to reach "because there is no road there," but that it is possible to travel toward Bethlehem, to turn left near the Mar Elia monastery, to continue on about five kilometers more, and from there to get a general impression of the area. One of the members of the Jumbo Corporation is Yakov Vaknin, formerly of the Israeli Lands Administration. (Incidentally, the lawyers representing Jumbo are from the offices of Lerer-Bobrov in Tel Aviv, of which Deputy Foreign Minister Roni Milo was a member.)



in the shuffle?

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income tax, whereas an Israeli company pays 60 percent. Likewise, the income tax authorities have no supervision over a company of this type. Since payment to Arab land dealers is made in dollars, the Bank of Israel grants permission to withdraw foreign currency and transfer it to the "sub-subsidiary" companies. From that point on, there is no supervision, and some of the funds transferred by the Bank of Israel may not serve to acquire land, but may be smuggled abroad instead.

During a session of the Knesset Committee for State Investigations, before which the head of the department of foreign currency in the Bank of Israel appeared, MK Yair Tzaban asked if there were clear procedures for the allocation of foreign currency earmarked for land acquisition. Since when have they been in existence? Who decided upon them? What is the procedure for setting up a "sub-subsidiary" company? Who receives approval to spend foreign currency? What is the actual procedure? Has there been a follow-up to ensure that the money is

legal status of K'ramim was not clarified, and no permission was ever given to build there. In April 1983 the Rishon Letzion Gindi Brothers contracting firm announced that the establishment of K'ramim had been approved, and as proof they offered a letter from Avi Tsur, Dekel's aide, explicitly stating that the relevant authorities had approved the building of K'ramim. The Justice Ministry's Plia Albeck said the document was misleading. Tsur supplied the Gindis with two more such letters. Was Dekel aware that his aide had issued misleading letters which were subsequently used by the Gindis' firm to sell plots of land at a profit? Or is it possible that he didn't know what his aide was doing? The police say both Tsur and Dekel will be questioned in this matter.

The Trade and Industry Ministry: This ministry receives complaints from citizens concerning fraudulent land sales by contractors. A conspicuous example of this is the case of the Jumbo Corporation. (Editor's note: Jumbo was a firm that promised, in

The Foreign Ministry: In Latin American countries, particularly Honduras, Guatemala and Chile, there are large groups of Palestinian immigrants, some of whom own lands in Judea and Samaria. Negotiations have been conducted with some of them for acquisition of their lands. It is the duty of the Foreign Ministry to see to it that the process of transfer of notarial powers of attorney is legal and that the entire deal is genuine. It seems that a highly-placed person has evidence pointing to flaws in the ministry's functioning in this matter. Several lawsuits filed by Arabs from South America are currently being judged in Israeli courts, for example a complaint by an Arab who maintains that his plot of land was fraudulently sold by someone who obtained an improper power of attorney from a second Arab.

Whatever the outcome of the investigation, one cannot disregard the government's responsibility for creating a system that has made such offenses possible. This may be seen as just another illustration of the corruption brought on by occupation. As Dr. Benvenisti says: "The loopholes scare me more than the thieves. You can catch the thieves, but the government is not functioning, and for political reasons. In my opinion, the fact that the system doesn't maintain law and order is far more serious than the fact there are thieves." ■