

The Geo-Political and Spatial Implications of the New Israel Land Administration Law on the Palestinians

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The new Israel Land Administration (ILA) legislation, which is currently being debated in the Knesset in the framework of the Economic Arrangements Law for 2009-2010, seeks to implement far-reaching structural reforms in the ILA and in regard to state-owned lands. Crucially, it would legally transfer land ownership to all holders of long-term leasing contracts for various land purposes, such as housing and employment. The current government and its leaders are exerting enormous pressure on lawmakers to approve this law. The subject raises a number of serious questions from the perspective of the Palestinians, both those living in Israel and displaced persons including the refugees. Of course, the subject is too broad to cover here, so I will focus only on the law's geo-political and spatial repercussions for the Palestinians and their future in their homeland.

The ILA is the body that, under the Israel Land Administration Law - 1960, is responsible for managing the lands owned by the State of Israel, the Jewish National Fund (Keren Kayemet Leyisrael), and the Development Authority. These publicly owned lands account for about 93% of the state's territory. An international comparison shows that there is almost no other state in the world, particularly after the collapse of the Soviet Union and the Communist bloc, where the state owns some 93% of its lands, as in Israel. Importantly a substantial part of these lands derives from Palestinian property including uprooted or destroyed villages, and lands that were expropriated from the Arabs under a broad web of expropriation laws that is unprecedented in the modern history of humanity.

The purpose of the new ILA legislation, as it is described, is framed around the neo-liberal economic discourse of privatizing public resources (land in this case); improving economic efficiency; encouraging economic activity; reducing government bureaucracy; limiting government intervention in the free market; promoting private ownership and encouraging personal initiative. In the law's explanatory remarks, it is written that "the work of the Administration is characterized by a level of efficiency that is not high. This stems primarily from the system of leasing, which imposes upon the Administration a burden of constant friction with the leaseholders ... The Administration operates according to a cumbersome system of decisions and in an organizational structure that is incompatible with the work procedures required for managing land at this time" (The Economic Efficiency Bill, 2009: page 514).

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The goal of this legislation is to enable the state to sell or transfer ownership of lands to leaseholders, even without payment, while at the same time it is to preserve the lands of “the Jewish people” held by the Jewish National Fund (JNF). The JNF, in turn, holds about 13% of the state’s territory. Consequently, the legislation states that “in order to implement the reform regarding the transfer of ownership to the leaseholders, land exchanges will be required of the same scope and size between the state and the JNF ... In order to enable a rapid and simple execution of the process of land exchanges, it is proposed ... to stipulate that it will not be necessary to submit the transactions for approval by the Knesset Finance Committee” (page 523). The JNF thus seeks to expand the lands it holds by relinquishing lands in the existing cities and receiving lands in the Galilee and Negev (Naqab) as compensation. The implementation of the law would ultimately enable the JNF to enjoy new lands that would be transferred to it at the expense of state lands that are supposed to be for the benefit of the entire public and not only for one ethnic group. That is, it is prohibited for Arabs to touch the lands of the JNF and they are not allowed to enjoy them like the Jews.

The legislation would eventually lead to the transfer of ownership, even without payment, to Jewish leaseholders and to a “clearance” sale of what remains of Palestinian property in many cities in Israel, such as Jaffa, Ramla, Lod, Be’er Sheva, Tiberias, Beit Shean, Haifa and Acre, as well as the Palestinian property in West Jerusalem. Thus, the Palestinian Nakba would be completed in these cities in the future when the Palestinian space that has existed for many generations would be finally eliminated and it would become a case of privatized real estate for the enjoyment of Jewish developers, tycoons and individuals. This type of ownership transfer “operation” would strengthen the processes of gentrification, or urban renewal, which are characterized by the exclusion and exit of the local or indigenous population from city centers and the entry of entrepreneurs and a population that is stronger economically.

A similar fate is also expected for part of the land of about 500 uprooted Palestinian towns, villages and cities; kibbutzim, moshavim and many Jewish communities are located on the ruins of these Arab communities. These Jewish communities today generally lease the lands on which they are situated from the ILA. The new law is liable to enable these communities to purchase these lands instead of leasing them, and to receive ownership of the lands. Kibbutzim, moshavim and many other communities would be able to build residential neighborhoods, develop commercial centers and enjoy valuable lands throughout the state. Besides the harm to Palestinian property, this type of process would create a further unequal allocation of resources between different population groups in Israel, thus widening the economic disparities within the population.

The composition of the Israel Land Authority’s council (the new legislation seeks to change the name from “administration” to “authority”) in its new format would clearly exclude Arab representation. According to the proposal, a government minister would chair the council and the government would appoint the other eleven members, including six representatives of government ministries and five representatives of the JNF. The proposed composition of the council would exclude the Arabs from decision-making related to the state’s lands. Thus, it would prevent them from participating in shaping the policy that determines the future of about 93% of the state’s land.

This legislation has far-reaching significance for the future of the Palestinian space. In addition to excluding Arab citizens of the state from everything related to making crucial decisions on land issues, the implementation of the law would severely harm the expansion of the jurisdiction of Arab communities in the future. The future development of these communities, resolving the housing shortage and meeting their social, cultural and economic needs, all depend on annexing lands adjacent to these communities and which are today state-owned and managed by the ILA. Despite the small number of cases in which the jurisdiction of Arab towns has been expanded in recent years, these exceptions usually occur on land situated within Jewish regional councils and administered by the ILA. If the legislation is enacted and the land is privatized, enormous difficulties would be created for Arab towns especially if the land is transferred to private Jewish ownership instead of state ownership. In this case, it would not be possible to expand the jurisdiction of Arab communities at the expense of private lands belonging to Jewish citizens of the state. The anticipated result is the continuation of the trends of increased crowdedness in Arab towns and villages, the exacerbation of housing and employment problems, and the lack of land available for the public's needs.

Moreover, the new legislation states that "representatives of the council will be subject to the decisions of the government, as expressed in its decisions" (page 517). Thus, the government would be able to carry out its plans to sell land and to Judaize the Galilee and the Negev in a more efficient way when it controls the pace of sale and commercialization of the privatized public space. Thus, the neo-liberal economic vision, which focuses on the privatization of public resources, would converge with the completion of Palestinian disinheritance.