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SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activities in the West Bank, including East Jerusalem, and the Golan Heights. Unless otherwise stated, the items have been written by Geoffrey Aronson for this section or drawn from material written by him for Report on Israeli Settlement in the Occupied Territories (hereinafter Settlement Report), a Washington-based bimonthly newsletter published by the Foundation for Middle East Peace. JPS is grateful to the foundation for permission to draw on its material.

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“PEACEMAKING EFFORTS RUNNING ON EMPTY”

From Settlement Report, September–October 2011.

As political theatre, September’s Israeli-Palestinian clash at the UN proved to be an anticlimax. In dueling speeches before the UN General Assembly, Israel’s Prime Minister Benjamin Netanyahu and Chairman Mahmoud Abbas of the Palestine Liberation Organization ran in place. Abbas gave a stirring speech making the Palestinian case for statehood before an audience at pains to acknowledge it. Netanyahu left the podium as he arrived—his hand “stretched out in peace” according to principles that guarantee failure. President Barack Obama’s remarks confirmed something that has been clear for many months: The U.S. peacemaking machine is out of ideas and energy. Soon after

Obama’s address, one Israeli commentator quipped that Netanyahu would have to rewrite his speech because the U.S. president had just delivered it. The Quartet, yet again, demonstrated its inability to break free of the U.S. policy straightjacket. After a frenzied diplomatic effort, it issued a milquetoast call to return to the negotiating table.

The most notable element of September was the PLO’s determination to confront the Obama administration, which has left no doubt of its opposition to engaging the international community instead of, or even, as Abbas prefers, alongside U.S.-led diplomacy. The PLO’s adoption of a policy agenda at odds with Washington has prompted threats from Congress to end financial support for the Palestinian Authority, a self-defeating notion if there ever was one, and one which Netanyahu has been quietly urging Republicans in the House

of Representatives to abandon. The House's other contribution to peacemaking is the tabling of a bill supporting Israel's annexation of West Bank settlements.

Congress has dealt itself out of responsible oversight, and the White House has put aside the vital interest in a peace agreement while President Obama campaigns for reelection. Even so, Washington will prevent the formalization by the UN Security Council of the international consensus supporting Palestinian sovereignty in the West Bank, Gaza Strip, and East Jerusalem and the creation of a Palestinian state that recognizes Israel. What it cannot do, however, is stop efforts on the ground to fill the leadership vacuum created by the Obama administration's retreat.

FACTS ON THE GROUND

The on again, off again military confrontations between Israel and Hamas have long ignored conventional approaches to peacemaking. Once confined to the area in and around Gaza, they now include Egypt's lawless Sinai region. In the West Bank, settlement expansion continues to dominate Israel's West Bank agenda. The first half of 2011 witnessed a whopping 500 percent increase in settlement housing starts, to 546. This number begins to reestablish the pace of expansion briefly interrupted by the settlement moratorium during 2010. New construction has been announced for numerous settlements, including the East Jerusalem settlement of Gilo, where 1,100 new units were recently approved. Settlers are calling on Netanyahu to expedite construction of 4,500 units across the West Bank. "The only obstacle preventing this construction," declares a political advertisement addressed to Netanyahu during the summer wave of protests about housing costs in Israel, "is your signature and that of the defense minister. If you will only sign, we can solve the housing problems of 4,500 families."

In this environment, the PLO's claim to sovereignty contrasts starkly with the facts on the ground in the West Bank, where settlers and Palestinian villagers remain in the front ranks of the

conflict. For them, the days after September are indistinguishable from the days before. Abbas and the PA lack the means to assert Palestinian sovereignty on the ground without provoking Israel. Israel remains in total control of Area C, comprising almost 60 per cent of the West Bank; settlements; and borders. It restricts moves by Palestinian security forces into Area B. Abbas calls for a "Palestinian Spring" to accompany his UN diplomacy, but the distinguishing feature of the Arab Spring has been the spontaneous uprising by civil society against the regime—rather than the mobilization of the public by the regime. Abbas too is wary of a civil uprising that would provoke Israeli reprisals. West Bank Palestinians did not take to the streets in protest or to confront settlements, but rather in celebration of Abbas and Fatah, the besieged pillars of the Palestinian political establishment.

Scattered confrontations in the West Bank during the UN session were not so much a function of the PLO's diplomatic campaign for statehood as of the escalating conflict between settlers, the Israel Defense Forces, and Palestinian villagers. The territorial appetite of the settlers cannot be sated, and their ability to outpace the Israeli security forces in vigilante attacks against Palestinians and their property grows. The one Palestinian fatality during September was a 33-year-old from the village of Qusra, who was killed by live IDF fire hours before Abbas's speech. A mosque in the village, south of Nablus, was set on fire hours after Israel obeyed an order of the High Court to demolish three structures in the settlement outpost of Migron on September 4. Settlers arrived at the mosque on September 5, threw burning tires toward it, and broke several of its windows.

Not only are settlers targeting Palestinians and their property, notably in the area near settlement outposts between Ramallah and Nablus, in September they also infiltrated an IDF base, destroying equipment and painting slogans "as if it were an enemy army base," reported the right-wing Makor Rishon. Lt. Gen. Benny Gantz, IDF chief of staff, described the perpetrators as a "group of fanatic criminals." Others suggested that the use of the settlers'

self-selected term “price tag” be replaced by the word “terror” to describe actions against Palestinians by “Jewish jihadis.” *Ha’aretz* reported that Israel’s security service is “urging the Education Ministry to immediately halt funding to the Od Yosef Hai Yeshiva in the settlement of Yitzhar, near Nablus, saying it has received intelligence information that senior rabbis in the yeshiva are encouraging their students to attack Arabs. The army’s GOC Central Command, Maj. Gen. Avi Mizrahi, recently issued restraining orders that forbid several students affiliated with the yeshiva to enter the West Bank. This decision was based on what security sources termed ‘well-founded suspicions’ that these students had been involved in attacks on Arabs, including ‘price tag’ attacks on Arab property and the torching of mosques in nearby villages.”

The Palestinians who confronted settlers and the IDF in Qusra were part of a new network of “Local Defense Committees” organized by villagers to defend against settler provocations. Palestinian security services are prevented from protecting the Palestinian public against settlers. According to the well-informed Roadmap report, Jibril al-Bakri, the governor of Nablus, declared that “the Israelis have left us with no alternative. We will not look on forever without intervening.”

ON THE GROUND

UN REPORT ON ISRAELI SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM (SEPTEMBER 2010–JULY 2011) (EXCERPTS)

In December 2007, the UN General Assembly (UNGA) issued Res. 62/108 expressing “grave concern” about Israel’s continued settlement activities and the rising incidents of settler violence against Palestinians, and requesting updates regarding settlement expansion and settler actions. Since then, the UNGA has annually received reports from the Office of the UN High Commissioner for Human Rights entitled “Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem and the Occupied Syrian Golan.” The excerpts below are

from the latest report (A/66/364 of 16 September 2011), covering September 2010–July 2011. The sections providing background based on earlier reports (A/65/365 of 14 September 2010, A/64/516 of November 2009, and A/63/519 of November 2008), the legal context, information the Golan Heights, and final recommendations have been omitted for space, as have endnotes. The full text is available on the United Nations Information System on the Question of Palestine (UNISPAL) website at unispal.un.org.

III. Discriminatory Practices Underlying Israeli Settlement Expansion and Law Enforcement in the West Bank

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A. Expansion of Settlements and Restrictions on Palestinian Construction

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9. During the reporting period, settlements in the Occupied Palestinian Territory, including East Jerusalem, continued to expand. The most recent figures available indicate that 296,586 Israeli settlers live in the West Bank, not including those in East Jerusalem, in at least 123 settlements and approximately 100 “outposts” scattered throughout the West Bank. In East Jerusalem, 50,000 residential units in at least 12 Israeli settlements are occupied by almost 192,000 Israeli settlers. That brings the total number of settlers living in Israeli settlements in the Occupied Palestinian Territory to nearly half a million. Immediately after the end of the 10-month partial moratorium on settlement construction in September 2010, Israeli settlement activities resumed in the West Bank. That included approval and construction of hundreds of new housing units in various settlements as well as confiscation and clearing of Palestinian-owned land in preparation for settlement expansion. An interim report published by the Israeli non-governmental organization Peace Now in May 2011 indicated that, immediately after the end of the partial moratorium, Israeli settlers started the construction of 2,000 previously approved housing units in 75 different settlements and “outposts,”

one third of them in settlements east of the barrier. Meanwhile, the Israeli Government approved the planning and marketing of at least 800 new units in 13 settlements. Peace Now has also documented a dramatic increase in the number of new illegal buildings in the settlements since the end of the partial moratorium. In most cases the construction is proceeding according to plans that were never approved by the Israeli Minister of Defense. At least 507 unapproved housing units are currently being built in 29 settlements (9 of which are "outposts," where there are 35 unapproved structures under construction). In July 2011, Israel revealed plans for construction of 900 new housing units in East Jerusalem. The Israeli Government continued to promote settlement expansion through a variety of benefits and incentives offered to settlers in spheres of construction, housing, education, industry, agriculture and tourism. Recent public statements by senior Israeli officials are indicative of the Government's intention to continue expanding settlements in the West Bank, including East Jerusalem.

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1. East Jerusalem

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18. Plans of the Israeli municipality of Jerusalem for the demolition of Palestinian structures in East Jerusalem demonstrate the link between the policy of demolition and that of settlement expansion in the city. Not only do policies and practices of zoning and planning make it virtually impossible for Palestinians to build to meet the natural growth of their communities, contrary to what is accorded to Israeli settler communities, but demolition of Palestinian structures built without permits is at times followed by building new or expanding existing Israeli settlements. In a recent example, the historical Shepherd Hotel in Sheikh Jarrah was demolished in January 2011 to make way for the construction of a new Israeli settlement. In Silwan, nearly 1,000 Palestinians are at risk of being displaced due to Municipality's plans for demolition of their homes, which were built without Israeli permits, to make way for a "biblical park."

2. Area C

19. The Government of Israel applies a zoning regime in Area C, comprising 60 percent of the West Bank, which further benefits the establishment and growth of settlements while denying the natural growth and development of Palestinian communities. It effectively prohibits Palestinian construction in some 70 percent of Area C, approximately 44 percent of the West Bank, allocated for the use of Israeli settlements or the Israeli military. In the remaining 30 percent a range of restrictions make it virtually impossible for Palestinians to obtain a building permit for any building of homes or infrastructure like water pipes or electrical lines. In practice, Israeli authorities allow Palestinians to build only within the boundaries of a plan approved by the Israeli Civil Administration, which covers less than 1 percent of Area C, much of which is already built up. As a result, Palestinians are forced to build without Israeli building permits, risking the demolition of their structures and subsequent displacement. . . . In addition to zoning and demolitions, Israeli authorities have practically prohibited Palestinians from having any access to the Jordan River through drilling wells to service settlements that have dried up Palestinians' water sources, cutting Palestinian water lines, and confiscating Palestinian water tankers, tractors, sheep, and other property. During the period from August 2010 through June 2011, the OCHA recorded that the Israeli authorities demolished 149 Palestinian residences in Area C of the West Bank, displacing 820 people, including 374 children. The OCHA also reports a marked increase in the demolition of Palestinian structures. In the first half of 2011, 342 Palestinian-owned structures, including 125 residential structures and 20 rainwater collection cisterns, were demolished by the Israeli authorities. A total of 656 people, including 351 children, lost their homes in the first half of 2011, almost five times more than within the same period last year. One third of these people were displaced in June 2011 alone. Over 3,000 demolition orders are outstanding, including 18 targeting schools. Most demolitions in 2011 affected livelihood structures, negatively affecting the

sources of income and living standards of some 1,300 people. Many communities in Area C have suffered multiple waves of demolitions.

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*C. Settler Violence and
Discrimination in Law Enforcement
in the West Bank*

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23. During the reporting period for the present report, impunity for settlers perpetrating violent attacks continued. The Israel Defense Forces [IDF] not only failed to protect Palestinians, there are documented instances of their direct involvement in violence perpetrated against Palestinians. The following cases monitored by OHCHR [Office of the UN High Commissioner for Human Rights] are illustrative of the violence that Palestinians suffer at the hands of Israeli settlers in the West Bank. [Two detailed cases follow.]

...

31. The problem of discrimination is most apparent in the markedly different justice systems to which Palestinians and settlers are subjected. When violence is committed or is suspected to have been committed by Palestinians against Israeli settlers in the West Bank, the Israeli authorities often mobilize vast resources to apprehend the perpetrator. Large-scale arrest and detention campaigns are often carried out by the [IDF] throughout the West Bank, and the Israeli police and Border Police in specific neighbourhoods of East Jerusalem. Curfews on Palestinian towns and villages are also often imposed. The OCHA reports that between September 2010 and June 2011, Israeli forces carried out 3,791 search-and-arrest operations during which 2,760 Palestinians were arrested. Most of those arrested will be tried through the Israeli military justice system, contrary to Israeli civilians who, when arrested, are tried by civilian courts. Israeli civil courts provide more protections to the defendants in a number of areas, including the right to see a lawyer, the length of detention before being brought before a judge and the maximum penalty allowed. Settlers are de facto given impunity for violent acts against Palestinians and their property in the occupied West Bank while

substantial resources are devoted to the prosecution of Palestinians accused of engaging in violence against settlers. The result of the situation is an overtly discriminatory system against Palestinians, both in law and in practice.

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33. In East Jerusalem, the Israeli authorities allocate considerable financial resources to the protection of the Israeli settlers currently living in "outposts" throughout East Jerusalem. Around-the-clock armed private security guards protect, escort and transport Israeli settlers. Available estimates indicate that security arrangements cost 54 million Israeli New Shekels in 2010 and more than 70 million in 2011.

**LEGALIZING SETTLEMENT OUTPOSTS
(EXCERPTS)**

Below are excerpts from an article by Lara Friedman of Peace Now, who also authored the "Settlements in Focus" report, excerpts of which follow. The piece, which appeared in the Huffington Post on 11 October 2011, was originally titled "Outposts & Abuse of Law in Service of the Settlements." The full text can be accessed at <http://www.huffingtonpost.com>.

Outposts are again taking center stage in the settlements debate, as the Netanyahu government announces two new policies aimed at legalizing illegal outposts. In doing so, the Netanyahu government is sending a clear signal that it values settlements over negotiations, and it prefers "Greater Israel" to peace.

In March, the Israeli government announced a new policy: it would demolish outpost construction on private Palestinian land, but would seek to "legalize" all other outpost construction. Previous Israeli governments consistently promised the Israeli High Court they would enforce the law against illegal outposts, but for the most part found legal pretexts to delay doing so. The Netanyahu government, in contrast, was refreshingly honest—declaring its policy openly rather than continuing the charade.

It was clear from the outset that this new policy was a Pyrrhic victory in the fight against the outposts. It meant that

for the first time the government had firmly committed to demolishing some outpost construction, but it also meant that the majority of the outposts—whose construction is unequivocally illegal under Israeli law—would be laundered, leading to the establishment of numerous new settlements in the West Bank. This, despite the fact that since 1992 it has been the policy of every Israeli government NOT to establish new settlements. This new policy made news last week when it was reported that the government is making final preparations to legalize the isolated outpost of Shvut Rahel. There are at least 10 outposts that the state intends to “legalize” under this policy, involving some 650 illegal homes (approximately 3,900 people).

Now Netanyahu also wants to “legalize” outpost construction on private Palestinian lands. This development is the next stage in this same outposts saga, with the Netanyahu government now obliged to update the Court by November 1 on its plans to remove outposts on private land, per the policy it announced in March (for details see Peace Now’s “Six Outposts” petition). While the government’s March announcement was phrased as a general policy, it appears for now that it will implement the policy only in cases where construction has been challenged in court, of which there at least 8, out of a total of at least 70 outposts located fully or partially on private land, along with many official settlements.

As that deadline nears, settlers are increasing pressure on the government and Netanyahu appears to be caving. In order to “legalize” these outposts, the State will have to find a pretext to void the Palestinians’ claims to the land (e.g., by declaring it absentee property—a mechanism used over the years to seize land), or expropriate it, ostensibly for “public” use.

...

GIVAT HAMATOS: A NEW JEWISH SETTLEMENT IN OCCUPIED JERUSALEM (EXCERPTS)

This Peace Now statement, originally titled “A New Israeli Neighborhood in East Jerusalem is Threatening the Two

State Solution,” was published on 13 October 2011. The full text can be accessed at: <http://settlementwatcheastjerusalem.wordpress.com>.

On October 11, Plan no. 14295 was deposited for public review, for the construction of 2,610 housing units in a new neighborhood in east Jerusalem called Givat Hamatos, east of Beit Safafa. This plan is the reparcellation scheme that enables the implementation of plan no. 5834A which was deposited three years ago and caused controversy.

- **The first new Israeli neighborhood in east Jerusalem since Har Homa:** Unlike recent plans that caused controversy in Gilo and Pisgat Ze’ev which expanded the footprint of existing neighborhoods, the new plan creates an entirely new footprint of a new Israeli neighborhood in East Jerusalem, for the first time since the establishment of Har Homa in 1997 by the first Netanyahu Government.
- **“A mini-E-1”: a game changer that significantly changes the possible border between Israel and Palestine:** The new neighborhood will complete the isolation between Bethlehem and East Jerusalem, and will destroy any possibility of a territorial solution in Beit Safafa and Shurafat (sic). . . .
- **The plan is for immediate implementation:** the plan for the establishment of Givat Hamatos neighborhood was firstly exposed when plan no. 5834A was deposited for public review under the Olmert government on January 2008. This plan was for the construction of 2,337 housing units and it completed the approval process in recent months. However, this plan was a general plan that couldn’t be implemented without further detailed planning called “reparcellation.” Today the reparcellation plan is ready, and it is deposited for public review. The detailed plan increases the capacity from 2,337 units to 2,610 units and once it is approved the construction can begin.

• **These are the final planning phases:** The detailed plan (no. 14295) was deposited for public review on October 11th, 2011. The 60-day objection period for the plan has now begun. At the end of that period, and after hearing the objections, the plan can be approved. Following the approval there might be appeals to court that could take another few months but eventually, if the plan is not withdrawn by the government, the plan will receive the final approval in a few months to a year. Once Plan 14295 is approved, construction can commence.

It is important to mention that the plan is under the authority of the Local Planning Committee at the Jerusalem Municipality. Unlike the Regional Planning Committee which is made up of civil servants, the Local Committee is made up of elected city council members, which are politically motivated and might want to approve the plan as quickly as possible.

...

GIVAT HAMATOS AND THE UNPRECEDENTED SPIKE IN EAST JERUSALEM SETTLEMENT ACTIVITY (EXCERPTS)

Below is an excerpt from a Peace Now report, originally titled "Settlements in Focus: Settlements Back on the Agenda" published 1 November 2011. The full text is available at <http://peacenow.org>.

Only recently, the world learned about well-advanced Israeli plans for a new settlement in the southern part of East Jerusalem, called Givat Hamatos. This plan has nothing to do with "natural growth" of an existing neighborhood, and while there are genuine housing needs in Jerusalem, the reasons to proceed with this particular (and extremely controversial) plan appear to be primarily political—which helps explain why the plan is being fast-tracked. The planning requirements related to this settlement are unusually complicated, due to complex property ownership in the area. Under normal circumstances sorting this out would take years. But

these are not normal circumstances—these are circumstances in which a political decision has been taken to make this plan happen. As a result, approval of Givat Hamatos is proceeding at a previously unimaginable speed.

Politically, approval of this plan is fraught with symbolism and political signals, since it will create the first new Israeli settlement neighborhood in East Jerusalem since Netanyahu established Har Homa in 1997, during his first term as prime minister. And on the ground, this project is a game changer. Givat Hamatos, if built, will become a physical and inhabited barrier blocking any future Palestinian contiguity between Palestinian neighborhoods in the southern part of East Jerusalem and the West Bank. In doing so it will make a two-state solution in Jerusalem, and thus the entire two-state solution, exponentially more difficult to achieve. It should be noted, too, that the approval of Givat Hamatos comes on the heels of recent approvals of three other settlement plans for Jerusalem's southern flank. Taken together, a settlement buffer between East Jerusalem and the West Bank is taking shape before everyone's eyes.

Approval of the Givat Hamatos plan is only the latest incident in a pattern of problematic behavior by the Netanyahu government in East Jerusalem. This pattern started at the beginning of November 2010, immediately after the settlement "moratorium" expired. That moratorium included, quietly, a de facto freeze on government-backed settlement activity in East Jerusalem (beginning immediately after the March 2010 incident, when the approval of construction in the East Jerusalem settlement of Ramat Shlomo was announced during [U.S.] Vice President Biden's visit to Israel). The moment the moratorium ended the Netanyahu government opened the settlement floodgates in Jerusalem.

Looking at just one key step in the approval process—the depositing of plans for public review—tells the story. This is one of the final steps in the lengthy process for approving a new plan, which involves a number of approvals at various levels. During Netanyahu's first year in office, 3,710 units were deposited for public review,

continuing the high level of approvals that began after the Annapolis Conference. This number dropped to zero during the moratorium. But between November 1, 2010 and October 15, 2011, 7,779 units were deposited for public review.

Similarly, during Netanyahu's first year in office, 1,360 units received final approval. That number dropped to zero during the moratorium. But between November 1, 2010 and October 15, 2011 that number jumped to 3,995 units.

All of this occurred in addition to private settlement activity, supported and approved by the government of Israel, inside Palestinian neighborhoods in East Jerusalem. Here, too, the behavior of the Netanyahu government over the past year has been problematic, giving the green light for new units in Sheikh Jarrah, at the Shepherd Hotel, on the Mount of Olives, and in Ras al-Amud. In total, approval has been granted to 114 new units (500–600 people), all located deep inside Palestinian neighborhoods of East Jerusalem, in locations where settlements have one main purpose: to prevent the establishment of a Palestinian capital in East Jerusalem.

If settlement activity in East Jerusalem continues at current levels, within 2–3 years the geographic and demographic map of Jerusalem will become so Balkanized that the very possibility of the two-state solution will be in jeopardy. If settlement activity in East Jerusalem continues at current levels, the resumption of negotiations appears extremely unlikely (and if negotiations were somehow resumed, it seems very unlikely that they would last for very long and have a chance of reaching fruition).

THE STRUGGLE OVER LAND AND RESOURCES

“WATER, NONVIOLENT PALESTINIAN RESISTANCE, AND THE IDF RESPONSE”

From Settlement Report, September–October 2011.

Palestinians are often urged to oppose the occupation through nonviolent action and protest. Nonviolent

opposition has, in fact, characterized the vast majority of actions taken by Palestinians under occupation for almost half a century. Recent revelations by Wikileaks, together with a report by B'Tselem, an Israeli human rights organization, offer insights into Israel's response to such efforts.

In general, Israel views Palestinian protests of any kind as unacceptable challenges to its military rule. As Maj. Gen. (res.) Amos Gilad, director of Policy and Political-Military Affairs at the Ministry of Defense, explained to James B. Cunningham, then–U.S. ambassador to Israel, “We don't do Gandhi very well.” His comment was reported in a February 16, 2010 cable authored by Cunningham and recently released by Wikileaks. Cunningham reported further that the head of Israeli Central Command of the Israel Defense Forces (IDF), Maj. Gen. Avi Mizrachi

warned that he will start sending his trucks with “dirty water” to break up [Palestinian] protests, even if they are not violent, because they serve no purpose other than creating friction. . . .

On orders from Mizrachi, West Bank commander[s] . . . reportedly met with the Palestinian security force commanders recently to deliver a strong message that they must stop these demonstrations or the IDF will. Mizrachi asserted that he would prefer not to break up these demonstrations, but will if he must. Many of the demonstrations are organized by “suspicious people,” Mizrachi said, and he plans on arresting organizers of demonstrations that “serve no purpose” beyond exciting the population.

B'Tselem recently published a report, *Show of Force: Israeli Military Conduct in Weekly Demonstrations in a-Nabi Saleh*, detailing Israel's response to protests in the small Palestinian village of Nabi Saleh.

Background to Conflict

The al-Qaws Spring has long been utilized by the residents of Nabi Salih and the nearby village of Dayr Nidham for both farming and recreational activity. The lands of al-Qaws Spring are privately owned by a resident of Dayr Nidham. In February 2009, settlers laid claim to the spring, “putting up shelters, making roads, building steps to enable access, pouring concrete, planting trees, [and] installing irrigation systems.”

Palestinian complaints to Israeli authorities between 2008 and 2011 have either gone unanswered due to a "lack of evidence" or dismissed on the ground of "offender unknown."

In early January 2010, Israel informed the residents that the spring was an archeological site. Consequently, the area was declared a closed military area, and Palestinians were denied access to it. While such a declaration requires the cessation of all construction by Israeli settlers and the demolition of structures built after February 2010, settler construction continues. On July 28, 2011, the landowner and representatives of the two villages petitioned Israel's High Court of Justice to demolish the settler structures and facilities built on the land. The High Court ordered the state and the Binyamin Regional Council to file their response by September 15, 2011. At present, the army prohibits access of Palestinians in groups and on Fridays, but allows individual Palestinians to go to the spring. Settlers are allowed unrestricted access.

The report notes,

In recent years, Palestinians have organized unarmed demonstrations throughout the West Bank in protest against the seizure of their land by settlers, the construction of the Separation Barrier deep inside the West Bank, and their displacement from land that provides their livelihood, among other issues. Such demonstrations have been a weekly occurrence for more than eighteen months in the village of a-Nabi Saleh, Ramallah District, turning it into a focal point of protest in the West Bank. The Israeli security forces have made a concerted effort to stop the demonstrations in the village.

Between January–August 2011, the Red Crescent transported 35 Palestinians to the hospital for injuries suffered during the suppression of demonstrations. Four were hospitalized. Five demonstrators were struck by rubber bullets, four by shrapnel, ten sickened by tear gas inhalation, two suffered from shock, and another four treated for "other" injuries.

Since the beginning of 2010, 78–81 Palestinians have been arrested or detained for questioning. Among them were 17 minors. Thirty arrests were made during the Friday demonstrations. Thirty-five were arrested on other days of the week. Twelve were arrested in the middle of the night. Those prosecuted were charged with stone throwing, membership in an unlawful organization, interfering with the duty of a soldier, and violation of Order 101 (1967), which "prohibits almost completely the holding of demonstrations in the West Bank."

The arrested include two persons considered to be leaders of the struggle in the village. Naji Tamimi was arrested on 6 March 2011 and convicted in a plea bargain of incitement and support of a hostile organization, given that he "organized, incited and executed disturbances of the public order and violent demonstrations," including instructing youths from the village to throw stones. He was sentenced to a year's imprisonment, two years of conditional imprisonment, and a 10,000 shekel fine. Bassem Tamimi was arrested on 24 March 2011; a week later, an indictment was filed against him, alleging, *inter alia*, "incitement and support of a hostile organization," "taking part in a procession without a permit," and "conspiracy to throw objects at a person or property." He is being held in custody pending the completion of the criminal proceedings against him.

"WEST BANK VILLAGERS' DAILY BATTLE WITH ISRAEL OVER WATER" (EXCERPTS)

The excerpt below is from an article by David Hearst that originally appeared in the Guardian on 14 September 2011. The full text is available at <http://www.guardian.co.uk>.

The South Hebron Hills, sweltering in 34C heat and in its second consecutive year of drought, is a landscape of brutal contrasts. There is enough water here to support lush greenhouses, big cattle sheds, even ornamental plants. It arrives in large, high-pressure lines. And there appears to be no limit to the bounty it can bring.

Cheek by jowl with the water towers and red roofs of the Israeli settlers in this area of the West Bank is a landscape of stone boulders, tents and caves. The Palestinian village of al-Amniyr looks from afar like a rubbish tip until you realise that the rubbish is people's dwellings, which have been destroyed in attacks targeting their water cisterns.

The villager Mohammed Ahmad Jabor's water cistern has been destroyed three times this year. The last time was by the settlers. The settler attacks come generally at night and where they cannot destroy water cisterns they poison them by putting chicken carcasses in them.

The second time Jabor's cistern was destroyed was by Israeli soldiers who [also] destroyed seven tent dwellings and a sheep pen.

Jabor has gone to the Israeli courts repeatedly, which have upheld his and fellow villagers' ownership of the land, a title he claims that dates back to Ottoman times.

But the ruling of the court has had no effect either on the determination of soldiers and settlers to stop anyone or any animal living in al-Amniyr. The land has been declared as agricultural, a designation which prohibits residents from constructing structures of any kind, especially cisterns.

Constructions need permits, which are all but impossible to obtain. Where they are obtained, it is in areas such as quarries, which are impossible to exploit. And under another law, if the land is not used for three years, it reverts to Israel.

So the inhabitants of al-Amniyr, at-Tuwani and the other villages that comprise Susiya, are faced with a catch-22. If they comply with the law they cannot build cisterns and collect even the rainwater. But if they fail to use their land agriculturally, they lose it anyway.

"We are without tents and without water, so how can we live here?" Jabor asks. Walking past the roots of a ripped-up olive grove—the replacement seedlings are already planted—Jabor answers his own question. A blue plastic sheet in an entrance to the rock conceals a heavy, metal door. Beyond lies a cave, complete with a crying kitten, chickens and a metal stove for the winter. This is home for him and his seven children.

Most villagers date the start of their battle over water with Israel to 1982, when Ariel Sharon, then minister of defence, transferred all the West Bank

water systems to Mekorot, the Israeli national water company for the nominal price of one shekel.

The Oslo accords created a Joint Water Management Committee, which grants Israel a veto over water resource and infrastructure in the West Bank. The committee issued a joint declaration in 2001 "for keeping water infrastructure out of the cycle of violence."

The Emergency Water, Sanitation and Hygiene group (EWASH), a multinational consortium of NGOs funded by the European commission, accuses Israel of breaking this declaration, although there is a long list of other obligations under humanitarian law as an occupying power. In the past two years, it has logged the destruction of 100 water, sanitation and hygiene structures, 44 cisterns, 20 toilets and sinks, 28 wells. This year alone, 20 cisterns have been destroyed. Most of this is happening in Area C, which is under full Israeli military control.

The effect of the water shortage on the Palestinian population is not disputed. The average use of water by Palestinians is 50 litres a person a day for domestic purposes, one-fourth of the Israeli use. Rates of diarrhoea are high, particularly among children in herder communities. One survey found that 44% of children between six months and five years had diarrhoea in the two weeks before. Bodies such as the World Bank, UNRWA, Unicef and the World Food Programme have all carried out studies on it.

Where Palestinian villagers are permitted, villagers complain of weak water pressure or the high price of tankered water.

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