

# 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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## **NO OCCUPATION, NO PROBLEM: LEVY COMMISSION RECOMMENDS MOVING TOWARD DE FACTO ANNEXATION**

*From Settlement Report, July–August 2012.*

The last two years of the administration of U.S. Pres. Barack Obama have been notable for the almost complete absence of serious diplomatic effort to resolve the conflict between Israel and the Palestinians. Israeli DM Ehud Barak recently warned that “political inaction is not an option, and if it becomes evident that it is impossible to reach an agreement, we need to think about an interim arrangement, or even unilateral action. Israel cannot allow itself to remain in a state of deadlock.”

The secret negotiations that lead to the Oslo Declaration in 1993 and the decision of Israeli PM Ariel Sharon to “disengage” from the Gaza Strip in 2005 offer instructive examples of Israel’s ability to shape the international diplomatic agenda. PM Benjamin Netanyahu has been singularly successful in frustrating efforts by the international community to conduct negotiations based upon the armistice line separating Israel from the West Bank and Gaza Strip.

In June, the top-level Commission to Examine the Status of Building in Judea and Samaria, handpicked by Netanyahu in March 2012, rejected the international consensus and PM Netanyahu’s own statements supporting an end to occupation and the creation of a Palestinian state. The committee’s recommendations illustrate the extent to which

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the demands of Israel's growing West Bank settler population are supported by critical sectors of Israel's judicial, political, and administrative institutions. They represent the state's effort to promote the increasingly strident demands of the settler community to legalize and protect its assets, especially land, against action, whether by Palestinians or by the state itself.

The committee, headed by former High Court Justice Edmund Levy, addressed a principal instrument of settlement expansion in the last fifteen years—the creation of scores of “unauthorized” new settlements, or outposts. The committee report advances the most explicit legal and official ideological assertion in decades of Israel's rights in the West Bank, repudiating the international consensus regarding the status of the occupied territories. It also suggests wide-ranging administrative measures that would expand the already significant role played by domestic Israeli planning and development bodies at the expense of the Civil Administration—the military-run occupation bureaucracy, which was originally established as the preeminent authority in the occupied territories but is increasingly viewed by settlers and their patrons as a hindrance to their settlement-related demands.

The committee advanced four principal conclusions:

- Israel has an internationally sanctioned right to sovereignty in the West Bank. (Gaza and East Jerusalem were excluded from the committee's mandate.) This right was initially recognized by the international community in the 1917 Balfour Declaration, which excluded consideration of the political rights of the Arab population in Palestine.
- The laws regulating belligerent occupation do not apply to Israel's presence in the West Bank. There is, in short, no “occupation.” The committee accepted the view put forward by settlers that the internationally accepted norms governing occupation and responsibilities toward population under occupation “are not relevant to Israel's presence in the territories of Judea and Samaria.”
- Based on international law, “Israelis have the legal right to settle in Judea

and Samaria, and the establishment of settlements cannot, in and of itself, be considered to be illegal.”

- Article 49 of the 1949 Fourth Geneva Convention outlawing the transfer of populations is not applicable. “Settlement is a consequence of ideological commitment to settle the Land of Israel, not compulsion, and also because of the unsettled nature of sovereignty in the area.”

The committee's legal and ideological arguments are not new. But this is perhaps the first time that an Israeli prime minister has enabled such views to be stated so comprehensively and authoritatively. The critical contribution made by the Levy committee, however, is the operational recommendations that result from its claim that there is no Israeli occupation.

These conclusions, if implemented, would all but erase the distinction between land ownership and settlement in Israel and in West Bank settlements, and transfer jurisdiction from the military occupation administration to Israel's domestic institutions as a way of consolidating Israeli control and effective sovereignty in the West Bank.

According to the committee, because international law does not proscribe settlement, “it is necessary to consider this question from the standpoint of domestic law.” This assertion that Israel's settlement project is the province of domestic Israeli jurisdiction is the most noteworthy, critical, and challenging aspect of the report.

The incremental expansion of control by Israel's civilian institutions over everyday affairs regulating the lives and conduct of Israel's settlement communities has been a central feature of occupation since the late 1970s. In recent years, the focus of such efforts has been on the broad issues of land use, property rights, and settlement expansion. Settlers today have grown to almost 10 percent of Israel's Jewish population, now reaching 350,000 in the West Bank and more than 200,000 in East Jerusalem, intensifying settler demands for expansion of civil control and its prevailing Zionist norms over their affairs. Associated with these demands is the state's interest in addressing the pervasive inattention to law and proper

procedure outlined most recently in the Sasson report on settlement outposts [see Doc. C2 in *JPS 135—Ed.*]. “We are no longer in the formative stages of the creation of our state when things were done in an informal and arbitrary manner,” the Levy committee noted.

The committee recommends limiting what are considered to be obstructionist practices by the IDF’s Civil Administration, whose administrative requirements are deemed to conflict with the committee’s essential presumption of “the basic right of all Jews to settle on all of Judea and Samaria, and for a while at least, in territories under Israeli rule according to agreements with the Palestinian Authority.”

The Civil Administration’s role in settlement affairs is described as “onerous and superfluous”; expansion of settlement is afflicted by “needless delay.” The committee used the language of reform, improvement, order, and conscientious administration to couch its interest in facilitating land grabs for further settlement, calling for the “removal of administrative obstacles placed before planning institutions, and enabling them to fulfill their objectives” and “to advance stability and prevent lack of clarity.”

The operational intent of the committee is to completely remove planning decisions concerning settlements from the context of occupation, making them no more remarkable than the consideration of building new dwellings in Israeli towns like Rosh Pina or Ma’alot. Such practical application of domestic Israeli law and jurisdiction was the principal means by which Israel effected the annexation of East Jerusalem and the Golan Heights and before that the Galilee and Negev conquests of 1948.

A key issue of the committee’s mandate included addressing an issue at the heart of Israel’s domestic debate—that scores of new settlements materialized in the last fifteen years without government support and in contravention of its intentions. The committee’s first order of business was to annul the recommendations of the 2005 report on settlement “outposts” by Talia Sasson. The Levy committee marshaled evidence presented in the Sasson report only to turn Sasson’s argument on its head.

Sasson and the Sharon government, which adopted the report and its recommendations, concluded that notwithstanding de facto government support, the outposts in question should nonetheless be dismantled in light of Israel’s own laws and international commitments. The Levy committee embraced this fact as a principal rationale for implementation of its broader agenda—legalizing and facilitating the expansion of settlement all but regardless of land ownership, and placing it under even more benevolent civilian oversight and regulation.

The committee held that there is no such thing as unauthorized, wild-cat settlement efforts in the West Bank. “From the information before us,” the report states, “. . . there is no doubt that settlement was undertaken with knowledge by everyone—beginning with government ministers and those who lead them, and to the last operational agency—and there was one reason for lying about this—to ward off criticism from different quarters, principally international.”

The committee concluded that establishing new settlements and settlement expansion beyond existing planning boundaries should remain the province of the political echelon. It also proposed, however, a number of significant changes in the settlement process:

- Expansion of existing or future settlements should be removed from formal political oversight (i.e., cabinet votes) and handled instead by Israel’s domestic planning bureaucracy.
- Unauthorized and illegal settlement outposts should be authorized because they were established “with the knowledge, encouragement, and tacit agreement of the most senior political level.”
- Expedited planning at the professional level and without overt political direction should continue for currently unauthorized, illegal, and other settlements to provide jurisdiction for territory to accommodate their “natural growth.”
- There should be a moratorium on demolition orders in all settlements for unauthorized construction or construction on private Palestinian land.

- New courts for the adjudication of land disputes should be established to expedite the process of resolving land claims, to “facilitate access by local residents,” and to restrict the authority of the Civil Administration appointed by the IDF.
- The prerogatives of the Civil Administration on issues pertaining to land and land registration should be restricted in favor of civilian Israeli institutions not subordinate to the IDF.
- To give greater security of tenure to settlers, none of whom holds recognized title to West Bank land, the land registration process frozen since 1967 should be revived for “Palestinians and Israelis alike.” Those who fail to register land within a period of four to five years should “lose all their rights” over the land. (*Ha’Aretz* reported on 3 July 2012 that a parallel land registry is planned in order to facilitate recognition of the land ownership claims of settlers “and appears designed to prevent Palestinians from appealing the validity of the ownership listings.”)
- End Civil Administration oversight of expansion in settlements built on land requisitioned for military purposes.
- Rescind all restrictions on the purchase of West Bank land by Israelis. In cases where settlements and settlers “acting in good faith” stole private Palestinian land, “the option of evacuation is not realistic, and there is another solution, for example payment of compensation or provision of alternative land.” Settlers report that more than 9,000 such units exist in the West Bank.

Although Netanyahu created the Levy committee, he has not been anxious to publicize its findings for fear of international opposition. He sees no need to attract critical attention while Israel enjoys the most permissive international environment for settlement since the administration of Ronald Reagan.

The Levy report recommendations offer an administrative road map to annexation of more than half of the West Bank and increase the threat to

Palestinian land owners throughout the territory. With or without the Levy committee, however, Israel is engaged in a relentless effort to consolidate control over the West Bank, heedless of ineffectual international opinion, indifferent to Palestinian rights, and happy to let credulous foreign donors bear the cost of managing Palestinians while it consolidates its territorial conquests.

### MORAL IMPERATIVE MEETS PRACTICAL NEED

#### REFUTING YESHA CHAIRMAN DANI DAYAN’S MYTHS ABOUT SETTLEMENTS (EXCERPTS)

*The piece excerpted below—originally titled “Lara Friedman Responds to Dani Dayan”—was published in The Daily Beast on 26 July 2012. Friedman is the director of policy and government relations for American’s for Peace Now. The full text is available online at [www.thedailybeast.com](http://www.thedailybeast.com).*

Today’s *New York Times* features an op-ed by Dani Dayan, the head of the YESHA Council (the group that represents settlers and their interests). There isn’t really any news here: It shouldn’t surprise anyone that the settlers want the world to believe that settlements are good, peace efforts are pointless, and that the way forward should be premised on leaving all settlements in place, and leaving the West Bank under Israeli control, in perpetuity. Nonetheless, it is worth examining some representative snippets from this high-profile op-ed.

Dayan starts with the assertion that “Israel legitimately seized the disputed territories of Judea and Samaria in self-defense.” This assertion ignores the fact that in the post-colonial era, there is no such thing as a country “legitimately” seizing territory in self-defense or for any other reason. Love it or hate it, but the acquisition of land by force, even when that force is, at least initially, about self-defense, is not allowed under international law, period (nor is extended occupation of said land). This fact is enshrined in UN Security Council Resolution 242, which notes the “inadmissibility of the acquisition of territory by war.”

Dayan also states that *“Giving up this land [the West Bank] in the name of a hallowed two-state solution would mean rewarding those who’ve historically sought to destroy Israel.”* In fact, leaving settlements in place is a reward to those who in recent decades have worked the hardest to destroy Israel (i.e., the settlers themselves). Getting out of the West Bank, on the other hand, isn’t about rewarding Palestinians or Arabs for good or bad behavior—it is about what Israel needs to do for its own sake. Holding on to the West Bank comes at a cost of Israel’s own security, of the viability of Israel’s democracy, of the health of Israel’s economy, and of the strength of Israel’s moral claims as a Jewish state. The policies required for Israel to hold on to the West Bank, and the policies that cater to the settlers as they expand and deepen their hold on it, feed anti-Israel sentiment around the world—sentiment that no amount of *hasbara* will ever be able to overcome.

There is also Dayan’s argument that *“. . . any peace agreement would collapse the moment Hamas inevitably took power by ballot or by gun. Israel would then be forced to recapture the area, only to find a much larger Arab population living there.”* Dayan implies that he is actually open to a two-state solution but has concluded that it just won’t work. Given his clear commitment to the settlement enterprise, such openness to a two-state solution defies credulity. Moreover, Dayan ignores the fact that with a peace agreement in place, Israel will be in a far stronger position to defend itself from outside threats than it is today, including threats from a future Palestinian state that might turn hostile. Israel’s military actions with respect to the West Bank and Gaza today are often challenged and criticized, due to the blurriness of the line that separates defending the occupation (and quashing challenges to it) and true Israeli self-defense. A peace agreement that ends the occupation and yields universally recognized borders will mean that Israel’s right to use force to defend itself, within these borders, will be unchallengeable—leaving Israel in a far stronger security position.

Dayan laments that *“. . . the Palestinians have repeatedly refused to*

*implement a negotiated two-state solution.”* Of course, Dayan well knows that there has never been a negotiated two-state solution to implement. The Oslo Accords was just the starting point; since it was signed, both sides have undertaken actions that are inconsistent with a two-state solution. For their part, the Palestinian Authority leadership remains committed to two states and to a rejection of violence; indeed, such a commitment was implicit in their appeal to the United Nations last fall. On the other hand, successive Israeli governments have, over the years since Oslo, acted unilaterally without pause, in close collaboration with the settlers, to change the facts on the ground in a manner that seeks to pre-judge or even foreclose the possibility of any negotiated two-state solution in the future.

Dayan is similarly disingenuous when he argues that *“Today, security—the ultimate precondition for everything—prevails. Neither Jews nor Palestinians are threatened by en masse eviction; the economies are thriving. . . .”* Yes, there is security for settlers, subsidized by the same Israeli taxpayers who are protesting the lack of government funding for social services inside the Green Line. There is little security for Palestinians, especially those who in some areas routinely face “price tag” attacks by settlers. There is no security for Palestinians living in the eight villages that the IDF just announced will be evacuated to make way for an IDF training ground. There is no security for the Palestinians in Susya whose entire village is threatened with demolition. As for the thriving economy, settlers indeed enjoy the benefits of the thriving Israeli economy that exists inside the Green Line—in fact, per capita they enjoy far more benefits than Israelis living inside the Green Line. For Palestinians, it’s another story. The World Bank recently reported that the Palestinian economy “isn’t strong enough to support a state,” in part due to Israeli restrictions that make real economic growth, which requires investment, impossible.

Dayan’s statement that *“Our presence in all of Judea and Samaria—not just in the so-called settlement blocs—is an irreversible fact”* is perhaps the most interesting thing he has to say in his

article. Israel is a democracy, with one of the strongest armies in the world. If an Israeli government decides to remove settlements, it has the ability to do so. In this context, could Dayan's words be understood as a threat, similar to the threat implicit in the settlers' "price tag" campaign? The goal of such a threat would be to scare and intimidate, by sending a message: don't dare try to confront us or the price will be high.

Later in the piece, Dayan argues that "*The settlements of Judea and Samaria are not the problem—they are part of the solution.*" Dayan and his fellow travelers no doubt really believe this—because the solution they have always been committed to is "Greater Israel, at any price." This is an Israel that extends from the Jordan River to the Mediterranean Sea—a mirror image of what they always claim Israel's enemies want to achieve for themselves. This will be an Israel ruled not by pesky democracy that gives equal rights to all, but by some other form of government, perhaps something they will call "Israeli democracy" or "Jewish democracy."

Such a system would boil down to tyranny of a Jewish minority over what will soon be a non-Jewish majority (as well as over any Jewish minority that might object to its rule). Under such a system, non-Jews will not have rights as enfranchised citizens with a recognized history and legitimate claims to the land, but will "enjoy" limited privileges deriving from Israeli magnanimity—privileges that could be revoked at will, including overt signs of ingratitude or misbehavior (for an example of what this could look like, the current status of Palestinian residents of East Jerusalem might be instructive).

Finally, Dayan's over-arching thesis in this op-ed is that ". . . *our four-decade-long settlement endeavor is both [moral and wise].*" The truth is that some of the settlers and their rabbis have twisted the whole concept of morality in order to justify an ideology that values land over human life, over security, and over peace. This is an ideology that can justify stealing land, destroying olive trees, and abusing and even killing children of the "enemy," all for the goal of destroying the modern state of Israel—a state that is an imperfect but

nonetheless vibrant democracy, with the rule of law and a healthy civil society—and replacing it with the a religious-fascist state characterized by the tyranny of a Jewish minority.

#### THE NEW SETTLERS (EXCERPTS)

*This article by Yedi'ot Aharonot columnist Ofer Petersburg originally appeared in the paper's Hebrew print edition. It was translated by Israel News Today and circulated by American's for Peace Now on 13 August 2012. This English translation can be found at [www.peacenow.org](http://www.peacenow.org).*

It is doubtful if this was the solution envisioned by the leaders of the social protest when they went out [in July 2011] to demonstrate over the cost of housing in Israel. But the impossible real estate prices and the unfreezing of land over the Green Line have created a new and surprising trend in the past year: Hundreds of secular families have moved to Judea and Samaria in exchange for tax breaks and the low price for a house with a garden. All of this is five minutes from Kfar Saba, Shoham, or Rosh Haayin.

Many of the families who took this course of action did not move to Judea and Samaria for political reasons, and are not identified in any way with the right wing and the struggle for the Greater Land of Israel. On the contrary, many of them are as far removed from the hilltop youth as Shenkin Street is from Efrat, and even vote for left wing and center parties. Hundreds of such families have already moved or purchased apartments in Judea and Samaria settlements, mainly those close to the Green Line. They define themselves as "non-religious"—people who have become tired of paying excessive rent in Greater Tel Aviv and want to move into a new four-room apartment of their own.

Meet, for example, the Barkans—49-year-old Eyal, 42-year-old Liat, and their three children—who moved two years ago from Ramat Hasharon to the community/settlement Beit Aryeh. "We left Ramat Hasharon for better quality of life," says Eyal, a wood contractor. "The house we have today is much larger than the previous one. The children are very happy with the nature and the pool, and

each one has his own friends. The community also helps us in all matters.”

***Q: Doesn't it bother you that you've become settlers?***

**A:** “We call the settlement ‘territories lite’ [i.e., a diluted version], and for us it is a little paradise. I grew up in Ramat Efal, and I never had any connection with the settlements. I live today in the hills, I have a breeze, I can see the sea, and it's not disgusting like in the center of the country. Before we came to Ramat Hasharon we were in the United States, and I said to my wife that I have to live outside the city. We searched for a long time throughout Israel. I wanted to live in the north because of the hills, but when we came to Beit Aryeh it reminded me a lot of the Galilee landscape.

“We enjoy all the benefits of living close to the center. The settlement is located half an hour from Tel Aviv and five minutes from Shoham and Modiin. I have no traffic jams, and I have lots of options for reaching every central location in Israel. [ . . . ]

***Tired of Moldy Apartments***

“Ariel is not related to ideology, it has become a real estate capital for residents of central Israel who can't afford an apartment,” says Ariel Mayor Ron Nahman. The recognition of the city's academic institution as a university, Nahman says, will cause rents to increase in the city. Rent there has already risen, approaching the prices of the periphery of the greater Tel Aviv area.

The settlements in Judea and Samaria most sought after by the new settlers are Shaarei Tikva, Oranit, Ariel, Alfei Menashe, and Beit Aryeh in central Israel, and Maale Adumim in the Jerusalem area. The government recently unfroze hundreds of housing units for construction in the territories—and this has increased the migration even more. The benefits given by the government to residents of Judea and Samaria also play an important part in the turnabout. In general, the settlements in Judea and Samaria received positive reinforcement about a month ago from the government committee headed by retired judge Edmond Levy, which determined, among other things, that building settlements was not illegal. Data provided by the

Central Bureau of Statistics also indicate a drastic change in investments in settlement in Judea and Samaria. From 2003 to the end of 2011, Israel's governments invested over NIS 10 billion in settlements over the Green Line and over NIS 1 billion in the past year alone.

The Kosoy family—Adita and Vladimir, 32, and their two small children—came to Ariel a few years ago in order to study at the college, and recently registered to purchase an apartment in the city. Adita works at the Ariel University Center and her husband works in Tel Aviv. The two say that it is important for them to live in a new, aesthetic, and nice-looking home, but also one that they can afford to pay for. “We have no political direction,” says Adita. “We haven't decided amongst ourselves whether we're left wing or right wing. Our family conducts a healthy lifestyle, and it's important for us to live in a green project and not drive a lot.”

The social protest has also led many families beyond the lines. Revital Ackerman, 38, and her partner Amir Tiny, 43, and their three children (four-year-old twins and a two-year-old), who define themselves as left wing, moved about a year ago, in the midst of the social protest, from Givatayim to Alfei Menashe. “The economic situation broke us,” Revital admits. “We lived in an old three-room apartment, and I felt it wasn't enough for the children. Today we rent a five-room garden apartment with a yard and a porch. It's very difficult to find a normal apartment of over three rooms in a decent area in central Israel with low rent.”

***Q: Don't your political opinions play a part in your decision?***

**A:** “No. We're left wing in our opinions, but when we think about the children it's neither Left nor Right, but the future of the children. They get a community and social life here that are better developed than in the center.” [ . . . ]

“We're unwilling settlers,” admits G, who moved into a small settlement in Judea and Samaria. “People here know that I'm not right wing, but I'm very pleased with the quality of life and the possibilities for raising children here. Clearly it's a compromise, but the prices in the center of the country won't drop,

so this is the cheapest alternative that is closest to Greater Tel Aviv.”

### ***Not Afraid of Eviction***

As inexpensive and tempting as such a move may be, it is also accompanied by serious worries—mainly the fear of an eviction from Judea and Samaria. But many of the people who move to the settlements admit that they have taken the chance into account and rely on the fact that they will receive compensation from the state. Attorney Neta Cohen-Salman, who deals, among other things, with real estate deals in Judea and Samaria, says that the amount of compensation for a family that will be evicted from Judea and Samaria is expected to reach about NIS 4 million, including all the components and services that a family needs during and after the eviction. Cohen-Salman notes that the evacuees of Gaza and northern Samaria received about NIS 1.5 million to NIS 2 million per family on the average, not including compensation for jobs, businesses that ceased to exist, and so on. The scope of compensation predicted by Cohen-Salman is debatable, but there is no doubt that if settlements such as Ariel, Alfei Menashe, and other settlements near the Green Line are removed—the residents will be given sizeable compensation.

Another problem that hampers the purchase of an apartment in Judea and Samaria: Attorney Salman-Cohen explains that often this is a considerable procedural headache, which stems from taxes and high fees, because the apartments cannot be registered in the land registry office.

Conversely, the Judea and Samaria residents are entitled to many benefits in the areas of taxes and welfare. Data presented by the Finance Ministry indicate that in 2001, the tax benefits for residents of Judea and Samaria amounted to NIS 130 million. In the past decade there was a large increase in the number of Israelis living beyond the Green Line, and now their number stands at 340,000, and so by all estimates the total amount of tax breaks has grown significantly.

Unlike the customary situation within the Green Line, the local councils in Judea and Samaria do not charge a betterment tax for approving a master

plan or irregular use. The reason for this is that the planning and construction law does not apply to Judea and Samaria, as is customary in cities and communities inside the Green Line. [ . . . ]

## **SETTLEMENT FACTS**

### **THE COMPENSATION PACKAGE FOR THE SETTLERS: 851 UNITS TO UNDERMINE THE TWO STATES SOLUTION**

*This report by Hagit Ofran, director of the Settlement Watch project at Israel's Peace Now, was published by the Huffington Post on 22 June 2012. It can be found at [www.huffingtonpost.com](http://www.huffingtonpost.com).*

As part of the political crisis around the Ulpna Hill outpost, PM Benjamin Netanyahu announced a “compensation package” for the settlers in which 851 new units will be built in disputed areas in the West Bank. According to the announcements new houses will be built in:

**Ariel** - 117 units  
**Efrat** - 114 units  
**Adam (Geva Binyamin)** - 144 units  
**Kiryat Arba** - 84 units  
**Maale Adumim** - 92 units  
**Beit El** - 300 units

Almost all of the announced construction is located precisely in disputed areas which could prevent the possibility of establishing a Palestinian state alongside Israel. The formal negotiations between Israel and the Palestinians, as well as informal negotiations such as the Geneva Initiative, have revealed the critical disputed areas that are threatening the viability of the Palestinian state, and in which the construction of settlements could prevent the chance for an agreement.

1. **Ariel**—117 units—Ariel is one of the most sensitive points in terms of the possibility for a two states solution, as it is very big and important for Israel, and at the same time located 20 kilometers from the Green Line at the heart of the West Bank. CBS figures show that in the last decade the number of settlers leaving Ariel was greater than the number coming to live in it and its current number of residents is less than 18,000. Nonetheless, on December 8, 2011 the government issued a tender for 277 new housing units



in Ariel. On May 22, 2012 another tender for 14 units in Ariel was issued.

2. **Efrat**—114 units—According to reports in the media, the 114 units [allocated to] Efrat are for the construction of 114 permanent homes in Givat Hataamar, which is a hilltop one kilometer north of the built-up area of Efrat. This is a dramatic expansion of the area of Efrat towards the suburbs of Bethlehem. Like Ariel, Efrat is one of the most disputed settlements that could prevent a two states solution. With 8,000 settlers, Efrat is adjacent to Bethlehem in the south, and is located east of the main highway (60) connecting the southern West Bank with Bethlehem. The future annexation of Efrat to Israel would sever the southern West Bank from Bethlehem. The Netanyahu government began working in recent months to advance plans that were halted for years. On December 8, 2011, a tender was issued for the construction of 40 new housing units in the Givat Hadagan neighborhood. Another tender for 213 additional units in Givat Hazayit in Efrat was issued on December 29, 2011.

Givat Hatamar is now inhabited by trailer homes (caravans). The expected tender will enable the construction of 114 permanent homes at the hill, which is only a few meters away from the houses of the Palestinian village of Alkhadr.

3. **Adam** (Geva Binyamin)—144 units—The settlement of Adam (aka Geva Binyanin) is located southeast of Ramallah, east of the separation barrier, and east of the main road from Ramallah to the south of the West Bank. In some of the maps presented by the Israelis in the official negotiations with the Palestinians the settlement of Adam was suggested to be annexed to Israel as part of “a finger” that would include other settlements (Kochav Ya’acov, Beit El, and Psagot) all the way up to Ramallah. Those maps were never accepted by the Palestinians.

There are approximately 5,000 settlers living in Adam, and during the last year about 40 new housing units were built in it. The new 144 could be part of the plan that was approved as an alternative for the settlers of Migron and of which the infrastructure work had begun in recent weeks.

4. **Kiryat Araba**—84 units—Kiryat Araba is adjacent to the Palestinian city

of Hebron, east of the separation barrier with 7,500 settlers. Kiryat Arba was never considered to be part of Israel and will undoubtedly need to be evicted in a case of an agreement.

5. **Ma’ale Adumim**—92 units—Like Ariel and Efrat, Ma’ale Adumim is one of the most disputed settlements. It is a city of 35,000 settlers, and is considered in Israel as a normal Israeli city that “will never be evicted.” However, it is located at the heart of the West Bank, separating the North and the South of the West Bank, and closing the potential development of East Jerusalem.

6. **Beit El**—300 units—There is no approved plans for such construction in Beit El. In order to build, the government will need to prepare new plans, approve them, and only then will it be possible to allow the construction. This would take years.

In addition, all of the land of Beit El is privately owned by Palestinians which was seized for security needs in 1978 (just before the 1979 court ruling that stopped the use of military seizures as a means to build settlements). The government might face the need to expand the seizure order or to use old seizure orders that were truly used for military purposes in the past, and change the use into settlement. This could be problematic from a legal perspective. Of all of the announced units, the 300 units in Beit El are the most hard and far from being implemented.

#### NEW SETTLEMENT AREAS IN GREATER JERUSALEM

*From Settlement Report, May–June 2012.*

##### **Atarot**

Israel has long planned to construct a settlement at the moribund Jerusalem airport on the city’s northern perimeter as a way to link settlements north and west of the city with those to its east (see *Settlement Report*, March 2007). In February 2012, the Jerusalem municipality took the first concrete steps toward developing the airport, by transferring ownership of the land from the Israel Airports Authority to the city of Jerusalem. This move still needs approval by the Interior Ministry’s National Committee and the

Transportation Ministry. Once the area is classified as city land, the municipality can begin to develop projects and start the approval process to build them. A municipality spokeswoman called the move a “common bureaucratic process.”

#### **Gai Ben Hinnom**

In mid-March 2012, the local planning committee approved a plan promoted by the settlement organization Elad to construct a restaurant near Gai Ben Hinnom, near the East Jerusalem neighborhood of Abu Tor.

“We are speaking of another example of municipal support for Elad,” complained Deputy Mayor Peppi Alalu, the sole dissenter in the committee approval, “whose only objective is to expand the Jewish community in East Jerusalem and to establish facts in the heart of Arab parts of the city.”

The area in question is now used by neighboring Palestinians and is known for its relatively pristine views of Jerusalem’s Old City. Palestinians plan to contest the decision.

#### **Givat Hamatos**

Israeli authorities have released plans for 2,610 housing units and 1,110 hotel rooms in East Jerusalem in the area known as Givat Hamatos abutting Road 60 near Gilo and Har Homa. Construction could start later this year, creating the first new, fully fledged East Jerusalem settlement since the establishment of Har Homa in 1997.

On 3 January 2012, the Israeli Housing Ministry and Israel Lands Administration published tenders for new housing in the East Jerusalem settlements of Pisgat Ze’ev for 47 units and Har Homa for 247 units. On 4 April 2012, tenders for 800 housing units were issued for Har Homa C and another 72 for Har Homa B.

#### **Kidmat Zion**

“Jerusalem Mayor Nir Barakat is planning to take advantage of the U.S. elections in order to create facts on the ground,” reported *Yedi’ot Yerusshalayim* on 30 March 2012. “[T]he mission—Construction approval of a new Jewish neighborhood of 250 units next to the [dormant] parliament in Abu Dis. [Benjamin] Netanyahu is said to

be aware of Barakat’s plan.” Four Jewish families have resided in the area, known by settlers as Kidmat Zion, since 2004.

#### **AREA C UPDATE**

*From Settlement Report, May–June 2012.*

##### **Basic Facts**

- Israel maintains full responsibility for security and civil affairs. The Palestinian Authority has no powers, except those delegated by Israel.
- Comprises approximately 59% of the West Bank (approx. 3,300 sq. km.), excluding East Jerusalem.
- 66% percent is “state land.”
- More than 33% is closed military zone/firing zones that includes 59 Palestinian communities.
- 3% is Israeli military bases and the security zone along Jordanian border.
- Palestinian population estimated at 150,000; 5.8% of West Bank Palestinian population, excluding East Jerusalem.
- 350,000 Israeli settlers live in 124 recognized settlements and approximately 100 outposts.
- Municipal area of settlements is 5.5%.
- 40% of land on which settlements are built is privately owned by Palestinians.
- 271 Palestinian communities have more than 50% of their built-up areas in Area C, including many which are entirely in Area C.
- Palestinian construction allowed without Israeli permit in approximately 1% of Area C.
- Palestinian construction prohibited in 70 % of Area C (settlements, firing zones, nature reserves, buffer zone around barrier), heavily restricted (Israeli permit necessary) in 30%.
- 94% of Palestinian building permits applications rejected in recent years.

##### **EU Statement on Area C:**

“The EU expresses deep concern about developments on the ground which threaten to make a two-state solution impossible . . . [including] the

worsening living conditions of the Palestinian population in Area C and serious limitations for the PA to promote the economic development of Palestinian communities in Area C, as well as plans of forced transfer of the Bedouin communities, in particular from the wider E1 area. . . .

Social and economic developments in Area C are of critical importance for the viability of a future Palestinian state, as Area C is its main land reserve. The EU calls upon Israel to meet its obligations regarding the living conditions of the Palestinian population in Area C, including accelerating approval of Palestinian master plans, halting forced transfer of population and demolition of Palestinian housing and infrastructure, simplifying administrative procedures to obtain building permits, ensuring access to water, and addressing humanitarian needs. The EU calls upon Israel to work together with the PA to allow it more access and control over Area C.”

—“Council Conclusions on the Middle East Peace Process,” Brussels, 14 May 2012

**PEACE NOW’S PLAN TO SAVE BILLIONS BY REDUCING SOME BENEFITS TO SETTLEMENTS [EXCERPTS]**

*The article excerpted below by Hagit Ofra, director of the Settlement Watch project at Israel’s Peace Now, was published by Americans for Peace Now on 31 July 2012. It can be found on [www.peacenow.org](http://www.peacenow.org). At press time \$1=NIS 4.*

[PM Benjamin] Netanyahu’s new austerity plan aims to reduce the deficit through an across-the-board budget cut of NIS 800 million. All Israelis will feel the new VAT tax hikes, but one group remains insulated from the majority of the austerity measures: the settlers.

This proposal aims at reducing the settlers’ benefits to the same level of the average Israeli citizen in proportion to their numbers in society, not eliminating essential services in the settlements.

Peace Now has noted a few line items that would save the state **at least NIS 1.6 billion if eliminated.**

**Highlights of the Peace Now plan:**

***Contribution of Various Government Ministries to Local Authority Budgets: Savings of NIS 310 million***

Various government ministries contribute to the local authority budgets in order to provide education, welfare, and other services. According to Central Bureau of Statistics (CBS) figures, the various ministries (Ministries of Education and Interior excluded) gave NIS 606,701,000 to settlements localities, out of NIS 7.4 billion granted to all localities (i.e., 8% of the budget). Had the settlements received funding in accordance to their proportion of the population (i.e., 4% of Israeli citizens), the government would have saved NIS 310,658,440. The contribution of all ministries to the settlements is NIS 4,862 per capita; in Israel it is NIS 2,312.

***The Ministry of Education: Savings of NIS 298 Million***

The Ministry of Education [MOEd] grants more to settlements than to Israeli localities, both in the regular budget and in the development and construction budget. According to the CBS, in 2010 the settlements received from the MOEd NIS 401 million out of NIS 7.5 billion granted to all localities as regular budget (i.e., 5.4 %). Had the settlements received the funding in accordance to their proportion (i.e., 4% of Israeli citizens), the Ministry would have saved NIS 102,923,880.

In addition, according to the data reported by the Ministry of Finance to the U.S. administration (see below), the construction and development budget of schools in settlements was NIS 145.2 million in 2011.

The Higher Education Council of the Occupied Territories, which is funded by the MOEd at NIS 115,668, recently approved the declaration of the college in Ariel as a university. The minister of finance promised to allocate NIS 50 million for that. College officials estimate that it will take another NIS 160 million to complete the process of establishing the university.

Per pupil, the funding of the MOEd to settlements (in regular budget) was NIS 8,034, whereas in Israel it was only

NIS 4,915 (the ultra-orthodox settlements of Beitar Illit and Modi'in Illit excluded). It is worth mentioning that this is only the budget transferred through the localities. There are many other funds that go to the settlements, directly from the MOEd to the schools, especially to religious schools.

***Ministries of Industry, Agriculture, Water and Settlement Division: Savings of NIS 109 Million***

In an agreement with the American administration of the early 1990s, the Israeli government promised to report the amount in the budget transmitted each year to the settlements, so the administration can offset this sum provided by the United States in loan guarantees to Israel. Following that stipulation, the Finance Ministry has provided the Americans with a calculation of unique government expenditures on the settlements every few months, and the administration deducts an amount from the guarantees granted to Israel based on assessments and amendments they make themselves.

Peace Now received those figures and found that the investment in settlements by the Ministries of Trade and Industry, Agriculture, Water and the Settlement Division in 2011 was NIS 108,854,813.

***Transportation Ministry and the National Roads Company: Savings of NIS 342 Million***

The figures transferred to the U.S. administration show that in 2011 the investment of the Ministry of Transportation in settlements was NIS 306.8 million. An additional NIS 35 million was allocated for bus discounts for "special population" (i.e., settlers and ultra-orthodox). The figures reported to the U.S. administration do not include construction of intercity roads to the settlements because it is considered an investment for the Palestinians too, not just for Israeli settlers.

***Housing Ministry: Savings of NIS 175 Million***

The figures reported to the U.S. administration show that in 2011 the investment of the Ministry of Housing in development and construction in settlements was NIS 87.8 million.

In addition, the Israeli government decided to invest over NIS 65 million in building two alternative settlements for the relocation of the Migron outpost (in Adam and in Winery Hill). The cost of caravillas for the Ulpana settlers was estimated to be at least NIS 7.8 million. The proposal to saw the buildings into 108 pieces and rebuild them someplace else was estimated by the prime minister [to be] NIS 14 million.

***Tourism Ministry: Savings of NIS 18 Million***

The Tourism Ministry contributes at least NIS 785,000 to publicity campaigns to encourage tourism in the occupied territories.

In addition, as part of the Heritage Plan, the government decided to allocate NIS 17 million to the development of sites in the occupied territories.

***Finance Ministry: Savings of NIS 10.8 Million***

Following the decision by the EU to implement the free trade agreement with Israel only for goods produced in Israel and not in the settlements, the Finance Ministry compensates exporters who manufacture in the settlements for the loss of tax benefits in the EU in the amount of NIS 10.8 million every year.

***The Ministry of Energy: Savings of NIS 6.45 Million***

The Israel Electric Corporation (IEC) allows private parties to generate solar electricity and buys the electricity from them at a rate set by the Ministry of Energy. While the price the IEC pays for a single kWh manufactured in Israel is NIS 1.61, the price in the settlements is NIS 2.04. At a minimum estimate of 15 million kWh a year generated in the settlements, the Israeli government is paying an additional NIS 6,450,000 for the special rate.

***The Interior Ministry: Savings of NIS 371 Million***

In addition to the funds that are transferred to the settlements localities by the different ministries, the Ministry of Interior [MOIN] grants the localities an additional NIS 3.5 billion for balancing their budgets and for development.

In 2011, the MOIN gave NIS 369 million out of the NIS 3.5 billion to the settlements (i.e., 10%) which is 2.5 times their proportion in society. Had the settlements received the funding in accordance to their proportion, (4% of Israeli citizens), the government would have saved NIS 224,296,088.

In addition the MOIN gave another NIS 12,470,000 as part of “Minister

Grants” which allows the minister discretion to increase funding to localities without specific criteria.

***Reduction of Public Money Devoted to Political Campaigning: Savings of at least NIS 10 Million***

The settlement local authorities transfer millions of taxpayers’ shekels every year to controversial political activity.



Armed settlers from the hardline Jewish settlement of Yitzhar stand on a cliff overlooking the Palestinian village of ‘Urif, south of Nablus, during confrontations after settlers set fire to Palestinian-owned fields and olive trees. Settlers opened fire on Palestinians villagers, gravely wounding one Palestinian, 26 May 2012. (Jaafar Ashtiyeh/AFP/Getty Images)