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# QUARTERLY UPDATE ON DEVELOPMENTS

EDITED BY GEOFFREY ARONSON

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Geoffrey Aronson, a writer and analyst specializing in the Middle East, is the editor of the *Report on Israeli Settlement in the Occupied Territories* (hereinafter *Settlement Report*), a Washington-based bimonthly newsletter published by the Foundation for Middle East Peace. Unless otherwise stated, the items in this section have been written by Geoffrey Aronson directly for this section or drawn from material written by him for the *Settlement Report*. The Institute for Palestine Studies is grateful to the Foundation for permission to draw on its material. Major documents relating to settlements appear in the "Documents and Source Material" section.

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 THE CHANGING OF THE GUARD

## Labor and Likud in the Elections Campaign: Portending a Smooth Transition

[An earlier version of this article appeared in the Settlement Report, May 1996.]

Benjamin Netanyahu's election has generated much speculation on the future direction of Israel's settlement policy. There is evidence to suggest, however, that the differences between Labor and Likud on settlement are less pronounced than conventional wisdom would have it. In an article on 3 June, for example, *Ha'Aretz* reported that Labor cabinet minister Yossi Beilin in the wake of the elections had "stressed that there is not today a meaningful gap between the stands of the two major parties, but rather a joint understanding on the central issues, including a defined timetable for the peace process and a final solution that will be acceptable to most of the right-wing parties."

Already during the election campaign, Labor and Likud were both heading for the political center in search of the critical swing votes that held the key to political victory. The Labor party, led by Shimon Peres, proclaimed its intention to build upon the advantages won during its diplomacy with the Palestinians to secure Israel's permanent presence in the occupied territories. The Likud, meanwhile, led by Netanyahu, emphasized its ideological commitment to settlement throughout Greater Israel while acknowledging its acceptance of the political facts created by Labor.

On 15 February, Peres agreed the government must provide an answer to the "natural development of the Jewish communities in Judea, Samaria, and Gaza," according to Minister Rabbi Yehuda Amital, whom Peres brought into the cabinet as a gesture to the religious-settlement lobby after the Rabin assassination. Amital explained that "natural development" includes population growth, more housing, and more public buildings.

Later that week, Peres said that he did not see the need to remove any settlement, even in the context of a final status agreement with the Palestinians. As he told IDF Radio on 2 April: "I said we would neither remove settlements, nor add new ones. That is the difference between us and the Likud."

## Labor Encourages Settlers

The preelection season provided a forum for the Labor party leaders to amplify their views on the future of settlements. Without exception, these statements demonstrated Labor's intention to reassure settlers and Israelis generally that they intend to preserve the special status of settlers and settlements achieved during the Oslo process as well as to continue Israeli military control of settlement areas.

Haim Ramon, Peres's minister of the interior and leader of a younger generation of "doves" in the Labor party, stated that "Yossi Beilin's idea is the only solution: that is, most of the settlers will remain under Israeli rule and the question of sovereignty over these areas will remain open for fifteen to twenty years." Beilin had expressed a preference for the creation of large blocs of Israeli settlements annexed to Israel in the West Bank. "As for the settlements not under Israeli sovereignty," he added, "no one is suggesting to evacuate or move them. The options will be in the hands of settlers themselves: to stay in an area not under Israeli sovereignty, with some security agreement, or to move to another place with government assistance."

Beilin and Peres endeavored to increase the prospect of religious-settler votes in favor of Peres's candidacy by negotiating an agreement with Rabbi Yoel Ben Nun, a member of YESHA [the Council of Jewish Settlements in the West Bank and Gaza Strip]. Ben Nun had said that he and other settlers would organize support for Peres's reelection if Peres guaranteed the future of all settlements under Israeli sovereignty as part of a final status agreement; continued building in settlements; and made a public goodwill gesture, such as increased budgets for settlements or recognition of their master plans.

According to the *Ha'Aretz*, on 3 April, Peres "agreed in principle that settlements will not be evacuated and agreed to the settlement bloc concept aimed at creating territorial continuity between settlements." One day earlier the Knesset approved an additional \$7 million allocation to the settlements.

In early April, Peres made perhaps the most substantive revision of his political strategy by announcing that, as with Syria, any agreement with the Palestinians on the final status of the occupied territories would be submitted to a public refer-

endum. The intended political effect of the announcement was to increase the prospect that religious voters with doubts about Peres's commitment to settlements would vote for him knowing that they could always vote against whatever agreement he reached with the Palestinians. The referendum idea, first raised last November after the Rabin assassination by Beilin in talks with religious parties, was welcomed by the Israeli public, which registered over 70 percent approval for the idea.

Opposition to the referendum came from the Meretz party, Labor's current coalition partner. Meretz is expected to lose perhaps half of its current seats in the Knesset, and its liberal supporters oppose Peres's efforts to woo the religious-settler vote.

#### Likud Favors Autonomy

The Likud did not endorse the Oslo II accords which resulted in the redeployment of the IDF out of the West Bank's major cities last autumn, but it is reconciled to their existence and supports the creation of an autonomous Palestinian entity in the territories that the IDF has already left. Eliahu Ben Elissar, a hard-line Likud leader, said he was "even ready to give up sovereignty [over the entire West Bank and Gaza Strip] if only there will be Israeli rule over settlements."

Regarding settlements, the Likud promised simply to increase construction in all settlements, rather than follow Labor's policy of concentrating public resources in the greater Jerusalem region, where there is a ready market for additional housing. Raphael Eitan, leader of the Tsomet party and a winner on the Likud list, favored opening 2,700 unoccupied dwelling units in West Bank settlements to new immigrants. "We carry the flag of Greater Israel," explained Eitan, "The state needs to lend a hand to settlement in all available territory."

Likud leader Benjamin Netanyahu, meanwhile, promised that the Likud will "establish more and more new communities in the West Bank. We see in this a fundamental part of the settlement process of the people of Israel in its land," he explained.

Netanyahu supported a "clear, solid, and massive presence in all of Hebron," part of which Israel was supposed to evacuate in April under terms of the Oslo II accord. "We will reach peace without giving

up all our most basic values. Whoever is ready to rush out of Hebron is willing to leave half of Jerusalem. . . . The basic difference between us and Labor is that we will restore to the peace process with the Palestinians the principle that we are taking responsibility for security."

#### 1996 Likud Party Platform: Provisions Relevant to Settlements

[The following points were extracted from the Likud Party Platform of 1996.]

- "Immigration will be increased, and settlement will be strengthened. The decision to freeze settlements will be rescinded." (Chapter 1, *Peace and Security*, Preamble)
- "The Government of Israel will honor international agreements, and will continue the diplomatic process to achieve a just and lasting peace in the Middle East. It will recognize the facts created on the ground by the various accords, and will act to reduce the dangers to the future and security of Israel resulting from these agreements." (Chapter 1, *Peace and Security*, Operative no. 1)
- "The Government of Israel will enable the Palestinians to manage their lives freely, within the framework of self-government. However, foreign affairs and defense, and matters which require coordination, will remain the responsibility of the State of Israel. The government will oppose the establishment of an independent Palestinian state." (Chapter 1, *Peace and Security*, Operative no. 3)
- "Jewish settlement, security areas, water resources, state land and road intersections in Judea, Samaria and the Gaza Strip shall remain under full Israeli control." (Chapter 1, *Peace and Security*, Operative no. 5)
- "Israel will keep its vital water resources in Judea and Samaria. There shall be no infringement of Israel's use of its water resources." (Chapter 1, *Peace and Security*, Operative no. 6)
- "United and undivided Jerusalem is the capital of the State of Israel. Activities which undermine the status of Jerusalem will be banned, and therefore PLO and Palestinian Authority institutions in the city, including the Orient House, will be closed." (Chapter 1, *Peace and Security*, Operative no. 7)
- "The Jordan River shall be the eastern border of the State of Israel, south of Lake Kinneret. This will be the permanent bor-

der between the State of Israel and the Hashemite Kingdom of Jordan." (Chapter 1, *Peace and Security*, Operative no. 8)

- "Israel will conduct peace negotiations with Syria, while maintaining Israeli sovereignty over the Golan Heights and its water resources." (Chapter 1, *Peace and Security*, Operative no. 9)

- "The government will set a goal of having seven million Jews in Israel within the next decade. The government will prepare the country to absorb Jews, both new immigrants and returning citizens, viewing this not only as a national undertaking but as strengthening Israel economically and culturally." (Chapter 6, *Aliyah and Absorption*, paragraph 1)

- "Settlement in all parts of the Land of Israel is of national importance and part of Israel's defense strategy. The government will allocate special resources for settlement in border and sparsely-populated areas." (Chapter 8, *Agriculture and Settlement*, paragraph 1)

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## FUTURE FACE OF THE WEST BANK?

### YESHA's Response to Oslo

[An earlier version of this article appeared in the *Settlement Monitor*, May 1996.]

Amana, the settlement arm of the Council of Jewish Settlements in Judea, Samaria, and the Gaza Strip [YESHA] has prepared an extensive \$4 billion construction plan to more than triple the settler population in the occupied territories to 500,000 by the year 2000.

This grandiose plan is in the spirit of settlement programs advocated by settlers and their patrons in the Likud and NRP (National Religious Party) since the early 1970s. While most schemes did not reach their stated settlement goals, they did succeed in determining the direction of settlement efforts during the rule of both Labor and Likud governments. Even with Likud's victory at the polls at the end of May, it is unlikely that Israel's housing sector could manage the precipitous expansion outlined in the plan.

Amana's plan was written in the expectation of taking quick advantage of a Likud victory to create additional "facts on the ground" that would preclude an expansion of Palestinian control significantly beyond the approximately 28 percent of the West Bank [areas A and B] and

70 percent of the Gaza Strip that Palestinian Authority (PA) currently controls.

"It is necessary to concentrate settlement resources according to the premise that after the elections a government desirous of continuing settlement will be established," noted the settlement plan. "The size of these communities, the connection between them, and their access to centers of Jewish population [i.e., Israel] will greatly influence their status in the eyes of the Israeli public—and therefore exert a direct influence on the political decisions that will be made in the coming years."

Under the direction of Amana director Ze'ev Hever, a small group of settlers, as well as politicians like Ariel Sharon, were mobilized soon after the signing of the Oslo accords in September 1993 to draw up a blueprint for large-scale settlement. They prepared, at great cost, computer generated maps incorporating extensive aerial photos of the region cross-referenced with data on ownership deeds, official maps, and urban plans from various sources. The settlement plan was developed on the basis of this mapping project and on the Oslo II maps, in which the West Bank and Gaza were divided into zones A, B, and C. The maps are not yet publicly available, but the plan calls for the building of tens of thousands of additional housing units, the establishment of twelve additional *nahals* (or paramilitary settlements), and fourteen additional military bases on the main roads of the West Bank.

Benjamin Netanyahu has been presented with the plan, as have members of the NRP. But the plan was also crafted in such a way as to enable it, with some modification, to be adopted by a Peres government in the event of a Labor victory. It is based upon expanding the existing settlement infrastructure, particularly by "thickening" the larger settlements, and aims at exploiting the opportunities for settlement growth opened by the creation of the extensive series of bypass roads (costing \$600 million in 1995) developed in the wake of the Oslo agreement.

This road plan has transformed many settlements around Jerusalem into suburbs of the city. Already today there is a ready market for new construction in places like Kokav Ya'acov, Psagot, and Adam. "The bypass road plan," explained Hever, "even without intention, has given settlement in Judea and Samaria a big boost."

The settlement movement appears prepared to accept at least nominal Palestinian control in areas A and B, where the PA has exercised a measure of control since late 1995. None of the anticipated settlement expansion is located on lands in either area. The twelve new settlements called for in the plan were approved during the Shamir era. They, like the anticipated expansion of existing settlements, are to be located on lands either declared as state lands by the Shamir government or within the master plan boundaries of existing settlements. In the Oslo II accords, the PA recognized Israel's "legal rights" over state lands.

The anticipated growth of settlements is to be achieved without large-scale public sector participation or concessional financing in housing construction. Amana is depending upon the private sector to respond to market demand for new housing in settlements throughout the West Bank and Gaza Strip. The government is being asked to continue to provide mortgages to purchasers at competitive rates. By refraining from the obvious use of public funds to satisfy the "natural growth" of settlements, Amana has thus crafted a program geared not to elicit strong U.S. protest.

### A Report on Bypass Roads

*[The Amana plan outlined above relies upon a system of bypass roads officially announced by the Israeli army at the end of 1994 and legitimized with Oslo II: Israeli military redeployment, the condition for Palestinian elections, was made contingent on the completion of bypass roads to assure the security of the settlements. Some twenty new roads are currently either completed or in various stages of construction. In May 1996, Land and Water Establishment for Studies and Legal Services (LAWES), a Palestinian nongovernmental organization and the West Bank affiliate of the Paris-based International Federation of Human Rights, issued a lengthy report on the bypass road system. The following excerpts, which focus on the current status of the roads, could serve as an update to the article "Asphalt Revolution," which appeared in Settlement Report of May 1995 and in JPS's "Settlement Monitor" in Summer 1995].*

Highway 60, the aging highway which bisects the West Bank from north to south, comprises the central artery for the new bypasses which will circumvent the major

Palestinian towns of Tulkarm, Nablus, Jericho, Ramallah, and Hebron. The highway begins in the Israeli town of Beer-sheba, south of the West Bank, and continues all the way north through the center of Hebron, Bethlehem, Jerusalem, Ramallah, Nablus, and Janin to Afula, an Israeli town just over the Green Line to the north. This highway is open to all traffic, but the new bypasses to be constructed around every major city, and the smaller ancillary roads which will connect the settlements to each other and to Israel, will be closed to Palestinian traffic.

Jerusalem itself is also undergoing a renovation of its infrastructure. A new highway around the city to the east is under construction; highway 60 will feed into this new ring road; and new roads will then link the settlements in the East Jerusalem area to it.

Highway 60 now lies almost entirely in area C, the area to remain under Israeli control until the final agreement. This provides an Israeli controlled corridor through the entire length of the West Bank. Where the road passes through the center of the Palestinian towns listed above (and therefore through areas A and B), the Jewish-only bypass roads are under construction, allowing in most cases for settlers to remain in area C. The following report details thirteen of the twenty new roads. Some of the roads not detailed here are the smaller Jewish-only roads of a kilometer or less.

#### THE HEBRON AREA

*The Hebron-Halhul bypass road.* Highway 60, in making its way to the north of the West Bank, passes through the center of the main Palestinian towns. The bypass roads, of course, are meant to allow the Jewish settlers to travel without passing through these Palestinian populated areas. The Hebron-Halhul bypass road currently under construction passes around Hebron to the east. Twelve kilometers by sixty meters, this road cuts directly through the most fertile land in the southern West Bank. It passes around Yatta and Hebron to the east, through the lands of al-Shuyukh, Halhul, Souir and finally through Bayt Omar to reconnect to highway 60 and allow for a complete bypass of the Hebron-Halhul area.

This construction has meant the demolition of seven houses already, and the loss of 5,000 dunums of agricultural land for this road alone. An additional sixteen to

ninety homes remain at risk for the construction of this road, which passes near or parallel to the highway which already exists.

*Highway 35.* To be built in coordination with the Hebron-Halhul bypass road, this extension to highway 35 (the Trans-Judean highway, according to Israeli maps) will connect the Etzion block of settlements to highway 60. Highway 35 at the moment runs from Israel in the west, connects the Telem and Doran settlements west of Hebron, and intersects highway 60 just north of Hebron.

The extension will begin at a new interchange to be constructed in the Bayt Atut area north of Hebron, where the Hebron-Halhul bypass road, highway 60 and the new extension of highway 35 will intersect. The road will then continue northeast through the lands of Halhul, Souir, al-Shuyukh, and Bayt Fajjar; connect to the Mezad and Mezad B settlements; and proceed north to the Etzion block of settlements west of Bethlehem.

This road will be approximately fourteen kilometers by 180 meters, and 3,500 dunums of land have already been confiscated for its construction. The economic losses to the farmers of the area for this road, like for the Hebron-Halhul bypass, will be enormous, as this land is highly cultivated. An unknown number of houses are at risk as a result of this construction as well.

#### JERUSALEM AREA

*Bethlehem-Bayt Jala bypass road,* in southern Jerusalem, perhaps the most elaborate of the bypass road plans, is nearing completion. Two tunnels and a bridge will link the East Jerusalem settlement of Gilo to the Etzion block of settlements west of highway 60, meaning the destruction of three homes and an unspecified number of dunums of agricultural land in Bayt Jala.

*Jerusalem-Ramallah bypass road* in the northern Jerusalem area, nine kilometers long, has taken a heavy toll as well on the East Jerusalem neighborhood of Bayt Hanina, located to the north of Jerusalem near the main Jerusalem-Ramallah road (where the northern extension of highway 60 begins). This bypass road, beginning in Jerusalem, will pass west of Ramallah and through the lands of Birnaballah, Jdarah,

and Rafat villages and connect Ramot and surrounding settlements to Jerusalem.

*Al-Bireh-Ramallah bypass road* will connect settlements to the east and west of Ramallah to each other and highway 60. The road will begin east of Ramallah in Mikhmas settlement, run north around al-Bireh and Ramallah, pass through Beyt El, intersect highway 60, and continue south down the west side of Ramallah through Beitunia, Jdarah, and Rabat villages to link Givat Ze'ev settlement west of Ramallah and Qalandiyya airport to a military installation. These Palestinian villages, because of their proximity to the settlement clusters in this region, have already lost over 75 percent of their agricultural lands to the settlements, the industrial site, and the Jerusalem Qalandiyya airport.

#### NABLUS AREA

Nablus, because of its strategic location in the center of the northern West Bank, is surrounded by Jewish settlements. Kedumim, Kedumim Tzafon, Givat Hamerkazi lie to the east; Shavei Shomron to the northwest; the Mt. Ibal military installation and Elon Moreh to the north and northeast; Tel Hayim and Itamar to the southeast and south; Barakha directly south; and Yitzhar southwest. These settlements, and the Jewish-only bypass roads that are planned to link them, will entirely surround Nablus and isolate it from the rest of the West Bank.

*Shavei Shomron-Mt. Ibal bypass road.* Twenty-four hundred dunums from Dayr Sharaf, Naqura, Bayt Iba, Zawata, and Ibelia, located to the west-northwest of Nablus, have been confiscated to build an eight kilometer road surrounding Nablus to the north, crossing highway 60, which will link Shavei Shomron to the military installation on Mt. Ibal. There is a strong doubt that the road will end at the military installation, as Elon Moreh lies just to the east of the military installation. The area through which this road will pass is considered the bread basket of the area, and over one hundred people are affected by these confiscations.

*Nablus bypass road.* The largest of the Nablus bypass roads is the twenty-four-kilometer road meant to link Elon Moreh settlement located northeast of Nablus with settlements to the east and south. This road will begin at Elon Moreh, move south on the lands of Dayr Khattab, and then

southeast through Salem village lands until it reaches the Bayt Dajan plains. There the road will branch into two parts: The first will pass Bayt Dajan to the east until it reaches the Hamra settlement and continue south until the Mukhara settlement. The second road will move west from Bayt Dajan, intersect with the borders of the Nablus municipality before turning south again to the entrance of Itamar settlement. From there it passes west until Barakha settlement, located just south of Nablus proper.

Road 477 will be built ostensibly to connect the Palestinian villages of Salfit, Farkha, and Burkin, although paved roads already exist between these three villages. The confiscations (and the road) were ordered by the Israeli Civil Administration in February 1994, and a highly restrictive skeleton plan was introduced at that time. Although announced as a road serving these Palestinian villages, the area lies in area B and therefore cannot be considered the responsibility of the Civil Administration. But what also seems obvious from the trajectory of this road is that it will eventually enhance the infrastructure in the future for transportation between Ariel settlement and settlements south of the main Ariel-Israel highway.

The construction of this road will not only severely restrict the growth of these villages (according to the skeleton plans introduced) and limit the ability of the Palestinian municipalities to expand municipal services in this area, but also will destroy thousands of olive trees. According to Mr. Khamis al-Hamad, an activist in the field of land defense and spokesperson of the Land Defense Committee for this area, the villages will lose the production of about eighty tons of olive oil a year.

In April 1994, the people of the affected villages asked LAWE to take the case against this road. LAWE presented the objection on 17 April 1994, but until today no hearing has been held concerning this road.

These roads, along with the settlements that surround Nablus on all sides, will totally isolate Nablus from its surrounding villages and the agricultural lands for this area. The lands of Dayr Khattab and Salem are cultivated with thousands of olive trees, and three other villages rely on agriculture in the Bayt Dajan plains. The damage and agricultural losses for the region have not begun to be calculated, but it will

critically damage agriculture as a source of income for this area.

#### QALQILYA

Qalqilya, because of its location on the Green Line at the westernmost point of highway 55, remains one of the most isolated of Palestinian towns. Highway 55 between Nablus and Qalqilya serves a long line of settlements: Kedumim, Kedumim Tzafon, Jit, Givat Hamerkazi, Qarnieh Shomron and its industrial site, Ginot Shomron, Ma'ale Shomron, Tzofim, and Alfe Menashe. Qalqilya is surrounded by Israel to the west, Alfe Menashe to the south and Tzofim to the north. Highway 55 enters Qalqilya from the east.

*The Qalqilya bypass road* will run from Tzofim in the north, through Qalqilya's agricultural lands which are heavily planted with guava and citrus fruit, to the Israeli villages of Eyal and Kokhav Yair just over the Green Line. It will mean the confiscation of 192 dunums of land and will further isolate Qalqilya from its prime agricultural area to the north.

#### JANIN

Janin is one of the Palestinian towns least affected by settlement activity. The closest settlements to Janin are Ganim and Kadim settlements to the west and Ginnat to the northwest. Further away, encircling Janin but at some distance, are Shaked, Hinnanit, Site, Reihan, Mevo Dotan, Sanur, and Hermesh to the west and southwest and Irit to the southeast. All of these settlements are small, with fewer than five hundred settlers each. Therefore in order to maintain a military presence in the area, and to facilitate control around Janin, a new military installation and bypass road were proposed and begun in 1995.

*Janin bypass road.* The military installation will be located near Qabatiyya village, south of Janin, for which twenty dunums of land were confiscated. The seven-kilometer bypass road, requiring the confiscation of lands from Janin, Dayr Abu Daif, Bayt Qad, Dayr Ghazzalah, Arranah, Jalamah, and Burkin villages, will begin at the military installation; proceed north; pass Janin to the east; intersect the road of Kadim and Ganim settlements; continue north through the lands of Janin, Dayr Ghazzalah, Arranah and Jalamah; bisect highway 60; and head westward until reaching the main Janin-Nazareth road.



Three hundred and fifty landowners will be affected by these confiscations, and the road bisects the fertile agricultural areas to the east of Janin. Large areas of land are currently cultivated with olive trees, wheat, and irrigated and nonirrigated vegetables. In the course of the construction, 1,500 olive trees have been uprooted and large areas of land cultivated with irrigated vegetables such as pepper, eggplant, tomatoes, and cucumbers were destroyed, along with the water pipes that fed them. Farmers believe that they will lose \$1,142-\$1,428 per dunum yearly as a result of this construction, added to the fact that their land will now be divided into two parts, making the more distant part across the road very difficult to access.

#### LEGAL ACTION

Land and Water Establishment took on many of the cases against these bypass roads, understanding the catastrophic consequences of the roads and their explicitly racist nature. LAWE accepted these cases despite the fact that the PA had agreed to the roads (contrary to their first statements) and that the roads were linked to the redeployment from the Palestinian populated areas.

Most of the land was taken through seizure orders, a thinly veiled legalism for confiscation and the preliminary step toward permanent confiscation. These orders, issued by the General Commander of the West Bank Ilan Biran, are meant to reflect the supposed "temporary" nature of the roads. How the destruction of thousands of dunums of agricultural land, the demolition of over a hundred homes in the West Bank, and the paving of roads constitutes a temporary measure is not clear. The seizure orders, in these cases of a "temporary" period of three or five years, allows the general commander to circumvent the normal, more complicated legal requirements relating to confiscation and take much less time to effectuate. Legally, objections can be made only to the Israeli Civil Administration. If this objection fails, the affected landowners have a brief forty-eight hours to submit a petition to the High Court.

The fact that the first court of appeals is also the confiscating authority, and the inadequate forty-eight-hour petition period, makes a seizure order much more destructive to the more time-consuming confiscation order. This legal "trick" has allowed for this latest massive confiscation

campaign. The additional irony lies in the fact that the justification listed on most of the seizure orders is security and military necessity—a rationale that cannot be argued against or challenged by any Palestinian landowner.

These confiscations are illegal and constitute a violation of both international law and Israeli legal precedent. First, international law states that it is illegal to effectuate permanent changes to an occupied area, unless there is a need to modernize aging infrastructure. These bypass roads constitute a permanent change on the Palestinian countryside and are unrelated to the infrastructure needs of the local population.

Second, the roads are built for the exclusive use of the illegal and supposedly temporary Jewish settler population in the West Bank. Although Palestinians own the lands used for these roads, and the road network for the local population has hardly been improved since 1967, this ultramodern road network is designed for the maximum convenience of the "temporary" settler population and built in such a way as to permanently exclude the local population from their use. Many of the roads run parallel to already existing aging roads, and others are located in such a way as to prevent their eventual use by nearby Palestinian villages.

In addition, these confiscations violate an Israeli legal precedent set in 1982, which forbids the confiscation of the local population's property for permanent use. The destruction of homes and the use of land for road-building constitute a permanent use, particularly as the roads are now accessible only to the settlements and military installations.

Finally, the construction of these roads will destroy the only source of income for hundreds of families in the West Bank. Compensation cannot begin to redress the permanent loss of income for families that have depended on their lands for their livelihoods for generations. The overall effect of this damage to the Palestinian agricultural economy will be dealt with later in this report.

Because of complicated arrangements made during and after the signing of Oslo II, challenging these roads on a legal level became very difficult. In addition, the plans for many of the roads do not include detailed information on the dimensions and trajectory of the roads. It is impossible to assess the damages or present objec-

tions since the information simply is not made available to the affected villages. Despite these restrictions, LAWE has taken legal cases against the Janin bypass road (twenty-eight owners), the Nablus bypass road from Shavei Shomron to the military installation, the Ramallah-al-Bireh bypass road, the Skaka-Salfit road south of Nablus, and the Hebron-Halhul bypass road. In every case the Civil Administration ruled in favor of the Israeli army, which argued that the confiscations were necessary for military and security reasons. LAWE took one case to the Israeli High Court which, like the Civil Administration, accepted the argument of military and security reasons. The High Court dismissed the objections of LAWE, based on international law, on Israeli legal precedent, and on humanitarian grounds, stating that they were political arguments. It became apparent that there was no effective way of seeking legal redress against the confiscation of these lands, particularly after it became known that the PA had, in fact, agreed to the construction of these roads.

#### THE END OF POPULAR PROTEST

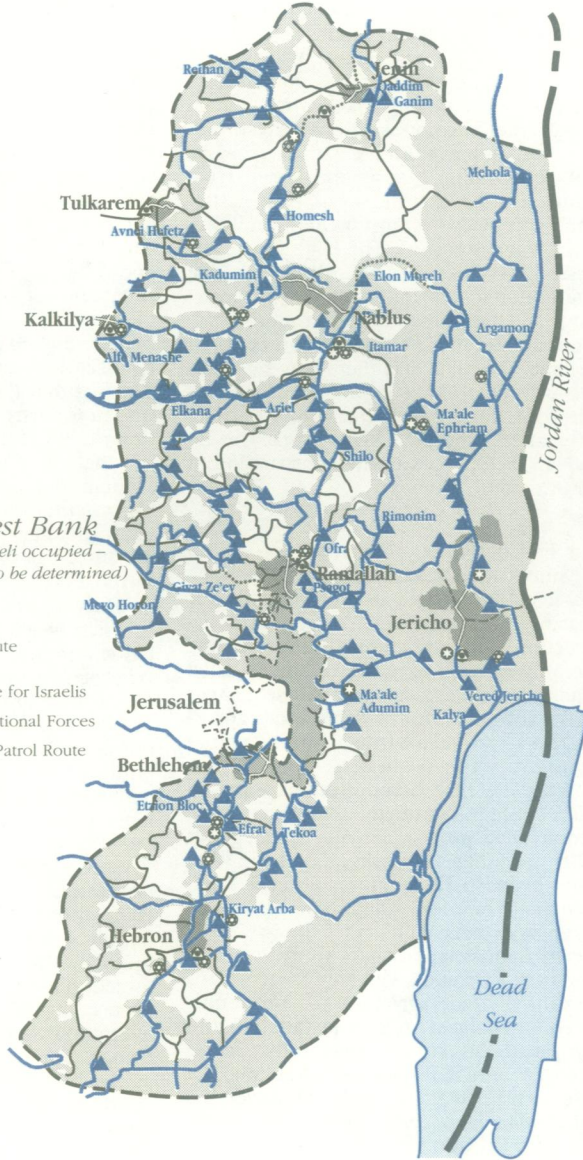
Since there remained very little hope that legal challenges would receive a fair hearing or provide legal relief to this destruction, popular demonstrations became the only method of protesting these hated roads. As the catastrophic consequences on local agricultural became more apparent, area residents turned out in force to try to protect their lands.

Land Defense Committees have played a large role in organizing this anger of the people into protest activity. Throughout 1995, meetings were held all over the West Bank between PA members and the landowners, who demanded that action be taken to protect their lands. In one meeting in August landowners from Rafat village near Ramallah, who have seen over 70 percent of their agricultural land confiscated for roads, a military installation and the Jerusalem airport, demanded action from PA minister Yasir Abid Rabbuh. Villagers said that these roads will divide the Palestinian lands and prevent the formation of a Palestinian state, and asked why the PA did not stop the negotiations until this issue was resolved. At this time all PA members denied that the PA had approved the construction of these roads.

In July 1995, however, LAWE lost yet another case against the confiscations for the roads. During the arguments, the lawyer for the State of Israel claimed that the Civil Administration was confiscating lands for the bypass roads on the basis of an agreement between the PA and the Israeli government. In frustration, LAWE wrote a letter to Arafat, asking him to clarify this point, and to tell the Palestinian people that this claim was false and the PA had not agreed to the construction of these roads and the confiscations which they necessitated. On 6 August, Arafat responded with a two-line fax, saying "The agreement was that they must not confiscate land (for the bypass roads) without coordination with us. They have not coordinated with us." This statement reveals an agreement in principle with the Israeli bypass road plan and therefore with the confiscations necessary to facilitate them. The fact that there had been no coordination in this case can hardly lay to rest fears that the PA had agreed to the principle of the theft of Palestinian land. It is one of the remarkable developments of this peace process that for the first time the Palestinian leadership has approved of the confiscation of Palestinian lands for occupation purposes (in this case, Jewish-only roads).

Only several months after Oslo II did this fact become apparent to the Palestinian community, and this weakened popular protest. During the Land Defense Committee meeting held in November 1995, the fax to LAWE from Arafat was made public, revealing that the roads were a political issue and already resolved by negotiation. Shortly thereafter, the Land Defense Committee in Hebron called off its weekly vigil, recognizing that they were demonstrating against what they came to understand as PA policy (*Challenge Magazine*, January 1996). Arafat's agreement to permit Palestinian land to be taken to build the bypass roads effectively undermined political opposition and popular protest against the confiscations. Left without any recourse, Palestinian landowners are forced to stand by and watch as the bulldozers uproot their vineyards, cut down their olive trees, tear down their houses, and end their livelihoods. It is unlikely that the lands taken for these roads will be returned to their original owners, and even if they will be returned, the dam-

### Road Map for IDF Redeployment – the West Bank – 1996



#### LEGEND

- Recommended Travel Route for Israelis
- ..... Non-Recommended Route for Israelis
- Route Restricted to Operational Forces
- Joint (Israeli-Palestinian)-Patrol Route
- Area A – Palestinian Cities
- Area B – Palestinian Villages
- Area C – Settlement and military areas, roads, state lands
- ▲ Israeli Settlement
- ⊙ Military First Aid
- ⊙ Israel Police Station
- ⊙ Israel-Palestinian Co-ordination Office



SOURCE: Yediot Aharanot, January 3, 1996

age—a paved road in the middle of their fields—is irreparable.

**FACTS AND FIGURES**

**Settlers and Settlements at a Glance**

*[The following statistics and various aspects of Israel's settler community in the West Bank and Gaza Strip are drawn from the most recent annual publication (1995) of Israel's Central Bureau of Statistics—The Statistical Abstract of Israel. They portray a settler community growing more slowly than during the early 1990s but at rates at or above the historical average.]*

*The following data exclude the almost 200,000 Israelis residing in East Jerusalem. In some cases the figures of the report are not internally consistent.]*

**Sources of Population Growth in the West Bank and Gaza Strip, 1994**

- Total population growth in Israel in 1994 was 2.7 percent; settler growth was over three times this figure.
- The settlements also absorbed 1,000 new immigrants. Israel, it will be remembered, committed itself in 1990 to a policy of not encouraging immigrant settlement in the territories.
- Israelis are still moving across the Green Line in large numbers. This internal migration is also considered by the United States to be part of the “natural increase” in settler population and has thus not been a topic of U.S. criticism since the August 1992 understandings between President George Bush and Prime Minister Yitzhak Rabin.

**Settler Population by Type of Locality (Rural and Urban)**

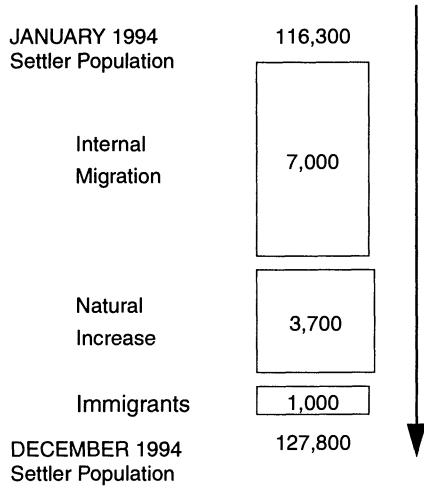
- 50,300 settlers, or 39.35 percent, live in 122 rural localities. Of these,
  - 41,200 live in 82 settlements (average population: 500),
  - 2,000 live in 9 kibbutzim, and
  - 7,000 live in 31 moshavim and collective moshavim.
- 77,500 settlers, or 60.64 percent, live in the fourteen largest settlements. Of these,
  - 46,200 live in urban settlements with populations ranging from 2,000-9,999, and
  - 31,300 live in urban settlements with populations ranging from 10,000-19,000 (i.e., Ma'ale Adumim and Ariel).

**Population Growth in Settlements with over 5,000 Inhabitants**

From 1992 to 1994:

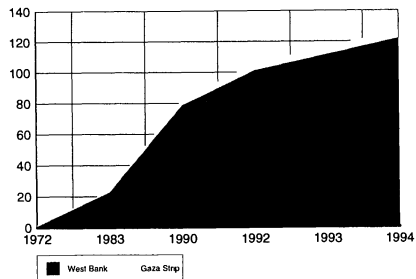
- The population of Ariel grew from 10,400 to 12,800 (+ 23 percent)
- The population of Givat Ze'ev grew from 6,100 to 6,700 (+ 10 percent)
- The population of Ma'ale Adumim grew from 15,200 to 18,400 (+ 21 percent)
- The population of Qatzrin grew from 4,200 to 5,000 (+ 19 percent)
- The population of Kiryat Arba grew from 4,900 to 5,100 (+ 4 percent).

**Sources of Population Growth**



**Settler Population**

Settler Population, 1972-1994 (thousands)



■ Note the almost 20% increase in the settler population of the Gaza Strip during the 1992-1994 period.

### Population by Age

- The national median age is 26.7 years—significantly higher than the median settler age of 19.7.
- 50 percent of the settler population is under 20 years of age; 42 percent is under 14 years of age; 16 percent is under 4 years of age.

### Internal Migration to and from the West Bank and Gaza Strip

- In 1992, there was a positive balance of settlers arriving in the West Bank and Gaza Strip over settlers leaving those areas that reached 76.2 per thousand.
- In 1993, there was a positive balance of settlers arriving in the West Bank and Gaza Strip over settlers leaving those areas that reached 62.7 per thousand.
- In 1994, for every 111.7 Jewish settlers who entered the West Bank and Gaza Strip, 54.7 left, leaving a positive balance (per thousand) of 57.1.
- In 1994, for every 13.5 Jews who entered Israel proper, 6.6 left, leaving a positive balance of 6.9.
- In 1994, the West Bank and Gaza had a higher rate of population growth than any district of Israel. Some districts of Israel, including Tel Aviv and Jerusalem, experienced negative balance rates in the same year.
- From 1992 to 1994, the rate of net increase of the settler population has declined by almost 25 percent (from 76.2 to 57.1).

### Land Confiscations Since Oslo

[This article appeared in Settlement Report in May 1996.]

According to Palestinian sources, Israel has confiscated almost one quarter million dunums throughout the West Bank since the Oslo accords were signed in September 1993. Most of these actions have proceeded on the basis of confiscation orders issued before 1992. Construction of numerous bypass roads throughout the West Bank has entailed the confiscation of an additional 16,000 to 20,000 dunums [4 dunums equal one acre]. The latter confiscations proceeded according to an agreement reached with the Palestinian Authority. Settlers have unilaterally taken an additional 23,000 dunums, according to the Land and Water Establishment for Studies and Legal Services in Jerusalem.

In recent months plans for the expansion of two settlements near Janin—Ganim and Kadim—have been announced. Each will expand by 1,400 dunums, approximately the area of Jerusalem's Old City. The Peres government's intention to expand these two sites is notable particularly because of their isolated location near Janin.

These actions, and in particular the continuing construction of bypass roads, have elicited sporadic, popular Palestinian protests, as well as complaints by Palestinian officials. As Ahmad Qurai', economic minister of the Palestinian Authority, explained:

It was agreed that this [settlement] issue should be postponed to the final status negotiations, provided that neither side takes measures which would harm the other side's rights or tries to change the situation on the ground. What we have now is land seizure on the pretext of building bypass roads, and expansion of the settlements, despite former Prime Minister Yitzhak Rabin's promise that no settlement's boundaries will extend further than fifty meters beyond the last house in it. Worse still is the fact that Israeli Housing Minister Ben-Eliezer is now an expert at announcing new confiscation and new projects for building Israeli homes on Palestinian land. With regard to Jerusalem, there is an attempt to stifle it and isolate it from the other Palestinian areas by setting up road blocks and attempting to limit Palestinian activity there.

### Property Violations from Oslo I through February 1996

This table shows property violations from September 1993, after the signing of the Oslo Accord, to 29 February 1996. These figures, compiled from press reports and LAWE's case work, give a rough estimation of the extent of damages caused by the occupation after the beginning of the peace process.

Nature of Violation	Total	Total
	Jan.-Feb. 1996	since Oslo I
Confiscated Land <sup>a</sup>	14,628 dunums <sup>b</sup>	244,966 dunums
Bulldozed Land <sup>c</sup>	600 dunums	23,346 dunums
House Demolition	10 houses	67 houses
House Demolition Notices	97 notices	193 notices
Uprooted Trees	206 trees	30,359 trees

<sup>a</sup>This category includes over 16,000 dunums of land confiscated for the bypass roads currently under construction throughout the West Bank. <sup>b</sup>1 dunum = 1/4 acre or 1,000 square meters. <sup>c</sup>This category refers to land unilaterally seized by the settlers but not officially confiscated.

Source: Land and Water Establishment, Jerusalem, April 1996