

Settlement Monitor

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activity in the West Bank, East Jerusalem, and the Golan Heights. They are reproduced as published, including original spelling and stylistic idiosyncrasies.

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BIBI'S 2015 SETTLEMENT AGENDA

EAST JERUSALEM AT THE BEGINNING OF 2015: THINGS TO WATCH

This article was published by Terrestrial Jerusalem on 14 January 2015. It was authored by Daniel Seidemann, a legal expert on East Jerusalem land policy and the founder of Terrestrial Jerusalem. The text is available at t-j.org.il.

During the last quarter of 2014, a constellation of factors combined to make the outlook for a stable Jerusalem and for the two-state solution extremely perilous . . . Netanyahu gave the green light for the final approval of the construction of the new and game-changing Givat Hamatos

settlement neighborhood. Events in and around the Temple Mount seemed to be inexorably escalating towards a violent clash.

Since the beginning of 2015, a number of modest, but significant developments may indicate a pulling back from the brink—at least for now.

- **Violence in Jerusalem.** The scope and intensity of violence throughout East Jerusalem has significantly declined in recent weeks, perhaps indicating that this current round of violence has spent itself. But that violence has hardly disappeared. Assaults against Israelis continue and Palestinians—Egged bus drivers, cabbies, visitors to West Jerusalem—are abused daily and at times assaulted. If a month ago East Jerusalem was in flames, today it is smoldering—and could erupt again at any moment.
- **Temple Mount/Haram al Sharif:** While the details of the arrangements hammered out by King Abdallah, Secretary Kerry and Prime Minister Netanyahu at their November 13, 2014 meeting have not been made public, these arrangements have clearly had a salutary effect. Tensions have notably declined. Jewish visitors are being allowed to visit the Mount in modest numbers and in groups no larger than five. The Mount has been kept open for Muslim worshipers, regardless of age. The most persistent provocateurs, like MKs Moshe Feiglin and Miri Regev, have refrained from visits to the Mount—something that cannot be accidental, even if the reasons for them refraining from such visits is not known. As with the Jerusalem violence, this relative calm is deceptive and can be short-lived. Recent and ongoing developments—like the recent [arrest](#) of an American who had stockpiled explosives with which to blow up the mosques, the [closing of Islamic associations](#) focusing on protection of the mosques, and the [continued campaign](#) to allow for Jewish prayer on the Mount—all demonstrate how volatile the situation remains.
- **East Jerusalem Settlements:** In the past, Netanyahu’s responses to Palestinian moves in the international arena have invariably involved punitive actions regarding settlements, particularly in East Jerusalem. This time around, however, the Prime Minister’s Office leaked that Israel’s response to the Palestinians signing the Rome Statute would be harsh (and in suspending the transfer of tax revenues, indeed it was), but would not involve settlements. [Their] most plausible explanation for this decision is that Netanyahu took seriously warnings from friends in the international community, and possibly from within his own intelligence and security agencies, about the likely dire consequences new settlement actions would have for Israel. He may also have recognized that going the settlement route could have cost him during the ongoing electoral campaign, with opponents able to argue that Netanyahu had lost the moral high ground and further compromised relations with Washington and Israel’s European allies by needlessly shifting focus away from the Palestinians’ “unilateral” strategy to Israel’s settlement policy. In this regard, Netanyahu is not weighing Israel’s international interests against his own domestic political interests as much as he is weighing the potential benefits of settlement expansion with his ideological base against the electoral damage he would sustain as a result of an international firestorm that would likely result from such an expansion.

These are all encouraging and noteworthy developments. However, it would be dangerous for anyone to allow these developments to lull them into complacency: the situation in Jerusalem remains extremely volatile. None of the underlying causes destabilizing Jerusalem has disappeared.

None of the threats to the two-state solution in Jerusalem have been significantly mitigated, much less removed. The absence of any anticipated political horizon itself makes matters all the more dangerous: it is no accident that the second Intifada broke out after the collapse of the Camp David talks, and that the Jerusalem violence erupted after the failure of the Kerry initiative. And in the absence of a prospect for any political forward movement, the Palestinian moves in the international arena will likely intensify, increasing the likelihood of Israeli retaliation in Jerusalem.

When you add to this already problematic mix the upcoming March 17 Israeli elections, it becomes even more likely that there will be a significant, non-routine event in Jerusalem in the coming months. These impending elections—with their months-long pre-election ritual of campaign pandering and electioneering—on their own would be cause for concern. It is not an exaggeration to say that in every recent election campaign, politicians of various stripes, and most particularly Netanyahu, have sought to burnish their Zionist credentials by exploiting Jerusalem—accusing opponents of (gasp) being ready to divide the city, and competing amongst themselves to see who can stake out the hardest line position in the city.

In this fraught and high-stakes political context, and even in light of Netanyahu's recent "self-restraint," it remains eminently possible, and perhaps likely, that Netanyahu will take concrete steps in and around Jerusalem that are dangerous if not fatal to the two-state solution. Indeed, it is likely that with the breakdown of talks and the Palestinians' resort to the UN and ICC, Netanyahu sees himself as absolved of any undertakings he may have made to hold off on the projects discussed below, or even implicit understandings to show restraint.

For that reason, it is critical, now, to focus on those projects, all of which are subject to Netanyahu's direct control, that are both the most damaging and potentially inflammatory, and on which—some or all of them—Netanyahu is most likely to move in the near term. Of course, no list of potentially damaging and de-stabilizing acts regarding East Jerusalem and West Bank settlements can be exhaustive. But Netanyahu knows precisely what constitutes "bad behavior"—and the combination of his domestic electoral calculus and the Palestinian moves in the international arena will make it very tempting for Netanyahu to initiate some of these.

Projects/Plans of Immediate and Urgent Concern in and around Jerusalem

1. E-1

The E-1 project pertains to an area 12.5 sq. km in size, located between Ma'aleh Adumim and Jerusalem. It involves two plans—Plans 420/4/7 and 420/4/10—which together entail the construction of approximately 3500 new units. Implementation of the project is widely recognized as fatal to the two-state solution, as it would so dismember any potential Palestinian state that it, alone, would undermine the viability of such a state.

Netanyahu already has a history with E-1. Despite having previously undertaken not to act on E-1, on November 30, 2012—one day after the UN General Assembly approved non-member state status for the Palestinians—Netanyahu went ahead and ordered that the plans be deposited for public review (one of the last steps before final approval). Days later, the West Bank Regional Planning Committee approved the deposit; however, the legally mandated publication of the plans never took place—leaving the plan once again frozen, but a step closer to implementation (for

more details see [our in depth analysis](#)). This de facto freezing of the plans would not have occurred except at Netanyahu's direction.

In the current political context, it is conceivable that Netanyahu will decide to move ahead with E-1. He can do this simply by instructing the relevant authorities to go ahead with publication of the plans. Should this occur, there will be a period of around 4–6 months during which the final bureaucratic requirements are completed (including the 60-day public review period, during which objections against the plan may be filed, and possible reconvening of the Planning Committee to ratify the previous approval, given that two years have passed since the original approval—both of which involve public hearings), after which final approval can be issued and construction tenders published. In addition, there is the possibility that Netanyahu could give the green light for additional infrastructure for the project to go ahead right away, separate from the plans' approval process (though most infrastructure has already been completed).

Politically, E-1 is something of a double-edged sword for Netanyahu. He will no doubt be tempted to go ahead with the project—to pander to his electorate, to promote his own Greater Israel ideology, and as revenge for [Mahmoud] Abbas's moves at the UN and ICC. At the same time, he is well aware that E-1, more than any other settlement project in East Jerusalem or the West Bank, is a red line for the international community—a red line that he will pay a cost for crossing. Should he decide to go the route of un-freezing E-1, he will thus [doubtlessly] try to convince the world that nothing has happened for which he should be accountable: that unfreezing the project is [a] technical step that is outside his control, or that, like he claimed about Ramat Shlomo approval back when U.S. Vice President Biden visited, unfreezing the project is just a bureaucratic step in a long process that won't have any impact on the ground for a long time.

These excuses are as empty as they are worn-out and familiar. The bottom line is this: Any forward movement on E-1 will be highly inflammatory.

2. GIVAT HAMATOS

Givat Hamatos is a new settlement on the southern flank of East Jerusalem, near the border with Bethlehem. Construction of Givat Hamatos (Town Plan 14295) would be a major game-changer: for the first time since 1967, it would result in Israeli built-up areas completely surrounding an East Jerusalem Palestinian neighborhood (Beit Safafa). Most importantly, this would prevent the implementation of the Clinton parameters (or anything like them) in Jerusalem, which are the *sine qua non* of any permanent status agreement. For more details on Plan 14295, see [our in depth analysis](#).

Netanyahu has already defied, repeatedly, the U.S. and international community on Givat Hamatos, to the point where construction of this new settlement is truly imminent. Under Netanyahu, this plan—which was dead in the water for years—has proceeded to the point where on November 16, 2014, all of the statutory planning was completed, when the approval of the plan was published in the public record. This means that tenders may be issued at any time, and leaks from the Prime Minister's office have indicated that tenders for the construction of 1500 (out of a total 2610 units) are ready for publication. In addition, the plan encompasses privately

owned lands that will allow for the construction of several hundred units, for which no tenders will be required. Technically, building permits for these units could be issued by the Jerusalem Municipality at any time, but there are so many preconditions that such issuance will not take place without the active support of both Government of Israel and the Municipality fast-tracking the permits. Both the publication of tenders and the issuance of building permits would be, for all intents and purposes, an irreversible move, and make the construction of Givat Hamatos virtually a fait accompli.

Politically, Givat Hamatos is also a double-edged sword for Netanyahu—an easy tool to use to pander to his base, but one which would mean rapid changes on the ground, for which he would have a very difficult time disclaiming responsibility. Indeed, there is no realistic scenario in which Netanyahu could convince the world that Givat Hamatos is not another Har Homa—a new settlement established on his watch, under his authority, for the express purpose of undermining the two-state solution. Netanyahu has the authority and leverage to prevent this project going forward; should it go forward, full responsibility and accountability lie with Netanyahu.

3. IDF MILITARY COLLEGES ON THE MOUNT OF OLIVES

As far back as Netanyahu's first term in office in 1996, he has been promoting a plan to transfer the IDF Military Colleges from Herzliyah to the ridge of the Mt. of Olives, overlooking Jerusalem's Old City (Plan 51870). The plan for the construction of the IDF Military Colleges was deposited for public review in October 2012. Hearings to examine objections to the plan were scheduled for March 2013, but [...] the plan was removed from the hearing agenda due, it appears, to President Obama's visit to Jerusalem and Ramallah. No further action has been taken to date.

The plan is viewed by many as particularly inflammatory: the Churches see it as a violation of the character of the Mt. of Olives; foreign militaries and many in the IDF see this as something that will unnecessarily make engaging the IDF problematic in new and superfluous ways; and the Palestinians rankle at the creation of such a blatant symbol of Israeli political/military control over such a central and sensitive site in East Jerusalem. For additional background, see [our in-depth analysis](#).

4. NAHLA/GIVAT EITAM (AKA "E-2")

The Nahla plan (dubbed "E-2" by its opponents, Givat Eitam by the settlers) has yet to achieve the notoriety of E-1 and Givat Hamatos, but absent very firm and resolute engagement, that is not likely to remain the case for very long. The plan deals with an area located east of Efrat and [to] the southeast of Bethlehem. The area is being planned for approximately 2,500 new settlement units, the initial 840 of which will be at the site of an "agricultural farm" approved by Barak in 2011. Until recently, the Nahla plan was being held up by legal proceedings regarding the declaration of the area in question as "state land." The "agricultural farm" is already a modest precursor of the scheme. The legality [of] the declarations regarding a sufficient portion of these lands has now been upheld, so that the formal statutory planning process is likely to proceed in the near future.

If implemented, this project would be hugely problematic for the two-state solution. It would significantly prejudice the border between Israel and Palestine. It would contribute to the urban

suffocation of Bethlehem, preventing one of the few remaining areas in which Bethlehem can develop. And, in conjunction with other existing and planned settlements, it would dismember the southern West Bank in a manner similar to the way E-1 would divide the northern and southern halves of the West Bank (hence the name “E-2”). For more details, see the [in-depth analysis](#) by Peace Now, Kerem Navot, and Combatants for Peace.

The Nahla plan [is] still in its early planning stages; however, its potential impact is so consequential that any forward movement on it will be viewed by the Palestinians and the bulk of the international community—correctly—as highly provocative and potentially inflammatory.

5. FREEZE VS. THAW IN EAST JERUSALEM

Since the October 1, 2014 publication of the statutory of approval of Givat Hamatos, Netanyahu has, in the context of East Jerusalem, allowed no additional plans to be deposited for public review, no deliberations on existing plans, no new approvals, and no issuance of tenders. (The scenario in the West Bank is similar, but not identical: there is no settlement freeze in the West Bank, since construction of large numbers of settlement units proceeds apace even now, given previous approvals and tenders and given the large number that can proceed without tenders). In this context, two conclusions are clear: (1) new settlement-related actions anywhere in East Jerusalem—approvals, hearings, tenders—will be both inflammatory and provocative; and (2) responsibility for any thaw in this de facto freeze—any new plans deposited for public review, any new statutory deliberations on existing or new plans, any new approvals and any new tenders—falls firmly on Netanyahu, who has demonstrated that he can keep a lid on East Jerusalem settlement actions when he wishes.

THE SETTLEMENT IN A-NAHLA IS BEING PROMOTED

This article was published by the Israeli nongovernmental organization Peace Now on 21 January 2015. The text is available at peacenow.org.il.

Recent developments demonstrate that the Netanyahu government continues to promote the settlement known as “E2” at A-Nahla (Givat Eitam):

1. The Ministry of Housing has begun to plan the area for the settlement.
2. A new court decision regarding the status of the land is construed as partial approval of the land as state land.
3. Israeli authorities have destroyed a Palestinian wheat field in the area designated for the settlement.

Background

A new settlement, comprised of thousands of residential units, is planned on an area of ~1,700 dunams near the Palestinian village of A-Nahla, south of Bethlehem. The new settlement, called Givat Eitam, shall be an extension of Efrat. The plan is sometimes referred to as “E2,” similarly to the “E1” plan, which, if realized, might deal a severe blow to the chance of two states. For further details—[click here](#).

1. The Ministry of Housing Recruits Planners for the Settlement

Peace Now has learned that on 21 October 2014, the Ministry of Housing approved a contract with architects for planning in the area designated for a settlement at A-Nahla. The architects were hired to prepare plans for the roads and the infrastructure of “Givat Eitam” for 825,420 NIS, financed by the Ministry of Housing.

2. New Supreme Court Decision on the Status of the Land

In 2004, the Civil Administration declared the lands intended for the settlement as state lands. The Palestinian landowners filed an appeal at the Military Appeal Committee and, upon its dismissal, they filed a petition to the Supreme Court. On 7 September 2014, the Supreme Court issued an intermediate decision, rejecting the majority of the petitioners’ arguments and recommending that one issue (the issue of plots that were partially cultivated) be revisited by the Military Appeal Committee.

However, the specific list of parcels that were partially cultivated remained under dispute. On 16 December 2014, the court held another hearing in which it gave the petitioners 30 days to submit a detailed list of the disputed parcels to be examined by the Appeals Committee. Upon submitting the list of plots, the state will be granted another 30 days to respond, and the court will then issue its decision.

In his decision of 16 December 2014, Chief Justice Grunis clarified that “*needless to say, all other issues raised within the petition, excluding the said partial cultivation, were exhausted in our decision dated 7 September 2014.*” [For the full decision \(in Hebrew\) see here.](#)

It is possible that the Civil Administration and the Ministry of Housing construe the decision to confirm that the entire land is indeed declared state land, excluding the partially cultivated parcels. Nevertheless, it is important to note that this was an intermediate decision that does not comprise a ruling or even a partial ruling. Furthermore, there has not yet been a definition of the lands allegedly approved by the court and the lands are still under dispute.

3. The Civil Administration Destroyed a Palestinian Wheat Field in the Disputed Area

On Thursday, 15 January 2015, Civil Administration personnel, accompanied by bulldozers, [destroyed a wheat field](#) planted by Palestinians in the disputed area. According to the Palestinians, the status of the land was not yet decided by the court but, as it seems, the government’s legal interpretation of the court’s intermediate decision allows it to treat the land as state land. It seems that the government does not consider it a partially cultivated plot. It is important to note that, in July 2014, [when the settlers opened a new road](#) to their outpost within the disputed area, the authorities did not destroy the route. When the matter was discussed at the Supreme Court, the state declared that it will be subject to the enforcement priorities, and the court accepted that. Destruction of the Palestinian wheat field could reflect selective enforcement; if the area is subject to priority enforcement, the government should have destroyed the route paved by the settlers and if it is a low priority area, enforcement should not have been applied to the Palestinian wheat field.

All of these developments demonstrate that the government is continuing to promote the plan to establish the settlement in A-Nahla, despite the danger that such plan poses to the chance of a two-state solution. [See more about A-Nahla plan here.](#)

MILITARY BASES REPURPOSED FOR SETTLEMENT EXPANSION

PM ORDERS \$18M ALLOCATED TO CREATE MORE SPACE FOR HOMES AT SETTLEMENT

This article was published by Haaretz on 25 November 2014. It was authored by the newspaper's settlement correspondent, Chaim Levinson. The text is available at www.haaretz.com.

Prime Minister Benjamin Netanyahu has ordered the Finance Ministry to allocate \$18 million in funds to move a Border Police base in order to make room for additional housing in the West Bank settlement of Beit El, as well as to finance other projects there. However, Finance Minister Yair Lapid is refusing to transfer the funds, demanding instead that the issue be brought to the cabinet for a vote.

Netanyahu's order is pursuant to a deal reached in summer 2012, under which Givat Ulpana—a neighborhood of Beit El that the High Court of Justice had ordered demolished because it was illegally built on private Palestinian land—was vacated voluntarily, thereby avoiding the need for forcible eviction.

Under the deal, temporary housing was set up for the 30 families who lost their homes, and the state approved construction of 30 new apartments for the use of the Beit El Yeshiva; the latter are currently being built. The government also agreed to plan and fund four public buildings in the settlement and to relocate a Border Police base from Beit El so that 300 housing units could be built in its stead.

Since all the other land around Beit El is privately owned by Palestinians, there is nowhere else for the settlement to expand to. The police base itself is located on state land. The base is intended to be moved across the road, to land previously seized for military purposes and on which an abandoned base now stands.

The government has hitherto declined to say how much the move would cost, and has even denied that any such agreement existed. But Netanyahu recently asked the treasury to allocate 70 million shekels (\$18.1 million) to finance the base relocation and the other projects in Beit El.

Lapid, however, refused, arguing that a sum of that magnitude, and for a project of that nature, requires a cabinet decision. And since Netanyahu is reluctant to bring the issue to the cabinet—for both diplomatic and political reasons—the relocation is currently stuck.

But Beit El residents have been pushing the government to move forward. In an interview with Arutz Sheva last September, the former chief rabbi of the settlement, Rabbi Zalman Melamed, said, "The prime minister promised that if I called for refraining from any real opposition to the destruction of the Ulpana houses, 300 housing units would be built, and another 30 units would be built for the yeshiva, and other things. But the prime minister cheated me and isn't keeping his promise."

Melamed said that when the 300 houses came up for approval, “the prime minister stopped it and is preventing it from happening. I’m disappointed and frustrated over this.”

In an interview with Beit El’s local newsletter last Friday, Housing and Construction Minister Uri Ariel said the project “has been on my desk for a long time already, and I’m working to find a solution that will enable construction of the 300 houses. Unfortunately, even after I obtained an explicit order from the prime minister for the finance minister to fund the relocation [of the base], the finance minister has been refusing, so construction of the houses isn’t happening.” Ariel demanded that Netanyahu “work to carry out the agreements he personally promised to Rabbi Melamed.”

No response was received from the Prime Minister’s Office at press time.

YAALON ORDERS THE EVICTION OF ARMY BASES FOR SETTLEMENT EXPANSION

This article was published by the Israeli nongovernmental organization Peace Now on 18 December 2014. The text is available at peacenow.org.il.

Reports in the last two days expose that the Defense Minister Yaalon has [ordered the eviction of three army bases](#) in order to allow the expansion of settlements. According to additional reports, Yaalon has also ordered to [promote new bypass roads and public buildings](#) in settlements. This is not surprising as we get closer to the Likud primaries and Yaalon and other ministers are trying to please the extreme right wing members of Likud, who has a lot of power in the party [*sic*].

A. The Eviction of Army Bases

According to the reports, the evicted army bases should be moved to private Palestinian lands that will be seized for military use. According to the laws of occupation, an occupier is allowed to [temporarily] [seize lands for security or military needs](#). However, it is clear that in this case it will not be the security need that lead to the seizure of the land, but the settlement need to expand. If implemented, we believe that the military would claim that it was all about military [constraint] and that it might be hard to convince the court that it was actually for settlements.

According to the reports there are three Military bases that are planned to be moved for the expansion of the settlements.

1. **Ashmoret Yizhak compound near Kiryat Arba, Hebron**—In the past the Ministry of Housing built a compound of some 36 housing units near Kiryat Arba on lands that were declared as State Lands. Eventually, the border police moved [into] the compound leaving the settlers of Kiryat Arab frustrated.

Settlers have been pushing for years to “return” the compound to their hands and the reported order of Yaalon to evict the place could mean that we will see the settlers replacing the soldiers in the near future. The compound is outside of the buildup area of Kiryat Arba, and establishing the settlement there will expand the settlement to a new area and will affect the private Palestinian lands between it and the settlement.

2. **Military Base in Alei Zahav**—like in many other settlements, inside the settlement of Alei Zahav, there is a small Military base taking approx. 4 dunams (1 acre). Moving the base out will allow the

development and expansion of the settlement, although it will not constitute a major change in the settlement.

3. **The Border Police base near Beit El**—as part of the agreement between Netanyahu and the settlers following the eviction of the 5 buildings in the Ulpana Hill, there [were reports that Netanyahu ordered](#) to promote the eviction of the compound to allow a new neighborhood for Beit El. We received contradictory information from the Civil Administration regarding the status of the lands on which the army base is built: on the one hand the seizure order from the 1970s for the establishment of the military base includes the lands of the Border Police base, which means that the lands were privately owned by Palestinians. On the other hand, in some of the maps we received from the Civil Administration, the lands are marked as registered State Lands.

In any case, the construction of a new neighborhood on private lands might be legally problematic because the seizure is only allowed for military needs and not for settlements. This is why we believe that it is likely that somehow the lands of the army base were registered as State Lands in the past.

B. Promotion of Bypass Roads and Public Buildings in Settlements

The reports about the decision of Yaalon to promote bypass roads and public buildings in settlements might be connected to [the agreement of Netanyahu with the settlers](#) that was recently exposed, and then reportedly torpedoed by Finance Minister Lapid.

The two bypass roads, Al-Arrub (north of Hebron) and Hawara (south of Nablus), could dramatically ease the access of the settlers to the settlements in the area, thus [leading] to further expansion of the settlements in the area ([see maps and details here](#)). The plans for both of the roads have already been approved in the past and it is a matter of budget and ministerial decision for it to be implemented, which might have just been given by Minister Yaalon.

As for public buildings—this can be from synagogues to schools, kindergartens, etc. in the settlements, we don't have any further details about it.

KAABNEH COMMUNITY FORCED TO EVACUATE WADI KELT

70 BEDOUIN ORDERED TO LEAVE HOMES NEAR WEST BANK SETTLEMENT

This article was published by Haaretz on 15 January 2015. It was authored by the publication's correspondent for the occupied territories, Amira Haas. The text is available at www.haaretz.com.

Israel's Civil Administration has ordered 70 Bedouin, including 27 children, to evacuate their homes near the West Bank settlement of Mitzpeh Yeriho, even though the government body was responsible for moving them there in the first place.

A protest letter sent to the Civil Administration Wednesday says the evacuation order ignores the obligation to "protect the basic rights of the residents," especially during the winter.

The community, of the Kaabneh tribe, was moved to the area 30 years ago. Nonetheless, the evacuation order issued Monday refers to a "new incursion" onto state land.

It comes shortly after residents brought in prefabricated structures to replace the same number of tents and rickety tin shacks in which they had been living. The office of the Coordinator of Government Activities in the Territories said the structures were illegal.

The evacuees comprise one of about 25 communities of the Jahalin and Kaabneh tribes scattered on the eastern outskirts of Jerusalem, all of which the Civil Administration has targeted for forced evacuation and resettlement to a town north of Jericho to allow for the expansion of settlements in the Adumim bloc.

In other Bedouin communities where residents began replacing their tents and shacks with prefab structures, the Civil Administration issued pre-demolition stop-work orders, which were suspended in response to petitions to the High Court of Justice. In this case, ordering the residents to evacuate rather than attempting to stop the work makes it easier for the state to hastily remove the residents from the area, said attorney Shlomo Locker.

Locker sent a letter of protest on Wednesday to the Civil Administration's central inspection unit, saying, "Choosing this order . . . ignores the obligation of the civil administration to protect the basic rights of the residents, particularly their protection during the winter, and ignores the civil administration's obligation to act with administrative fairness and correctness."

The Coordinator of Government Activities said the new structures were supposed to be evacuated by last night.

"Over the past two years, some 200 illegal prefabricated structures have been erected in the Wadi Kelt area, most of them built on weekends and overnight, because it was understood that this construction was illegal," the spokesman said in a statement. "In recent days, 15 structures were illegally erected on state land. These orders refer solely to the new structures, which must be evacuated 48 hours from when the order is delivered." The spokesman did not respond to *Haaretz's* question about where the people were supposed to live if they had to evacuate the buildings.

Two Civil Administration inspectors and three Border Policemen arrived Monday evening at the small area housing the extended Arara family, near the western entrance to Wadi Kelt, alongside Route 1 in the direction of Jericho and about four kilometers from Mitzpeh Yeriho. The chief inspector issued 15 "Requirement to evacuate" warnings.

The inspectors came when most of the community's men were out grazing their flocks, according to a member of the Kaabneh tribe who asked to be identified only by his initials, A.G. He said the inspectors brought the orders and left.

The Arara family, like most of the Bedouin in the region, were expelled from the Negev in 1948 and settled in the eastern West Bank.

A.G. said that in 1980 or 1981, when he was still a child, "they cleared us out from the place where I was born when they built the settlement of Kfar Adumim, and moved us to Wadi Kelt."

"Then they started to build the settlement of Mitzpeh Yeriho, and the Civil Administration moved us to where we are now," he said.

The orders are not addressed to the heads of the households but "To the holder," and the signature scribbled on the order is unreadable. The coordinator of government activities office said the order is addressed to "the holder of the structure" when "the owner doesn't cooperate with the inspector and does not identify himself, as happened in this case."

The details of the orders are confusing. Under “Description of the Land,” it says: “Structures of light pallets, grey in color, of around 30 sq. meters,” as if to say that the residents must evacuate their homes, but not the land itself. But under “Description of the Incursion,” it says that this is “A new incursion onto state land that includes light construction.”

Because they erected the prefab structures two weeks ago, A.G. said, the community weathered the recent storm far better than they had in previous years, when they were basically open to the elements.

U.S. PHILANTHROPIES FUNNEL MILLIONS TO ISRAELI SETTLEMENTS

CAN I TAKE A TAX-DEDUCTION ON MY DONATION TO ISRAELI SETTLEMENTS IN PALESTINE?

This article was published by Foreign Policy on 29 January 2015. It was authored by Eric Goldstein, Deputy Director of the Middle East and North Africa division at Human Rights Watch. The text is available at www.foreignpolicy.com.

With Israel’s campaign season in full swing, Prime Minister Benjamin Netanyahu will add a new stop to his campaign trail. At U.S. House Speaker John Boehner’s invitation, Netanyahu is slated to address Congress on March 3 to advocate for a tougher line against Iran, in particular regarding the ongoing negotiations over its nuclear program. If Congress gives Netanyahu a platform to address these issues, it should also begin a conversation with President Barack Obama’s administration about how the United States can strike a blow against Israel’s continued settlement construction.

Since Netanyahu took office in March 2009, the population of Israeli settlements has grown dramatically. According to recently released Israeli government [data](#), from the beginning of 2009 until the beginning of 2014, the settlement population grew 23 percent—more than double the rate of the overall Israeli population, which expanded 9.6 percent. In late December, another 380 new housing units in East Jerusalem settlements were [approved](#).

This growth is partly being funded by millions of dollars from tax-exempt American charities, which help expand and support settlements. Even though this revenue stream arguably violates Internal Revenue Service rules, neither Congress nor the Obama administration has done anything to stop it.

In late September, settlers moved into 25 housing units in Silwan, an East Jerusalem neighborhood that abuts the Old City to the south and is home to 50,000 Palestinians. The move prompted the Obama administration to [condemn](#) the organization that engineered the purchase—a reference, apparently, to an Israeli association known as Elad—as one “whose agenda, by definition, stokes tensions between Israelis and Palestinians.”

Elad’s name is an acronym for “To the City of David,” the name Israelis use for Silwan. The name reflects the organization’s [mission](#) to, in its own words, “strengthen the Jewish connection” in the neighborhood, in particular, and East Jerusalem more broadly “through settlement and environmental and touristic development.” Elad’s agenda coincides with Israel’s state policy of moving its citizens into occupied territory—a position that violates international law. The Rome Statute, the treaty establishing

the International Criminal Court, [provides](#) that the court may prosecute government officials responsible for the “transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies.”

American taxpayers indirectly subsidize Elad’s work. In 2011 and 2012, the two most recent years for which [tax filings](#) are publicly available, Elad received around [two-thirds](#) of its donations through a New York-based charity, Friends of Ir David. The charity [transferred](#) \$5.6 million in grants in 2012 and \$6.9 million in grants in 2011 to Elad—almost its entire revenue stream. The founder of Elad, David Be’eri, is also a board member of the American charity.

In late October 2014, nine more Israeli families moved into Silwan. They were [assisted](#) by Ateret Cohanim, another Israeli settlement association largely funded through its U.S.-based charity, which [raises](#) between \$1 million and \$2 million in tax-deductible contributions annually for Ateret Cohanim’s benefit.

Israeli officials [claim](#) disingenuously that Jewish citizens are merely buying property in Arab neighborhoods. In reality, the Israeli government has collaborated closely with organizations like Elad to boost the presence of Israelis in occupied Palestinian territory, a policy that could complicate the path to any eventual solution to the conflict based on a partition of the land.

The [Klugman Report](#), commissioned by the Israeli government in 1992 and produced by a committee headed by Haim Klugman, then director general of the Justice Ministry, revealed that Elad gained its foothold in Silwan by [persuading the government](#) to evict Palestinian families from their homes and transfer their property to Elad. This government decision was based in part on [allegedly fraudulent](#) evidence purporting to show that the land belonged to the state. Israel Nature and Parks Authority also gave Elad a [contract](#) to assist in the administration of an archeological site in Silwan, further expanding Elad’s control over the neighborhood.

In occupied East Jerusalem, Israel has built more than 50,000 housing units for Jewish Israelis in areas it declared state land. Israel still severely restricts the 39 percent of Jerusalem’s population who is Palestinian from building there, partly to implement the Jerusalem municipality’s [policy](#) of achieving a “demographic balance” of 70 percent Israeli Jews to 30 percent Palestinians in the contested city.

The role of American charities in supporting settlement construction [has long been known](#)—even if, in the words of Daniel Kurtzer, former U.S. ambassador to Israel, “it was a thing you didn’t talk about in polite company.” Breaking this taboo, Marc Ginsberg, a former U.S. ambassador to Morocco, and [others](#) have recently called on the Obama administration to stop the spigot of tax-free dollars coming from, as Ginsberg [writes](#), “international and American ‘philanthropies’ that fund these settlements.” Internal Revenue Service [rules](#) prohibit tax-exempt organizations from engaging in, planning, or sponsoring illegal acts or acts contrary to established U.S. public policy, such as discrimination. Funding settlement expansion likely falls within that category: The United States has [long called](#) settlements “illegitimate,” and there is no question that they violate the Fourth Geneva Convention’s prohibition on transfer of civilians to occupied territory.

The Obama administration should direct the Internal Revenue Service to ensure that U.S. charities do not contribute to settlement expansion by clarifying its policy on settlements and conducting an audit of organizations that help support settlements. Members of Congress should

also request that the Government Accountability Office conduct an audit of such organizations. While some tax-exempt organizations, such as the [Hebron Fund](#) and [Christian Friends of Israeli Communities](#), make settlement expansion an explicit part of their mission, other more established charities aren't clear about what percentage of the dollars they raise go to settlements. Nefesh B'Nefesh, an organization that encourages immigration to Israel from North America, is one non-profit that includes settlements as potential communities for immigrants in [promotional material](#) on its website.*

For decades, even as every U.S. administration [condemned](#) settlement construction, they all allowed it to continue with impunity by avoiding policies that could extract a price for the settlements' continued expansion. The United States has consistently vetoed U.N. Security Council resolutions critical of settlements, [pressured](#) the Palestinians not to go to the International Criminal Court to examine settlements as a possible war crime, and allowed charities to freely send donations to build and expand settlements. It's up to Congress and the Obama administration to put an end to this double standard and stop enabling Israel's violations of international law.

**Correction: This article originally included a reference to the Jewish Agency as an organization involved in settlement expansion. This reference has been removed, as the Jewish Agency does not direct Israelis to settlements. The organization assists new immigrants in the immigration process to Israel, but does nothing to predispose them to live in any particular area of the country.*

THIRTEEN PALESTINIANS REVIVE LAWSUIT AGAINST U.S. "CHARITIES" FUNDING VIOLENT ISRAELI SETTLERS

This article was published by the Electronic Intifada on 11 February 2015. It was authored by Charlotte Silver, an independent journalist based in San Francisco. The text is available at www.electronicintifada.net.

A group of Palestinians has decided to continue a lawsuit against several U.S.-based "charitable organizations" accused of supporting violent [Israeli settlers](#) in the occupied [West Bank](#).

Although the case had been rejected by a judge, the group has now decided to appeal against the dismissal.

The [complaint was originally filed](#) almost two years ago on behalf of thirteen Palestinian residents of the West Bank (two of whom are U.S. citizens), a mosque, and a Greek Orthodox monastery. All of the plaintiffs have suffered attacks by settlers.

In May last year, U.S. District Judge Jesse Furman [dismissed](#) the complaint, claiming that the plaintiffs had failed to prove the U.S. organizations had intended to facilitate violence.

The Second Circuit Court of Appeals is scheduled to hear arguments for appeal on 15 April. If the case is allowed to go forward it will be the first time a [Palestinian sues] a U.S.-based charity under the Anti-Terrorism Act (ATA).

The ATA allows civil action in U.S. courts against those who allegedly support acts of terror. It has been primarily used to prosecute Muslim and Palestinian-Americans.

The plaintiffs have alleged that five U.S.-based, tax-exempt organizations that have given large donations to [settlements](#) in the West Bank provided material support for terrorism due to the fact

that settlers were known to have undertaken “price tag” attacks on Palestinians and their property. “Price tag” attacks have occurred when [settlers target Palestinians after] buildings or structures erected by settlers without permission from the Israeli authorities have been demolished.

In 2011, the [U.S. State Department](#) referred to “price tag” attacks as “terrorist incidents.” The plaintiffs have suffered attacks by settlers, including by gunfire, firebombs, vandalism of a church or mosque, and the burning of farmland.

Tax-Exempt

Melito and Adolfsen, the commercial law firm representing the plaintiffs, told The Electronic Intifada that their scope is more narrow than the judge characterized in his dismissal. Their suit is not looking at all settlements in the West Bank or alleging that all settlement activity amounts to terrorism; rather they are focusing on specific fringe settlements—[Yitzhar](#) and [Bat Ayin](#)—the residents of which espouse the most radical ideologies and carry out some of the worst violence.

These settlements, the suit alleges, have received ample funding from the five organizations that conduct their fundraising campaigns in the U.S. with the benefit of a tax-exempt status.

For example, the Central Fund of Israel, one of the defendants named in the case, has given thousands of dollars to the Yitzhar settlement, which has advocated for such extreme violence that the [Israeli army intervened last year](#). The Israeli government has, however, [also funded](#) the Yitzhar settlement.

In 2009, the Yitzhar settlement’s *yeshiva*—a religious school—[published](#) a book that provided a “justification” for killing non-Jews who allegedly pose a threat to Israel. Just last week, Israeli police [seized](#) arms from Yitzhar, which they believed were intended to be used against Palestinians.

The five organizations accused of aiding Israeli settlers are [The Hebron Fund](#), [Central Fund of Israel](#), [One Israel Fund](#), [Christian Friends of Israel](#), and [American Friends of Ateret Cohanim](#). All are based in [New York](#).

SETTLER ORGANIZATION CONTINUES FRAUDULENT LAND PURCHASES

FOLLOWING PEACE NOW'S COMPLAINT, THREE SUSPECTS ARRESTED FOR FORGED LAND PURCHASES

This article was published on 10 February 2015 by Americans for Peace Now, the sister organization of Israel's Peace Now movement. The text is available at www.peacenow.org.

Yesterday, the Israeli police [arrested three suspects](#) for using forged documents to purchase lands from Palestinians in the West Bank. The police investigation began following a complaint by Peace Now and Palestinian land owners during the High Court petition against the illegal outpost of Migron, after the settlers had provided forged documents to the court. This complaint, together with other cases in which settlers used forged documents to purchase lands in illegal outposts, resulted in a police investigation, leading to yesterday’s arrests.

The individuals arrested are suspected of being involved in purchases made by the Al Watan Company (Homeland in Arabic), which has been established by the Company for the Development

of the Binyamin Council and by Binyanei Bar Amana in 2002. The head of Amana, Ze'ev Hever (also known as Zambish), is one of the directors of Al Watan (together with Hananya Nahliel and Moshe Yogev, another two prominent figures in Amana). The former Chair of the Binyamin Council, Pinchas Wallestein, was questioned in the past regarding Al Watan's purchases in Migron, which proved to be forged.

Al Watan has been involved in dozens of land purchases in the West Bank throughout the last decade. The majority of their operations are at the Ramallah area, in the outposts of Migron, Amona, Givat Assaf, Beit El and near the settlement of Ofra. Many of Al Watan's purchase[s] were either canceled by the courts or were not registered in the Civil Administration due to suspicion of forgery, while others are still awaiting court decisions. In recent years, cooperation took place between members of Al Watan and the Elad association, which are well known for purchasing Palestinian properties using straw men.

Forged documentations have been used in the courts in attempts to prevent the evacuation of illegal outposts. In many cases, despite the claims [of] forgery, the submission of such documents has led to lengthy postponements in evacuations of illegal outposts.

The Method: Straw Men and Forged Signatures

A Palestinian straw man (sometimes a Palestinian from the West Bank and others an Israeli citizen) "purchases" the land rights and immediately after sells it to the settlers' company, Al Watan. In order to do that, the settlers identify a land owner whose signature could easily be forged—a person who either passed away recently or lives abroad and cannot testify that the signature is not his. In almost all of the purchases, the settlers argue that several months prior to the passing of the land owner, he signed a power of attorney and sold the land to the straw man. Following these sales, Al Watan purchases the lands and claims that it did so without knowing that the previous sale was a fraud. In most cases the land purchase attempts begin after the settlers have already taken over the land illegally, and while trying to retroactively legalize their construction. In many cases the purchase attempts are made following the submission of petitions to the High Court by the land owners or by organizations such as Peace Now.