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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**SETTLEMENT PLANNING CONTINUES APACE INSIDE OCCUPIED TERRITORIES**

**NO SETTLEMENT FREEZE, ESPECIALLY NOT IN ISOLATED SETTLEMENTS: 2015 IN THE SETTLEMENTS (EXCERPTS)**

In this annual review of settlement growth, Israeli advocacy group Peace Now outlines construction starts, published tenders, and approved plans for the 2015 calendar year. The report, which also provides comparisons with previous years, is based on aerial photos, site visits, and publicly available documents.

Presented below are excerpts from the report. Published on 14 February 2016, the document with a list of construction starts and aerial photos is available at peacenow.org.il/eng.
Main Findings:

- In 2015, construction for 1,800 new housing units began in the settlements:
  - Over 40% (746 housing units) east of the separation barrier.
  - 79% of the construction starts took place in settlements east of the Geneva Initiative potential border, in settlements that Israel will probably need to evacuate under a permanent status agreement.
- In addition, the infrastructure of lots for the construction of at least another 734 housing units were developed and construction there is expected to begin soon.
- 265 housing units (15%) were built in illegal outposts.
- 1,547 of the housing units are permanent structures and 253 are mobile units.
- In addition, 63 public structures (synagogues, kindergartens, etc.) and 42 industrial or agricultural structures were constructed.
- According to Peace Now estimates and based on Civil Administration data, 32 housing units were built on private Palestinian land, almost all of them in illegal outposts.
- A new illegal outpost was established south of the Nofei Prat settlement—in an area in which the government operates intensively to demolish Bedouin houses along Rte. 1 toward Jericho. The illegal outpost consists of three new structures and a small agricultural area. The road towards them, that was paved illegally, goes through private Palestinian land.
- Tenders: Despite the declared “tenders freeze,” tenders for 1,143 new housing units were published in 2015, 560 in the West Bank and 583 in East Jerusalem. (156 in Elkana, 102 in Kiryat Arba, 85 in Givat Ze’ev, 78 in Alfei Menashe, 114 in Adam (Geva Binyamin), 20 in Beitar Illit, 3 in Ariel and 2 in Karnei Shomron; in East Jerusalem: 438 in Ramat Shlomo, 103 in Pisgat Ze’ev and 36 in Neveh Yacov).
- Plans: Despite the declared “planning freeze,” the High Planning Committee approved 348 new Housing units for depositing or validation.

Examples for construction starts in the settlements:

- Kochav Yacov: 105 housing units
- Emmanuel: 37 housing units + land development for at least another 100
- Karnei Shomron: 27 housing units + land development for at least another 150
- Kiryat Arba: 28 housing units
- Ariel: 133 housing units
- Yakir: 51 housing units
- Salit: 13 housing units + land development for another 79
- Nofei Prat: 16 housing units + land development for another 48
- Tenne: 16 housing units + land development for another 28
- Eshkolot: Land development for 64 housing units
- Bracha: Land development for 30 housing units
- Leshem: 18 housing units + land development for another 35

The report is based on a Peace Now count comparing aerial photos and site visits, and it relates to settlements in the West Bank, excluding East Jerusalem.
A. Most of the Construction in Isolated Settlements—Severe Damage to the Two-State Solution

1. Isolated settlements based on future agreement outline:
   
   Despite government declarations of a “freeze,” construction on the ground continued in full force. Of 1,800 housing units in the settlements whose construction began in 2015, 1,422 (79%) were in isolated settlements that will probably require evacuation under a permanent status agreement (settlements east of the border outline proposed by the Geneva Initiative, which is the outline that indicates the potential border between the parties).

   Since Netanyahu was elected Prime Minister in 2009, 8,645 housing units were built in settlements east of the Geneva Initiative outline, comprising 68% of all construction in the settlements. This demonstrates that the Netanyahu governments built apartments for [around] 40,000 new settlers who will have to be evacuated under a permanent status agreement. The Israeli government is making a future peace agreement much more difficult to achieve and creates facts on the ground, which will come at a dear price.

2. Isolated settlements based on the separation barrier route:
   
   The Israeli government often claims that construction in the settlement is limited to the “settlement blocs.” Therefore, it claims that the construction does not significantly impact a future permanent status agreement in which land swaps will take place. However, such “blocs” were never defined and were definitely not agreed between the parties. The Israeli government is taking advantage of the willingness to swap lands in order to “legitimize” construction in settlements which agreement on their annexation to Israel will be very difficult to achieve in the framework of a peace deal.

   Even when looking at construction beyond the planned outline of the separation barrier, which was unilaterally decided by Israel and serves as an indicator for the government’s intentions, the numbers are still substantial. Over 40% of the construction during 2015 (746 housing units) was conducted in settlements east of the planned separation barrier’s outline. This reflects residential potential for over 3,000 new settlers who, no doubt, will require evacuation under a
permanent status agreement. Since Netanyahu was elected Prime Minister in 2009, 4,621 housing units were built east of [the] barrier, providing housing potential for over 20,000 settlers.

3. Overall number of construction starts:

   The number of construction starts in 2015 (1,800 housing units) was slightly higher than construction previous years (excluding 2014, which was an exceptional year in terms of construction). In addition, lots were developed toward the construction of at least 734 additional housing units whose construction is planned to begin soon.

   This construction is a result of plans approved and tenders issued in previous years which are being exercised now, so that even when there is a certain measure of restraint in the number of plan approvals and tender publications, construction continues on the ground nonstop. According to Peace Now estimates, the construction potential based on plans approved in the past reaches [around] 30,000 housing units, 20,000 of them in settlements that do not require tender publication. In other words, even if all plan approvals and all tenders are indeed frozen, construction of almost 20,000 housing units is still legally possible. Therefore, freezing plans and tenders is not enough and construction must be absolutely halted—as was the case during PM Rabin’s term and the temporary freeze forced upon Netanyahu in 2010.

   ![Construction Starts in the Settlements by Year](image)

   **B. Plan Approvals and Retroactively Legalizing Illegal Construction**

   1. Planning under a “planning freeze”:

      The government’s declared policy of a “planning freeze” in the settlements allows the approval of construction plans only where there was illegal construction in the past which the plan aims to legalize in retrospect. In so doing, the government seeks to claim that these plans are not an addition of new construction in the settlements. However, a review of approved plans demonstrates that they included housing units that were not yet built. According to Peace Now’s count, 348 housing units do not retroactively legalize existing homes.
It is further worthy of note that the plans included the validation of at least 167 mobile homes and their transformation into permanent structures. Past experience shows that when permanent structures were constructed with the aim of replacing the mobile homes, eventually, after they were built, the mobile homes remained in place. Thus, one must conclude that these 167 units are additional construction.

Overall, plans were approved for 1,152 housing units; 637 of them are already built and another 167 of them are mobile homes. Thus, we see the actual approval of 348 new housing units (and another 167 mobile homes that should be replaced by permanent homes).

These plans do not include the plans for 153 housing units approved and published in the media in January 2016.

2. Additional plans:
- A plan for 296 housing units was approved in Beit El. At this point, approval was granted for the infrastructure works only and not for the construction itself.
- A plan for apartment division was approved in Modi'in Illit, whereby apartment owners will be able to add another housing unit within their apartment, thus significantly increasing the number of settlers.
- Plans were approved for the establishment of pre-military academies in Nokdim and Kfar Edomim, providing student and staff residences.
- An outline plan for 2,200 housing units was approved in Ma'aleh Michmash, Psagot, Kochav HaShachar and Rimonim, including the validation of the illegal outposts of Mitzpeh Danny and Neveh Erez. This is a general plan that reflects the future developments, but approval thereof will require the approval of additional detailed plans.

For a full list of the plans, click here.

3. Retroactive legalization of illegal outposts:

Three of the plans approved in 2015 were part of a process for retroactively legalizing the Elmatan, Sansana and Shvut Rachel illegal outposts and rendering them settlement status. Peace Now counted 20 new settlements that were established by the Netanyahu administration since 2009 by way of illegal outpost validation. In 2015, the government notified the Supreme Court of its intention to validate six more illegal outposts (or, in other words, to establish new settlements): Adei Ad, Esh Kodesh, Kida, Achiya, Mitzpeh Danny and Neveh Erez.

Government message to the settlers: Build illegally and we will grant retroactive approval. The Netanyahu government claims that the approved plans are such that do not entail additional construction and, as such, are unimportant. However, in practice, this policy of retroactive approval voids the planning process of any substance. The government’s message to the settlers is that there is no need for planning and prior approval since the construction will eventually be approved retroactively. [. . .]

“REVEALED IN NEWLY-RELEASED DOCUMENTS: MASSIVE PLANNING ADVANCING FOR SETTLEMENTS”

In December 2015, the organization Peace Now had released Distancing the Two-State Solution: The Ministry of Housing’s Plans and Construction—Exposed, a 14-page report exposing the Israeli
Ministry of Housing’s clandestine planning of 55,548 settlement units across the West Bank. The Ministry of Housing originally published tenders for the units in November 2013, but Prime Minister Benjamin Netanyahu canceled the tenders after an international outcry. However, a year later the Ministry of Housing secretly hired architects to pursue some of the canceled housing plans. Peace Now obtained documents outlining the planning process through a Freedom of Information Act request.

The following article, published on 30 December 2015 by Terrestrial Jerusalem, discusses the implications of Peace Now’s findings, analyzing the likelihood of construction in specific areas as well as the effects the plans could have on Palestinians in the West Bank. The article is available at t-j.org.il.

In November 2013, the Ministry of Housing published tenders to engage the services of planners in regard to some of the plans discussed below. Under massive international pressure, the tenders were cancelled.

As the result of a Freedom of Information Act request, Peace Now subsequently received documents showing that, rather than giving up on this planning effort, the Ministry of Housing decided to go ahead with it, but in a manner that shielded the effort from any public scrutiny (i.e., without tenders or announcements of any kind).

On December 28, Peace Now issued a detailed and well-documented report explaining how Israel’s Ministry of Housing is engaged in the planning of more than 55,000 new settlement units in the West Bank. The most prominent of the schemes entails additional planning in E-1, and this element of the report has received wide press attention. A second plan dealt with in the documents, A-Nahla/Givat Eitam/E-2 is also particularly noteworthy, as this plan, like E-1, has a direct impact on Jerusalem-related issues. For background on E-1, see here; for background on A-Nahla/Givat Eitam/E-2, see here. In addition, the documents reveal ongoing planning for a number of highly problematic settlement schemes within East Jerusalem. (Map can be viewed/downloaded here.).

E-1 and Its Environs

The planning being advanced for the E-1 area breaks down as follows:

- Updating and expanding pending plans for initial construction in E-1. It should be recalled that in January 2013, Israeli planning authorities took a decision to deposit for public review the plan for the construction of 1,500 units; since then no further action has been taken. The documents obtained by Peace Now show that this pending plan is being expanded to more than double the number of units involved, for a total of 3,600 units in the initial tranche of construction.
- Planning for an additional 1,270 units in two sections of E-1, in areas referred to in the planning documents as “E-1 North” and “E-1 South.”
- Delineation of areas for additional settlement construction east of Jerusalem. The documents disclose planning for an additional 3,500 units to the east of Jerusalem, most likely within the boundaries of E-1.
- Planning for 1,000 new settlement units in the Jordan River Valley, of which 200 units are already slated for approval and implementation.
A-Nahla (aka Givat Eitam, aka E-2)

The newly-disclosed documents show ongoing planning for a new settlement called “A-Nahla” or “Givat Eitam” (dubbed by many observers “E-2,” since, like E-1, it would have a devastating impact on the geographical integrity of any future Palestinian state).

In the past, the Ministry of Housing had prepared a conceptual framework plan for the construction of this new settlement. The documents released to Peace Now show that the Ministry has advanced the planning much further: detailed plans have been completed for the construction of the first of 2,500 units in A-Nahla/Givat Eitam/E-2. This planning represents a significant step beyond a conceptual plan towards the approval and implementation of an operational plan.

Elsewhere in East Jerusalem

The documents obtained by Peace Now reveal that in recent years, the Ministry of Housing has engaged in the planning of some highly problematic new settlement schemes inside East Jerusalem:

- a small Jewish settlement at Herod’s Gate, in the Muslim Quarter of the Old City;
- a 10,000 unit settlement neighborhood on the site of the Atarot/Qalandia airport;
- a 2,000 unit expansion to the west of the Har Homa (sometimes dubbed Bethlehem Gate), linking to Gilo and the planned construction at Givat Hamatos;
- additional unnamed schemes are being funded and promoted in the settlement enclaves in and around Jerusalem’s Old City.

While all of these plans have been around for quite some time, they are so problematic (for a range of reasons), that their implementation remains highly unlikely. That said, the newly released documents show that the Netanyahu Government has been going ahead and planning them in earnest, some into the present day, at a cost of several million shekels. It should thus be assumed that the intent is to be ready to implement them at some point down the road, when circumstances are viewed as ripe.

Key Questions Raised by These Revelations

Does this new information indicate that Netanyahu has decided to act on E-1?

Probably not. Had Netanyahu decided to proceed with E-1, there is one clear-cut way in which he would do that: publication for public review of the plans for the first 1500 units (opening the door for construction to commence within a year). These plans [were] approved for such publication in January 2013, and publication could take place at any time—and Netanyahu could claim (disingenuously) that “nothing new” had happened, since the approval took place almost 2 years ago. If Netanyahu were intent on going ahead with E-1, this would be the logical “next step”—and he has not taken it.

Consequently, it would be wrong to conclude that a decision has been taken to proceed with E-1. If such a decision is taken with respect to E-1, it will require formal steps that will serve as a “trip-wire,” giving Israelis and the international community a year or so to object to the plans and to seek to convince the Israeli government to cease and desist.
If this isn’t an indication that Netanyahu has decided to act on E-1, then is the Ministry of Housing going rogue?

Certainly not. It appears that the Ministry of Housing is operating within the rules laid down by the Prime Minister, and consistent with the Prime Minister’s objectives. According to these rules/objectives, approval by the Prime Minister is required for any public step related to the advancement of settlement plans/construction (including decisions to deposit for public review, hearings to consider approval of plans, extension of statutory approval to plans, and issuance of tenders for construction). Anything else related to the advancement of settlement plans, such as a non-binding planning exercise, can go forward, without requiring the Prime Minister’s approval.

This dynamic enables the Prime Minister to enjoy (or demand) the benefits of “not knowing” about settlement-related developments, as he did in November 2013 when then-Minister of Housing Uri Ariel initially published the tenders to engage the services of planners for a previous massive settlement planning exercise. Netanyahu did the same this week, in response to the new Peace Now report. In a statement issued by the office of the Prime Minister, it was argued that the effort to revive and advance plans in E-1 was (once again) the work of then-Housing Minister Uri Ariel, acting on his own. The statement said that Ariel did this “... of his own initiative and without the required authorization. ... The Ministry of Housing has no authority either to plan or build beyond the Green Line. ... These plans therefore have no standing and are not binding on anyone.”

A number of observations are in order regarding [this] response:

- There is no reason to believe that Netanyahu’s announcement that there are no immediate plans to proceed on E-1 should not be taken—for now—at face value.
- There is every reason to reject Netanyahu’s defense that he didn’t know about this planning effort (i.e., what has become his standard “I just work here” defense) and to refuse to absolve him of accountability. If Netanyahu didn’t know, it is because he willfully elected not to.
- There is good reason to see the statement as a declaration of intent to go ahead with massive settlement planning. The statement addresses only the issue of E-1 planning. It conspicuously fails to address the revelations of planning for another 47,000-plus units revealed in the documents obtained by Peace Now.
- The limited nature of the statement is especially noteworthy in the context of the previous revelation regarding massive settlement planning which took place in November 2013. In the hours after that story broke, Netanyahu tried to placate an enraged international community by freezing only the E-1 planning. When that failed to fly with the international community, Netanyahu ordered all the planning tenders frozen. This time around he appears, once again, to be attempting to “sacrifice E-1” as cover for allowing the other plans to proceed.
- In November 2013, it took an international firestorm to convince Netanyahu to stop the massive settlement planning effort. This time, Peace Now’s report and quiet interventions have sufficed, but only with respect to E-1. There are lessons to be learned here: (1) even when Netanyahu is in his most defiant, “in-your-face” mode, as he has been in recent months, he is sensitive to international engagement—actual and anticipated—that he perceives as being serious and consequential; and (2) if this lesson is limited to E-1, it will be far from adequate. It is possible to elicit
restraint from Netanyahu on settlement issues that go well beyond E-1, but only if the international community signals very clearly that it means business.

So is the settlement planning revealed in these new documents something to worry about?

The settlement planning revealed in the new documents is something both to worry about and to watch closely—and nothing in the statement from the Prime Minister’s office changes that. The potential impact of each individual plan cited in the Peace Now report requires analysis, each on its own merits. Some of these plans are indeed quite dangerous, and require immediate attention.

**E-1 & THE JAHALIN BEDOUIN**

The most dangerous of these is indeed connected to E-1, but not to the construction of the settlement units themselves. A covert campaign is underway to forcibly displace the 2,300 Jahalin Bedouin (here) who reside within the area designated by Israel for the future construction of E-1. The coercive displacement of a civilian population under occupation is the quintessential war crime. And, indeed, this is an unfolding war crime, but one that has not yet taken place in earnest. Operational planning revealed in the newly public documents to prepare the site in the Jordan Valley to which the Bedouin will be transferred (against their will) brings the implementation of the scheme significantly closer—and there is no indication that Netanyahu or anyone else intends to stop.

**A-NAILAH/GIVAT EITAM/E-2**

This plan rivals E-1 and Givat Hamatos in its devastating impact on the contiguity, viability and geographical integrity of any potential Palestinian state. The fact that the statement issued by the Prime Minister’s office in response to Peace Now’s report was limited to the plans in E-1 further strengthens concerns that absent a strong international response, Netanyahu’s intention is to go ahead with E-2. Until now, the plans for its construction have been preliminary (declaration of state lands) and conceptual (framework plans). The detailed planning of the first 800 units is a serious step towards implementation, even if the formal planning process has yet to begin. It is not clear yet that the world [h]as recognized that this plan is as poisonous to the two-state outcome, and as antithetical to an Israeli commitment to peace, as E-1 and Givat Hamatos—plans that have been frozen in the face of resolute international objections.

**THE EAST JERUSALEM SETTLEMENT SCHEMES**

The obstacles to the implementation of plans in Atarot and Har Homa West are so daunting (for legal and planning reasons largely unrelated to the settlement issue) that their implementation is highly unlikely under any foreseeable circumstances. The scheme at Herod’s Gate is more achievable, but the current director of the Ministry of Housing has been adamant that work on this scheme is no longer taking place and is not anticipated to resume. This assertion may indeed be credible but requires constant monitoring.

The most dangerous schemes are the ones not specifically mentioned in the newly revealed documents, but are clearly implied: increased efforts to strengthen the settler stranglehold on Wadi Hilweh/City of David, Batan al Hawa/The Yemenite Quarter, the Muslim Quarter and
Sheikh Jarrah. The center of gravity of the Jerusalem settlements has moved there and settler efforts in this arena—backed by the Israeli bureaucracy—must be monitored, exposed and more effectively constrained.

**Final Thoughts/Observations**

Even those plans cited in the Peace Now report that do not appear to entail clear and present dangers require effective engagement—even now, and for the following reasons:

- Tenders for hiring planners were withdrawn two years ago under international pressure. Now, outside of public scrutiny, the planners have been hired and planning is going forward. This is a clear indication that the partial lull in settlement activity is unraveling.
- Settlement plans portrayed “only as plans” are the guns left on the table in the first act that will be fired by the end of the play. A recent example: in 2010, Israeli officials dismissed criticism of the approval of the Ramat Shlomo Plan during the visit to Israel of Vice President Biden, insisting that it was “only a plan.” Tenders for construction of this “only a plan” were published weeks ago.
- A truism that applies to East Jerusalem settlements applies equally to all settlements: There is no such thing as a “window of opportunity” in stopping settlement planning/approvals. When the world objects to settlement approvals, the answer from Israeli officials, invariably, is either, “It’s too early, it’s just a plan—what are you objecting to?” or “It’s too late, this was approved long ago—why are you bothering us now?” In truth, settlement plans can be stopped at almost any point on the road to implementation, and the earlier a plan is stopped, the lower the political costs.
- The Peace Now report illuminates with rare clarity just how sophisticated, powerful, and organizationally coherent the settler regime within the Israeli bureaucracy really is, and how the PM maneuvers between them and between international pressure (actual and potential).

“THE [GREEN] LINE IS LONG GONE: GILO TO BE EXPANDED, CREATING ANNEXABLE BLOC THAT INCLUDES CREMISAN VALLEY AND EXTENDS TO HAR GILO”

In this article, the Israeli NGO B’Tselem discusses the approval by Jerusalem’s Local Planning Committee of plans to construct almost 900 new units south of Gilo, connecting the settlement to Har Gilo. This step is part of a broader project of annexing land beyond the Green Line. Last quarter, Israel resumed construction on a portion of the separation wall near Beit Jala, cutting off Palestinian residents from their farmland and effectively annexing Har Gilo as part of the Jerusalem municipality (see Settlement Monitor in JPS 45[2] for more). If this plan comes to pass, then the annexed portion of Cremisan Valley land will become a public park for settlers in Har Gilo and Gilo.

The full text of the 5 January 2016 article is presented below. The article as well as B’Tselem’s interactive settlement map are available at [www.btselem.org](http://www.btselem.org).

On Wednesday 16 December 2015, a plan to construct 891 residential units on the slopes south of the neighborhood of Gilo was authorized by Jerusalem’s Local Planning Committee to be deposited for review. Gilo is located on West Bank land that Israel annexed unilaterally to Jerusalem and still constitutes occupied territory. Therefore, under international law, Gilo’s status is no different than those of any other Israeli settlement in the West Bank. The broader urban
building plan was approved by the Jerusalem Regional Planning Committee in December 2012. However, as the land slated for construction is split among multiple owners—including the Israel Land Authority, the Jewish National Fund, and the private “Gilu Beilo” company, to name a few—the Local Planning Committee had to give its seal of approval for unifying and re-parceling the various plots to enable construction.

The committee was scheduled to review the reorganization plan in November 2015, but discussion was postponed at the last minute to avoid a diplomatic incident during PM Benjamin Netanyahu’s visit to Washington. In December the committee approved the unifying and re-parceling plan, thereby allowing the construction plan to be deposited for review.

The plan is one of three the District Committee approved for Gilo in 2012. A second plan, similar in scope, is set to expand the settlement west towards the Palestinian village of al-Walajah. Israel has already expropriated half of al-Walajah’s land, confiscating some for the original construction of Gilo and seizing other parts by military order to establish the settlement of Har Gilo. In addition, the Separation Barrier cuts off al-Walajah residents from their farmed land—some of which was declared Refa’im Stream National Park, whose area abuts the present plan—and entirely prevents any possible development of the village. The third plan will enable construction of about hundred [sic] residential units close to the Palestinian neighborhood of Beit Safafa. Unlike the first plan, the other two plans apply to territory that Israel has declared “state land”—a procedure based on a skewed legal interpretation aimed at transferring Palestinian-owned land to settlements. State land status obviates the need for approval to unify and re-divide the land before the plans can be deposited for review. With regard to the plan that will expand Gilo toward al-Walajah, tenders have already been issued for building the residential units and contractors are expected to receive orders approving construction in the coming weeks.

According to Jerusalem Municipality figures, 32,000 people lived in Gilo in about 9,000 residential units. The three plans detailed above would increase the number of approved residential units in Gilo by 23.5 percent.

Ofer Ayoubi, the head of Gilo’s Community Center, welcomed the plan: “If you think Gilo is in the Occupied Territories, I suggest you visit us and see the contiguity between Gilo and [the neighborhoods of] Katamon, Talpiot, Har Homa, and Malha. The [Green] Line is long gone here.” Indeed, the fact that the Jerusalem Local Planning Committee approved these plans is yet another example of the Israeli government’s policy to expand and entrench the existence of settlements and blur the distinction between Israel proper and the West Bank.

The plan to expand Gilo to the south was approved shortly after construction work on the section of the Separation Barrier on the other side of the Cremisan Valley was renewed. The route of the barrier was designed to cut off the Palestinian residents of nearby Beit Jala from their privately-owned farmland in the valley and achieve de-facto annexation of the land and of Har Gilo to Israel. The southward expansion of Gilo will facilitate the creation of territorial contiguity between Gilo, which lies within Jerusalem’s municipal jurisdiction, and Har Gilo, which is part of the Gush Etzion Regional Council. The Cremisan Valley—a vital source of income to the residents of Beit Jala that also provides them opportunities for recreation—will apparently be turned into a free public space for the residents of Gilo and Har Gilo. This belies the security justifications for the route of the barrier accepted by the High Court of Justice, according to which
an empty buffer zone is needed in order to protect Israeli citizens. In fact, these measures taken together are yet another indication of Israel’s policy to annex Palestinian land.

THE SETTLEMENTS AND POLITICAL ECONOMY
“HOW ISRAELI SETTLEMENTS STIFLE PALESTINE’S ECONOMY” (EXCERPTS)

In this policy brief, authors Nur Arafeh, Samia al-Botmeh, and Leila Farsakh analyze the European Union’s (EU) guidelines on labeling products originating from Israeli settlements. Outlining the deleterious effect of settlements on the Palestinian economy, particularly production and labor, the authors recommend that as Israel’s single largest trade partner, the EU adopt further measures to force Israel to cease settlement activity in compliance with international law. Published on 15 December 2015, the policy brief and citations are available at www.al-shabaka.org.

[. . .] Background

It has taken years for the EU to develop its position on the labeling of goods produced in the settlements Israel has built in Palestinian and Syrian territory since occupying it in 1967. The European Commission issued a statement in 1998 that Israel was suspected of a breach of the EU-Israel Association Agreement, which was signed in 1995 and came into effect in 2000, and which exempted Israeli goods from customs duties. In 2010, the European Court of Justice confirmed that products originating in the West Bank did not qualify for preferential customs treatment under the EU’s Association Agreement with Israel, and that assertions by Israeli authorities were not binding upon EU customs authorities.

However, it was only in 2015 that the EU took the long overdue step of aligning its actions with its own regulations, partly in response to growing civil society pressure to recognize the illegality of settlements. On September 10, the European Parliament passed a resolution calling for the labeling of goods produced in the Israeli settlements as produced in “Israeli settlements” rather than in “Israel” and ensuring that they would not benefit from preferential trade treatment under the EU-Israel Association Agreement. Two months later, on November 11, the EU issued its long-awaited guidelines regarding labeling, which it described in low-key language as an “Interpretative Notice.” However, settlement products will still be traded with the European Union (EU), leaving it to consumers to make an “informed decision” as to whether to buy these products or not.

Israel claims that the EU move is “discriminatory” and that it is harmful to the Palestinian economy in general and to Palestinian workers in particular. This is clearly an attempt by Israel to divert international attention from the reality of the illegal settlement enterprise, its profoundly negative effects on the Palestinian economy, and the moral and legal obligations of the EU. In fact, Israel’s entire settlement enterprise is illegal under international law, as reaffirmed by the International Court of Justice in its Advisory Opinion on Israel’s Separation Wall in 2004. Israel’s transfer of its population to the occupied territory is a breach of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949.
The Settlements’ Economic Exploitation of the OPT

This policy brief focuses on the territories Israel occupied in 1967—the West Bank, including East Jerusalem, the Gaza Strip, and the Golan Heights—and more specifically on the Israeli settlements and outposts that were built in the occupied Palestinian territory (OPT). It does not tackle all of Israel’s violations of international law and of Palestinian rights.

The fact that Israel’s settlement construction has been based on the economic exploitation of the OPT has been widely documented. This has included the confiscation of large swaths of Palestinian land and destruction of Palestinian property to use for construction and agriculture purposes; seizure of water resources to the extent that 599,901 settlers use six times more water than the whole Palestinian population in the West Bank of some 2.86 million; appropriation of touristic and archaeological sites; and exploitation of Palestinian quarries, mines, Dead Sea resources, and other non-renewable natural resources, as will be discussed below.

Settlements have also been supported by an infrastructure of roads, checkpoints, and the Separation Wall, leading to the creation of isolated Bantustans in the West Bank, and to the appropriation of more Palestinian land.

As a result, Israeli settlements now control around 42 percent of West Bank land. This figure includes built-up areas as well as the municipal boundaries of the Israeli settlements. These boundaries actually encompass an area 9.4 times larger than the built-up areas of the West Bank settlements and are off-limits to Palestinians unless they have permits.

The majority of settlements in the West Bank are built in Area C, which represents 60 percent of the West Bank and which is richly endowed with natural resources. According to a World Bank study, 68 percent of Area C has been reserved for Israeli settlements, while less than 1 percent has been allowed for Palestinian use.

Within Area C, Israeli settlement exploitation is concentrated in the Jordan Valley and the northern part of the Dead Sea. Israeli settlements control 85.2 percent of these areas, which are the most fertile land in the West Bank. Their abundant water supply and favorable climate provide the best conditions for agriculture. Indeed, they yield 40 percent of date exports from Israel. Meanwhile, Palestinians are prevented from living there, building, or even herding their livestock under the pretext that the land is either “state land,” “a military zone” or a “natural reserve.”

Israel also resorts to other ways to expel Palestinians from their lands, by demolishing houses, prohibiting the building of schools and hospitals, and denying residents access to essential services like electricity, water, and well digging. By contrast, most settlements are designated as “national priority areas,” allowing them to receive financial incentives from the Israeli government in the area of education, health, housing construction, and industrial and agricultural development.

Israeli revenue from the exploitation of Palestinian land and resources in the Jordan Valley and northern Dead Sea is estimated at around 500 million NIS annually (around $130 million). To get a sense of the impact on the Palestinian economy, it is worth noting that the indirect cost of Israel’s restriction on Palestinian access to water in the Jordan Valley—and their inability to cultivate their land as a result—was $663 million, the equivalent of 8.2 percent of Palestinian GDP in 2010.

Meanwhile, Israel continues to build new settlements. Netanyahu claimed during his speech at the U.S. Center for American Progress, in November, that no new settlements have been built in
the past 20 years. In fact, 20 Israeli settlements were approved under his rule, three of which were illegal outposts that were then approved by the government.

The most recent manifestation of Israeli settlement policy is the renewed construction of the Separation Wall near Beit Jala in the West Bank, effectively separating the villagers from their privately owned farmland in the Cremisan Valley. The route of this segment of the Wall is designed to allow for the annexation of the settlement of Har Gilo south of Jerusalem, giving it contiguity with the Gilo settlement situated within the boundaries Israel created for the Jerusalem municipality after its occupation began in 1967.

**A Palestinian Economy Stifled by Settlements**

Israel’s illegal settlement enterprise has clearly had a profoundly negative effect on the Palestinian economy. Israel’s control over water and land has helped to decrease the labor productivity of the agricultural sector and its contribution to GDP: The contribution of agriculture, forestry and fishing declined from 13.3 percent in 1994 to 4.7 percent in 2012, at current prices. The dumping of solid waste and waste water from industrial zones in the settlements into the OPT has further polluted the Palestinian environment, land, and water.

Restricted access to the vast resources of the Dead Sea has prevented Palestinians from establishing cosmetics businesses and other industries, based on the extraction of minerals. A World Bank study estimated that had there not been access restrictions, the production and sales of magnesium, potash, and bromine would have had an annual value added of $918 million to the Palestinian economy, the equivalent of 9 percent GDP in 2011.

Severe constraints on access to mines and quarries in Area C have also hindered Palestinians’ ability to extract gravel and stones. The estimated annual lost gross value added to the Palestinian economy from quarrying and mining is $575 million. In total, it is estimated that restricted access to and production in Area C has cost the Palestinian economy $3.4 billion. As discussed in an earlier Al-Shabaka policy brief, Israel even controls Palestinian access to their own electro-magnetic sphere—a policy to which the settlements contribute—creating losses of between $80 to $100 million annually for Palestinian telecommunication operators.

Furthermore, the absence of contiguity within the West Bank, coupled with other Israeli movement and access restrictions, has fragmented the West Bank economy into smaller disconnected markets. This has increased the time and costs to transport goods from one area in the West Bank to another, and from the West Bank to the rest of the world. As a result, the competitiveness of Palestinian goods in local and export markets has weakened.

Moreover, as the economy in the West Bank has been marred by unpredictability and uncertainty—which is not surprising, given that the area is under military occupation—the cost and risks of doing business have risen. This has worsened the investment climate, constrained economic development, and increased unemployment and poverty. Overall, it is estimated that the direct and indirect cost of the occupation was almost $7 billion in 2010—almost 85% of the total estimated Palestinian GDP.
Dispossessed: Palestinian Workers in Israeli Settlements

The Palestinian economy has thus been suffering from structural and sectoral weaknesses that are primarily due to Israel’s occupation and its settlement enterprise. The settlements’ take-over of land, water, and natural resources and Israel’s restrictive control of movement, access, and other freedoms have debilitated the economy’s productive base, which is no longer able to generate enough employment and investment, and is increasingly dependent on the Israeli economy and foreign aid.

This harsh economic reality is the primary factor driving some Palestinians to work in Israeli settlements—the figure is estimated at just 3.2 percent of the total employed persons from the West Bank in the third quarter of 2015. Instead of being self-sufficient owners of means of production Palestinians have been dispossessed of their economic resources and rights by the Israeli military occupation and Israel’s settlements, and have been transformed into cheap labor. In fact, most Palestinian workers in the settlements are in low skilled, low paying jobs: At least half of them are employed in the construction sector. In other words, less than 11,000 Palestinians are employed in Israeli settlement industry and/or agriculture. This means that less than 2 percent of the total employed Palestinian population would be impacted in the event of closure of Israeli industries in the settlements.

Palestinian workers in the settlements are subject to difficult and sometimes dangerous working conditions, and it is estimated that 93 percent do not have labor unions to represent them. Indeed, they are subject to arbitrary dismissal and withholding of their permits if they demand their rights or try to unionize. A 2011 survey found that the majority of Palestinian workers would leave their jobs in the settlements if they could find an alternative in the Palestinian labor market.

While it is argued that Palestinian workers in settlements receive higher wages than in the Palestinian labor market, it is worth noting that they are paid, on average, less than half the Israeli minimum wage. For example, in Beqa’ot, an Israeli colony in the Jordan Valley, Palestinians are paid 35 percent of the legal minimum wage. Note that the packing houses of Mehadrin, the largest Israeli exporter of fruits and vegetables to the EU, are located in this settlement.

In short, it is effectively Israel’s settler-colonial enterprise that hurts Palestinians, much more than the EU labeling of settlements products. What Palestinians need is not more jobs in settlements or more dependency on the Israeli economy. Rather, what Palestinians need is the dismantling of Israeli settlements, an end to the occupation, and the full realization of their rights under international law. Only then can they truly strengthen the productive base of the Palestinian economy, generate employment opportunities, ensure self-reliance and self-sufficiency, and stop being dependent on foreign aid.

The Gap between EU Rhetoric and Action

It is against this background that the EU’s role vis-à-vis Israeli settlements should be discussed. The EU recognizes that Israeli settlements established in the OPT are illegal. Its Interpretative Notice clearly stated that the EU, “in line with international law, does not recognise Israel’s sovereignty over the territories occupied by Israel since June 1967.” And yet the EU imports goods from the Israeli
settlements (mostly fresh fruits and vegetables that are grown in the Jordan Valley) at an estimated annual value of $300 million. This is more than 17 times the average annual value of goods exported from the OPT to the EU between 2004 and 2014.

Despite the Interpretative Notice, there remains a large discrepancy between the EU’s rhetoric and its actions, and the Notice is insufficient to fulfill the EU’s legal obligations, for several reasons. To begin with, not all products from Israeli settlements are to be labeled. Only fresh fruits and vegetables, poultry, olive oil, honey, oil, eggs, wine, cosmetics, and organic produce are subject to mandatory indication of origin. Pre-packaged foods and industrial goods that are not cosmetics are only subject to voluntary indication of origin.

In addition, Israeli companies operating in the settlements can easily circumvent the labeling of their products. For example, they can mix goods produced in the settlements with other goods produced in Israel and avoid their being labeled as “settlement products.” They can use the address of an office inside Israel’s internationally recognized borders as the company’s official address instead of the actual site of production. The EU should also note that those companies that do label their products as produced in the settlements can receive compensation from the Israeli government for any losses they might incur. It is estimated that the state budget has allocated some $2 million each year for the past 10 years to compensate Israeli companies in the settlements for losses they would face as a result of the halt of preferential customs treatment and other benefits.

Meanwhile the labeling guidelines themselves seem toothless since “enforcement of the relevant rules remains the primary responsibility of Member States,” as the EU Interpretative Notice stated. More importantly, by only labeling produce from the settlements, while maintaining trade and investment relations with them, the EU is actually continuing to finance the expansion of the settlements and perpetuating Israel’s occupation, exploitation of Palestinian natural resources, and appropriation of Palestinian land—an illegal situation the EU claims not to “recognize.”

Furthermore, in clear divergence from its rhetoric, the EU undertakes projects with Israeli companies that are deeply involved in the settlements and the occupation. For instance, the EU has approved 205 projects with Israeli participation in Horizon 2020, the largest EU research and innovation program. The participating Israeli companies include Elbit, which is directly involved in the construction of settlements and the Wall; Israel Aerospace Industries, which supplies the equipment needed for the construction of the Wall; and Technion University, which works with the Israeli military complex. European banks are also connected to Israeli banks, which provide mortgages for settlers, finance Israeli authorities in the settlements, and fund state-sponsored construction of settlements and other business activities that perpetuate the settlement enterprise.

Therefore, the EU’s Interpretative Notice seems to be primarily a symbolic step, through which it pays lip service to the growing demands from European civil society, which is increasingly supportive of the Palestinian-led Boycott, Divestment and Sanctions (BDS) movement, that it apply its regulations and hold Israel accountable. Under international law third states are obliged not to recognize as lawful an illegal situation, not to provide any assistance to maintain an illegal situation, and to cooperate to ensure the compliance by Israel with international humanitarian law.
In other words, the EU and its member states should do everything possible to put an end to Israel’s illegal settlement enterprise.

**How the EU Can Better Uphold the Law**

The EU could begin to translate its rhetoric into effective measures to hold Israel accountable by enforcing a complete ban on all direct and indirect economic, financial, business, and investment activities with the Israeli settlements, following in the footsteps of Copenhagen, Reykjavik, and recently Amsterdam. As recently recommended in a European Council on Foreign Relations report, it should also halt financial relations with Israeli banks, especially those that finance the occupation and the construction of settlements. In addition, the EU member states should on their own cease all relations with Israeli settlements.

It is worth noting here that the EU is Israel’s largest trading partner, with trade totaling around 30 billion Euros in 2014 (around $36 billion using Dec 31, 2014 exchange rates), which represents around 33% of the total Israeli exports of goods and services in 2014. EU trade with Israeli settlements represents less than 1% of EU trade with Israel. A serious EU move would have real impact on Israel’s settlement enterprise and prolonged military occupation.

In addition to moving from labeling settlement products to ending all dealings with Israeli settlements, European countries should consider a ban on all Israeli goods. Since the EU recognizes that Israel’s control of the OPT is a state of occupation—a nearly 50-year military occupation—it should deal with the root cause of the occupation, i.e. Israeli government policy, rather than just the symptom of the occupation, i.e. the settlements.

In apartheid South Africa, for example, a boycott that only focused on businesses that bordered townships would not have greatly affected the apartheid system. Similarly, just boycotting Israel’s settlement products would have much less impact than boycotting the very system that is masterminding the colonization of the territories in order to pressure Israel to end its occupation. This is why it is important to ban all Israeli goods and not only these of the settlements. Such a step would, among other things, address the issue of Israel’s cheating with regards to the origin of the goods and commodities from the settlements. This is difficult to control unless the actual companies are boycotted and not only their goods and services. In fact many of the companies working in the settlements originate in Israel rather than the 1967 territories.

The calls for a full boycott are growing and finding adherents in unlikely places. For example, two U.S. academics recently argued in a *Washington Post* op-ed that just boycotting settlement goods would “not have sufficient impact.” Instead they called for “a withdrawal of U.S. aid and diplomatic support, and boycotts and divestitures from the Israeli economy” in order to reshape Israel’s strategic calculations.

For Palestine, such a ban would help protect Palestinian goods, increase their competitiveness, and help to ensure the ability of the Palestinian economy to be integrated into the international economy in the future, once freedom is assured. Boycotting all Israeli goods and services would be an effective way to empower the Palestinians to overcome Israeli colonialism. This would be much more effective than providing development assistance for specific sectors, and would directly respond to the demand of the Palestinian people for freedom and human rights.
COMPARING U.S. AND EU SETTLEMENT PRODUCT LABELING POLICIES

Just two months after the European Union’s November 2015 release of its guidelines for labeling settlement products, U.S. Customs and Border Protection published a reminder notice regarding country-of-origin marking requirements for West Bank settlement products. The policy, enacted in 1995 and clarified in 1997, had never been enforced.

In “Settlement Product Labeling Policies, U.S. vs. EU,” Americans for Peace Now’s Lara Friedman compares the EU’s measures to the U.S. Customs guidelines, outlining the different economic contexts in which the policies were formulated. Published on 27 January 2016, the blog post is presented below and available online at www.peacenow.org.

The current U.S. and EU approaches are similar in that both bar producers and exporters of products made in settlements from indicating that the point of origin of the products is Israel. The approaches differ, however, in how far they go. U.S. labeling, in effect, differentiates between Israel on the one hand, and the West Bank/Gaza on the other. The EU differentiates not only between Israel and the West Bank, but within the West Bank between Israeli and Palestinian goods. This difference reflects, fundamentally, the different historical and economic circumstances in which the respective regulations were adopted.

Historical Context—The U.S.

The historical context for current U.S. Customs regulations dealing with labeling products from the West Bank is explained in detail in a 1995 Department of Treasury Notice of Policy.

Prior to the onset of the Oslo peace process, U.S. Customs regulations required goods produced in the West Bank and Gaza to have the point of origin labeled “Israel,” or “Product of Israel,” or “Israeli-Occupied West Bank (or Gaza),” or words of similar meaning. This reflected Customs’ view that, for the purposes of labeling goods as required under 19 U.S. Code § 1304, “the designation ‘West Bank’ is not an acceptable country of origin marking because the United States does not recognize the West Bank territory as an independent political entity.”

It should be noted that even at the time, labeling such products as made in “Israel” was inherently problematic, as the relevant section of the U.S. Code of Federal Regulations, 19 CFR 134.1, explicitly states with respect to country of origin labeling that: “‘Country’ means the political entity known as a nation. Colonies, possessions, or protectorates outside the boundaries of the mother country are considered separate countries.”

In any case, these regulations changed in 1995 (and were further amended in 1997), explicitly in the context of the Oslo process. The Notice of Policy states that in light of the signing of the Israeli-PLO Declaration of Principles on Interim Self-Government Arrangements (the DOP),

In view of these recent developments, the U.S. Department of State has advised the U.S. Department of the Treasury by letter dated October 24, 1994, that, in their view, the primary purpose of 19 U.S.C. 1304 would be best served if goods which are produced in the West Bank and Gaza Strip are permitted to be marked “West Bank” or “Gaza Strip.” The Department of State believes that labeling goods as coming from the “West Bank” or “Gaza” will provide American purchasers with important information indicating their origin, which is the primary purpose of 19 U.S.C. 1304.
Notably, at that time, settlements were producing and exporting little or nothing to the U.S., rendering questions about labeling of settlement products a non-issue. And, notably, there is nothing in the historical record to indicate that in 1995, when this change was adopted, the Government of Israel in any way objected. Indeed, the Notice of Policy specifically cites the fact that, after Customs issued a notice proposing to change the new labeling requirements as per the State Department’s recommendation, only two comments were received from the public, both favorable to the proposal.

The 1995 regulation was updated in 1997, to reflect the fact that under Oslo, the West Bank and Gaza are to be treated as a single geographic/political area. Again, there is no evidence in the historical record that the Government of Israel objected to this updating of the regulations.

Finally, there is the question of East Jerusalem. U.S. Customs regulations, both pre- and post-Oslo, do not explicitly mention East Jerusalem. That said, U.S. policy since 1967, consistent under every president, is that the U.S. does not recognize Israel’s annexation of East Jerusalem, and various pieces of legislation (like the loan guarantees legislation adopted in 1992 and 2000) and agreements that differentiate between Israel and the West Bank do so by referencing geographic areas which were subject to the administration of the Government of Israel before June 5, 1967. By definition, this does not include East Jerusalem, meaning these U.S. Customs regulations should apply there as well.

**Historical Context—The EU**

The EU rules on labeling of products from the West Bank that are generating attention today were adopted twenty years after Oslo, in 2015. During those 20 years, the situation on the ground changed dramatically, with settlements now producing a significant amount of products for export to the European market (and to the U.S.). Thus, in 2015, the issue for the EU was about addressing concerns that Israel is deliberately mislabeling settlement goods, which are being exported in large quantities, to hide their true point of origin. Adopting the U.S. approach would not have resolved this problem, since under the U.S. approach, settlement goods would be indistinguishable from Palestinian goods. Thus, the EU approach goes into greater detail, differentiating, in effect, not only between Israel and the West Bank, but within the West Bank between Israeli and Palestinian goods.

**Current Approach—The U.S.**

The U.S. regulation adopted in 1995 required that all products made in the West Bank (which for the purposes of U.S. law should include East Jerusalem, since the U.S. has never recognized Israel’s annexation of East Jerusalem), or Gaza, be labeled as made in the “West Bank” or “Gaza.” The full text of regulation, including background, is here. The key excerpt is the following:

Unless excepted from marking, goods which are produced in the territorial areas known as the West Bank or Gaza Strip shall be marked as “West Bank,” “Gaza,” or “Gaza Strip” in accordance with the requirements of 19 U.S.C. 1304 and 19 CFR Part 134, and shall not contain the words “Israel,” “Made in Israel,” “Occupied Territories-Israel,” or words of similar meaning.
This regulation was updated in 1997, to reflect the fact that under Oslo the West Bank and Gaza are to be treated as single territorial unit. The key excerpt is this:

Pursuant to the request of the Department of State, this document notifies the public that acceptable country of origin markings for goods produced in the territorial areas known as the West Bank or Gaza Strip consist of the following: “West Bank/Gaza,” “West Bank/Gaza Strip,” “West Bank and Gaza,” “West Bank and Gaza Strip,” “West Bank,” “Gaza,” and “Gaza Strip.”

This means that, for purposes of export to the U.S., products made by Palestinians in Ramallah are to be marked the same as products made by settlers in the neighboring settlement of Psagot, as made in the “West Bank/Gaza,” “West Bank/Gaza Strip,” “West Bank and Gaza,” “West Bank and Gaza Strip,” or “West Bank.”

**Current Approach—The EU**

The EU approach goes a step further than the U.S., requiring differentiation not only between Israel and the occupied territories, but also differentiation within the West Bank (including East Jerusalem) and Gaza (and Golan), between Palestinian products and products of settlements. The interpretive note explains in detail that the goal here is to ensure accurate labeling, so that consumers know the true origin of products (also important for categories of imports receiving preferential treatment or subject to specific certifications), and failing to differentiate between Palestinian and Israeli settlement products would not achieve this.

The full text of the EU’s interpretive note regarding labeling is here. The key excerpt is the following:

7. Since the Golan Heights and the West Bank (including East Jerusalem) are not part of the Israeli territory according to international law, the indication “product from Israel” is considered to be incorrect and misleading . . .

8. To the extent that the indication of the origin is mandatory, another expression will have to be used, which takes into account how these territories are often known.

9. For products from Palestine that do not originate from settlements, an indication which does not mislead about the geographical origin, while corresponding to international practice, could be “product from the West Bank (Palestinian product),” “product from Gaza,” or “product from Palestine.”

10. For products from the West Bank or the Golan Heights that originate from settlements, an indication limited to “product from the Golan Heights” or “product from the West Bank” would not be acceptable. Even if they would designate the wider area or territory from which the product originates, the omission of the additional geographical information that the product comes from Israeli settlements would mislead the consumer as to the true origin of the product. In such cases the expression “Israeli settlement” or equivalent needs to be added, in brackets, for example. Therefore, expressions such as “product from the Golan Heights (Israeli settlement)” or “product from the West Bank (Israeli settlement)” could be used.

**Looking Ahead**

In the 20 years since the U.S. regulations were adopted, the settlement economy in the West Bank has grown exponentially, and generates significant exports, including to the United States. It is
unknown to what degree settlement exporters (and importers of settlement goods) comply with U.S. regulations. Anecdotal evidence indicates that to a great extent they do not, raising questions about the need for stronger enforcement and penalties for non-compliance. The recent move by U.S. Customs authorities to issue a notice reminding importers of U.S. labeling requirements for goods coming from the West Bank may indicate that such enforcement is, indeed, being beefed up.

Moreover, the EU labeling requirements shine a spotlight on the deficiency of the U.S. regulations. If the purpose of point-of-origin labeling is at least in part to permit consumers to know where products are coming from when they make purchasing decisions, then U.S. regulations fall short. The EU approach, which permits consumers to know whether products in the West Bank are from Israeli settlements or are Palestinian products, is a model for labeling that is genuinely accurate and transparent.

“U.S. DONORS GAVE SETTLEMENTS MORE THAN $220 MILLION IN TAX-EXEMPT FUNDS OVER FIVE YEARS”

In this investigative piece for Haaretz, Uri Blau provides a comprehensive breakdown of U.S. charitable organizations that funnel money to Israeli settlements. Based on thousands of pages of tax statements from the years 2009–13, Blau’s research determined that 50 organizations gave settlements more than $220 million over the five-year span. Much of the money went toward building acquisitions, covering legal fees of settlers charged with violent crimes against Palestinians, and settlement security operations. Although the U.S. government opposes Israeli settlements, Blau reveals the ease with which U.S. donors are able to make tax-exempt contributions to support them.

This article was published on 7 December 2015 and is the first in a series on U.S. funding of the colonization process—a project made possible by a grant from the Pulitzer Center on Crisis Reporting. This piece and the rest of the series are available at www.haaretz.com.

Private U.S. donors are massively funding Israeli settlements by using a network of tax-exempt nonprofits, which funneled more than $220 million (about 850 million shekels) to Jewish communities in the West Bank in 2009–2013 alone, a Haaretz investigation has found.

The funding is being used for anything from buying air conditioners to supporting the families of convicted Jewish terrorists, and comes from tax-deductible donations made to around 50 U.S.-based groups.

Thanks to their status as nonprofits, these organizations are not taxed on their income and donations made to them are tax-deductible—meaning the U.S. government is incentivizing and indirectly supporting the Israeli settlement movement, even though it has been consistently opposed by every U.S. administration for the past 48 years.

The findings also show that while Israel’s political right often criticizes left-wing organizations for receiving foreign donations—and has made several attempts to curtail such funding—groups that support the settlements also receive extensive funding from abroad, albeit from different sources.

While left-wing NGOs and human rights groups receive large donations from foreign governments and institutions, Israeli settlement groups are mostly supported by private individuals who donate through nonprofit organizations.
Low transparency requirements in both the United States and Israel make it difficult to gather comprehensive information on all of the donors, but some of the benefactors are known and include major donors to Prime Minister Benjamin Netanyahu. Some also donate to the U.S. Republican Party.

These and other issues will be detailed as part of Haaretz’s in-depth coverage of U.S. funding of settlements, which will be published over the next few weeks.

Legal Aid for Jewish Terrorists

Conducted over the last year, the Haaretz investigation exhaustively analyzed thousands of documents from the tax filings and official papers of dozens of American and Israeli nonprofit organizations.

The probe found that at least 50 organizations from across the United States are involved in raising funds for settlements and settlement activities in the occupied territories. Their revenues between 2009 and 2013—the last year for which there is extensive data—amounted to over $281 million. Most of these funds came from donations, while some came from returns on capital investments.

Nearly 80 percent of this income (about $224 million) was transferred to the occupied territories as grants, mostly through Israeli nonprofits. In 2013 alone, these organizations raised $73 million and allotted $54 million in grants. Initial data for 2014 suggests that figures for last year could be even higher.

Haaretz’s investigation shows some of the funding has gone toward providing legal aid to Jews accused or convicted of terrorism, and supporting their families, through an Israeli nonprofit called Honenu. Annual reports filed by the group with Israeli authorities show that Honenu received nearly 600,000 shekels ($155,000)—20 percent of its income—from U.S. sources last year.

Among those who benefited from the group’s support in 2013 were the family of Ami Popper, who murdered seven Palestinian laborers in 1990, and members of the Bat Ayin Underground, which attempted to detonate a bomb at a girls’ school in East Jerusalem in 2002.

In the past, Honenu has also raised money for Prime Minister Yitzhak Rabin’s assassin, Yigal Amir, who is serving a life sentence for his crime.

“Honenu, a legal aid organization, has always operated within the law and only in accordance with its goals,” the group said in a statement to Haaretz. It added that, due to confidentiality rules, it could not discuss specific cases, but said it has provided aid to thousands of suspects, including Israeli police officers, soldiers and civilians.

From Yeshivas to Buying Buildings

One of the largest U.S. organizations involved in funding Jewish communities in the West Bank is the Brooklyn-based Hebron Fund. It transferred $5.7 million to the Jewish settlement in Hebron from 2009–2014. Much of the funding has been invested in parks, playgrounds and libraries, in line with the fund’s stated goal of “the improvement of the daily life for the [Jewish] residents of Hebron.”

However, it has also paid the monthly salary (cumulatively amounting to hundreds of thousands of shekels) of Menachem Livni, who headed the nonprofit Renewal of the Jewish Community in Hebron between 2010 and 2012, which in turn was funded by the U.S. organization. A convicted murderer, Livni was one of the leaders of the Jewish Underground, which operated in the
territories in the 1980s, killing three Palestinian students and severely injuring two Palestinian mayors and a Border Police sapper. Livni was sentenced to life imprisonment, but was released after six years. Dan Rosenstein, executive director of the Hebron Fund, declined to answer questions about the fund’s activities or discuss its donors and beneficiaries.

Another leading source of donations is the Central Fund of Israel, which operates out of the offices of a textile company, owned by the Marcus brothers, in the Manhattan garment district. The fund’s revenues exceeded $19 million in 2013—a $3 million increase over the preceding year. While many of the groups cited in this investigation have yet to file reports for 2014, the CFI has done so: last year it showed a sharp increase in its revenues, which jumped to $25 million—with almost $23 million forwarded to Israel.

Among the institutions supported by the Central Fund is the Od Yosef Chai yeshiva, in the West Bank settlement of Yitzhar. The heads of the yeshiva, Rabbis Yitzhak Shapiro and Yosef Elitzur, are the authors of “The King’s Torah” (“Torat Hamelech”), a book that outlines the circumstances under which it is permissible to kill non-Jews. The two rabbis were questioned by the police, but not prosecuted, on suspicion of inciting racism. Last year, following violent attacks against the Israeli army, Border Police took control of the yeshiva for several months.

In a meeting with a Haaretz reporter, CFI director Jay Marcus said the organization makes donations to a number of Israeli nonprofits operating on both sides of the Green Line (i.e., in Israel proper and the occupied territories). He declined to disclose the percentage of donations going to the settlements, saying it was not an issue and insisted that the money did not serve political purposes.

Despite this massive influx of U.S. dollars, Israel and its taxpayers are the settlement’s main bankrollers. Security, infrastructure construction and educational, religious and cultural activities are all financed by the citizens of Israel, either directly or through municipalities, regional councils and other channels.

Money arriving from the United States is considered more an added luxury for the settlements, contributing to religious education (such as the financing of the Neveh Shmuel yeshiva in Efrat); improving living conditions (air-conditioning units for the dining room in the Ohr Menachem school in Kiryat Arba); leisure activities (the construction of a promenade between settlements in the Etzion Bloc); but also the purchasing of buildings in the West Bank and East Jerusalem (including a house next to Rachel’s Tomb, near Bethlehem).

The White House Responds

Asked whether the granting of tax-exempt status to these organizations did not contradict the U.S. position on settlements, a senior White House official told Haaretz that “the policy of every administration since 1967, Democrat and Republican alike, has been to object to Israeli settlement beyond the 1967 borders.”

“The present administration is no different,” the official continued. “Concordant with permanent U.S. policies, this administration never defended or supported any activity associated with the settlements. It doesn’t support or advance any activity that will legitimize them.”

There are many groups in the United States that support all manner of causes and are registered with authorities as 501c3 charities—the designation that grants them tax-exempt status and makes donations to them tax-deductible. The running of these charities and the regulations governing
them have stirred controversy before: from questions raised earlier this year over donations received by the Clinton Foundation to a recent campaign by John Oliver’s “Last Week Tonight” show to curb the tax privileges granted to televangelists.

The Haaretz investigation adds to this debate, as it shows that the United States is tacitly supporting, through tax-exempt contributions, the growth of the settlements—a process that its government strongly condemns.

"THE STEALTH CAMPAIGN IN CONGRESS TO SUPPORT ISRAELI SETTLEMENTS"

In this 1 December 2015 article for the foreign policy blog LobeLog, Americans for Peace Now’s Lara Friedman discusses continuing efforts in the U.S. Congress to redefine the settlements as part of Israel in order to counter the growing Boycott, Divestment and Sanctions (BDS) movement. In Friedman’s review of legislation for the year 2015, she demonstrates how congressional efforts have been backed by the American Israel Public Affairs Committee (AIPAC), so much so that in some cases the pro-Israel lobby group even drafted the legislation. The article is available at www.lobelog.com.

For more on anti-BDS legislation, see JPS’s quarterly Update on Conflict and Diplomacy as well as the JPS Congressional Monitor database at www.congressionalmonitor.org.

Since the beginning of this year, an unprecedented but little-noticed campaign has been waged in Congress—backed by the American Israel Public Affairs Committee (AIPAC) and others—in support of Israeli settlements. At the core of this campaign is an effort to legislate a change in U.S. policy, which since 1967 has remained firmly opposed to settlements, under both Republican and Democratic presidents.

Backers of the campaign, both in Congress and among outside groups like AIPAC, are promoting numerous pieces of legislation that redefine “Israel” to mean “Israel-plus-the-settlements” and make supporting settlements an integral and mandatory part of American support for Israel, as a matter of policy and law. They pass off their efforts as an entirely non-controversial matter of countering boycott-divestment-sanctions (BDS) against Israel in general, countering BDS policies adopted by the EU and some European countries, in particular.

Exploiting the fog-of-panic over BDS, they paint their efforts in black-and-white, “with-Israel-or-against-Israel” terms. And, whether out of fear, ignorance, or actual support for the campaign’s pro-settlements agenda, most members of Congress have swallowed this explanation without protest. They have done so despite the fact that not a single European country has adopted anything even resembling BDS policies against [Israel] (Europe remains Israel’s largest trading partner today), and despite the fact that even a cursory examination of the legislation and policies in question reveals that they have nothing to do with, and would have no impact on, BDS targeting Israel, but rather would only result in U.S. support for settlements.

Thus far, the campaign—both in its brazenly dishonest framing and for its highly-controversial goal—has gone largely unnoticed and unchallenged. A handful of experts (including this author) have worked tirelessly to educate Congress and the public to what is really going on; a few talented journalists have tried to tell the whole story (for example, here
and here). In the one case where the campaign managed to pass pro-settlements language into law, the Obama administration made clear that U.S. policy on settlements would not change. Regrettably, this clarification had no noticeable impact in Congress.

As documented in detail below, backers of this campaign clearly believe they have found a winning strategy, one that involves hijacking more and more elements of U.S. foreign policy and working to tie them, in law, to U.S. support for settlements. The energy behind this campaign shows no sign of abating, and there are no indications that Congress is waking up to the dangers this campaign holds—not only for the chances of achieving Israeli-Palestinian peace, but for an ever-widening range of U.S. policies and interests.

The 2015 “Settlements = Israel” Campaign: A Year in Review

**Winter 2015: Initial legislation introduced:** On February 10, Representatives Roskam (R-IL) and Vargas (D-CA) introduced H.R. 825. On March 2, Senators Cardin (D-MD) and Portman (R-OH) introduced their companion bill, S. 619 (Cardin announced he would be introducing S. 619 on March 1, at a plenary session at the AIPAC policy conference). Shortly thereafter, both bills were posted on AIPAC’s website as part of AIPAC’s legislative agenda (and remain there as of this writing). Notably, on September 9, 2014, BuzzFeed reported that AIPAC was directly involved in drafting the legislation. The ostensible purpose of both bills is to protect Israel from BDS policies adopted in other countries, particularly in Europe. In reality, these bills would define Israel, for the purposes of U.S. trade policies, as including the settlements, and make it U.S. policy to push back against policies that distinguish between settlements and Israel. The legislation also appears to lay the groundwork for barring the U.S. private sector from working with foreign companies that, on their own or consistent with laws to which they are subject, distinguish between Israel and settlements, and possibly even for extraterritorial sanctions. Notably, on its website AIPAC initially characterized the bill as concerned with the treatment of “Israel and her territories.” After attention was drawn to this unusual wording (unusual because it implies that AIPAC views the occupied territories as part of Israel), AIPAC removed the reference and its advocacy page now refers only to Israel.

**Spring–Summer 2015: Pro-settlement provisions attached to major trade bills.** In April 2015, provisions similar to those in H.R. 825 and S. 619 were folded into two pieces of major trade legislation: the Trade Promotion Authority (TPA) bill, which eventually became H.R. 2146; and the Trade Facilitation and Trade Enforcement Act (aka, the Customs Bill), which eventually became H.R. 644. During House and Senate Committee consideration of the provisions (Senate is here, starting at 09:01; House is here, starting at 18:00), members repeated concerns about BDS and “economic warfare” against Israel, ignoring the fact that the provisions would have no impact on BDS and would serve only to defend and promote settlements. President Obama signed H.R. 2146, including the pro-settlements provision, into law on June 29. The pro-settlements provision was of sufficient concern to the Obama administration that on June 30 it issued a statement clarifying that the bill’s conflation of Israel and settlement was not U.S. policy. This clarification may be intended to lay the groundwork for a veto or signing statement of future legislation containing similar provisions.  

**Fall 2015: Warning the EU over settlements policy.** On November 9, Senators Cruz (R-TX) and Gillibrand (D-NY), along with 34 other senators, sent a letter to EU High Representative for Foreign
Affairs and Security Policy Federica Mogherini, slamming the EU for its impending policy of requiring that labels on products coming from Israeli settlements accurately reflect their point of origin, which means they cannot say “made in Israel.” On November 10, Representatives Lamborn (R-CO) and Weber (R-TX), along with 34 of their House colleagues, sent a similar letter to Mogherini. Both letters treat the EU policy as a form of BDS against Israel. The Senate letter specifically references the pro-settlements provisions passed into law as part of the TPA legislation as justification for its attack on the EU’s policy, underscoring the fact that defending settlements was, from the start, the intent behind those provisions.

**Fall 2015: Urging USTR action against the EU over settlements policy.** On November 12, following the EU’s publication of its new settlement labeling policy, Representatives Roskam (R-IL) and Vargas (D-CA), and Senators Portman (R-OH) and Cardin (D-MD)—the foursome behind the original pro-settlement bills, H.R. 825 and S. 619—jointly sent a letter to U.S. Trade Representative Michael Froman, opposing the EU labeling policy and urging U.S. intervention. The letter references the pro-settlement provisions in the TPA bill as justification for its demands, underscoring (again) that defending settlements was, from the start, the intent behind those provisions. The letter also makes explicit the members’ goal of erasing the 1967 lines (aka, the Green Line) by introducing a new term of art for the occupied territories: “post-1967 Israel.” This term (like the one used and then deleted by AIPAC earlier in the year, “Israel and her territories”) clearly discloses a political agenda of legitimizing Israeli settlements.

**Fall 2015: Holding Ex-Im Bank funding hostage to support for settlements.** In late November, Senators Portman (R-OH) and Cardin (D-MD)—who are playing a consistent and energetic role in leading the pro-settlements campaign to add pro-settlements language—began an effort to link funding for the Export-Import Bank (which is currently shuttered for lack of funding) to support for settlements. Their effort, which [is] once again being framed as pro-Israel and anti-BDS, is reportedly strongly supported by Wyden (D-OR) and Senate Minority Leader Reid (D-NV). In a letter lobbying for inclusion of the provision, Portman and Cardin specifically cite the pro-settlements provision in the TPA bill as precedent and point to the EU’s recent settlement products labeling policy as a concrete example of BDS against Israel that Congress must fight.

**INSIDE THE SETTLEMENTS**

“**AMONG THE SETTLERS**” (EXCERPTS)

*In January 2016, Mondoweiss founder Philip Weiss traveled to four Israeli settlements, booking his home stays through the vacation rental service Airbnb. While he had originally planned to write an exposé on Airbnb’s business in the illegal settlements, other organizations broke that story while he was in the West Bank. Forced to change his angle, Weiss instead wrote a two-part essay recounting his time among Israeli settlers and providing a glimpse into their daily lives and rhetoric. Presented below are excerpts from the two articles published on 26 January 2016: “Among the Settlers” and “The World the Settlers Made.” The articles are available in full at www.mondoweiss.net.*
On my first night in an Israeli settlement, David served chicken soup left over from Sabbath and told me an unsettling story about the birth of Israel. His great uncle had escaped Europe to come to a Jewish kibbutz called Ein Harod. On the next hill was a Palestinian village. When hostilities broke out between Jews and Palestinians in 1948, the Jews went up to the village and announced that the next day they were bringing bulldozers to level the place, the people should leave. The next day they went back and were surprised to find that the Palestinians had all fled—fearing a massacre like the one that took place in Deir Yassin. The Jews then leveled the village and used the stones to build a stadium in their kibbutz. David said his uncle had told this story “with a twinkle in his eye.”

David was not the only settler to tell me stories of the Nakba. And the meaning was clear: A previous generation of Zionists had done terrible things to Palestinians in order to build the state of Israel. Now David and the other settlers were taking that same project—Zionism, the renewal of the Jewish people in their land—to the next part of the land of Israel. And they were doing so without destroying Palestinian villages, as their socialist predecessors had done.

The settlers told me that the great political development of the last year or two is that the Tel Aviv elite now concede that the settlers are never leaving. The elites give lip service to a Palestinian state because the world wants to hear that. But few in Jewish Israeli society even want that to happen; it would tear the country apart.

I spent five days in the settlements in mid-January using the Airbnb service. My original plan was to expose the fact that Airbnb is doing business inside the occupation. But that story broke when I got to Palestine (with Jewish Voice for Peace and others calling on the company to end the service). I followed through on my bookings because I have always been curious about settlers. I slept in four settlements and visited a half dozen others. I ate with settlers and prayed with them. I saw a bris and a bar mitzvah. Half my hosts were American-born, half were Israeli. I gave my real name to my hosts, but I misrepresented myself, saying that I sell houses in New York (I have supported myself in part by flipping houses), because it was clear that I would never be accepted in these places if I was forthcoming. The settlers are engaged in what the world sees as illegal activities, and imposture was the only way for me to get this story. All my hosts were kind to me; I am masking their identities.

I learned more about Israel in those five days in Palestine than in any other trips I’ve made. These colonies were founded a generation ago with the aim of creating one state between the river and the sea and they have succeeded. They are fortresses built with Palestinian labor. Today the mass of Israeli Jewish society does not want a Palestinian state, these settlers say; and the colonists would rise up in the hundreds of thousands before allowing such a state. This is the reality that high State Department officials have sought to convey to the American public—but that our press has failed to tell us.

The world I visited is the world that Zionists made, according to their ideal of Jewish sovereignty. And it is a world of segregation, with Jews on top. One fact leaps out from my tour. In five days of moving in and out of settlements in occupied territories and making four trips back to West Jerusalem inside Israel by bus and hitchhiking, I never had to produce my passport. Not once. Because I was with the whites, in white cars. I have visited occupied Palestine countless times with Palestinians; I am almost always asked to produce my passport at checkpoints.
1. Gush Etzion Bloc

David is tall and wiry and weather-beaten, in his late 60s and lives in a shack on a hillside and wears khakis begrimed by physical labor and a “cowboy” revolver slipped into his belt. He grew up on Long Island and could have had a much better life in the U.S. He says that he lives on the edge of the Judean wilderness, and he can walk to the Dead Sea in a full moon in 12 hours. “They call it Judea. That means it is the land of the Jews. This is where a Jew belongs, that’s my view.” His house is held together with baling wire. He doesn’t care about money, he cares about children. He has five by his ex, and a couple of years ago he married an immigrant from Russia in her 30s after she converted to Judaism. It didn’t work out, but when I ask him how many children he was going to have with her David says, “Double digit.”

He drives me around three hilltop settlements in a rickety car and points out a ridge covered with new redroofed houses. “Are you sitting down? That’s the Tekoa housing boom—because of the settlement freeze!” He says the 2010 freeze allowed construction on houses that were already started; so before it went into effect, crews worked day and night with lights to get scores of foundations in.

The construction workers were Palestinian. As we drive in and out of Tekoa, David waves to a Palestinian man in a new pickup. Ahmed is shuttling work crews from job sites inside the settlement to their cars in a lot outside. They can’t walk or drive through the settlement; they must get a day-pass from security and a ride. Ahmed has a pass to bring his car into the settlement. Ahmed lives in “Arab Tekoa,” David says. “You can always tell the Arab villages by the phallic symbol. The minarets.”

David works as a security guard for Ahmed and other Palestinian contractors, because all Palestinian workers must be accompanied by an armed Israeli. It is for the peace of mind of the Israeli mothers, perambulating their children, David explains. So he sits in a chair with a book and his gun all day as Ahmed’s workers set cinderblock and plaster walls. He makes 300 shekels a day, the same as a master craftsman.

Sometimes the homeowner pays for him, but more often the contractor. David said to Ahmed: “Do you see how absurd this is? You pay me. . . To protect someone else. . . From you!”

There is an innocence about David I find appealing. Back at his house we open a bottle of settler wine, and he agrees that it is wrong that Ahmed can’t vote and he can. That’s why the Israeli government built the wall inside Palestinian territories, he says. It’s not a security fence: it provides no security to hundreds of thousands of settlers on the Palestinian side of the wall who would be the “juiciest” victims if the Palestinians really wanted to kill them. The purpose of the wall—in the view of the Israeli establishment, David says—is to keep down the number of “filthy Arabs” who will someday be able to vote inside greater Israel.

David says the elites in Tel Aviv don’t like the settlers because the settlers expose the fact that they did far worse for the same Zionist goals. “700,000 Palestinians fled their villages in 1948—why?” David asks me. “The official version is that the Arab committee in Damascus issued orders for them to leave that went out on loudspeakers, and the villagers up and left.” But that’s nonsense. The Palestinians fled in fear after the massacre at Deir Yassin.
David also excuses the Zionist militias of massacres. They were trying to secure the road to Jerusalem, and were under attack. “Of course we fought back. We’d just gone like lambs to slaughter in Europe.”

I ask David why we need a Jewish state. David tilts his head and looks at me oddly, like I said the earth is flat.

“Come on?! After the Holocaust?” He builds a fire in the wood stove and shows me a video of a Jew in the U.S. Army fighting the Nazis. He reads a lot about the Holocaust. “1.5 million Jewish children. Imagine that. 1.5 million.”

“I tell him what my mother said about why she had six children. “One for each million.” David claps his chest. “Did she really? That sends a shiver up my spine.”

We drink more wine and he tells me of his own motivation. It was 1973, the Yom Kippur War. He had security clearance in the U.S. Army and his commanding officer told him that Egypt and Syria were going to invade Israel two days before it happened. David understood that the U.S. was not sharing all it knew with Israel, and he was on the wrong side. When a polygraph operator asked him if he would ever share secrets with a foreign country, he said, “No,” and the operator said, “You had trouble with that one.” David realized he was right and he should leave the country, and help secure the Jewish state.

I ask him why people call these illegal settlements. “Because the world has always hated Jews,” David says. He tells me of his experience of anti-Semitism in the United States. He had a good gentile friend who one day commented about a jeweler, “He’s a Jew, in the worst sense.” David says, “When I heard that something inside me died.”

Though David reflects that if he weren’t Jewish he would probably be anti-Semitic. “Because we’re a clannish group that outdoes you.”

The chicken soup from Sabbath at his daughter’s house three days ago is stretched with cut-up hotdogs and chicken necks. As we eat, David shows me a flyer in Arabic distributed by the “Associazione Musulmani Italiani” that he has had copied by the gross because he thinks it can change Muslims. It is part of his program for de-Islamification.

“What does de-Islamification sound like?” he says. I can’t guess, and he says: “DeNazification.”

If the world had stopped the Nazis in the 30s, it would have saved 70 million lives. The same opportunity is available to us now. I tell David I don’t think that Jews and Zionists are going to be able to force changes in another religious culture. David says it’s the only way to peace. Palestinians will be allowed to vote once they accept that Israel is a Jewish state. They can’t accept that under Islam.

I get ready for bed. This is frontier life. There are compound buckets filled with gray water from the washing machine that you put in the toilet tank to make it flush. In the morning David toasts bread on top of the wood stove and serves it with instant coffee.

Sitting down, he gives me a sweet smile. “What your mother said about the 6 million—that was a beautiful statement.”

David’s son has borrowed the car, so we walk to a bris at Nokdim, a neighboring settlement. We have to walk out past heavy steel security gates and a guard in a booth. She’s Russian. A lot of the Russians are not Jewish, David says, or they have one grandparent who’s Jewish. To get married in Israel they have to convert, but the official rabbis don’t accept a lot of the conversions.
Our trip takes us past the houses of two famous members of Knesset: Avigdor Lieberman, former foreign minister (and an immigrant from the former Soviet Union), and Ze’ev Elkin, a minister in the Netanyahu government who brought down the last government by putting forward a bill stating that Israel is the nation-state of the Jewish people. At the gates of Lieberman’s settlement, two Palestinian workers are standing waiting for their day passes. They probably live in a nearby village. I live thousands of miles away but I saunter in with David with a mere nod from the guard. The two workers are to be ferried to the jobsite by a contractor named Mahmoud, whose car is authorized. His hands are covered with stone dust. David also works for Mahmoud. He stops to chatter with him in Hebrew about the Italian Muslim leaflet. Mahmoud says that 40 percent of the people he’s given it to are persuaded.

As we walk away David says it was “the hand of God” that Mahmoud was there when we came up.

The bris is at a modern synagogue built into the hillside beside a high security fence mounted with cameras to monitor the perimeter. Several Americans of David’s generation are at the bris, and David wears a Nefesh b’Nefesh hat—from a program that gets American Jews to move to the occupied territories. One guy admires David’s cowboy gun, and a bearded guy from Colorado tells me that in every Jew’s life he will hear a call to join his people. Abraham got it in the land of Haran; he had to move his family to Canaan.

“Was that what my grandfather heard in Russia, when he came out to America?” I say. “No. That was Get the hell out of here!” The bearded guy says the call is deep in your brain. “It’s like a salmon being out in the ocean doing fine, then something goes off in his head and he turns around and swims upstream, past dams and Indians and bears—it doesn’t matter.”


The two grandfathers of the object of the bris are American. The redheaded one tells me he went out to South Africa in 1986 with the Jewish Agency to bring Jews to Israel. “The blacks were rising up,” he says. “Doesn’t that happen here too?” I venture. “No. We’re the natives.”

2. Na’aran, the Jordan Valley

My second settlement has a different ideological flavor than the first, and even more beautiful views. It is a hilltop kibbutz below sea level in the Jordan Valley. To the west we look up at the Judean mountains guarding Jerusalem. To the east we can see the Jordan River delta and the lights of Amman. In the foreground: a date palm plantation owned by the kibbutz, and a factory that makes plastic films that a member of the kibbutz says proudly employs lots of Palestinians (and that Human Rights Watch last week called on to leave the occupation).

Like the early kibbutzes in the Galilee, this kibbutz has a fortresslike character. It is composed of a ring of hutlike structures on the hilltop. My host shows me to one of them. We walk down pathways that intertwine the huts, and he tells me I don’t need to lock my door, none of the wifi networks needs a password, and I can go anywhere I like in the kibbutz, though my walks will end when I come to the high fence topped with barbed wire.

My host brings me a dish of fresh dates, then has to leave for Tel Aviv for a teaching job. The kibbutz is the home of HaMahanot HaOlim, a Zionist youth movement dedicated to education.
The kibbutz had been abandoned ten years ago when HaMahanot HaOlim took it over. The young people haven’t fully recolonized the place. Many of the huts are empty, and a lot of the flower-power debris from the first kibbutz is still strewn around the place: pink trucks and chicken-wire radio receivers.

The HaMahanot kibbutzniks are more like me than any of the settlers I meet during my tour. They are secular professionals with liberal ideas, and their recycling bin is overflowing with red wine bottles. Yet they are also Jewish nationalists. They are building the Jewish community in the land of Israel. “Original Zionist,” my host tells me. “We are not religious but we celebrate the Jewish holidays in our own non-traditional ways.” In Wikipedia, I learn that the youth movement has been thrown out of an international socialist group because it still operates in occupied territories.

Of course, there are no Palestinians in the kibbutz. Though there is a hut filled with Thais. On my walk, I see a flatbed truck carrying a dozen of them back from the plantation. As the sun is setting I walk into their yard. They are having an outdoor fire at 5 o’clock, but I’m definitely not welcome. They are tired-seeming, a couple look at me with frightened faces. The old ideal of Jewish labor has given way to neoliberal globalization.

After dark I walk up to the kibbutz dining hall. The door is open but it is completely empty. I’m saddened. Communal life is the reason Bernie Sanders, Tony Judt, Arthur Koestler and Noam Chomsky came out to this country. Now that’s the past.

I’m using the internet in the breezeway outside the office when a slender Israeli in a hoodie comes up with two M16’s crammed under one arm. He is the head of security, he says affably, but the guns are evidence of the place’s intense security needs. On my night walk, I will go to the front gate and chat with three Israel Defense Forces soldiers next to a sliding steel barrier big enough to stop a truck. The kibbutz’s own neighbors don’t really want it here. It’s not much different from the tower-and-wall outposts the early Zionists build when they colonized the Galilee.

I talk to a few of the kibbutzniks. They all say they would leave the Jordan Valley if the government asked them to, to make way for a Palestinian state. But when you scratch the surface, they don’t believe in a Palestinian state any more than the more conservative religious Jewish settlers I’ve met.

“I am a leftist, but the two state solution is problematic,” says a burly thoughtful kibbutznik. “They won’t have an airport—they can’t, it won’t happen. They won’t have a seaport, except through Israeli control.” The only way for Palestinians to gain real sovereignty is to share portions of the West Bank with Jordan. That’s an idea you hear from rightwing Zionists all the time. The kibbutznik says that a “tongue” of land would connect the Palestinian villages on the West Bank hills with Jordan. And another tongue would connect Israel to the Jordan Valley; his country would need to keep a force in the valley to preserve not just Israel but Jordan and progressive elements of Palestinian society from Islamists. “Jordanian soldiers don’t face us, they face east. ISIS is just 50 or 100 miles away,” he says.

A kibbutznik who is playing with his child near a steamroller from olden days tells me about Jewish settler violence. Duma, the village where three members of the Dawabshe family were murdered by settlers last summer in a firebombing attack, is just a few miles over the hills to the northwest. And then there is that rabbi’s book called the King’s Torah that justifies the killing of gentile babies, if they might grow up to hurt Jews. The rightwing intolerance makes him despair, he says.
“We want a future with hope,” he says. “What if that hope is a democracy that’s not a Jewish state?” I say. He shakes his head. “No. We need a Jewish state. History shows—the Second World War. But Palestinians must not be second-grade citizens. Israel can be like the Vatican. There are non-Catholics living in Vatican City, and they have rights.” [. . .]

Shiloh

The first order of business in my third settlement is to get a bottle of wine. Avi drives me down the hill to visit the wine presses of a fellow American immigrant. We pass a group of Palestinian workers leaving a building site with a Jewish security guard and Avi shakes his head over the practice. “The policy here is you can’t employ Palestinians from neighboring villages because they will get to know Shiloh too well and if they ever pop off, they will know the community’s vulnerabilities,” he explains. “Though why you would want to hire people who want to kill you—I don’t understand it.”

The winemaker has a substantial workshop with a pergola, a studio, and a lordly view. He beats me for $20 for his Merlot. “No sulfides,” Avi says. “And the yeast isn’t added. It’s the yeast that God put on the grapes.”

Avi’s religiosity mixes with the lithe boyish movements of a former dancer. He grew up outside Chicago and wears jeans and a rough cotton shirt and a skullcap. In the U.S. he would read bohemian/outdoorsy. You’d never think he has seven children.

We sit in the kitchen with two of his granddaughters, then when the sun goes down he pours shot glasses of bourbon that he and a neighbor distilled, and tells me his story. It is utterly plausible, though formed by strong currents: Avi’s objections to American materialism, assimilation and anti-Semitism. When Avi was young, a neighboring boy told him he wanted to be president. “President Feigenbaum? Really?” Later his dance company wouldn’t let him take off for the Sabbath, and he understood that Americans didn’t tolerate Jewish culture. And the American treatment of women seemed disrespectful to him. His New Jersey-born wife Rachel covers her hair, because the hair is something only a husband should see. Avi was fervently against the Vietnam War and the whole idea of guns, but when he came over here he didn’t feel that way at all, and joined the army for the sake of the Jewish people.

There are only two real Jewish communities left in the world now, and the American one is slowly evaporating, Avi says. He and his wife have four brothers between them and they’re all married to non-Jews and losing touch with Jewish tradition. The Jews are fleeing France; a lot of them are turning up in these hills. “A Jew belongs here,” Avi says. David Ben-Gurion once said that too. In the stairwell is a bigger-than-lifesize painting of the Zionist patriarch holding a long shovel handle. The painter is another American immigrant who left his job at the Jerusalem Post years ago after getting in hot water for suggesting how to kill Yasser Arafat. [. . .]

I ask Rachel how she’d feel if one of her children ended up living in Tel Aviv. She gets a queasy smile and says she’s not sure. “We’re making the country more stable. It’s only so wide and surrounded by a sea of people, most of whom don’t want us here, a lot of whom want to kill us. So we’re the front lines. A lot of people in Tel Aviv don’t understand that. They have internalized the fact that people don’t want us here. They never even come here. But we are doing the work of the Jewish people.”
Avi says the Israeli government has two answers to the so-called occupation. One is to go along pretty much as things have been going—because hey, there are far worse things happening in the Middle East. The second is annexation. Avi is for annexation. He says the idea of Palestinians is a fiction. “They’re Arabs!” he says. “What did Palestinian always mean? It meant Jews! We gave them 70 percent of Palestine already. That’s Jordan. Let them have Palestine there.”

I find Avi’s analysis of Israeli society to be more astute. He explains why the government and the bulk of Israeli Jews are behind the settlement project. “Let’s leave the Palestinians aside, that’s a whole other question,” he says. There are three broad strains in Israeli Jewish life. First, the secular elites. The Ashkenazi socialist founders of the society threw their tefillin (prayer wrappings) off the boat when they sighted the new country in the 1930s. They were done with rabbinic Judaism. They founded the parties that later made up Labour. But they discriminated against the Mizrahim, the Jews from Arab countries, and the orthodox; and they miscalculated Israeli security in the ’73 war. So Likud rode all those forces to victory in the late 70s.

Today, Avi says, the three strains are all getting along. Mizrahi and Ashkenazi marry without an eyebrow being raised. Avi is religious, but one of his sons is going out with a secular girl. There are more and more signs of secularism even in Shiloh: some women are not covering their heads.

As for the secular left, it is folding into the right because it has stopped pushing a Palestinian state, knowing that it would threaten Israeli security. Avi and the kibbutzniks I stayed with the night before all share a core belief: they are Zionists. They believe in the need for a Jewish state in the (biblical) land of Israel. Zionists revived the Hebrew language and Jewish ritual in this land; and seculars are immersed in Torah, even if they don’t go to synagogue.

“Theyir children will be Jews. That’s what matters,” Avi says. That’s more than his brothers and brothers-in-law back in the States can say. We never do get to the Palestinian constituents of Israel.

Zionism is alive and well, Avi says. “Zionist means, Jews need to govern themselves, and they need a safe place. They have never done well with the goyim, we’ve always been attacked by them.” “That’s why my mother had six kids,” I say. “One for each million.” Rachel puts her hand to her chest. “Was she a survivor?” “No but it sometimes felt that way.” “Well, if you’re connected Jewishly, you understand that,” she says.

“What if I say, we’re getting along fine with goyim in the U.S.?” I say. “I say, good luck!” Avi says. “The campuses are a scary place to be Jewish. You can be attacked there—what I see of Arabs on campuses! We’re not safe in Europe. It has a long history of attacking Jews. And there’s still anti-Semitism in America.” He tells me of country clubs and neighborhoods in Chicago that exclude Jews. Though when I ask if I could move to Shiloh with my non-Jewish wife, Avi says that wouldn’t be allowed. He fills the woodstove for the night and we sit and stare at the fire.

“I’ll tell you something,” he says musingly. “If the world would just stop having wars for ten years, and stop all the accusations against us—then we would divert all the money we spend on the military to other uses, and we would cure cancer.” Rachel nods. “And ALS too.” [. . .]

Ofra

When I first visited Israel ten years ago, my mother’s best friend who had moved to Jerusalem gave me a knit yarmulke of the nationalist variety so as to observe the Sabbath at her house, and
it’s done me great service since. I spend the next day wearing it. Ofra is an orthodox settlement that
shuts down completely for the Sabbath. It appears that everyone in the settlement walks through the
streets to various shuls. I go to synagogue Friday night, about 200 feet from my front door. The
women are invisible to me as we worship. The men are all in white shirts. Except for a guy who
comes in late with luxuriant hair and a beautiful blue velvet jacket, accompanied by his son in a
double-vented suit. It’s obvious they recently immigrated from France.

How safe can they feel here? Several worshipers have handguns tucked into their waistbands. I
count five handguns. One of the men who’s carrying lays a semi-automatic rifle at his feet. He’s
got round shoulders and could be an accountant in the States. Two other worshipers walk by with
rifles dangling off their shoulders. I’ve talked to enough settlers now to know that they believe
Jews have a right to live without fear wherever they please in the biblical land of Israel. But this
feels like Algiers.

My apartment is costly ($147) and in an affluent neighborhood. It belongs to a young Jewish
scholar of some renown. He left at noon for the Sabbath but before going he brought me dates
dates and a muffin and told me that Avi is right: Israeli Jews are largely unified behind a policy of
continuing the occupation as it is, or annexing portions of the West Bank.

“Maybe give Arabs partial citizenship within those areas as they learn to live with us. And then
allow them to vote,” he says. “The problem with Oslo is that it did not make peace. It created
problems all over—Palestinian expectations of a state that were not fulfilled. And Israelis came to
the understanding they could not live with a Palestinian state that was hostile. Look at Gaza. If
Israelis could have seen a way that a Palestinian state would be peaceful and accepting of Israel,
then Oslo would have worked. You could have removed 400,000 settlers. I can’t imagine a way to
remove them now.”

The walls are filled with books, and after synagogue I take down some of the English volumes. A
book on Palestinians published by the settler school, Ariel University, says that Palestinians should
be grateful to Israelis for their high standard of living but they’re a fifth column. “The Arab minority
is fortunate that it is not located in some remote country in which the world has no interest.” [. . .]

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My host has put out the word, and the next day after synagogue I get invited to a Sabbath lunch
down the road—come at 12:30. Another guest and I sit in the living room as the women prepare the
meal. He’s a doctor, and I tell him what I have learned about the settlements being the natural
continuation of Jewish colonization of the land. He agrees, saying that the liberal Zionists of the
first stage of Israel “did much worse” than the settlers.

“In Yafo and Haifa they expelled the Palestinians. Pushed them out and took their land. We did
nothing like that. These communities are built on state land. We took no Palestinian villages here.”

The doctor says there is now consensus in Israeli Jewish life that these communities will never
leave. Even a liberal Zionist judge, Edmond Levy, has ruled them legal. Of course the world still
acts as if there can be a two-state solution.

“It’s just big talk,” he says slyly. “Even from Netanyahu. There’s what you say, there’s what you
write, and then there’s what you really think.”

We are called to the table. I’m seated at the left elbow of the big patriarchal host, Yitzhak. His wife
and two of his daughters serve us from a kitchen filled with food. Salmon, chicken, hummus,
The food is very good and our host breaks into song often during the ritual meal, thumping the table. I wonder how secular his daughters are. They seem with-it. One wears a nose ring.

For the third time I tell my mother’s line about one kid for each million. Yitzhak promptly translates it for the girls.

“What do you think of Obama?” I ask. He sighs. “I will tell you. I love every person in the world. But he hates me and wants to destroy my country. It is good he only has a little time left, but I think he will go to the UN next.”

Then Yitzhak breaks into politics. For ten minutes or so he lectures his daughters sternly about left-wing human rights groups. I hear the names Ezra Nawi, Gideon Levy, B’Tselem, Breaking the Silence, Ta’ayush, Shalom Achshav (Peace Now).

I ask the doctor what our host is talking about. “Breaking the Silence,” he says. “It is a group of lunatics who make these terrible accusations against Israel for human rights, they say. As far as I am concerned they should gather them all in one place, put them on a plane and go up and the pilot should find a way to save himself and the rest of them should crash.” I say, “I’ve heard of Gideon Levy, he’s a writer.” “Yes, he is a lunatic among the lunatics.”

The doctor tells me that the Arabs simply “want to exterminate us.” I ask him about Duma, which is just a few miles away. The doctor tells me that he does not believe that settlers killed the Dawabshe family. The youthful settlers the government has charged were tortured. “That was Arabs, we believe,” the doctor says. “A provocation. To get a reaction.”

I ask who killed Rabin, and a couple of people at the table say, Not Yigal Amir, the right-winger in prison for the crime. Others were behind the assassination. The guests tell stories about that fateful night in 1995 that undermine the official version.

It’s not the first conspiracy theory I’ve heard in the settlements. In Gush Etzion, David also said that Duma was not the work of Jews and pointed to discrepancies in the evidence. Then David showed me a picture of himself with 16 Palestinian workers on a construction site in a settlement and said that, to a man, these Palestinians asserted that the three settler teens famously killed in June 2014 not far from Gush Etzion weren’t killed by Palestinians. They died in a traffic accident, and the Israelis then concocted the story of the murder so that their army could go into Palestinian homes and steal money and jewelry. These theories strike me as evidence of the extreme pressure of such a conflict. When two sides are so opposed, the truth quickly gets politicized.

I spend the Sabbath walking around and having more political conversations. A Californian visiting his two sisters for a wedding says he admires what they are doing but tells me his sisters lead tough meager lives. He couldn’t do it. He is angry at American Jews for not being more supportive. “90 percent of them voted for Obama or don’t have religion. Half of them have never been here. They don’t understand that Obama hates Israel, isn’t good for Jews. They will vote for Hillary as the savior.”

A highly educated woman visiting from a more secular settlement, Efrat, says she leaves her house in the hands of a Palestinian friend, but there will never be a Palestinian state. “They missed their chance.” Though she tells me that the Israeli political establishment hasn’t fully given up the two-state solution. I ask her, What if they cut a deal and she had to leave Efrat? “No way,” she says.
This is the Israel I’m seeing up close, a tough Jewish center-right that dominates the political culture. It is the world that Haaretz columnist Ari Shavit speaks for when he justifies Netanyahu to the remnants of the left. It is no wonder that in the last election the Labourites called themselves Zionist Camp and said nothing about the peace process.

The settlers’ argument that they are merely the latest extension of Zionism makes perfect sense to me. They are continuing a project begun 100 years ago. Everywhere I go in the settlements, I’ve remembered Yousef Munayyer’s argument to Peter Beinart last June in New York that if you oppose the occupation it is pointless just to boycott settlements; the state and the broader society are all behind this growth. “The government supports settlement at any time,” Netanyahu says. I also remember Munayer’s critique that the real problem is a Zionist ideology that puts Jews and their rights—and Jewish refugees and their rights—ahead of the people who were living in this land first, many of whom became refugees from Israel. My conversations with the settlers convince me viscerally of something I have only known from reading before: the conflict won’t end until that ideology of settler colonialism infused with religion ends, and everyone has equal rights. I know there is hatred and enmity on the Palestinian side too. It won’t make for a smooth transition. But as Munayyer says, westerners must begin to imagine what one state will look like.

A continual surprise of my tour is that the American media have done so little to tell Americans about the stick-to-itiveness of the settlers and their political support. Ze’ev Elkin and Avigdor Lieberman, whose houses I walked by, are very powerful men in Israel. The media’s failure gives me a sense of responsibility—to describe the discriminatory ideology of these colonists to Americans. Ari Shavit has argued what Avi also argued to me: Israel keeps American Jews Jewish, so they must support Israel. But anti-Semitism in Europe, and assimilation in the United States (my decision to marry a non-Jew, which vexes my hosts) are not really important in this conversation. What matters is the discriminatory one-state reality before my eyes. It is the world that the Zionists made. [. . .]

“THE RADICAL NEW FACE OF THE JEWISH SETTLER MOVEMENT”

In this article, Naomi Zeveloff traces the history and ideology of the hilltop youth, extremist settlers who establish illegal outposts in the hills of the West Bank. While the group traces its origins to the 2005 Israeli disengagement from Gaza, its escalation of price-tag attacks against Palestinians and the July 2015 Duma arson attack that killed three members of the Dawabsha family have garnered international media attention. Published on 11 January 2016 by the Forward, the article is presented below and is available online at www.forward.com.

When Eliezer Shekhtman moved to Israel from Chicago, he chose to live in Tapuach, a hardcore settlement deep inside the Israeli-occupied West Bank. He had family friends there; his father had been an associate of Meir Kahane, the virulently anti-Arab rabbi.

But after a year, Shekhtman wanted more privacy and moved to a trailer on a hill outside the settlement. Though Israel considers such trailer outposts illegal, Shekhtman’s was hooked up to running water and electricity through Tapuach. The newcomer befriended other boys in the area, including some living even more austerely in tents on nearby hillsides. He spent the Sabbath with these boys and gave them rides in his car, once helping them move a tent.
Shekhtman’s friends were part of the so-called hilltop youth, a loosely affiliated group of Jewish settlers in their teens and 20s who live away from their parents on the hilltops surrounding established settlements. Members of the group have perpetrated so-called “price-tag” attacks, using firebombs and spray paint to damage Palestinian property in retribution for Palestinian violence, or as a way of lashing out against the Israeli military.

With friends like these, it wasn’t long before a member of the Shin Bet, Israel’s security service, caught up with Shekhtman, a chubby-cheeked 23-year-old, as he was driving one evening in his car.

“You are hanging out with dangerous people,” Shekhtman recalled the security agent telling him. “I said, ‘Okay, thank you for the warning.’”

Now, Shekhtman’s friends are at the center of a national firestorm. Several hilltop youth members claim the Shin Bet tortured them as suspects in a murderous arson attack against a Palestinian family. The state has charged two of them. And protests against the alleged torture have spread across the country, including outside the home of Naftali Bennett, the settlers’ biggest advocate in the Knesset. Bennett justified the Shin Bet’s methods as necessary to prevent young men like them from striking again. Meanwhile, at Tapuach Junction, a militarized intersection leading to Shekhtman’s old settlement, posters plastered on bus stops and concrete blocks declare: “Jews don’t torture other Jews. Stop the inquisition.”

The hilltop youth have always had power, which they wielded through violent acts, often under the cover of night. But for most Israelis, these were distant events perpetrated by extremists in the West Bank, a kind of Wild West they rarely think about or visit. Now, ironically, the efforts of Israel’s security services to suppress the hilltop youth have brought this cohort into the daylight—and given them a voice.

Their breakthrough into mainstream discourse may seem sudden to many Israelis. But the hilltop youth is a phenomenon long in the making. Their roots go back to Israel’s 2005 disengagement from Gaza, the Palestinian territory that Israel occupied and today blockades on the Mediterranean coast. Israeli troops forcefully evacuated some 8,600 Jewish settlers, most of whom resisted nonviolently. In taking this action, the state provoked a generational rupture in the settler movement with implications few understood at the time. Settler elders had promised that God himself would ensure that the Jewish state’s army would never force them to forsake their settlement, known as Gush Katif, in what they saw as the biblical Land of Israel. But God failed to intervene, and a generation of young people lost trust in their parents.

Their mentality was: “Why should I listen to you? You didn’t succeed in your big project. So if you didn’t succeed, it means I can try as well as you can try,” said Shimi Friedman, an anthropologist at Ariel University, in the settlement of the same name.

Now, 10 years on, the hilltop youth are an established entity. Several hundred adolescents from both sides of the Green Line—including some girls—roam the West Bank hills. Some are yeshiva dropouts. Others are students of Rabbi Yitzchak Ginsburgh of Od Yosef Chai yeshiva, in Yitzhar. Ginsburgh, a prominent scholar of Kabbalah and a member of the Chabad-Lubavitch Hasidic movement, has concocted a potent ideological brew for this new generation of Jewish radicals, spouting mystical admonitions to live in nature and Kabbalah-based rationales for Jewish racial superiority and violence against Arabs.
Meanwhile, two other prominent rabbis at Od Yosef Chai have given the hilltop youths’ penchant for attacking Arabs even stronger religious legitimacy. In their 2010 book, “The King’s Torah (Torat Hamelech), Part One: Laws of Life and Death Between Israel and the Nations,” Rabbis Yitzhak Shapira and Yosef Elitzur declared, “The prohibition ‘Thou Shalt Not Murder’ applies only “to a Jew who kills a Jew.” Non-Jews, they wrote, are “uncompassionate by nature” and assaults on them “curb their evil inclination,” while infants and children of Israel’s enemies may be killed, since “it is clear that they will grow to harm us.”

Up until 2013, Od Yosef Chai yeshiva received government funding and support. It has also received money from American donors. While “The King’s Torah” sparked a scandal in the mainstream press, the book’s wide dissemination in Israeli bookstores, and its enthusiastic endorsement by several prominent rabbis, gave the authors’ ideas currency.

Still, some scholars say that the hilltop youth are acting not on any religious authority but on their own violent convictions. For years, its members have been committing vigilante acts against Palestinians, torching olive groves and defacing mosques. But until recently, Israeli leaders in the mainstream have been reluctant to label them terrorists—a term usually reserved for Arabs. Israeli courts have also done little to punish this kind of behavior. In 2013, Israel’s defense minister, Moshe Ya’alon, defined price-tag activity as “illegal organizing.” And according to a report by the Israeli rights group Yesh Din, just 7.4% of complaints filed by Palestinians from 2005 to 2014 have ended in indictments against Israeli civilians.

Now, the arson attack in the Palestinian village of Duma last July, which killed an 18-month-old infant and his parents, appears to show that the hilltop youth are capable of not only destruction, but murder, too.

It also turns out that several of those detained as part of the Duma investigation have U.S. citizenship. That may reflect the disproportionate presence of Americans among settlers overall. According to Sara Yael Hirschhorn, an Oxford University scholar, some 15% of all settlers are Americans, compared with 2% to 3% of all Israeli citizens. The prominence of Americans among those detained echoes the historic leadership roles Americans have played in Israel’s contemporary right-wing radicalism, from Kahane, a native New Yorker, to Ginsburgh, who was born in St. Louis and spent much of his youth in Philadelphia, and Baruch Goldstein, the Brooklyn born-and-raised physician who in 1994 murdered 29 Muslims at prayer at the Cave of the Patriarchs, a site in Hebron holy to Muslims and Jews.

According to Shekhtman, the hilltop youth are frustrated that members of the national religious mainstream, like Bennett, have failed to support them. Sitting in a squat office building in Yitzhar, where he now lives, Shekhtman counted off Jewish figures whose one-time radical acts are now celebrated in the Israeli mainstream. He pointed to the Lehi, a pre-state Zionist group in the 1940s that launched terrorist attacks against British civilian officials and Arab civilians in Mandate Palestine. Today, streets in Israel are named for members of the Lehi. In Shekhtman’s view, Bennett’s support for the Shin Bet’s investigation against Jewish extremism smacks of hypocrisy. “Kids see that something is not clear here,” he said.

In 2013, the Israeli government initiated an outreach program, known as the Hebrew Shepherd, to rein in the hilltop youth. But according to those involved, it has failed to make headway with the most radical youngsters. Avia Azulay, a brawny 36-year-old with a bushy black beard, worked for the
program for three months. Sitting inside a makeshift pizza parlor in the Itamar settlement while a pair of teenage boys lounged on a dingy yellow couch outside, he explained that he quit the government program when he came to believe that the Shin Bet was involved. “I said, this is going to be a problem, because if I come to youth at risk and I say I am working for the police, then I lose the trust,” he said. The Education Ministry, which runs the program, turned down a request for comment.

Azulay stakes his credibility with the hilltop youth on the fact that he was an early adopter of the lifestyle. He was born in Yamit, a settlement in Egypt’s Sinai Peninsula that Israel evacuated in 1982. From there his parents went to Kiryat Arba, a settlement of ideologically motivated Israeli Jews near the Palestinian city of Hebron. Azulay left his family for high school in Itamar, but dropped out and made his way to Od Yosef Chai yeshiva. There he met likeminded teens who lived on the fringes.

“We decided we wanted to do something with more meaning,” he said. “We were going to expand the yishuv,” or body of Jewish settlements.

At the age of 15, Azulay moved with his friends to a hill next to Yitzhar. But soon, he said, the Civil Administration, the Israeli military’s administrative arm in the West Bank, ordered them to leave.

Azulay sought advice from Gilad Zahr, a security officer with the Samaria Regional Council. He learned that it was more difficult for Israeli authorities to order the destruction of a facility once it had already been fully built. So he and his friends set about constructing a home inside a tent. Only when the home was finished did they take down the tent, surprising the Civil Administration. Later, Yitzhar paved a road to the outpost. Today, the hilltop settlement, called Lehava, or Flame, is still standing, even as it is considered illegal construction by Israel. “Our techniques worked,” Azulay said. “The houses are still there today.”

Azulay’s hilltop activities, however, got him into trouble with the Shin Bet. He said that he was passed over for the army—many hilltop youth are considered too dangerous to serve in the Israel Defense Forces—but later convinced a Shin Bet agent to reconsider him. Eventually he became the head of security in Itamar. “I went from a situation in which they didn’t want me to have a gun to where I became a commander in the army, and then here I was, in charge of the guns in Itamar, and I had 150, 160 guns here,” he said.

While Azulay considers the work of settling hilltops heroic, he wants to help the hilltop youth stay out of trouble so that they can join the military and go on to lead productive adult lives. “The hilltop youth say, ‘One should kill all the Arabs.’ And I say I am also in favor. I am in favor of killing the enemies, and if you go to the army you will kill terrorists.”

But Shekhtman believes that Jewish civilian violence has a place in the greater political scheme. Echoing Ginsburgh, who cites the Torah, he said that “Jewish revenge” is a “value,” even though ideally a military should be exacting it instead of Jewish teens.

During Hanukkah, Shekhtman was a guest at a Jewish wedding at which a group of young men danced while waving guns in the air. One thrust a knife through a photograph of Ali Saad Dawabsheh, the infant killed in the Duma fire. Video footage of the wedding was leaked to the press, causing mainstream Israelis to recoil at the radicalism in their midst. Shekhtman said he did not see the man stabbing the photo. But the idea did not scandalize him.
“It doesn’t bother me. I don’t know if the father threw stones or if he didn’t, or if the baby would have thrown stones or wouldn’t have if he lived till the age of 15 or 20. Come on, it’s a picture.”

Shekhtman called the video a “smokescreen” to distract from the torture allegations. He believes that the Duma case and the torture claims are forcing the tension between Israel’s secular democracy and its Jewish character to come to a head. The Shin Bet, he said, is prosecuting not murder, but ideology. When Jews in Israel see the security establishment torturing other Jews, he believes, they will realize that Israel is operating outside a Jewish value system, and be moved to create a truly Jewish state.

“They are saying, ‘These are crazy kids, radicals who want to form a Jewish state and have state government by Torah and Jewish law,’” Shekhtman said. But he doesn’t see the mission as crazy at all: “A lot of people want that.”

Among the hardcore settlers, debate is now raging over whether hilltop youth are violent delinquents or young visionaries. For years, radical settlers have moved to the hills beyond the borders of existing settlements to establish new neighborhoods. Though the Israeli government considers these outposts unauthorized, it provides them with electricity, running water and security. (The international community, meanwhile, considers all the exclusively Jewish settlements Israel has established in the territories it conquered in the 1967 Six Day War to be illegal.)

The hilltop youth live in remote areas, too, but their project is much more anarchic than just constructing unauthorized outposts. They engage in an epic cat-and-mouse game with the IDF and lash out at Palestinians to exact a “price” when the government dismantles an illegal outpost. According to the Duma indictment, the two boys accused of the murders there sought to spark an intra-religious war that would undermine the State of Israel. Part of the Duma investigation has focused on a group called “The Revolt” which seeks to overthrow the state and create a Jewish monarchy in its place.

“There is no doubt that the hilltop youth today are outside the boundaries of normal life. That is the way it is perceived in Israel,” said Tzvi Sukkot, a former member who now lives in a one-story home in Yitzhar with his wife and three children. On the wall in his living room is a large Technicolor canvas painted by his grandfather. It depicts King David, the prophet Elijah and the Messiah as a young child. A stone foundation of the Third Temple is visible in the background.

“Some people feel threatened by their lifestyle,” he continued. “And they say that these people live on the fringe of society or that they were thrown out of their homes. From what I know, these young people are the best students in their schools, and they believe in what they are doing.”

Indeed, while some of the hilltop youth come from troubled homes, others represent elite Israeli families. Elisha Odess, who was detained in connection with the Duma attack, is the son of Moshe Odess, the rabbi of Tzofim, a mixed secular-religious settlement in the northern West Bank. Odess has dual American-Israeli citizenship. And Amiram Ben Ulliel, who was indicted in the Duma affair, is the son of Rueven ben Ulliel, a rabbi in a preparatory program for religious army recruits, according to Haaretz.

David Ha’Ivri, a political activist from Tapuach, said that when teens decamp for the hilltops, that should be a “red light” to parents. “Their families have lost that bond and that connection,” he said, noting that his own son nearly missed his opportunity to serve in the IDF after he was
arrested during a protest at Tapuach Junction. “[The family connection] stops being relevant in these kids’ lives, and that has led to a very sad result all around.”

Ha’Ivri should know: An American immigrant whose birth name is Jason David Axelrod, he’s seen settler radicalism from both sides of the generational divide, having been arrested for celebrating the 1995 assassination of Prime Minister Yitzhak Rabin, and later serving six months in jail in connection with the desecration of a mosque. The mosque episode occurred 20 years ago, Ha’Ivri said, when he accompanied a group of minors as they tore through an Arab village, vandalizing homes and the house of worship. He was the only adult in the group, and was arrested.

In hindsight, he said that it “wasn’t a smart thing to do. I guess I was in a different place at that time and I grew out of that.”