

# Settlement Monitor

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

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## **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](http://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

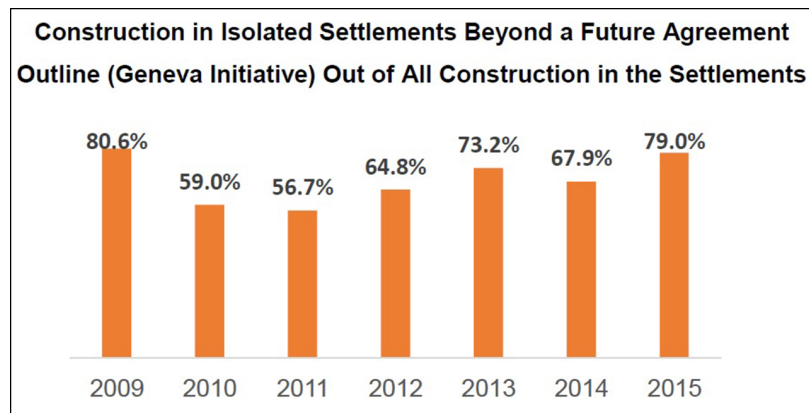
*The report is based on a Peace Now count comparing aerial photos and site visits, and it relates to settlements in the West Bank, excluding East Jerusalem.*

## ***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.

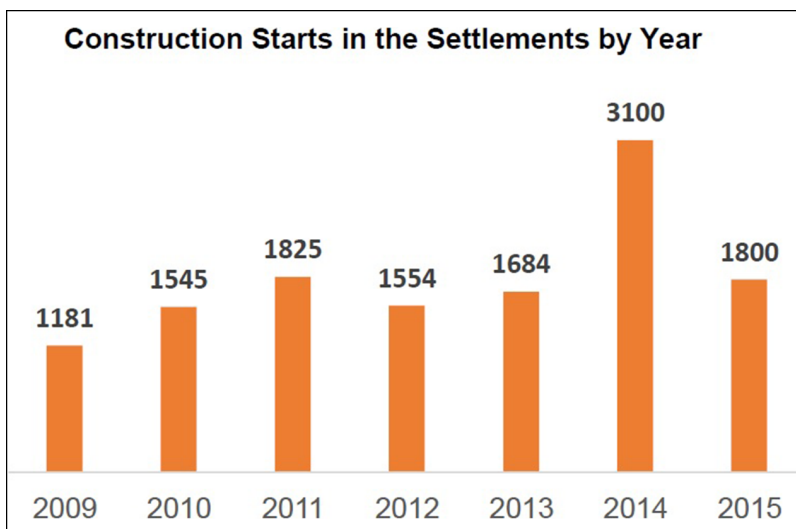
Even when looking at construction beyond the planned outline of the separation barrier, which was unilaterally decided by Israel and serves as an indicator for the government’s intentions, the numbers are still substantial. **Over 40% of the construction during 2015 (746 housing units) was conducted 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.



***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](http://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](#) (and [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 tak[en] 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-NAHLA/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 [has] 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 both 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.

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## THE SETTLEMENTS AND POLITICAL ECONOMY

### "HOW ISRAELI SETTLEMENTS STIFLE PALESTINE'S ECONOMY" (EXCERPTS)

*In this policy brief, authors Nur Arafah, 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](http://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 swathes 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































































