



Settlement Monitor

16 AUGUST–15 NOVEMBER 2016

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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Significant developments this quarter: As 2016 draws to an end, new data from Israel’s Central Bureau of Statistics and the group Peace Now reveals that settlement construction activity quadrupled in the calendar year. In an attempt to subvert the High Court’s decision to evacuate the illegal Amona settler outpost by 25 December 2016, the Israeli government’s Higher Planning Committee promotes plans to allocate the evicted Amona settlers at least 98 new settlement units in the Palestinian village of Jalud. The Knesset’s Ministerial Committee for Legislation approves the so-called Regulation Bill, which would retroactively legalize illegal settler outposts built on Palestinian land. If passed, the legislation will avert future cases similar to that of Amona. Additionally, a military compound used by the Israeli army is readied for civilian residence in Hebron, the first time in over a decade that the Israeli government moves to expand Jewish settlement in the city.

UNRULY EXPANSION

“PLAN PROMOTED FOR A NEW SETTLEMENT FOR THE AMONA SETTLERS”

In 2014, Israel’s High Court of Justice ruled that the Amona settler outpost, illegally constructed on private Palestinian land near Silwad in the West Bank, must be evacuated by 25 December 2016. Last quarter, Prime Minister Benjamin Netanyahu’s special committee on

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the matter submitted a legal opinion to the attorney-general recommending that the state retroactively authorize the Amona outpost using the controversial Absentee Property Law (see Settlement Monitor in JPS 46 [1] for more). This law enables the state to seize Palestinian property if the owners do not currently reside there. The court rejected the opinion and on 14 November it also rejected a seven-month demolition deferral request submitted by the state.

Although the state failed in its attempt to keep the settlers in place at the illegal outpost, the Netanyahu government found other ways of ensuring their continued presence in the West Bank. On 2 October, the group Peace Now published government plans to reward the settlers for their “cooperation” with a settlement of their own, revealing that one of two plans promoted by the government’s Higher Planning Committee on 28 September was designated for the Amona settlers. The plan called for building at least 98 new settlement units on “state lands” in the Palestinian village of Jalud, east of the Shilo settlement. That the High Court’s ruling did not deter the Israeli government from continuing to appease the Amona settlers illustrates the growing influence settlers have over the state.

Presented below is Peace Now’s analysis of the Higher Planning Committee’s announcement, published on 10 February 2016. It is available at peacenow.org.il.

1. Approval for depositing of a plan for a new settlement east of Shilo and Shvut Rachel. 98 housing units were approved for depositing, which are part of a larger plan for 300 housing units (the 202 remaining units have not yet been promoted). The lands are lands of the village of Jalud that were declared as “state lands.”

The Israeli Government is likely to argue that it is “only” an expansion of an existing settlement, however, it is located approx. 1 km from Shvut Rachel (which is an outpost that was recently approved as an official settlement, located 1 km from Shilo. Both the new plan and Shvut Rachel are officially considered “neighborhoods” of Shilo but in fact are independent settlements).

Based on previous publications, we estimate that this is the plan for the settlers of the illegal outpost of Amona, that are expected be evicted by the 26th of December 2016 according to the High Court’s ruling. It is likely that this will be a part of the “compensation deal” for the settlers—who lost Amona but were given a whole new settlement with a potential for 300 units.

The HPC will now publish an ad announcing the depositing of the plan and then will allow the public time to file objections (usually 60 days). After the objections will be heard, the HPC may convene to approve the plan for validation. This is not likely to be completed by December, meaning that the Israeli government might ask the court for a postponement of the fulfillment of the verdict on Amona, or, alternatively, will build them a temporary site through “fast track” approvals.

2. Approval for validation of a new industrial area, west of Ramallah, close to the Green Line. This is the final approval required. After the bureaucratic procedures are completed, the plan will be published as valid and two weeks later construction permits can be issued.

The new industrial zone can be considered as another kind of settlement as the Israeli government will be encouraging investors to build their factories in this area, which is potentially highly attractive for industries because of its close proximity to both Tel Aviv and Jerusalem.

“MINISTERIAL COMMITTEE APPROVES REGULATION BILL”

On 13 November 2016, a day before the Israeli High Court dismissed the state’s request to delay the evacuation of the illegal Amona settlement outpost (see above), the Ministerial Committee for Legislation approved a bill that would retroactively legalize outposts built on Palestinian land. Known as the Regulation Bill, the legislation calls for the expropriation of Palestinian land taken for settlement with government involvement; and it provides for giving Palestinian landowners financial compensation as well as some form of “alternative land” in return, but no right of appeal. To become law, the bill still needed to pass a preliminary reading, three readings in the Knesset, and discussions in the Knesset’s Constitution, Law and Justice Committee.

In the briefing below, Peace Now outlines the implications of the Regulation Bill for Palestinian landowners and Israel’s settlement regime. Published on 15 November, the briefing is available at peacenow.org.il.

On November 13, the Ministerial Committee for legislation approved the regulation bill, which seeks to retroactively legalize illegal outposts built on private Palestinian lands. According to the bill, private lands taken for the purpose of settlement with the government’s involvement will be expropriated, while Palestinian landowners will receive financial compensation and an alternative land but no right to appeal.

The timing of the approval of the regulation bill relates to the pending evacuation of the illegal outpost of Amona, which based on the High Court’s verdict must happen by December 25. On November 14 the High Court dismissed the state’s request to delay the evacuation any further.

After the approval of the regulation bill by the Ministerial Committee for Legislation, the government now officially endorses it, but in order for the bill to pass into law, it will still have to pass a preliminary reading and three readings at the Knesset, and go through discussions in the Knesset’s Constitution, Law and Justice Committee. A preliminary reading is scheduled for November 16. The support of each Member of Knesset of the coalition is crucial for the passing of this bill, and although the bill passed unanimously yesterday evening, there is much disagreement around it among coalition members. Even if it passes in the Knesset, the law can still be contested at the Supreme Court.

The meaning of the regulation bill:

1. **Legalization of thousands of housing units on private Palestinian lands:** The purpose of the proposed legislation is to retroactively legalize housing units built on private Palestinian lands in illegal outposts and settlements. In 2006, Peace Now revealed that approximately 32% of the settlements are established on private Palestinian lands. Recently, settler groups such as Regavim who have lobbied for the bill argued that there are over 2000 settler homes on private Palestinian lands which would be affected by this legislation.
2. **Permission to steal:** According to the draft law, any person can steal any land in the West Bank, as long as he does so for the purpose of settlement. Furthermore, this bill grants a green light for settlers to takeover additional private lands in the future, knowing that they can be “regulated” for their usage. Thus, the draft law will practically allow the government and private individuals to steal lands of Palestinians without any legal implications.

3. **A fatal blow to democracy:** The draft law is meant to retroactively cancel Supreme Court rulings that do not fit the pro-settler ideology. It is an attempt to change the rules of the democratic game and enable the government to get rid of the restrictions of the law.
4. **What is temporary becomes permanent:** The idea of the lease is simply a bluff meant to evade land expropriation. History in the region has shown that what is temporary becomes permanent. Thus, the leasing means a de facto expropriation.
5. **A contradiction of Israeli and international law:** The Supreme Court ruled that Israel's authority to expropriate private Palestinian land in the Occupied Territories is limited to cases in which those benefiting from the expropriation will also be Palestinians. An expropriation of private Palestinian lands for Israelis, meaning, for the purpose of settlement, is illegal according to High Court rulings as well as according to international law. In Israel proper, the government is allowed to expropriate lands for public purposes (and not for other private purposes). However, the private lands of Palestinians in the West Bank—who do not constitute as citizens with equal rights in a democracy, but rather residents with no voting rights living under a military rule—cannot be taken for the use of its own citizens.
6. **Legislation in an area that is not part of the state of Israel:** The draft law would apply only to the West Bank, namely to an area outside of the sovereign state of Israel, which is under military rule. The Palestinian residents that will be affected by the law do not have the right to vote for the Knesset, and therefore this is clearly an undemocratic legislation. Because the Israeli parliament does not have legal authority to legislate in the West Bank, the bill requires the head of the Central Command to issue an order implementing the content of the law.

In 2012, former Minister Michael Eitan (from Likud party) warned that “even our best friends will not be able to defend such legislation that would tarnish us with the stain of apartheid and expose us to the risk of international sanctions” (*Yisrael Hayom* newspaper, June 3, 2012).

“SETTLERS' RESIDENCE BEING PREPARED IN A HEBRON MILITARY COMPOUND” (EXCERPTS)

In August 2016, the Israeli group Peace Now caught wind of the government's plans to expand Jewish settlement in Hebron for the first time in over a decade. The plans include renovating the Plugat Hamitkanim military compound with the aim of preparing portions of it for 28 new housing units, accommodating around 100 new settlers. The compound, which was built in the 1980s, is zoned for military use only. However, Israel is moving to deduct the portion of the land that would be used for settlers from the original military order under which the land was seized, thereby violating a 1979 High Court ruling on reappropriating military land for civilian settlement.

On 16 August, Peace Now sent a letter to the defense minister, the head of the Civil Administration, and the legal advisor of the Civil Administration on West Bank issues demanding they prevent the entry of settlers to the area. A week later, on 22 August, the group's U.S.-based counterpart, Americans for Peace Now, published a summary of the plans, explaining their illegality and stressing that they could further exacerbate the precarious situation in an area “where the occupation is the most apparent and most severe.” Excerpts from Americans for Peace Now's summary are presented below and are available in full at peacenow.org.

Summary:

- Renovations are currently taking place in the military compound of “Plugat Hamitkanim” in Hebron, in order to prepare the area for the residence of settlers. [. . .]
- Having residential housing in a military base also contradicts the principle of distinction between civilians and combatants, and constitutes a clear violation of International Humanitarian Law. Thus, the plan is to deduct a portion of the land seized for military purposes and allocate it for the purpose of a settlement. While the seizure order will be lifted, this constitutes a bending of the law mentioned above for the benefit of settlers.
- This portion of the land used to be under Jewish ownership prior to 1948 and was leased to the Hebron municipality by the Jordanians. The status of Hebron municipality is of protected tenancy and therefore, until now, the Israeli legal opinion was that the land cannot be taken from the municipality other than in the pretext of military use.
- In addition, allocating lands belonged to Jews before 1948 to settlers is practically an implementation of the “right of return” for Jews only and on the expense of the protected Palestinian tenants. [. . .]

Peace Now: What is happening in Hebron is a clear bending of the law, according to which land seized for military purposes cannot be used for the purpose of settlement. The Israeli government continues to find new ways to accommodate the extreme settlers in the city of Hebron, where the occupation is the most apparent and most severe. If the military necessity is no longer there, the land must be returned to its owners and the protected lease agreement with the Hebron municipality must be renewed.

During the 1980s the base of “Plugat Hamitkanim” was established in the location of the old central bus station at the heart of Hebron. Prior to the seizure order, the land was owned partly by Palestinian individuals and partly by Jewish individuals from before 1948, whose land was leased to the Hebron Municipality by the Jordanians and then by the Israelis through the Custodian’s Office.

The expropriation of the land was done through a seizure order which was not issued in writing but rather given orally. In the early 1990s settlers moved into the compound against the law, and following Peace Now’s petition to the High Court (6492/08), a written seizure order was issued on June 24, 2009, defining the lands seized for military purposes.

In the past few weeks renovations are taking place in the military compound of “Plugat Hamitkanim.” From information obtained by Peace Now, it appears that the reason for the renovations is the move of settlers into the compound. So far foundations were laid, the fence surrounding the compound was moved and additional structures were brought in. Soldiers that used to live in the structures of the old bus station recently evacuated these and moved to the new structures mentioned above. The now empty old structures, which are currently included in the seizure order, are meant, as far as we know, to house settlers in the near future. The plan, as it appears, is to deduct this portion of the land from the military order in order to allow the entry of settlers to the area and to allow them to plan bigger construction on the land.

The deduction is necessary as settling in lands seized for military purposes is illegal based on the precedential High Court verdict of Alon More in 1979. Furthermore, settling inside the base would constitute a violation of International Humanitarian Law’s principle of distinction between civilians and combatants.

In a letter sent on August 16, 2016 to the Defense Minister, the Head of the Civil Administration and the Legal Advisor of the Civil Administration on West Bank issues, Peace Now demanded to prevent the entry of settlers to the area. What is happening in Hebron is a clear bending of the law, according to which a land seized for military purposes cannot be used for the purpose of settlement. The land in question was seized through a military seizure order, and now the seizure order is being lifted only from the particular area that settlers intend to enter. Even if the military necessity is no longer there, but exists on the portion of the lands that used to be owned by Palestinian individuals, the lifting of a seizure order is supposed to lead to the return of the lands to their owners, which in this case means the continuation of the protected lease agreement of the Hebron municipality with the Custodian's office. Instead, what we are seeing is the implementation of the "right of return" to Jews only and on the expense of the protected tenants.

CONSTRICTING PALESTINIAN VILLAGES

"ISOLATED: ISRAEL CUTS VILLAGE OF BEIT IKSA OFF FROM EAST JERUSALEM AND THE REST OF THE WEST BANK" (EXCERPTS)

On 17 August 2016, the Israeli human rights group B'Tselem published a series of testimonies collected by field researcher Iyad Hadad from residents of Beit Iksa, a Palestinian village northwest of Jerusalem that has suffered growing Israeli encroachment in the last decade. In 2007, Israel began constructing an electric fence on the northwest side of the village, which connects to the separation wall and cuts residents off from other Palestinian villages in the West Bank. The northern and eastern sides of Beit Iksa are constricted by the Har Shmuel and Ramot Alon settlements, and Israel controls the village's only entrance with a checkpoint.

In their testimonials, villagers describe the incremental confiscation of land from Beit Iksa and how these changes have affected their freedom of movement and daily lives. Presented below are selections from B'Tselem's report, which is available at www.btselem.org.

The Palestinian village of Beit Iksa lies northwest of Jerusalem, within the West Bank but outside the municipal jurisdiction of Jerusalem. Over the years, land surrounding the village and some plots of land owned by villagers were seized for the establishment of Ramot Alon, a settlement that functions as a neighborhood of East Jerusalem, and Har Shmuel, a neighborhood in the settlement of Giv'at Ze'ev. In 2010, fifty more dunams of village land were confiscated for the Tel Aviv–Jerusalem railway. According to a 2007 West Bank census, some 1,900 people live in the village. Many of them are residents of Jerusalem who have Israeli identity cards.

Unlike other Palestinian villages in the area, which are surrounded by a fence separating them from Israel, the eastern side of Beit Iksa—which faces the neighborhood of Ramot—is not fenced in. It lies only several hundred meters away from the Israeli neighborhood, separated from it only by a valley. However, the village is separated from nearby Palestinian communities by an electronic fence along its northwestern side that connects to the Separation Barrier. [. . .]

In 2008, Israel began setting up flying checkpoints on the outskirts of the village. In 2010, a permanent checkpoint was installed some four kilometers northwest of the village center, toward

the neighboring Palestinian village of Bidu. The checkpoint controls the only entrance into Beit Iksa. Since then, Israeli security forces have allowed only people registered as village residents on their identity cards or bearing a special permit to enter the village. [. . .]

In 2010, along with the installation of the permanent checkpoint at the entrance to the village, Israel also closed off the road leading from the village to Jerusalem via Ramot with a gate that remains closed. This has extended travel time from the village to Jerusalem by at least half an hour, as residents who hold Israeli identity cards now have to drive to Ramallah and from there to Qalandia checkpoint in order to enter the city. Consequently, the villagers are cut off not only from the rest of the West Bank but also from Jerusalem, which used to be their historical center of life in the district. Since 2010, some fifty families with Israeli identity cards have left the village due to their forced isolation from Jerusalem. These families, which number some 600 people according to local council estimates, have retained their assets in the village, are still registered as its residents, and periodically come back to visit. [. . .]

Over the past two years, B'Tselem field researcher Iyad Hadad collected testimonies from people who live and work in the village about the impact of these restrictions on their lives:

Ahmad Faqih, 31, from the neighboring village of Qatanah, drives a bus on the Beit Iksa-Ramallah line. On 26 July 2016, he related the difficulties that he and the passengers encounter upon reaching the checkpoint:

I'm not from Beit Iksa but from the neighboring village, Qatanah. They let me through the checkpoint because I'm the bus driver. But every now and then they are especially strict, and then they harass me and don't let me in. In 2014, during the attack on Gaza, that happened five or six times. I had to call the other bus driver to come to the checkpoint and pick up the passengers.

There are no official regulations at the checkpoint, only informal practices that have become standard procedure. I'm ordered to stop twenty meters before the checkpoint and wait for a sign from one of the guards. That usually takes a few minutes, but sometimes it takes longer—depending on the mood of the guards or on current security events. After the guards give me the signal, I drive up to the inspection point and all the passengers get out except the elderly. A guard gets on the bus, checks the identity cards of passengers who stayed inside, and makes sure they are all who they say they are and over seventy years of age. Anyone younger is told to get off the bus. Sometimes, they allow sick people or mothers with babies or little children to stay on the bus. The rest of the passengers line up outside. A guard stands at the door of the bus and the passengers come up to him one by one and show their identity cards. He only lets residents of Beit Iksa and the elderly—even if they are not from Beit Iksa—back onto the bus. The age limit varies according to the guard's mood. Sometimes it's anyone over fifty, but it can also be over 55 or sixty. It usually takes them about ten to twenty minutes to check all the cards, depending on the number of passengers. On days when they're strict, it can take hours.

Ahmad Liqianiyah, 29, from Beit Iksa, related in a testimony he gave on 28 June 2016 how he had to hold his wedding outside the village:

I got engaged two and a half years ago. My wife, Layali Diab, comes from the village of 'Arura near Ramallah. The engagement dragged out because it took about a year and a half to change her address to Beit Iksa so she could come live with me. The first request I filed was rejected, so I had

to hire a private lawyer for about 530 U.S. dollars. In the end, my wife was only granted the address update after we got married and submitted our marriage certificate.

We had the wedding in my wife's village in June 2015. We couldn't have it in Beit Ikksa because the guests weren't allowed into the village. But since we had it in 'Arura, an hour's drive away, a lot of people from my village couldn't attend. The wedding was expensive because we had to hire buses and other vehicles to transport the guests, and the wedding hall in 'Arura cost me much more than it would have cost to have the wedding in Beit Ikksa.

We got over all the hurdles around the wedding, but then the real suffering began. It's been especially hard for my wife, who feels that she is slowly losing touch with her family. Since we got married, her parents are the only members of her family who have managed to visit her in the village. Even that was only allowed after council members coordinated it for them. Her parents have only visited us six or seven times in two years. [. . .] My wife is about to give birth and I ask myself: What will our children's lives be like? What sort of relationship will they have with their extended family? If my wife stays here in the village, how can her family help her with the children and stay in touch with her? [. . .]

Mwafaq Mansur, 47 is a resident of the village of Bidu and the principal of the boys' school in Beit Ikksa. In a testimony he gave on 28 April 2015, he described how the checkpoint affects the school routine:

I've been the principal of the boys' school at Beit Ikksa since 2004. I never had any trouble getting to the school and back but since they put up the checkpoint, I can only get into the village thanks to a document stating that I work at the school. They are 24 people who work at the school, and only eight of them are registered as residents of Beit Ikksa. Almost every week, one of the teachers is kept at the checkpoint and allowed in late, or not at all. Permission to enter or leave the village depends on the mood of the guards and the police officers at the checkpoint. It's impossible to even consider bringing in services from outside, such as a technician to fix the photocopy machine.

The situation certainly interferes with the school. When a teacher is late or denied entry, the students miss a class. It weakens the entire school, creates confusion and disrupts the schedule. In the long run, you see the results in the students' grades. When a teacher is kept out, we either have to find a substitute or I step in to replace him, as school principal.

Fatimah Milo al-'Ein, 32, from the village of Qatanah, works with a regional program for the rehabilitation and integration of people with disabilities. In a testimony she gave on 2 June 2015, she described how the restrictions on entering Beit Ikksa make it difficult to do her job:

I work in a community-based rehabilitation program for people with disabilities that is coordinated with local authorities, village councils and the Red Crescent. People with physical and mental disabilities take part in the program. I work in several villages in the area. We offer educational activities to raise awareness among people with disabilities and their parents. We also refer people to tests in special centers, counsel and train parents, help adjust homes to special needs, and integrate children into preschools, schools, and other centers. Thirty people with disabilities who live in Beit Ikksa are registered with us. According to my work plan, I'm supposed to visit the village once a week, but because of the checkpoint I think several times before going there.

I always worry that I won't be allowed in because I'm from Qatanah. I'm often detained or denied entry to the village. Last March, for instance, I went to Beit Ikksa with a specialist in diagnosing speech

and learning impediments who came from Ramallah. We were held at the checkpoint for an hour and a half on the grounds that we weren't registered as residents of Beit Iksa, even though I showed them my employee card from the Palestinian Red Crescent that always gets me into the village. Eventually we had to get the head of the council to intervene in order to let us in—which they agreed to do only on the condition that we left our identity cards at the checkpoint until we left. We arrived late at the preschool and only had time to examine some of the children on our list.