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Settlement Monitor

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SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activities in the Gaza Strip and the West Bank, including East Jerusalem, and the Golan Heights. Unless otherwise stated, the items have been written by Geoffrey Aronson for this section or drawn from material written by him for Report on Israeli Settlement in the Occupied Territories (hereinafter Settlement Report), a Washington-based bimonthly newsletter published by the Foundation for Middle East Peace. JPS is grateful to the foundation for permission to draw on its material. Major documents relating to settlements appear in the Documents and Source Material section.

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WORDS ALONE WILL NOT END OCCUPATION

From Settlement Report, January-February 2006.

Ehud Olmert has distinguished himself in his first year as prime minister by his unprecedented rhetorical support for a large scale evacuation of land and settlements in the West Bank. No Israeli leader since 1967 has been as forthright in invoking the need for an Israeli withdrawal from areas that Olmert himself long considered an integral part of Israel. But along with his professed support for withdrawal, Olmert, like Israel's founding prime minister, David Ben-Gurion, has used a ready and potent alibi—Arab rejectionism—to explain his failure to do so.

In a November 2006 speech marking a memorial ceremony for Ben-Gurion and his wife, Olmert said,

Three years ago, in my capacity as vice prime minister for Prime Minister Ariel Sharon, I delivered a speech here and quoted from David Ben-Gurion's address at a 1949 Knesset debate on the armistice agreements, in which he said: "when we were faced with the choice between the entire land of Israel without a Jewish state, or a Jewish state without the entire land

of Israel—we chose a Jewish state without the entire land of Israel."

This historic choice made by Ben-Gurion at the conclusion of the war of independence was painful, but courageous, heart wrenching, and sober. Cherished and beloved parts of our homeland—the cradle of our history—remained beyond the border, but a solid Jewish majority was guaranteed in the State of Israel.

Time passed, Arab animosity and terrorism resulted in more war, and some forty years ago, Israel was again faced with the difficult choice: many good people advocated the vision of Greater Israel.

David Ben-Gurion, already a retired statesman, ruled that in exchange for true peace, Israel must relinquish a vast majority of the territories occupied in the Six Day War. Much has happened since then: facts were established on the ground, agreements were signed, the international and regional arena changed beyond recognition. The bloody conflict with the Palestinians has not ended. Ben-Gurion's basic diagnosis remained valid and continues to guide—with the necessary amendments—the position of Israeli governments in our peace policy today.

Already at the time of Israel's birth, Ben-Gurion extended his hand in peace to the Arab nations. His hand was rejected, but it remains extended. I extend my hand in peace to our Palestinian neighbors, hoping that it will not be rejected.

Journal of Palestine Studies Vol. XXXVI, No. 3 (Spring 2007), pp. 161-172, ISSN 0377-919X, electronic ISSN 1533-8614. © 2007 by the Institute for Palestine Studies. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at <http://www.ucpressjournals.com/reprintInfo.asp>. DOI: jps.2007.XXXVI.3.161.

Olmert's adoption of the Ben-Gurion model is instructive in another and perhaps more telling way: Not only did Ben-Gurion patent the "no partner" mantra of an era marked by stalemate and war, it was Ben-Gurion after all who championed the policy—born in the pre-state era—of creating territorial facts on the ground as outposts marking the perimeter of what, in the aftermath of the first war in Palestine, would become the State of Israel.

Ben-Gurion's tenure was marked by continuing enmity and conflict between Israel and its Arab neighbors, including a slow burning battle against Palestinian infiltration from the West Bank and Gaza Strip, not unlike the current conflict by attrition on the Gaza-Israel frontier. This era of confrontation was broken not by Ben-Gurion—whose legacy was one of state building, not peacemaking—but by Ben-Gurion's political nemesis, Menachem Begin, who made peace with Egypt.

Like Ben-Gurion, Olmert excels at creating facts on the ground. Notwithstanding his rhetorical support for withdrawing from occupied territory, under his watch, the settler population in the West Bank (excluding East Jerusalem) increased by nearly 6 percent in 2006, more than quadruple the 1.4 percent growth rate in 2005. There were 268,379 Israelis living in the West Bank at the end of 2006, according to the Israeli Interior Ministry, compared to 253,748 in 2005, a 5.8 percent increase. New settlements—both those formally authorized under Israeli law and others without authorization but with the state's active connivance—have been created or expanded.

Olmert, however, has been far less adept at dominating the diplomatic stage. He told the Chinese press agency Xinhua on 9 January 2007:

A year ago, I believed that we would be able to [withdraw forces and settlers from part of the West Bank] unilaterally. However, it should be said that our experience in Lebanon and the Gaza Strip is not encouraging. We pulled out of Lebanon unilaterally, and see what happened. We pulled out of the Gaza Strip completely, to the international border, and every day they are firing Qassam rockets at Israelis. Under the existing circumstances, it would be more practical to achieve a two state solution through negotiations rather than [unilateral] withdrawal.

It has always been a misnomer to categorize as unilateral Israel's retreat from south Lebanon in May 2000 and the Gaza Strip in September 2005. There were articulate

if unspoken Arab partners for both moves. Hizballah and Hamas, respectively, were engaged in a nuanced, discreet discourse with Israel, one not conducted in the traditional manner across the negotiating table, but one characterized by independent, uncoordinated actions by each party that they believed would answer the core needs required by each for the successful withdrawal of Israel forces on both frontiers.

Yet under Olmert's unsteady tenure, the withdrawals carried out by his two immediate predecessors have imploded, reigniting the contest to determine the shape of the next diplomatic plan. Olmert still speaks of extending "Israel's hand in peace" as Ben-Gurion did, not least for the prosaic need to fill the diplomatic vacuum resulting from the failure of so-called "unilateralism" with a process patented in Jerusalem rather than in Washington or heaven forbid, Riyadh, Cairo, or Ramallah.

Israel today is awash with diplomatic ideas, whose common feature is the preservation of expansive Israeli security, territorial, and settlement interests in the West Bank and east Jerusalem.

The prospects for ideas promoted in turn by Olmert, Foreign Minister Tzipi Livni, Defense Minister Amir Peretz and opposition leader Yossi Beilin—not to mention those championed in the moribund road map, in the Arab League's Beirut declaration, and by the Palestinians—remain unknown.

Far more certain than the vague prospect of negotiations, territorial withdrawal, and peace is the relentless creation of settlement facts on the ground by Ben-Gurion's heirs that are catalogued in the Settlement Report. Their deeds speak louder than any words.

THE LAW OF THE SETTLERS

LAND DEALS FROM BEYOND THE GRAVE

This article by Akiva Eldar originally appeared in Ha'Aretz on 23 November 2006.

Real estate agent Yosef Amram waited for his Jerusalem attorney A. T. in the lobby of the capital's Hilton Hotel. He slid the key to a room on one of the top floors into A. T.'s hand and promised him an enjoyable experience. A few days later—this was in November 2000—Amram contacted A. T.'s office. He informed him that "someone" had filmed him in the arms of a call girl at the hotel, but was quick to promise he had nothing to worry about.

A. T.'s life continued to proceed smoothly until June 2001, when Amram invited him on a business trip to Cyprus. This time a man of about 70 was waiting in a hotel room; the man was introduced as Sharif Zeid, a Jordanian citizen who wanted to sell land he owned near Jericho. Amram took out a power of attorney transferring land ownership to Awad et Daoud Economic Projects Ltd., which he owns with his brother Yaakov. Zeid said he had received only \$150,000 of the promised \$1 million, and refused to sign the document until he received the full amount.

Amram threatened the old man that if he didn't sign, he would be harmed. Zeid gave in, but A. T. declared that under the circumstances he was not willing to confirm the power of attorney. Yosef asked the attorney to join him on the balcony. After softening him up with his fists, he reminded him about the call girl at the Hilton, and gave him a few minutes to choose between signing and having the videotape publicized. A. T. chose the first option.

Using the same recipe, Amram recruited A. T. to a series of land deals. Many of them were conducted fraudulently with the help of Palestinian straw men, and even more serious, with the cooperation of two Israel Defense Forces officers. These stories were exposed by a special investigation team examining the "burning ground" file.

The police have recommended an indictment, which ostensibly will be presented once the State Prosecutor's Office finishes its hearings. The "burning ground" file reveals a small portion of the methods that put thousands of dunams of private Palestinian lands into the hands of Israeli construction firms. The ideological fervor of the Israeli government and the settlers to "redeem" the lands of Israel attracts criminals, Arab collaborators and Jewish con men.

Guilty of Investigating

When these stories are exposed in court in the near future, the settlement leaders, who claim the land was acquired legally, will not fall off their chairs. Most of them are familiar with these methods, and benefit from them. They closed the settlement gates to Brigadier General Ilan Paz, who up until two years ago was the director of the Civil Administration in Judea and Samaria, because he dared to enforce the law. Paz is "guilty" of the police beginning surveillance of Lieutenant Colonel Yair Blumenthal, who for years was head of the infrastructure divi-

sion in the Civil Administration, and Major Ehud Brosh, who headed the lands department in the Judea and Samaria Division legal office.

Paz says he has no doubt that if the police continue burrowing through Civil Administration files, they will discover the Amram brothers are not the only members of the large "family" that lives off the theft of Palestinian lands. As I revealed this year,* the state prosecutor allowed the Civil Administration to "convert" private lands by turning them into "state lands" and returning them to the purchasers. It turns out that in many cases the purchasers are thieves under the aegis of the Torah, the state, and the army.

This is how it worked: Yosef Amram came to the Civil Administration offices and became friendly with Blumenthal. After a few visits, he invited the officer to spend time at his expense at the Hilton Hotel in Jerusalem. A short time later—this was on 10 March 2003—Amram withdrew NIS 100,000 from his Bank Hapoalim account. That same day Mrs. Blumenthal deposited NIS 54,900 into her mortgage account. Three days later she deposited another NIS 33,600 into the same account.

Blumenthal did his job. He provided the Amram brothers with a large number of orthophoto maps, aerial maps with a topographic marking classified as secret—after removing the Civil Administration's identifying marks, as well as land registration lists. These documents helped the Amram brothers locate land whose owners were abroad, mainly in Jordan.

Twice a week Blumenthal would visit the Amram brothers' offices in central Jerusalem, providing them with data about West Bank land and even with internal Civil Administration correspondences. By October 2004, Blumenthal was deeply involved. He met with a well-known contractor at the King David Hotel and convinced him to purchase a large tract of land from the brothers, near the settlement of Givat Ze'ev.

Major Brosh also received perks. In October 2003 Yosef Amram invited him to join him, at his expense of course, to spend a weekend in Bulgaria, and afterward paid for a room in a Jerusalem hotel. A few days later Brosh helped his new friend by checking details about Palestinian landowners, records

* See Akiva Eldar, "Turning Palestinian Property into Israel's State Land," *Ha'Aretz*, 27 December 2005, reproduced in *JPS* 139 (Spring 2006), pp. 182-84.

of their stays in Israel, the date they applied for an ID card and whether they were still alive.

With this information, the Amram brothers discovered a 208-dunam plot of land in the Jericho area that belonged to Sid Ali Salah al-Din, a minister in the Jordanian government in the 1960s who passed away in 1985. The Amrams forged documents showing their Palestinian straw man had purchased the land from Salah al-Din and "sold" it to their company.

At the same time, they found a man in Jordan with the same first and last names as the minister. The man signed a power of attorney at the Israeli embassy in Amman, and A. T. arrived to confirm the document. With the power of attorney the brothers turned to the Civil Administration and received permission to sell the land to Himnuta, a subsidiary of the Jewish National Fund that deals in land purchases. The price was a real bargain: \$2,200 per dunam. The sum total was NIS 2 million for more than 200 dunams.

Unfortunately for the thieves and their friends, the Jordanian minister did not die without heirs. One fine spring day in 2004, a representative of his nieces and nephews arrived at the Civil Administration to ask about the family assets. He was surprised to discover his uncle had come back to life to sell the land to a Jewish company, and had hired the services of an Israeli attorney. From there the way to the police was short. The Income Tax Authority, the Money Laundering Prohibition Authority, and the Military Police special investigations unit participated in the secret investigation. According to the investigators' calculations, the suspects fraudulently made NIS 11 million, with NIS 18 million waiting in the pipeline; because of the investigation, the money has remained there.

Plus a Penthouse

Lieutenant Colonel Blumenthal of the Civil Administration managed to convince the contractor to purchase the 49-dunam plot near Givat Ze'ev. The Amram brothers pocketed NIS 1,110,000 as a down payment on the NIS 2.5 million deal, which was to include a four-room penthouse at its conclusion.

Another tract of stolen land belonged to the Muslim Waqf in Jerusalem, which leased it to the East Jerusalem electric company for 99 years in 1980. The Amram brothers discovered that the man who had sold the land to the Waqf, Suleiman Musa Abu-Hatr,

passed away in September 1992. They forged his signature on a power of attorney stating he had sold the land to their Palestinian straw man. They placed the forged document on the desk of attorney A. T., who notarized a confirmation that the late Suleiman had come to him in June 1992 and signed the power of attorney (most of the attorneys the Amrams chose to involve are very elderly, and therefore the police will apparently not recommend that they stand trial). In May 2002 the Palestinian straw man from the Jericho deal signed over power of attorney to the Amram brothers through A. T.

The biggest transaction, involving a 700-dunam plot, was the Tubas deal. In the summer of 2002 Yosef Amram met with a Himnuta lands division supervisor and presented him with the land ownership registration for 20 plots in bloc 102, in Tubas. He obtained the documents, meant for internal Civil Administration use, through Blumenthal. Amram asked for \$6,000–\$7,000 per dunam, and after bargaining, they agreed on \$4,150 per dunam. In March 2003 Himnuta signed a contract to purchase 17 plots.

The deal was enabled by several forged powers of attorney. In one case a Jordanian citizen who died in May 1979 "signed" a document transferring the land to a Spanish citizen named Salim Mustafa. Another Jordanian citizen who "signed" powers of attorney to that same Mustafa passed away in July 1986. A. T. notarized affirmations that everyone involved had reported to him in Amman in September 2003 to verify their signatures. Mustafa signed, in A. T.'s presence, powers of attorney that transferred all land rights to the Amram brothers.

This time the Himnuta representative became suspicious. After checking the documents, Himnuta decided to cancel the deal.

In order to add some interest to the story, the Amram brothers are suspected of not sharing the lands' fruits with the Jewish people, and forgetting to report a total of NIS 10.5 million earned from stolen land sales to the Income Tax Authority. After Blumenthal was released from detention in order to be interrogated, he allegedly ordered a Civil Administration subordinate to tell Major Brosh that he, Blumenthal, had retained the right to remain silent during interrogation, and that Brosh should do the same. After the employee rejected his request, he suggested she transfer the message via one of the administration's legal advisers.

In the wake of the High Court decision and the state prosecutor's instructions, the

police national fraud unit is investigating serious suspicions that straw men, with the help of attorneys and civil servants, were used in the case of Modi'in Ilit. For years the enforcement authorities conveniently accepted the settlers' claim that this method is the only way of ensuring that Palestinian landowners do not pay with their lives for selling land to the Jews. In the case of Modi'in Ilit, the real estate agents and their attorneys—all of whom are associated with the settlement leadership—signed a transaction in the name of the mukhtar of Bil'in, using the false claim that since the intifada, Israelis have been forbidden from entering Area B.

IMPLEMENT WHICH LAW?

This article by Meron Benvenisti originally appeared in the 10 January 2007 issue of Ha'Aretz.

Amid cabinet members' expressions of shock in response to a female settler seen abusing a Hebron family* came this comment by Ephraim Sneh: "The laws of the state are not being implemented in the city with due haste, particularly regarding Israeli citizens." The deputy defense minister's words were meant as criticism of how the security forces impose law and order in Hebron, but they contained the idea that the problem lies not in the "laws of the state," but only in their "implementation."

To which laws and which state was the deputy minister referring? After all, Hebron has not been annexed to Israel, and ostensibly is subject to military rule. But in the fortieth year of the occupation, a deputy minister can disregard such legal nuances and refer to Hebron as if it were annexed territory—just like any Israeli community, Israeli vehicle, or Jew in the territories can be referred to as Israel's.

The education minister's directive to restore the Green Line to textbook maps stirred much response, showing that many of those who support the move believe there is an essential difference between the two sides of the Green Line: With the exception of Jerusalem and the Golan Heights, Israel

did not impose its laws on the territories on the other side.

Nothing could be more mistaken. The difference is solely in how the annexation is accomplished. Unlike the declared, comprehensive annexations of East Jerusalem and the Golan Heights, where the principle was set first and applied later, here the opposite method has been taken: annexation in a piecemeal, selective fashion until, after a few decades, the sum of the parts amount to full annexation despite the facade of "nonimposition of the law."

This fiction is convenient for all concerned. The Left can keep on deluding itself that the Green Line marks open possibilities and that rule in the territories is "military" and therefore temporary. The Right can emphatically insist upon a "declarative implementation" of the law and meanwhile enjoy selective annexation, which applies only to Jews—wherein lies its cleverness.

The annexation for Jews alone has created a dual system under which rule of law is determined based on an individual's or a community's national identity. The "local" population is subject to only the original law, as amended in thousands of military injunctions. The right to choose is reserved for Jews. When it's convenient, they are Israeli citizens in every way. When it's less convenient, like when it comes to matters of higher education and especially infrastructure planning, they are subject to the local law. The latter lags behind the Israeli law and therefore allows for manipulations.

The confrontation between the female settler and the Palestinian woman from Hebron was a clash between two parallel worlds: The Jewish woman possesses all the rights of a citizen of a free country, who is entitled to the protection of its security forces. On the other side is a woman from an occupied people, who is also entitled to protection. However, the army of the occupation forgot long ago that under international law, its role is to protect the "protected population." The army has become the settlers' militia and views the local people as hostile elements.

It's easy to condemn the vulgarity of the settler from Hebron, and it's easy to dismiss the Jewish enclave there as a gang of violent thugs. But they are only weeds that sprout from the rotten ground of the cruel regime that prevails beyond the Green Line. It's a regime based on ethnic discrimination and separation, double standards and an absence of the rule of law.

*In early January, YNet, the Web site of *Yedi'ot Abaronot*, posted a video obtained by B'Tselem showing a settler verbally harassing a Palestinian family (as an IDF soldier stood by) in their Hebron home. The widely publicized video spurred Defense Minister Amir Peretz to order an immediate investigation into settler harassment and drew comment from government officials, members of the Knesset, and the press.

Just which law does the deputy minister wish to see applied with “all due haste”? That of the settler woman or of the Palestinian woman? In a place where laws differ and discriminate based on national and personal identities, no law prevails. What do we expect of soldiers and police officers? Not to be influenced by orders that instruct them to act in a discriminatory and selective fashion?

The outrage over the woman’s crude tirade is just a distraction from the reality that prevails beyond the Green Line, where life is ostensibly normal. It won’t be long before it’s the liberals who are seeking to have the Green Line erased from the maps, once it has been permanently transformed from a symbol of the aspiration for peace to a line delineating the realms of apartheid.

SETTLEMENT AND OUTPOST EXPANSION

AERIAL SURVEY SETTLEMENTS SUMMARY 2006 (EXCERPTS)

This Peace Now report, released 21 February 2007 and excerpted here, was authored by Dror Etkes and Hagit Ofra. It is available in full at www.peacenow.org.il.

Number of Settlements

During 2006, there was no change in the number of official settlements (with the exception of the Maskiyot affair, and not including the outposts), and it held steady at 121, which had been the number of official settlements since implementation of the “Disengagement Plan” in August 2005.

Number of Settlers

According to the Central Bureau of Statistics, the number of settlers at the beginning of 2006 was approximately 247,300. To date, the Central Bureau of Statistics, which is the official source of data pertaining to such matters in Israel, has not yet published official statistics regarding the number of settlers true to the end of 2006. However, *Ha’Aretz* recently reported that according to data from the Ministry of the Interior, at the end of 2006 some 268,000 Israelis were living in the settlements (these numbers do not include the number of Israelis living in East Jerusalem, whose number is estimated to be some 200,000). Even if one were to make the reasonable assumption that the final numbers will be less than those of the Interior Ministry (as is usually the case), there is still a significant increase of 5% in

the number of settlers. This 5%–6% growth in the rates would constitute a continuation of the trend towards a population increase in the settlements since 2001. It is important to note that annual growth at this rate is much greater than the growth registered in each of the other districts in Israel (the Jerusalem district is the second, but with a growth rate of only 2.2%), and from the overall growth of the Israeli population, which stood at 1.8% during 2005. . . .

Ma’ale Adumim and E-1—“Breaking the Taboo”

Area E-1 is located between Ma’ale Adumim and Mt. Scopus. Israel annexed this stretch of land and allocated it to the enormous jurisdictional area of the Ma’ale Adumim municipality, which has announced its intention to build thousands of housing units there. The aim of this construction is to connect Ma’ale Adumim to Jerusalem, thereby cutting off the northern parts of the West Bank from its southern parts and isolating East Jerusalem from the West Bank.

On the eve of the elections, Olmert authorized to begin building the police station in E-1. The new building is intended to serve as police headquarters for the Judea and Samaria Region. It should be recalled that on 26 April 2006, *Ha’Aretz* published a story never refuted by the authorities, that construction of the police headquarters is being financed by non-profit settlers’ organizations that are working to receive in exchange the present police headquarters building in Ras al-Amud in East Jerusalem. Construction of the building is presently nearing conclusion. There is a grave concern that breaking the taboo against building in E-1 will serve as an incentive for the government to now attempt to implement its plans to build a residential neighborhood in E-1. All this is of course based in the well-known claim that the area is part of the “settlement block” that Israel plans to annex in the future, and regarding which “there is a consensus.” And indeed, it appears that it is a matter of time and timing until some Israeli government tries to continue building in E-1. At the same time, extensive construction work is continuing in the eastern and northeastern parts of Ma’ale Adumim.

Based on the extent of construction and its location relative to the map of the West Bank as a whole, our assessment is that the building in Ma’ale Adumim is one of the most significant settlement activities and most harmful to the chances of reaching

an agreement based on two states for two peoples.

The Maskiyot Settlement Affair

During the last week of 2006, it was made public that Defense Minister Peretz had approved commencing the construction of thirty homes for several dozen families (some of which are Gush Katif evacuees), on a site some 200 meters from the settlement of Maskiyot, located in the northwestern part of the West Bank, approximately 15 kilometers from the Green Line and the course of the fence. Maskiyot, it should be noted, was established as an army outpost in the 1980s, and the decision to approve building there for civilians is tantamount to a decision to establish a new settlement. Only in the wake of political critique in Israel and abroad, did the defense minister decide in mid-January to freeze the authorization for building the aforesaid homes. It is highly doubtful whether there is a more blatant example of the Olmert government's neglect of all that pertains to the future of the settlements.

The Maskiyot affair raises a number of difficult questions regarding the discretion of the decision makers, both in terms of the initial approval granted to construct the houses there, and in terms of their cancellation which seems no less pathetic, particularly in light of the government's insistence that the step was legitimate and consistent with their policy.

Summary

The story of 2006, the first year of Olmert's term as prime minister, is in fact the story of two sides of a one-sided policy assumed by Israel in the West Bank: the settlements on one hand, and the fence on the other. Both maneuvers are the continuation of a unilateral policy of many years assumed by Israel regarding the political future of the West Bank, and we fear that it will continue to contribute to bringing Israel's relations with the Palestinians to a dead end.

WEST BANK OUTPOSTS—SUMMARY OF 2006 (EXCERPTS)

This Peace Now report, released 21 February 2007 and excerpted here, was authored by Dror Etkes and Hagit Ofran. It is available in full at www.peacenow.org.il.

A. The main findings

Number of outposts as of 2006

Number of existing outposts: 102 (We are presently in the process of redefining

the term outpost. As a result, the number of outposts might grow. At issue are mainly outposts mentioned in the Sasson report, which we heretofore treated as an organic part of the settlements.)

Number of outposts dismantled: 1

Number of populated outposts dismantled: 0

Number of new outposts established: 0

Number of [new] outposts identified by Peace Now in 2006: 1

Number of settlers living in outposts: about 2000

Number of outposts erected after March 2001: at least 50

B. Construction in Outposts during 2006

Number of changes identified in outposts (adding trailers, construction, paving roads, etc.): 251

Number of outposts where permanent construction occurred: 30

Number of outposts where new roads were paved or built: 7

Number of outpost established after March 2001 where growth was recorded: 27

Demarcation orders for the evacuation of six outposts were extended. (Demarcation orders are orders the army issues on government instructions ordering outposts to be dismantled.) Expansion was noted in five of them. . . .

C. Continued Construction in the Outposts in 2006

During 2006, 251 changes of various kinds were detected in the outposts. "Change" in this context refers to any kind of development work that takes place in outposts and settlements, such as: adding trailers, construction, building roads, earthworks, etc. . . .

An analysis of the findings raises a number of noteworthy points:

The separation fence: 80% of the changes recorded in the last year in the outposts took place in outposts located east of the fence route approved by the government. This finding in itself is not surprising because most of the outposts (80%) are also located east of the route of the fence.

Date of founding: Most of the expansion and construction work in 2006 was done in outposts founded before March 2001, which are not included in the list of outpost the State of Israel promised to evacuate as early as the summer of 2003 as part of Phase 1 of the "road map." We should mention here

that the list of outposts founded after 2001 and published by the Defense Ministry is not accurate. We believe that a large number of the names of outposts actually founded after March 2001 was dropped from this list, and not by accident, in order to relieve the government of some of the burden it would have been required to bear if it really did evacuate outposts. . . .

It should be stressed that the distinction between the various outposts according to the date of their founding is relevant only to the political aspect of the outpost issue, but not to the legal and public aspect as far as law enforcement. . . .

Regional councils: Most of the changes recorded in the outposts during 2006 occurred in outposts located in the Binyamin regional council. This continues a trend we have seen in previous years. It is worth mention that this council also has the largest number of outposts. The fact that the Samaria regional council is in second place in terms of the number of changes [confirms] the trends we have seen in previous years. The reason is the large number of outposts established in those areas, which reflects, among other things, the fact that the population of those areas is characterized by a high level of ideological commitment. . . .

Construction and paving of roads in outposts: One of the features connected to the intensification of the outposts is the construction and paving of roads in and around the outposts. The ring roads around the outposts usually constitute the immediate borders of the outpost. . . .

Construction in outposts against which demarcation orders are pending: Demarcation orders are orders issued by the army on the instruction of the government to evacuate an outpost. In April 2006 Peace Now petitioned the HCJ over the fact that "demarcation orders" issued for six outposts during 2004 were about to expire without the government carrying them out. On 6 June 2006 the HCJ rejected the petition after the state extended the orders for two more years, and announced it intended to evacuate those outposts. Former Chief Justice Barak wrote in his rejection of the petition that: "In light of the developments which will or will not occur, it will be possible to file a new petition."

Despite the state's commitment to the HCJ to carry out the demarcation orders and evacuate the outposts, in five of them trailers and/or permanent structures were added during the second half of 2006.

This fact of course indicates the seriousness of the government's intentions on this matter. . . .

Investment of money by regional councils in the outposts: In April 2004 Attorney General Meni Mazuz ordered the Housing Ministry to freeze the funds it was transferring to the regional councils that invested in illegal construction of the settlements and outposts. The flow of funds resumed when an oversight mechanism was set up to oversee the use of the funds. Recently it appears that the settlers have found ways to circumvent the prohibition on investing public funds in outposts. In two outposts (Mitzpe Danny and Nofei Nehemia) checkpoints were built in recent months. To the best of our knowledge the checkpoints were built at both outposts with full or partial funding of the regional councils Binyamin and Samaria. We have no doubt that without the continued involvement of the local and regional councils much of the growth of the outposts would have been prevented. Evidence to that can be found among other things in the regional councils' Web sites where some of the outposts appear as settlements for all purposes. . . .

D. New Military Orders Issued by OC Central Command

On 25 January 2007 OC central command Yair Naveh signed four orders intended to improve the state's legal ability to deal with the phenomenon of illegal construction in the territories, as follows:

1. Illegal construction in the West Bank will be considered a criminal offense.
2. A judicial demolition order procedure will be established in order to facilitate procedures to demolish illegal structures in settlements and outposts.
3. A populating license for a structure (the equivalent of a "form number four") will be issued only if the structure has licenses from all authorities, including the electric company and the fire department.
4. Enforcement actions will be increased to seize vehicles transporting trailers without permission.

The four orders are part of the recommendations of the Sasson report, which the government officially accepted in March 2005, but has so far not implemented. . . .

A reminder: the committee appointed to recommend the implementation of the rest of the recommendations of the Sasson

report is still in session and even had a new member added to it recently: Minister Avigdor Lieberman, who publicly states his objection to evacuating outposts. Peace Now's position is that even though it is clear that the very fact that these orders were issued is in itself a necessary and positive step, the significant question remains the question of the enforcement policy. The very issuing of the orders does not absolve the government from its responsibility to enforce the law upon the settlers.

JEWISH INROADS IN MUSLIM QUARTER (EXCERPTS)

This article by Scott Wilson originally appeared with the subheading "Settlers' Project to Alter Skyline of Jerusalem's Old City" in the 11 February 2007 issue of the Washington Post.

From the roof of his home just inside the Old City walls, Palestinian landlord Nasser Karain has a view of the valleys and plateaus where scriptures say Solomon built the first Temple, Jesus was betrayed and Muhammad rose to heaven.

A new landmark may soon rise next to his family compound.

The Israeli government is funding the first construction of a Jewish settlement in the Old City's Muslim Quarter since taking control of it nearly four decades ago. The Flowers Gate development plan calls for more than 20 apartments and a domed synagogue that would alter the skyline of the Old City.

Karain's property is at the center of an accelerating campaign by Jewish settler organizations to change the ethnic and physical character of this city's oldest Arab neighborhoods. The Israeli government is financing projects that dovetail with the settlers' goals, which they say are to secure the Old City and an adjacent valley for Israel in any final peace agreement with the Palestinians.

Resistance is growing. Last week, Palestinians protested throughout the West Bank over an Israeli renovation project in the Old City, leading to some of the worst clashes with Israeli police in years. Surrounded by crenelated walls, the Old City is divided into four quarters—Armenian, Christian, Jewish, and Muslim—that contain some of the holiest sites in Christendom, Islam, and Judaism.

The Flowers Gate development would expand a nearby enclave where two Jewish families now live in red-roofed bungalows

just feet from Karain's home. The settler organization Ateret Cohanim has begun showing prospective residents the strip of land designated for the synagogue and apartments.

Karain is watching the project encircle his compound. He said Jerusalem city officials have denied his many applications to add a second story to his home as his family has grown to include 33 grandchildren. His new neighbors, whose children are escorted to school by armed guards, have offered several times to buy his property for millions of dollars. He refused the most recent bid just months ago.

"I wouldn't want anyone in this place except family now," said Karain, born 63 years ago in the house he inherited from his father. "I'd be afraid they'd sell to settlers."

The settlers' parcel-by-parcel campaign is unfolding within a single square mile bordered by ancient ramparts and sheer valley walls. Israel seized the Old City, the adjacent valley known as the Holy Basin and the rest of East Jerusalem from Jordan in the 1967 Middle East war, later annexing them. The move gave the 250,000 Palestinians of East Jerusalem residency status and the right to vote in local elections, but the annexation is not recognized internationally.

The Jewish population of the Old City makes up about 9 percent of its 35,400 residents, nearly all concentrated in the Jewish Quarter. Under a U.S.-brokered agreement reached in January 2001, Israel would have maintained control of the Jewish Quarter and part of the Armenian Quarter. The Muslim and Christian Quarters would have come under Palestinian authority in the deal, which collapsed soon after.

Only a few dozen Jewish families live among the approximately 20,000 Palestinian residents of the Holy Basin, a picturesque crescent that encompasses the Kidron Valley, parts of the Mount of Olives, and the hillside neighborhood that Jews call the City of David and Palestinians call Wadi Hilweh. Israel suggested international oversight of the Holy Basin at the 2001 talks, an informal proposal the Palestinians rejected.

The effort to expand the Jewish presence in the Old City and Holy Basin, a cause of violent protest over the past century, had been largely dormant since a 1992 state commission found that government agencies were illegally channeling public funds to private settler organizations and allowing them insider access to seized Palestinian property.

That partnership has been revived in pursuit of identical goals. The same settler groups are working now in tandem with the government as they purchase Palestinian property at a time of deep recession in the occupied territories, build new housing and promote the Jewish historical claim to the Old City and Holy Basin. The Israeli government plans to spend \$106 million in the area on housing development, tourist centers and historic renovation near contested religious sites through 2013—money that began flowing last year.

“The conflict is being reduced to its volcanic core,” said Daniel Seidemann, a Jerusalem lawyer and critic of Israel’s land-use policy in the city.

The Old City

A short walk along sloping alleys from the Flowers Gate compound, the Via Dolorosa joins al-Wad Street, forming the crossroads of three faiths.

On any Friday afternoon, families of ultra-Orthodox Jews stroll among Muslim men, each heading toward the plateau that Jews know as the Temple Mount and Muslims as the Haram al-Sharif, or Noble Sanctuary. Christian pilgrims walk among them tracing Jesus’s final steps, monitored by some of the 400 closed-circuit Israeli police cameras that continuously watch over the Old City.

Along the way, new signs depicting the sanctuary’s 1,300-year-old al-Aqsa mosque hang above entrances to shawarma shops and boutiques. Funded by an Islamic organization in Israel as a response to new Jewish settlement activity, the signs emphasize the Islamic character of the quarter.

Ateret Cohanim, an organization named for the crown worn by members of the ancient Jewish priesthood, seeks to rebuild the Temple on the al-Aqsa site and is the primary settler group working within the Old City walls. To move Jews into the Muslim and Christian quarters, the group buys property in ways that have been challenged in court over the years. The 1992 Klugman Commission named it as a prime beneficiary of illegal government help.

“Our goal is to reestablish the Jewish presence in all of the Old City,” said Ezra Waner, 26, a student at the Ateret Cohanim Yeshiva, which has existed periodically in the Muslim Quarter for 120 years. “Slowly, slowly, we want to bring the Jews back.”

Jews control 75 to 80 buildings, homes and single stories of apartment complexes in

the Muslim and Christian quarters, according to Israeli and Palestinian officials. Most of the properties, a small fraction of the total in those areas, are along routes to the Western Wall, where Jews pray at the base of the Temple Mount.

“Sometimes it takes 10 years of work just to buy one house,” said Waner, who moved to Israel from South Africa 14 years ago. “And even then the Arabs will take everything out of it, even the electrical wiring, before turning it over.”

The yeshiva entrance runs through a low, damp tunnel, just down al-Wad Street from the several-story building that Ariel Sharon, then Israel’s infrastructure minister, bought in the 1980s. He purchased the place to create a symbolic Jewish presence in the Muslim Quarter, where Waner said 3,000 Jews lived during the British mandate that preceded Israel’s founding in 1948.

Drifting out from behind locked gates, student prayers echo from crowded rooms where antique chandeliers provide young men the light to study the Torah and Talmud. During the 1936 Arab riots, the yeshiva’s 100 or so students collected the Torah scrolls and fled. Waner said an Arab watchman held the keys, handing them to yeshiva officials after the 1967 war.

“Before the war there was no Muslim Quarter and no Jewish Quarter,” Waner said in a book-lined room overflowing with young men. “We tell our stories. Soon all of them here will learn.”

Adnan Hussein, the Jerusalem director of the Waqf, the Islamic land trust that has authority over the al-Aqsa mosque complex, traces his Palestinian family’s Jerusalem roots back 800 years. His office overlooks the olive grove and cypress stands of the Haram al-Sharif, his centuries-old walls rising into vaulted ceilings above his cluttered desk.

“They have failed to control the city,” he said. “And they will never succeed.”

Hussein, a 59-year-old engineer wearing gold-rim half-glasses and a cardigan, said Jewish settlers with help from the Israeli government are “destroying the scale of the city” by pushing large symbolic projects in the Muslim Quarter and in contested religious areas.

He cited the Flowers Gate synagogue, which requires several more layers of approval, and the project to build a wider ramp from the Western Wall plaza to the Mugrabi Gate, the entrance to the mosque complex used by Israeli soldiers and tourists. Walls dating to the 7th-century Umayyad rule are

threatened by the work, and Muslim concern prompted last week's protests.

"They want to create a new situation, a new conflict," Husseini said. "Jerusalem is in danger."

From the Old City ramparts above the Flowers Gate project, Jon Seligman, Jerusalem director of the Israel Antiquities Authority, looked toward a horizon spiked with spires and minarets. The only Jewish buildings that once appeared there were a pair of synagogues, destroyed by Jordan during its nearly two-decade reign.

"Whether a Jewish presence on the skyline is appropriate is something that can be legitimately raised," said Seligman, referring to the Flowers Gate synagogue. "It is something that is present for all other major religions here except Judaism."

More than half of Seligman's budget comes from construction projects that require preliminary excavations, which at the Flowers Gate site have revealed the thick stone walls of a 600-year-old Arab neighborhood. Plans call for the synagogue to be built above it.

The Holy Basin

Just outside the Old City walls, the beige limestone hillside dips sharply to the Kidron Valley floor. Homes with arched windows and iron balconies are packed tightly along narrow streets, where Jewish settler groups have been buying Palestinian property and moving in behind high fences and guard towers.

But the hillside expanses of Jewish and Muslim cemeteries, strips of parkland and the remnants of ancient stone walls have given Jewish settler groups in the Holy Basin more to work with than in the cramped confines of the Old City—open land and an abundance of archaeological sites useful in promoting the historic Jewish claim to the area.

Stone steps 2,000 years old rise from the Siloam Pool, climbing into a tunnel toward the Western Wall hundreds of feet above. Among the few people who have seen the recently discovered steps is David Beeri, a spry 53-year-old whose organization is financing the excavation.

"Every step is important," said Beeri, founder of Elad, a private organization that moves Jewish settlers into the Holy Basin, oversees its main archaeological sites and finances new digs. "Every step is a story." . . .

"The Romans are no longer here, but we have come back," he said.

Beeri's organization, Elad, works with the National Parks Protection Authority, the Jerusalem municipality and the Jewish National Fund, an agency that controls large tracts of land in the Holy Basin purchased in the 1920s by Baron Edmond James de Rothschild. The Klugman Commission said government agencies gave Elad privileged access to at least two dozen houses in the area, including some seized from Palestinians under the absentee-property law Israel imposed after the 1948 war.

Elad says it and its partners control more than 55 percent of the Holy Basin. The organization owns the City of David visitors center, the entrance to some of Jerusalem's most important archaeological sites. Elad officials say 250,000 visitors came to the center last year—a tenfold increase from 2001.

Beeri's house is on a path paved with cut stones and lined with the same street signs seen in the city's western neighborhoods. Israeli critics say the intention is to make the neighborhood indistinguishable from West Jerusalem.

"This area poses enormous challenges for the Palestinian national movement," said Meir Margalit, a Jew and former Jerusalem councilman now with the nonprofit Israeli Committee Against House Demolitions. "The biggest problem here is temptation. The settlers come with suitcases full of cash and say, 'Take it.'"

Elad sometimes offers three times the market rate for homes near important archaeological sites, Beeri said. "We must do this in a legal way on the free market. And in doing so, we think we can change the future of this part of Jerusalem."

Over the years, several dozen Jewish families have moved into homes that Elad has purchased from Palestinians, some of whom faced demolition orders from the Jerusalem city government for building or expanding without proper permits.

"At times we are pushed to despair," said Fakhri Abu Diab, 44, a Palestinian who heads a homeowners group in the area along the Kidron Valley floor. His house, set in a courtyard of lemon and olive trees, sage and wild thyme, is among 88 in the area slated for demolition to make way for an Israeli national park.

The demolition orders were frozen two years ago, amid protest. But they have not been lifted, and Abu Diab and his neighbors continue to pay fines for building without

permits. Margalit, the former Jerusalem councilman, said only about 120 permits were granted in East Jerusalem last year.

That is one-tenth the number needed to accommodate growth, Israeli critics say. They contend the dearth drives Palestinians to look elsewhere for room to raise families. Just up the hill, Beerli is adding a new floor and more rooms to his house.

"A human being is at the end only a human being, and there is only so much he can take," said Abu Diab, the Palestinian, who grew up swimming in the Siloam Pool, where the Bible says Jesus cured a blind man, now behind locked gates controlled by Elad and the park service. "But the majority of us remain steadfast."

Most Palestinians have resisted offers to sell their homes, facing deadly reprisals if they accept. But settler leaders said two recent developments have made it easier for Jews to acquire Palestinian property.

The international aid boycott of the Palestinian Authority imposed after Hamas's election a year ago has ravaged the economy in the territories, prompting more Palestinians in East Jerusalem to sell their land out of financial necessity. In addition, they said, the 24-foot-high wall Israel is building around Jerusalem has nearly sealed the city off from the West Bank, home to armed Palestinian groups opposed to selling property to settlers, offering a sense of protection for those who do sell.

But the threat has not disappeared. In April, a Palestinian father of eight, Mohammed Abu al-Hawa, sold his apartment building in the A-Tur neighborhood of the Mount of Olives, which lies on Israel's side of the wall. Days later his body was found tortured and burned near Jericho. The purchase marked the first Jewish foothold in the neighborhood, which has a vivid view of the Temple Mount stretching across the ridgeline to the west.



The Maskiyot settlement in the Jordan Valley on 11 January 2007, two weeks after Israel, the first official declaration of a new settlement since 1992, announced construction at the site. Under international pressure, Israel suspended building on 19 January 2007, though settlers remained in place. (AP Photo/Oded Balilty)