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Settlement Monitor

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Source: *Journal of Palestine Studies*, Vol. 40, No. 2 (Winter 2011), pp. 160-169

Published by: [University of California Press](#) on behalf of the [Institute for Palestine Studies](#)

Stable URL: <http://www.jstor.org/stable/10.1525/jps.2011.XL.2.160>

Accessed: 26/02/2015 13:06

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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.

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ANOTHER FREEZE FAILURE

BARACK OBAMA LOSES THE BATTLE FOR A SETTLEMENT FREEZE

From Settlement Report, September-October 2010.

President Barack Obama's extraordinary diplomatic effort over the last two years has failed to contain to any significant and lasting degree the expansion of Israeli settlements in the occupied West Bank and East Jerusalem. Already in its first days, the Obama administration placed a settlement freeze, then defined by Secretary of State Hillary Clinton as "not some settlements, not outposts, not natural growth exceptions"—at the center of its diplomatic effort and made it the litmus test of Prime Minister Benjamin Netanyahu's commitment to a two-state solution. Washington's subsequent failure to establish meaningful constraints on settlement expansion was highlighted by the 27 September 2010 end of Israel's ten-month

inconclusive settlement moratorium and the official resumption of new construction. The settlement issue nonetheless continues to define the flagging U.S. effort, even though American officials have concluded that the focus on settlements was obstructing rather than facilitating its broader diplomatic agenda.

The Obama administration is now attempting to win from Israel a two-month re-imposition of the moratorium in order to convince PLO Chairman Mahmud Abbas to resume direct talks, which stalled when the moratorium lapsed. In the days since the 26 September expiration of the moratorium, work has reportedly begun on close to 500 new settlement dwellings, increasing the number of units currently under construction in the West Bank to approximately 2,000. In view of this new construction, the practical value of a reimposition of a settlement moratorium becomes increasingly marginal.

To the extent that there is a substantive U.S. diplomatic agenda, it is that two

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months of direct talks are all that is required to reach an agreement on where to place the border between Israel and a nascent Palestinian state. In view of the fact that diplomats have failed to draw an agreed border between Israel and Palestine for seven decades, not to mention the chasm currently separating the positions of Netanyahu and Abbas—Washington's compressed timeline appears to be little more than a leap of faith.

The Obama administration's actions can be roughly divided into five phases.

Phase I—Settlement Freeze

Before assuming office in January 2009, top administration officials had decided to place a settlement freeze at the center of "confidence building" measures that would enable progress toward an end to Israel's occupation and the creation of an independent Palestinian state at peace with Israel. President Obama seized the policy initiative, declaring in Cairo in June 2009 "the illegitimacy of continued Israeli settlements" and describing the solution of the conflict as a "vital national security interest" of the United States.

Obama's insistent call for a comprehensive end to continued settlement activity was unprecedented in its intensity. In July 2009, however, the limits of Obama's commitment to the freeze were revealed when Washington bowed before Israel's continuing settlement expansion in East Jerusalem, notably at the site of the Shepherds Hotel in Shaykh Jarrah, throwing its demand for a freeze into disarray and underlining the continuing stalemate. From this point onward, Washington has sought, with little consistency or success, to "freeze" the freeze debate and focus its effort upon the achievement of a largely procedural objective—the establishment of direct negotiations between Israel and the PLO—in order to address the core issues in dispute.

Phase II—Stillborn Direct Talks

A September 2009 meeting between Netanyahu, Abbas, and Obama was expected to mark the inauguration of a new phase in Washington's Middle East policy. The summit was intended, as the president himself acknowledged, "to move off the rut that we're in currently." The leaders met but the overall effort to initiate direct negotiations was stillborn.

Phase III—Settlement Moratorium

In October 2009, Abbas decried his "betrayal" by Washington because of Obama's failure to win a complete freeze and declared his intention not to run for reelection as chairman of the Palestinian Authority, then scheduled for 2010. On 25 November 2009, Netanyahu announced a 10 month partial moratorium on settlement construction in the West Bank, noting that "When the suspension ends my government will revert to the policies of previous governments in relation to construction."

In a choreographed response, Secretary of State Clinton issued the following statement:

We believe that through good faith negotiations the parties can mutually agree on an outcome which ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the 1967 lines, with agreed swaps, and the Israeli goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israeli security requirements.

The statement reflected Washington's view of a broader diplomatic effort than a limited moratorium—one that focused on final status arrangements. The Clinton statement offered the U.S. view of the core requirements of each party as the first-year anniversary of Obama's administration neared.

Regarding settlements, the new U.S. language recalled assurances regarding settlement blocs referenced obliquely in the April 2004 letter from President George W. Bush to Prime Minister Ariel Sharon—assurances that the Obama administration has refused to reaffirm.

The Bush letter stated, "In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949." Clinton noted support for "reconcile[ing] the Palestinian goal of an independent state based on the 1967 lines, with agreed [land] swaps, and the Israeli goal of a Jewish state with secure and recognized borders *that reflect subsequent developments* and meet Israeli security needs." (emphasis added)

Phase IV—Proximity Talks

Unable to establish a direct dialogue, special U.S. envoy George Mitchell in early

2010 rebranded his shuttle diplomacy as “proximity” talks. This description was a rhetorical device that did little to mask the absence of progress. The inauguration of this new phase heralded neither a new diplomatic framework nor the establishment of a sound foundation for direct diplomatic engagement. Mitchell’s continuing effort did, however, represent Abbas’s willingness, with critical support by the Arab League, to engage diplomatically despite the unmet demand for a credible settlement freeze.

Phase V—Direct Talks

The focus of U.S. diplomacy in the months before the 26 September 2010 expiration of the 10-month moratorium more than ever centered upon the procedural objective of starting direct negotiations. Throughout the summer the Obama administration placed a “full court press” on a reluctant Abbas to consent to direct talks “without conditions.”

In June 2010, U.S. officials declared the proximity talks a success, noting that the freeze had “facilitate[d] productive proximity talks to lead into those direct talks and to help facilitate an atmosphere of confidence and trust to address what are, of course, some very complicated issues.” Relations with Netanyahu, which had been strained by the announcement of new settlement plans in East Jerusalem on the eve of Vice President Joseph Biden’s March visit to Israel, also improved after a summit meeting with Obama. With consensus between the parties still absent, the Obama administration contented itself with expressions of hope for the coming phase. The arduously crafted diplomatic formulation of November 2009 was absent.

In September 2010, Israeli and Palestinian leaders and officials met in Sharm al-Shaykh and Jerusalem. These encounters marked a Palestinian retreat from their unequivocal opposition to direct talks in the absence of a comprehensive settlement freeze. Two rounds of talks between Netanyahu and Abbas offered a forum for an introductory exchange of views, including on final status issues, but little more. There was no agreement on the agenda for discussions and no clarity on their objective. U.S. officials suggested that an intensive effort over three months to determine the border between Israel and a Palestinian state would signal the transition to

final status talks and at the same time solve the issue of the soon to expire settlement freeze.

Phase VI—The Moratorium Expires

On 26 September, Israel’s 10-month policy of limiting settlement expansion in the West Bank ended. The Netanyahu government intends to continue settlement expansion according to broad guidelines followed by its predecessors. During the moratorium, starts of new settlement units did indeed plummet, but the partial nature of the construction restrictions limited its long-term impact. The expiration of the moratorium highlighted not only the policy’s modest practical impact but also the Palestinians’ inability to move the diplomatic agenda in the direction of the permanent, comprehensive freeze they have demanded at various times over the last 20 years.

Azzam al-Ahmad, a key Abbas confidant, alluded to this on 29 September when he noted,

There will be no negotiations in light of the settlements. The decision is very clear. . . We will not attend any negotiations session before the comprehensive discontinuation of the settlement activities. This is the first time since the Oslo agreement that these activities are opposed with such power. I am saying this for the first time: there is an American and European opposition to the settlement activities, recognizing that these settlements have swallowed our land before our eyes.

Abbas, with Arab League support, made good on an oft-repeated threat to “freeze” the fledgling, bilateral diplomatic track that Washington had labored to engineer. Intensive negotiations by Washington with both parties now focused on “reviving” the stillborn direct talks.

Washington’s current effort appears to be a variation of the unsuccessful undertaking of a year ago when the administration attempted to establish direct talks by providing assurances to each party. The unilateral guarantees that the Obama administration is now proposing to Israel represent U.S. support for Israeli-defined security requirements in the event of a final status agreement. In this critical respect they represent an extraordinary “down payment” that Washington is prepared to make in order to achieve a temporary slowdown in new settlement

construction. Like the letter sent by President George W. Bush to Prime Minister Ariel Sharon in 2004, the package of security incentives, reportedly including support for a long-term Israeli security presence in the Jordan Valley along Palestine's eastern frontier, also signals Washington's wholesale adoption of Israel's security narrative in the context of an ever elusive final status agreement. In return for this support Washington is asking the Netanyahu government only for a limited tactical concession. That is, in return for wide-ranging American territorial and security assurances that have a direct bearing on the shape of a final status agreement, the Obama administration expects a limited and undefined re-imposition of a settlement construction moratorium whose value diminishes with each passing day.

There are also important differences between the Bush and Obama efforts:

The Bush "reassurances" were made before the Annapolis process initiated a policy review by U.S. officials lead initially by now National Security Advisor James Jones to examine Israeli and Palestinian security needs in the event of a final status agreement. This process was transformed into a bilateral U.S.-Israel security dialogue that has proceeded in a track parallel to the better known diplomatic effort. There is no similar U.S.-Palestinian dialogue. The Obama security package offers evidence that these once-separate tracks—one diplomatic and the other security-related—have now been combined.

Bush was prepared to compensate Israel for a strategic policy choice—"disengagement" from the Gaza Strip—that Sharon had already made. Obama is trying to "buy" an Israeli decision on a time-limited, partial settlement moratorium that Netanyahu is opposed to making.

The Bush letter was conceptually similar to the policy adopted by Sharon. Both were focused on defining the strategic relationship between Israel and the Palestinians. In contrast, Obama appears to be ready to provide specific U.S. guarantees of a strategic nature in return for a temporary, tactical concession.

Obama now supports a two-month settlement expansion moratorium, after which Washington promises to "take settlements off the table" until the issue is resolved as part of final status talks. One participant in a recent administration

Capitol Hill briefing described this offer as "huge." This formulation presents an American policy on settlements at odds with the recommendations made in 2001 by the Mitchell Committee report and reaffirmed in the Road Map (2003), notably the demand for an immediate, comprehensive end to settlement expansion, including "natural growth." While the Bush letter acknowledged that settlements had indeed created facts on the ground that could not be ignored, he did qualify it by noting the need for Palestinian agreement. Obama's offer to end the U.S. campaign for restrictions on settlement expansion in 60 days if Netanyahu agrees contains no such caveat.

Washington appears to premise its unusual offer on the assumption that if Israel is reassured that its security concerns will be met, an agreement on borders can be achieved in this short period, removing the issue of a settlement freeze from the diplomatic agenda and making moot the U.S. promise not to oppose continuing settlement after a newly re-imposed moratorium expires. Abbas supports a "borders first" effort, as the PLO has for the last two decades. Notwithstanding the U.S. offer, Netanyahu opposes an effort to draw a border, certainly according to the timeline proposed by Washington.

Netanyahu, unlike Sharon, who welcomed the arduously negotiated Bush letter, has rejected the unprecedented Obama demarche as insufficient. He is said to be demanding a re-affirmation of the Bush commitment on settlement annexation. He has also linked his support for a two-month moratorium, which under current circumstances is of little practical value, to what has until now been a "final status" demand that Palestinians support Israel's definition as a Jewish state, throwing an already battered U.S. effort into turmoil.

THOUSANDS OF UNITS IN SETTLEMENT PIPELINE

From Settlement Report, September-October 2010, originally published in Yedi'ot Aharonot, 21 September 2010.

Since 1967, Israel has constructed approximately 50,000 dwelling units in West Bank settlements and a similar number in East Jerusalem. There are currently more than 2,000 units under construction in the former. The following is a breakdown of

how many planned housing units [on the West Bank] have already passed the various stages of authorization needed to allow for construction to begin on the ground:

Planning stage—37,000 housing units: Authorization has been given to the prospective builder by the Supreme Planning Committee in the Civil Administration after all of the plans were examined and notice of the construction was publicized in order to allow time for all opposing parties to voice their objections. These plans have also received the authorization of the defense minister.

Authorization stage—11,000 housing units: The prospective builder either received or bought the right to use the plot in question by means of a special process for building in the settlements. Now the prospective builder awaits a construction permit from the local authority—a normal process that is followed in every local authority inside the Green Line as well—and no authorization by the defense minister is required at all.

Construction can begin—2,000 housing units: Prospective builders who have received all the necessary construction permits and theoretically can begin to build immediately with the expiration of the moratorium. Had they put down the foundations more quickly last year, they would have been allowed to continue construction during the ten-month moratorium.

TOURISM MINISTER ESTABLISHING FACTS ON THE GROUND

From Settlement Report, September-October 2010, originally published in Yedi'ot Aharonot, 20 September 2010.

While the Americans are struggling to arrange a continued construction freeze in the territories, there are those in Israel who are already preparing vigorously for the next stage. Tourism Minister Stas Misezhnikov intends to transfer in the near future millions of shekels to settlements in Judea and Samaria for the purpose of developing tourist sites and attractions in the territories.

An internal Tourism Ministry document shows that in total, over \$2 million will be transferred to Judea and Samaria and East Jerusalem. Minister Misezhnikov, who is strongly opposed to the freeze, wishes to let the local authorities develop the tourism branch within their boundaries.

Many areas in Judea and Samaria will enjoy the benefit of the large budgets that the ministry stands to transfer. The Samaria Regional Council will receive \$83,000 for tourism projects within its jurisdiction (signs in the Reihan Forest, paving bicycle trails in the Shaked Forest), the Binyamin Regional Council will receive \$28,000 for putting up signs in tourist sites, the Southern Hebron Hills Regional Council will receive \$28,000 to develop the Susya historical site, the share of the Karnei Shomron Regional Council will receive \$28,000 for developing bicycle trails in Nahal Kaneh, and the Kiryat Arba Local Council will receive \$11,100 for planning tourism projects.

The big money will be given to the Etzion Bloc, the Jordan Valley, and East Jerusalem. The Tourism Ministry will transfer \$417,000 for renovation and upgrading of the Herodion site within the boundaries of the Etzion Bloc Regional Council, about \$555,000 to the Kasr al-Yahud baptism site in the Jordan Valley, and about \$1.35 million for developing projects in East Jerusalem: \$550,000 for the City of David, \$417,000 for Zedekiah's Cave, and \$417,000 for tourism infrastructure in the Old City.

Tourism Minister Misezhnikov sent letters yesterday to mayors in Judea and Samaria and explained that he considered this a Jewish Zionist necessity. "The Tourism Ministry attaches great importance to developing tourism in Judea and Samaria, which is the basis for 'Every Jew's Story' [title of the West Bank tourism campaign] and is located in the very heart of the State of Israel," the minister wrote. "The historical heritage serves as a significant drawing point both for internal tourism and for tourism from abroad."

In the letter, the tourism minister notes that upon the expiration of the security cabinet's decision to suspend construction in Judea and Samaria, "I have decided to budget infrastructure, tourism and public projects throughout Judea and Samaria."

FREEZE OR NO FREEZE, PALESTINIANS FIND WORK IN SETTLEMENTS (EXCERPTS)

This article by Selim Sabeab Ettaba was originally published by Agence France Presse on 7 October 2011.

...

At the Beit Sira crossing point in Israel's controversial separation barrier near the sprawling settlement of Mod'in Ilit, the workers all give the same response when asked why they do it: There is no alternative.

And they insist that throughout the 10-month moratorium on building new settler homes that expired on 26 September, the work never stopped. "The settlement freeze was very limited. It was a media freeze, made for television," says Abu Safia, a stocky laborer in his late 20s.

"I work for myself. The salary is much better and there are more jobs," he says as he heads through the metal turnstile. "We could work for the Palestinian Authority for a hundred years and still not make enough to live."

Like many of the workers, he declined to give his full name to avoid criticism from other Palestinians. Some 11,000 Palestinians work in the settlements, official Palestinian figures show, but officials estimate the real number is twice that. Another 45,000 Palestinians have permits to work in Israel, and an estimated 15,000 sneak into the country to work illegally, often at great risk.

...

Whether they work on the settlements or inside Israel itself, Palestinian laborers are drawn by wages that are often twice as high as those in the West Bank. A construction worker makes on average about \$40 (€30) a day in the settlements. The Palestinian Authority has made working on the settlements illegal as part of a boycott of settler products, but it has said it will not start enforcing the rule until the end of the year.

"The freeze is a natural demand," says Abu Hussein, another worker with graying hair. "But just like Prime Minister Salam Fayyad's plan to ban work in the settlements, it only makes sense if we are offered an alternative. For the time being, we have no other way."

...

The settlements themselves take up only a small fraction of West Bank land but are surrounded by a network of roads that are only open to Israelis and surrounded by closed military areas. In order to reach Beit Sira, workers must cross Route 443—a highway between Tel Aviv and Jerusalem that runs through the West Bank but was closed to Palestinians for nearly 10 years. It was reopened to Palestinians in May but is still lined with checkpoints, guard towers, and razor wire.

EAST JERUSALEM

HOW THE STATE HELPED RIGHT-WING GROUPS SETTLE EAST JERUSALEM (EXCERPTS)

This article by Nir Hasson originally appeared in Ha'Artez on 7 November 2011.

...

The Elad organization, which David Be'eri founded, has settled some 500 Jews at 15 sites in Silwan to date. Ateret Cohanim, which was founded by Mati David and specializes in gaining control of assets in the Old City in general, and the Muslim Quarter in particular, has brought 60 Jewish families to this quarter, along with hundreds of yeshiva students... The state has licensed Elad to manage the historic City of David tourist site; the organization also runs archaeological excavations in the area. Since Education Minister Gideon Sa'ar decided that each school pupil should visit Jerusalem three times, the City of David has been saturated with schoolchildren. The Israel Defense Forces also sends soldiers to the site for Jewish heritage tours.

The state has transferred hundreds of assets to both groups without the requisite tender process. Each year, the state also allocates millions of shekels for security at these sites, including security cameras and fences that separate the settlers from the neighborhoods' Palestinian residents.

Information revealed here for the first time provides a glimpse of the relationship between the state and these Jewish organizations. The information was made available to leftist activist Dror Etkes by court order following a three-year legal battle.

Elad, arguing that disclosure would lead to bloodshed, fought to prevent publication of the information. The state supported this claim by furnishing cautionary opinions by security experts. But in the end, Etkes obtained a list of 11 assets relayed by the state to Elad and Ateret Cohanim, mainly from 2003-2008, without full transparency and at eyebrow-raising prices.

...

Secrecy is essential, to protect the lives of Palestinian sellers, realtors, and middlemen, Elad claims. The State Prosecutor's Office, in response to Etkes's petition, also wrote an apocalyptic warning about the possible results of disclosure.

But Judges Dan Cheshin and Noam Sohlberg recommended that the sides

agree to a compromise under which the assets the state transferred to Elad and Ateret Cohanim would be disclosed with certain restrictions: The information would be incomplete, encompassing only the date when a contract was signed between the state and the Jewish organizations, the amount paid for the asset, the asset's size, its general location, and whether there was a tender. The sides were forced to assent to this compromise, and Etkes received a list of 11 secret transactions between the state and these two organizations.

Five of the state's deals were with Elad and six with Ateret Cohanim. Via rentals, sales, or leases, the Israel Lands Administration (ILA) transferred buildings and land to the two groups. The two earliest deals, dating from the 1980s, involved truly paltry sums: For example, Ateret Cohanim paid a monthly rent of NIS 466 for a four-room apartment in the Old City.

All the Ateret Cohanim buildings are in the Old City, apparently in the Muslim Quarter. They include one large, 340-square-meter building sold to the organization in October 2006 for just NIS 912,000 and a 266-square-meter building sold in April 2008 for NIS 1.241 million. In January 2006, Elad paid NIS 433,000 to lease a one-dunam area for 49 years.

...

A committee headed by then-Justice Ministry Director General Haim Klugman was appointed by the Rabin government in 1992 to review relations between the state and nonprofit associations. It identified 68 assets relayed to such organizations by the state. The gap between the list of 11 assets made available to Etkes and the Klugman Committee's figure of 68 has two possible explanations.

First, other organizations, some of them foreign, are affiliated with Elad and Ateret Cohanim, and a number of transactions are listed in the name of these affiliates. In at least one case, in 2007, the ILA transferred an asset to the Hama'ayan organization, which is owned by Elad, but there is no mention of this property in the document whose disclosure was just authorized by the court.

Ateret Cohanim has control of no fewer than seven organizations that are not officially registered in Israel. Some of them are registered in tax shelters like the Virgin Islands and Guernsey.

In 2007, accountant Yamin Georgi conducted a thorough review of Ateret

Hacohanim, relying largely on the official registry of nonprofit organizations. In his report, he wrote, "These firms have no business activity other than purchasing and holding rights to assets in Jerusalem." ...Lawyers who specialize in tax shelters say the Virgin Islands and Guernsey have lax corporate disclosure laws that allow companies to sell assets without revealing the identities of either seller or buyer. When a person sells an asset to a company based in such a locale, he can receive compensation in stock, and thereby bypass any requirement to record the transaction in a deed.

The second explanation for the small number of assets on the newly disclosed list is that the ILA may have violated the court order by failing to relay all the documents it was instructed to deliver. For instance, an ILA press statement issued in October 2007 revealed that a 29-dunam property in the Shaykh Jarrah area was rented to Ateret Cohanim. Yet this property is not on the list.

Tender Exemptions for All

The words "exempted from tender" appear alongside each of the 11 assets. In 1992, the Knesset passed a law obligating all state agencies to hold public tenders on which any citizen may bid, though the law does allow exemptions from the tender requirement for certain defined purposes, ranging from expanding agricultural areas to promoting tourism.

But Yehiel Leket, who was Jewish National Fund chairman from 1998–2006 and in that capacity a member of the ILA board, said, "I don't recall that transactions involving the sale or transfer of land in Jerusalem to the Elad or Ateret Cohanim organizations in a tender-exempt process were ever brought to the ILA board."

Another former senior ILA official added, "The ILA has general regulations on exemptions and specific regulations on exemptions, but there is also a blanket regulation that allows the conferral of an exemption in special cases that are not covered by the other regulations. This blanket regulation is applied to parties to whom there is a strong desire to give land—in some cases rightly so, and in other cases wrongly."

In its 1992 report, the Klugman Committee wondered why tenders were not held before the houses were transferred.

“It appears,” the report stated, “that the true reason was stated openly in the affidavit from Mr. Elihu Babai [an ILA official]: ‘The political leadership decided that any asset transferred to the ILA in this particular area would be rented to Ateret Cohanim. Two people from Ateret Cohanim who worked for the ILA were engaged to identify such assets.’”

In its transactions with these organizations, the state made excessive use of the Absentee Property Law. This law, originally enacted to appropriate Palestinian property left behind by refugees in 1948, has also been applied by the state to assets in East Jerusalem. In some cases, the owners of these assets live on the West Bank, which is not under the jurisdiction of Israeli law.

“These are not people who moved to an enemy country,” argued attorney Shlomo Lecker, who is currently working on a case involving this controversial application of the law that is being heard by a panel of seven Supreme Court justices. “Instead, these are cases in which we’ve decided to annex property without annexing the people who left it. Thus two attorneys general recommended that this law not be applied to East Jerusalem.”

In its discussion of the use of the Absentee Property Law, the Klugman Committee deemed the role played by the Custodian of Absentee Property “extremely flawed.” The report concluded that the custodian confiscated Palestinian houses on the basis of affidavits submitted by the two organizations, without either verifying the reliability of the people who made the affidavits or checking whether anyone was living in these houses. It thus deprived any existing residents of the right to present their accounts of the properties’ histories and ownership.

“I remember there were minutes of meetings held at the Housing and Construction Ministry at which Be’eri and other Elad members took part as though they belonged to the [Klugman] committee,” recalled Shimon Dolan, who at that time was Jerusalem’s assistant district attorney and a member of the Klugman Committee. “I asked, ‘how could this be?’ I’m not surprised by this list supplied by the Israel Lands Administration.”

The Klugman report resulted in the two organizations’ ties with the state being weakened, so they began to concentrate

on acquiring property directly from Palestinians.

Then, in 2004, the Sharon government authorized the Custodian of Absentee Property to transfer assets in East Jerusalem to the Jerusalem Development Authority. About six months later, the attorney general ruled that the government had no authority to make this decision. But as the ILA list shows, assets that had been transferred to the authority during this half-year window were later handed over to the control of these two organizations.

Elad is one of Israel’s wealthiest organizations. According to its 2008 financial statements, its assets totaled NIS 104 million, of which donations accounted for NIS 94 million. But the organization asked for, and received, a controversial order from the registrar of nonprofit organizations conferring confidentiality on its list of doors.

The remaining NIS 10 million came mainly from the City of David tourism site. In addition, it gets from NIS 500,000 to NIS 1 million a year from the Education Ministry.

Due to a decision made by Ariel Sharon when he was housing and construction minister in the early 1990s, security at Elad assets is funded by the Housing and Construction Ministry. The ministry hires a private security firm for this purpose. Since these assets sprawl over a wide area, this security work is complicated and expensive: In 2010, NIS 54 million was allocated to protect Jewish settlers in East Jerusalem neighborhoods.

After 24 years of settlement, the number of Jews in this area does not exceed 500—a mere 1 percent of the area’s total residents. However, Elad members insist that they control most of the land in the City of David area and constitute half the residents.

As he has on other occasions, Be’eri claimed during his tour with the Dichter that the settlers had good relations with their Palestinian neighbors. “I’ve lived here since the end of 1991,” he said. “We went through the intifada and all that here . . . I always go around with a gun, so there will be no misunderstandings. But we have succeeded with them, with the neighbors . . . I have real relations of trust. Still, when I enter any house, I enter it as though it were a military operation.”

THE CASE OF SHAYKH JARRAH: UPDATED VERSION, OCTOBER 2010 (EXCERPTS)

This 6-page report by the UN Office for the Coordination of Humanitarian Affairs (OCHA) was published in October 2010 and provides an overview of settlement activity in the Palestinian neighborhood of Shaykh Jarrah in East Jerusalem. It also includes a list of sites in the community that have been expropriated by Israeli authorities to settlement organizations or developers. Footnotes have been omitted for space considerations. The full report is available online at www.ochaopt.org.

Shaykh Jarrah is a Palestinian residential neighborhood located to the north of the Old City in occupied East Jerusalem. The neighborhood is home to around 2,800 Palestinian residents and includes many diplomatic missions and well-known landmarks, such as the Orient House, the American Colony Hotel, and the Palestinian National Theatre.

Owing to its strategic location, Israeli settler groups have in recent years made persistent efforts to take over land and property in Shaykh Jarrah in order to establish new settlements in the area. As a result, over 60 Palestinians have lost their homes and another 500 remain at risk of forced eviction, dispossession and displacement in the near future.

...

Israeli settler groups have targeted various parts of Shaykh Jarrah in recent years. This includes, but is not limited to, the following areas:

Karm al-Jaouni/Tomb Quarter

More than 60 Palestinians, including 24 children, have been forcibly evicted from their homes in this area by Israeli authorities since late 2008. The evictions took place in the context of an ongoing legal dispute over ownership of the land. The evictions have been condemned by the international community as being considered to run counter to international law.

Immediately following the evictions the homes were handed over to settler groups, which already occupy several other buildings in the area. According to plans submitted to the Jerusalem Municipality, the settlers intend to demolish the entire area, including 28 Palestinian homes, to make way for a new Israeli settlement.

The plans threaten to displace over 300 Palestinian residents, most of whom are refugees who moved to the area under an UNRWA-sponsored housing scheme in 1956. The refugee families, all of which fled or were expelled from their homes in 1948 from areas that are now in Israel, are unable to reclaim their original land and property while facing renewed displacement. At the time of writing, formal eviction proceedings had been initiated against eight extended Palestinian families, which remain at imminent risk of eviction.

The situation in the neighborhood has sharply deteriorated since the evictions owing to increasing tension and frequent clashes between the settlers, the police, and the remaining Palestinian residents. Since August 2009, many members of the evicted families, as well as Palestinian, Israeli, and international activists that have participated in ongoing demonstrations against the evictions have been injured, harassed, arrested, or detained.

Kubaniyat Im Haroun

A protracted legal battle over the land in this part of the neighborhood came to an end in September 2010 when the Israeli Supreme Court ruled in favor of a settler group claiming pre-1948 ownership of the land. Earlier this year the settlers, who forcefully occupied an abandoned Palestinian building in the area in 2009, initiated eviction proceedings against at least two Palestinian families. While formal eviction notices have not yet been issued, the Supreme Court's ruling significantly increases the likelihood of the future eviction and displacement of the 200 Palestinians living in this area, most of whom are refugees, along with the establishment of a new Israeli settlement.

The Shepherd Hotel

The Shepherd Hotel and adjacent land, originally owned by the Husseini family, was expropriated by Israeli authorities in 1967 and later sold to a settler organization in 1985. The organization, which intends to build a new settlement of around 90 housing units on the premises, has already received final approval for at least 20 housing units from the Israeli authorities.

Karm el-Mufti

Named after its former owner, the Mufti of Jerusalem, this olive grove was

expropriated by Israeli authorities and later transferred to the Ateret Cohanim settler association. Although the land is currently zoned as a green area, which restricts construction, the association has initiated a process to enable it to build a new settlement of 250 housing units on the premises.

Planned Amana Headquarters

In 2005 Israeli authorities transferred a previously expropriated plot of land, located adjacent to St. Joseph's Hospital in Shaykh Jarrah, to the Gush Emunim settler organization. Despite objections by the Palestinian residents of the area, the Jerusalem Municipality in 2009 granted the organization a permit to build a three-storey office and conference center intended to serve as the organization's headquarters.

The Glassman Campus

An empty plot of land, located next to the Al-Hayat Medical Center, has been obtained and designated for the building of a Jewish religious-educational institution, funded by Canadian financiers.

Forced Displacement in East Jerusalem

Forced evictions, together with house demolitions ordered or carried out by the Jerusalem Municipality, are the most common cause of forced displacement in East Jerusalem. In 2009, at least 380 Palestinians, including over 90 children, were forcibly displaced, and another 190, including over 85 children, were otherwise affected as a result. While fewer demolitions have taken place since the beginning of 2010 compared with previous years, it is estimated that there are currently at least 1,500 pending demolition orders in East Jerusalem, potentially affecting several thousand Palestinians. The present pattern of eviction and demolitions, accompanied by plans to establish settlements in the heart of Palestinian neighborhoods, contribute to the creation of facts on the ground that fragment Palestinian neighborhoods and weaken their physical, social, and economic fabric, while forging a contiguous link between Israeli settlements in East Jerusalem and the remainder of the West Bank.



An aerial view of Har Homa settlement (Jabal Abu Ghunaym) in East Jerusalem, 30 September 2010. (Yuval Nadel/AFP/Getty Images)