This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activities in 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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THE U.S., SETTLEMENTS, AND THE TWO-STATE SOLUTION

“The Occupation Returns to Center Stage”

From Settlement Report, November–December 2012.

Military and diplomatic confrontation between Israel and Palestinians in the waning days of 2012 have drawn renewed international attention to the conflict. Israel’s limited assault on the Gaza Strip and the UN General Assembly’s overwhelming November 29 vote supporting Palestine’s admission as a non-member observer state catapulted the issue to the international center stage and prompted calls for a renewed diplomatic effort led by the United States.

“This is what I have been calling for,” noted British foreign minister William Hague in a November 25 BBC interview, “particularly calling for the United States now after their election to show the necessary leadership on this over the coming months, because they have crucial leverage with Israel and no other country has.” He added, “We’re coming to the final chance maybe for a two-state solution for the Israeli-Palestinian conflict.”

Hague’s call for U.S. leadership reflects the widespread belief that American disengagement has contributed to the destabilization and radicalization of the conflict.

During the Gaza assault, U.S. involvement was symbolically important. All parties, including Egypt and Israel, were interested in handing the newly
re-elected Obama administration “ownership” of the ceasefire that Egyptian mediators crafted and the U.S. supported. A well-informed diplomat reports that the deal was closed before Secretary of State Clinton landed in Cairo and that announcement of the agreement was postponed for a day in order to highlight a U.S. role.

In contrast to U.S. support for the shared interest of Israel and Hamas in a ceasefire, the Palestine Liberation Organization’s UN initiative was openly and actively opposed by Washington and Israel.

In the days before the November 30 vote the U.S. State Department spokesperson reiterated, “We’ve obviously been very clear that we do not think that this step is going to bring the Palestinian people any closer to a state, that we think it is a mistake, that we oppose it, that we will oppose it. The secretary was very clear with President Abbas when she was in Ramallah last week that our position on this has not changed, and we are continuing to make that clear, not only directly to President Abbas and the Palestinians, but also to all of our UN partners as well.”

The Obama administration has been consistent in its view that the PLO should not be permitted to offer a diplomatic alternative to U.S.-supported efforts, at the United Nations or elsewhere, even when they mirror publicly endorsed U.S. policy objectives. So, for example, the Obama administration vetoed a February 2011 Security Council resolution declaring settlements illegal, and last year scuttled a Council vote on Palestine’s full admission to the UN as a member state. U.S. disengagement in the wake of its failed effort to condition talks on a settlement freeze prompted the PLO to pursue its initiative at the UN; even though its newly won status is far short of the statehood and sovereignty that U.S. policy has promised for more than a decade.

PLO chairman Mahmoud Abbas’ effort to court Washington’s favor has failed to win for Palestinians effective American support for the prize they both seek—a non-violent end to Israel’s occupation, the evacuation of Israeli settlements and armed forces, and the creation of a Palestinian state at peace with Israel.

It was President George W. Bush who first established the statehood agenda for Palestinians. In his “vision” speech in 2002, he declared, “When the Palestinian people have new leaders, new institutions and new security arrangements with their neighbors, the United States of America will support the creation of a Palestinian state whose borders and certain aspects of its sovereignty will be provisional until resolved as part of a final settlement in the Middle East.”

In the wake of the PLO’s debacle and Hamas’ military triumph in Gaza in June 2007 Bush explained, “This is a moment of clarity for all Palestinians and now comes a moment of choice. The alternatives before the Palestinian people are stark. There is the vision of Hamas, which the world saw in Gaza—with murderers in black masks, and summary executions, and men thrown to their death from rooftops. By following this path, the Palestinian people would guarantee chaos, and suffering, and the endless perpetuation of grievance. They would surrender their future to Hamas’s foreign sponsors in Syria and Iran. And they would crush the possibility of any—of a Palestinian state. There’s another option, and that’s a hopeful option. It is the vision of President Abbas and Prime Minister Fayyad; it’s the vision of their government; it’s the vision of a peaceful state called Palestine as a homeland for the Palestinian people. To realize this vision, these leaders are striving to build the institutions of a modern democracy. They’re working to strengthen the Palestinian security services, so they can confront the terrorists and protect the innocent. They’re acting to set up competent ministries that deliver services without corruption. They’re taking steps to improve the economy and unleash the natural enterprise of the Palestinian people. And they’re ensuring that Palestinian society operates under the rule of law. By following this path, Palestinians can reclaim their dignity and their future—and establish a state of their own.”

For almost a decade Abbas has led the West Bank rump of the Palestinian state he hopes to establish according to Bush’s exacting agenda. He has proven a moderate alternative to Yasser Arafat who had lost Washington’s and Israel’s favor in his last years. On security and governance
the Palestinian Authority has performed beyond expectations.

"The whole world realizes that the Palestinian Authority with all its political, security, services, and administrative bodies has been ready to upgrade its status for six years," Abbas told reporters the day of the UN vote.

In the jaundiced eye of the Netanyahu government, however, the free hand given to Israeli settlement expansion and Abbas' rehabilitation of the Palestinian Authority has eliminated any compelling incentive for Israel to end the occupation. Despite Abbas' commitment to lead the PA along a peaceful path to statehood and independence in a manner prescribed by Washington and the Quartet, and perhaps even because he has been so accommodating, the Palestinian leader has failed to convince or coerce Israel or the United States to realize his essential objective—statehood and independence.

The Obama administration's retreat from its settlement freeze initiative, strenuous U.S. opposition to the PA's UN strategy, and repeated U.S. pre-election statements in Israel's favor appear to have persuaded Netanyahu that he can continue to act in the West Bank without fear of effective U.S. opposition. How else to explain his decision to construct 3,000 new settlement units throughout the West Bank and East Jerusalem, packaged as one element of an appropriate "Zionist response" to the PLO's UN victory? Some of the new construction was announced previously. In contrast, residential and commercial construction in the strategic E1 corridor, just east of Jerusalem, has long been postponed because of U.S. opposition. Large-scale development in E1 would further isolate East Jerusalem from the West Bank and eliminate one of the only remaining locations for large-scale Palestinian growth in the city. A decision to build in the area is a frontal challenge to Washington.

The boost given by the UN to Palestinian fortunes was meant to provide Palestinians a much-needed, if insufficient, diplomatic shot in the arm. Palestine, however, is sorely in need of more than symbolic victories. Washington's continuing impotence in the face of Israel's success in creating facts on the ground has weakened Abbas and strengthened his Islamist rivals. The overwhelming General Assembly vote, particularly by European nations that broke with the Obama administration, owed much to the fear that Hamas' power and popularity is growing at the PLO's expense. As Bush himself noted, there is a Palestinian alternative. It is the example of Hamas' continued rule in Gaza, its election victory over Fatah in the last "national" election, held in January 2006, and its continuing "armed struggle" against Israel.

Israel rules the West Bank like an obedient province, while it views the Gaza Strip as a hostile state. The result, as the Barack Obama administration embarks on the second term, is not the contest framed by Obama's predecessor between a strong, successful model of nation-building in Ramallah and a weak one confined to Gaza, but rather the divide and conquer model established by Israel, defined by a besieged mini-state under Hamas' rule in Gaza and an even more fragile Palestinian Authority in Ramallah.

"NETANYAHU'S SETTLEMENT POLICY WRECKS TWO-STATE SOLUTION," (summary)

The article below outlines the key findings of a report titled "Settlements and the Netanyahu Government: A Deliberate Policy of Undermining the Two-State Solution" published on 16 January 2013 by the Israel Peace Now movement. This summary article and link to the full report is available at www.americansforpeacenow.org.

The Israeli Peace Now movement (Shalom Achshav) today [16 January 2013] released an explosive report detailing the record of Prime Minister Netanyahu's government on settlements over the course of its full term in office (April 2009–present). The report, based on official Israel government statistics, reports, and Peace Now field research, documents how over the past four years, the Netanyahu government has used settlements as a tool to systematically undermine the chances of achieving a viable, realistic two-state solution to the Israeli-Palestinian conflict, despite Netanyahu's rhetorical embrace of such a goal.
Key findings of the report include:

- **Promoting Construction East of the Barrier:** Contrary to popular belief, under the Netanyahu government **almost 40% of new construction starts were in isolated settlements**, located east of the approved route of Israel’s separation barrier in areas that would necessarily become part of a Palestinian state—as opposed to in “settlement blocs.” This is in stark contrast to previous years, when only 20% of construction in the settlements took place in settlements east of the barrier.

- **A Record Number of Tenders for New Settlement Construction in the Short- and Medium-Terms:** While the Netanyahu government issued almost no tenders during its first two years in office (due mainly to pressure from the Obama Administration), in the past two years the Netanyahu government abandoned any pretense of restraint, leading to a record number of tenders—a number that effectively erased the effects of the 10-month “moratorium” and paved the way for an explosion of construction in settlements in the coming years. In total, between March 31, 2009, and January 2013 the Netanyahu government issued tenders for the construction of **5,302 housing units** in settlements and East Jerusalem. Many of these tenders are focused on settlements—like Efrat and Ariel—whose expansion directly undermines the possibility of achieving a two-state solution.

- **A Flood of Planning for New Settlement Construction in the Medium- and Long-terms:** The Netanyahu government has advanced plans for at least **8,207 housing units in settlements**, including thousands of units in isolated and remote settlements. These approvals pave the way for a huge increase in settlement construction in the coming years. The Netanyahu government has also advanced plans, and announced the intention to expedite plans, for massive settlement construction in East Jerusalem. This includes expediting construction of the settlement of E1, which would effectively dismember the West Bank and prevent the emergence of a viable Palestinian capital in East Jerusalem.

- **Establishing New Settlements:** The Netanyahu government is the first government since the time of Yitzhak Shamir (1988–1990) to break this commitment and establish new settlements in the West Bank. It established 10 new settlements by legalizing illegal outposts and another new settlement through the approval of a new “neighborhood” of an existing settlement that is, effectively, a new settlement. It also announced plans to expedite the approval of the new settlement of E1—a settlement that previous governments promised not to build. In East Jerusalem, the Netanyahu government approved the establishment of the first new settlement since 1997 (when Har Homa was established under the first Netanyahu government).

- **Legalizing Illegal Outposts/Promoting Illegal Construction:** The Netanyahu government broke with previous governments’ commitments to remove illegal outposts, adopting a new official policy explicitly supportive of illegal settlement construction. In announcing this policy, the government in effect declared that it had no intention to enforce the law on the settlers unless forced to by the courts. It also gave settlers a green light to establish facts on the ground as they saw fit, without government permits, without any oversight, and in violation of the laws adopted democratically by the state of Israel.

- **Opening the Settlement Floodgates in East Jerusalem:** The actions of the Netanyahu government in terms of support for East Jerusalem settlement expansion outstrip previous governments by every measure. In recent months, the Netanyahu government has opened the floodgates with respect to the approval of construction and planning for construction in East Jerusalem, resulting in a flood of approvals that dwarfs the number of settlement approvals issued over the course of the past two decades. Moreover, the location of much of the approved construction—in areas that are acutely sensitive, given their
impact on the possibility of achieving any viable two-state peace agreement in the future—sends a message that the Netanyahu government is deliberately using East Jerusalem settlement approvals as a weapon to undermine the two-state solution.

- **Demonstrating Extraordinary Generosity in Funding for Settlements:** The Netanyahu government has presided over a period of intense upheaval inside Israel, focused on complaints related to social justice and socioeconomic issues. During this period, the government has demonstrated little sympathy for the demands of its citizens living inside the Green Line, coupled with extraordinary generosity toward the settlers. According to the Finance Ministry for the Central Bureau Statistics, the Netanyahu government provided at least NIS 3.7 billion in surplus funding to settlements—funding that would not have been spent if the settlers were living inside Israel proper.

- **Coddling Settler Law-Breakers:** Under the Netanyahu government, violence and lawlessness by settlers in the West Bank and East Jerusalem—often part of a self-declared “price tag” campaign—has reached unprecedented heights. It has included challenges by settlers to the rule of law, with attacks not only against Palestinians and their property but also against IDF soldiers, Israeli police, and IDF military facilities. These attacks also began taking place inside Israel, with attacks on Palestinians in West Jerusalem and sporadic targeting of mosques and churches throughout the country. This issue, including death threats and attacks targeting Peace Now, has been covered well in the Israeli and international media—as has the fact that the Netanyahu government’s response has been ineffectual at best.

**“Rule by Law: Israel Seeks Court Approval to Expand 40 West Bank Settlements”** (Excerpts)

*From Settlement Report, November–December 2012.*

The government of Prime Minister Benjamin Netanyahu has retroactively approved existing construction on private Palestinian land in more than 40 settlements based on old expropriation orders issued for military purposes.

... In its submission to the court, [in response to a High Court of Justice petition filed by Yesh Din–Volunteers for Human Rights regarding the non-enforcement of demolition orders issued for structures built on private land by the West Bank settlement of Beit El], the state prosecution acknowledged that some 40 civilian settlements in the West Bank had been erected on privately owned Palestinian land on the basis of expropriation orders issued for military purposes.

It also admitted that construction had continued in these communities even after the 1979 Elon Moreh ruling, which advised that the army was authorized to confiscate Palestinian land for military purposes only, not for civilian settlement. The state argued, however, that the ruling “does not prevent exploiting the potential of these communities.”

Following the Elon Moreh ruling, Prime Minister Menachem Begin had ordered a stop to the issuing of military expropriation orders to confiscate private lands for settlements. In a cabinet decision, the government then decided to expand settlements in the West Bank, Gaza, and the Golan Heights by “adding population to existing communities and by erecting additional communities on government-owned land.” The state defended its intention to use the expropriation orders, issued more than 30 years ago, to expand civilian settlements today, citing the need “to preserve the interest that was the basis of [the settlements’] founding and to prevent their atrophy.” It also wants “to exploit the potential” of the military expropriation orders in the area of Beit El to house families evacuated in June from the settlement’s Upana Hill after a legal battle of 6 years. The court ordered the evacuation earlier this year when it determined that the buildings were constructed on land owned by a resident of Dura al-Kara that is outside the settlement’s planning boundary and was also not covered by previous confiscation orders.

...
According to an internal document from the military prosecution’s legal adviser for the West Bank, 44 settlements have been built wholly, mostly, or partially on lands that were expropriated before 1979 for military purposes. The document lists among them Ariel, Beit El, Efrat, Kiryat Arba, and settlements in the Jordan Valley. According to data obtained by Yesh Din, Elazar and Mevo Horon also partially occupy private land expropriated for military purposes.

The settlement report issued in July by the committee [see Doc. Cl in JPS 165] headed by retired supreme court justice Edmond Levy acknowledged widespread violations of Palestinian private property, calling on the government to prohibit additional construction on private land in contravention of the law. The report states, “This phenomenon that was revealed to us regarding settlement in Judea and Samaria constitutes inappropriate conduct for a state that champions the rule of law. If all that emerges from this report is that the ‘tower and stockade’ days that were fine for a period when a foreign government ruled the land are now over—it would be enough. It must be clear to settlement supporters that from now on, they are required to operate solely within the framework of the law.”

[This article drew on reports by Ha’Aretz correspondents Akiva Eldar and Amira Haas]

THE E1 DEVELOPMENT PLANS

“What You Need to Know about E1” (excerpts)

The excerpted piece below, written by Lara Friedman, was published by Americans for Peace Now on 7 December 2012. The full text can be found online at www.peacenow.org.

E1 is back in the news, with a vengeance. In this document we provide all the information you need to know about this controversial settlement project, as well as answer questions you might have and refute the erroneous or deliberately misleading arguments that are being bandied about.

What is E1?

E1 is short for “East 1,” the administrative name given to the stretch of land northeast of Jerusalem, to the west of the settlement of Ma’ale Adumim. When people talk about E1 today, they are referring to a longstanding Israeli plan—never implemented—to build a massive new Israeli neighborhood in this area, along with hotels, an industrial area, and a regional police headquarters (the last one already having been constructed).

Is the E1 area part of Israel or the West Bank?

E1 is part of the West Bank. It was never annexed to Israel and since 1967 it has been under Israeli military law. Ma’ale Adumim is one of the largest settlements in the West Bank and is one of only four settlements in the West Bank classified by Israel as a “city.”

Due to its size and close proximity to Jerusalem, Ma’ale Adumim is viewed by many Israelis as a suburb or neighborhood of that city. However, Ma’ale Adumim is located in the West Bank and is therefore a settlement. To the extent that it is near Jerusalem, it is adjacent to East Jerusalem and its Palestinian neighborhoods, not West Jerusalem, although major infrastructure investment by Israel over the past decade has blurred this line somewhat.

Why is Israeli construction of E1 a big deal?

Construction of E1 would jeopardize or even destroy the hopes for a two-state solution. Settlement construction in E1 would, by design, block off the narrow undeveloped land corridor which runs east of Jerusalem and which is necessary for any meaningful future connection between the southern and the northern parts of the West Bank. It would thus for all practical purposes break the West Bank into two parts—north and south.

It would also sever access to East Jerusalem for Palestinians in the West Bank, and sever East Jerusalem from its West Bank hinterland to the north and east of the city. It would do so by completing a block of settlements and related infrastructure stretching from Ma’ale Adumim to the city’s east, through Neve Yaacov and Pisgat Ze’ev to the north, and
extending to Givat Ze’ev, to the northwest.

Both of these situations are antithetical to the achievement of a real, durable peace agreement and the establishment of a viable, contiguous Palestinian state.

**Why do you say E1 cuts the West Bank in half? Can’t the Palestinians go around or have a road through the area?**

If E1 were constructed Palestinians could, theoretically, travel between the northern and southern West Bank via a road—that at this time does not exist—through the Judean desert, looping around the Ma’ale Adumim bloc and the expanded area of Jerusalem whose outskirts would stretch nearly to Jericho. Similarly, there have been suggestions of a road for Palestinians running north-south between Ma’ale Adumim and Jerusalem, using overpasses and tunnels to bypass Israeli built-up areas (which already exist to some extent).

However, either of these arrangements, which would involve enormous expense and damage to the landscape, would create only “transportational connectivity” or “transportational continuity.” A future state of Palestine, in such a circumstance, would consist of distinct communities with no real connection except via sterile highways. Such a situation is different from “territorial contiguity,” which implies a continuous area in which Palestinian life—commerce, economy, education, health services, political activity, etc.—functions and flows normally, and hopefully flourishes, as required for Israel’s long-term security and regional stability. A solution based on access through a special road through E1 would furthermore make even the “transportational connectivity” linking these parts of the Palestinian state subject to the goodwill of Israel, which would have the ability to cut the state in half by merely closing down the road.

Moreover, such arrangements assume that Israeli-Palestinian peace and a two-state solution are possible without East Jerusalem being contiguous with and part of a Palestinian state—an assumption that no serious analyst would support.

**Won’t the E1 area become part of Israel eventually, anyway?**

Most Israelis insist that under any future peace agreement Ma’ale Adumim will become part of Israel. This was the case under the Clinton proposal and the Geneva Initiative (with a land swap to compensate the Palestinians for the territory). However, the mechanism to include it inside Israel is contentious, due to its location. Israeli supporters of E1 argue that in order to keep and protect Ma’ale Adumim, it requires territorial contiguity between Ma’ale Adumim and Jerusalem. It is suggested that the alternative—connecting Ma’ale Adumim to Jerusalem via an “umbilical cord” (i.e., a road or narrow land corridor)—is prima facie unacceptable from an Israeli security perspective. This is the crux of the issue with E1: the Israeli solution to connect Ma’ale Adumim to Jerusalem through construction in E1 will sentence a future Palestinian state to precisely what Israel has defined as unacceptable from the perspective of its own interests: two distinct, divided areas, connected by an umbilical cord.

It is possible that, within the context of a negotiated agreement, some of these challenges could be surmounted via mutually agreed-upon mechanisms, including innovative transportation schemes and land-sharing or land-swap agreements. However, unilateral acts by Israel that would impose this reality on the Palestinians are antithetical to the development of a stable, viable Palestinian state, undermining the legitimacy of moderate, pro-peace Palestinian leaders and empowering radicals.

Regardless of who may end up in control of or with sovereignty over these areas under a future peace agreement, if Israel is serious about wanting to make peace with the Palestinians, the future of these areas must be left to negotiations and not determined by unilateral acts. Unilateral acts by Israel in this closely watched and strategically critical geographic area will only further undermine President Abbas and the hopes for achieving peace and a two-state solution. Such acts also publicly defy and embarrass the United States, waste goodwill toward Israel around the world, and pointlessly consume valuable Israeli political capital.
Many observers expect that under any future peace agreement Ma'ale Adumim will remain part of Israel, as was the case under the Clinton proposal and the Geneva Initiative (with a land swap to compensate the Palestinians for the territory); there is no similar consensus over the future of E1.

**How much land is included in E1?**

E1 is 12,000 dunams in size—equivalent to 3,000 acres.

**What's on this land now?**

In 2008, Israel moved the headquarters of the Israeli police for the West Bank to E1, as part of a highly questionable deal in which the new police headquarters were financed by Jewish settler organizations, who in exchange obtained control of the former police headquarters compound, located in the East Jerusalem Palestinian neighborhood of Ras al Amud (and becoming a new settlement area in that neighborhood).

Significant infrastructure has been built in E1 since 2005, including a major road that can serve a large amount of traffic, infrastructure for electricity and water, and leveling of ground as a preparation for the future neighborhood.

Otherwise, most of the E1 area remains untouched. At the margins of the planned area of E1 there is some Bedouin presence, and some are using the lands for grazing, and some are threatened to be displaced by the plan.

**Who does the land in E1 actually belong to?**

The question of who owns the land in E1 has to be addressed in both administrative terms and in terms of property rights. Administratively, Israel considers E1 as an official part of Ma'ale Adumim; however, this is misleading, since the municipal area of Ma'ale Adumim (i.e., total land allocated to the settlement) is much larger than the actual constructed area of the settlement. Indeed, the municipal area of Ma'ale Adumim, comprising 53,000 dunams is larger than that of Tel Aviv. Of this, only around 7,120 dunams (1,760 acres) are actual built-up area, plus another 2,250 dunams (560 acres) in the industrial area known as Mishor Adumim. E1’s inclusion in the Ma’ale Adumim municipal area is merely an administrative step and does not reflect the land’s actual use or the needs of the settlement.

During the 1980s, Israel declared most, but not all, of the land in E1 to be “state land,” i.e., land that is not owned by any individual and is thus the property of the state (although since E1 is part of the West Bank, there are other legal issues about Israel’s right to develop the land for Israeli use). Significant portions of the land in E1 remain privately owned by Palestinians. Consequently, planning relating to the area of E1 resembles a slice of Swiss cheese, with plans for construction on “state land” and islands of Palestinian-owned land (the holes in the cheese) scattered throughout and left unplanned.

...
allow the issuance of building permits), along with establishing a Greater Jerusalem umbrella municipality which was to include Ma'ale Adumim. These efforts were limited to statutory planning and the Municipal Plan for E1 was not formally approved. Clinton told Netanyahu that the U.S. would not accept Israeli construction in E1. Netanyahu agreed to respect this position and took no further action on the plan.

Barak/Clinton Era: Barak expressed support for E1 but refrained from any construction in the E1 area, de facto abiding by the undertaking made by Rabin and respected by Netanyahu.

Sharon/Bush Era: During 2002, then minister of defense Ben Eliezer signed the Master Plan for E1 (expedited but not approved under Netanyahu) into law. Ben Eliezer subsequently undertook to the U.S. Administration not to implement the E1 plan and indeed no further statutory planning was carried out and there was no construction in E1 during his tenure in office. In mid-2004, construction commenced on infrastructure in E1. The work was carried out by the Ministry of Construction and was illegal: in the absence of a Specific Town Plan no permits could be or were issued to allow for this work. The work included the clearing of roads for major highways leading to the planned residential areas and site preparation for the planned police station (so that the police station in Ras Al Amud may be transferred to the settlers there, tripling their presence in the heart of that Palestinian neighborhood of East Jerusalem). President George W. Bush intervened and Sharon undertook not to build, without waiving Israeli claims to the area. He respected that undertaking for the remainder of his time in office. Only the plan for the police station and the infrastructure (without the whole neighborhood) was made in order, as a means of legalizing the construction that had already taken place and to allow completion of the police station.

Olmert/Bush: Olmert continued to respect Sharon’s undertaking to Bush and did not pursue construction in E1.

Netanyahu/Obama, first term: Netanyahu reportedly assured President Obama that he would not act on E1. That report is confirmed by the recent leak from the Israeli prime minister’s office to the effect that following the UN vote to upgrade the Palestinians’ status in the UN, the Netanyahu government’s undertakings not to build in E1 are no longer considered relevant.

What is the state-of-play on E1 today?

As of December 6, 2012, the situation is as follows: On December 5, the Civil Administration (an arm of the Israeli Ministry of Defense, which has absolute authority over the West Bank), convened the committee in charge of approving settlements, known as the West Bank Higher Planning Council. At that meeting, the Council approved the advancement of two construction plans in E1, for a total of 3,426 housing units. The plans are Plan No. 420/4/10, for the construction of 2,176 housing units, and Plan No. 420/4/7, for 1,250 housing units. These are the same plans that were prepared in the past and approved for deposit in 2004, but as a result of pressure by President Bush, then prime minister Sharon decided to take them off the agenda.

Under the law, a plan must be deposited for a 60-day “public review” period—publication of the plan in the press and in trade publications. This permits the plan to be scrutinized and, where the public has concerns, it is the period in which objections may be submitted. Once that period has elapsed, a hearing is called to address objections and, where objections are accepted, to either reject the plan in question or demand modifications be made to it. Once this step is completed and any objections are satisfactorily addressed, the plan may be signed into law, paving the way for the issuance of construction permits, the marketing of land, and construction tenders.

Normally, the time frame in which a settlement plan proceeds from deposit for public review to construction takes 9–15 months. In this case, E1 is clearly being fast-tracked for political reasons and could take less time, although given the requirements of law, the time frame cannot be shortened by much. A worst-case estimate would put groundbreaking in E1 a year from now; a more conservative estimate would put groundbreaking at closer to two years away. It should be noted that since so much of the
infrastructure for a settlement in E1 is already in place, if construction gets going at the site, it will proceed far more rapidly than under normal circumstances.

Isn’t all this fuss over the E1 announcement overblown? Then Netanyahu is just approving planning, not actual construction.

The fuss about the approval of E1 planning is not overblown. Anyone who has followed Israeli settlement developments should have learned by: settlement planning equals settlement construction.

As Danny Seidemann explains:

Some Israel officials and right-wing pundits are brushing off criticism regarding E1 by insisting that Israel is not pursuing construction, just planning. We have worked on these issues for more than twenty years, and our professional careers are littered with real settler homes that were initially “only plans.” Indeed, it has been the refrain of Israeli officials in the context of virtually every settlement approval in East Jerusalem for years. When approved, Israel asserts a plan is “only planning”; when implemented “it’s not new.” By now, anyone hearing this refrain should immediately understand: Israeli planning in settlements equals Israeli construction in settlements, sooner rather than later. Let no one be confused: if E1 is granted statutory approval, as is anticipated, all that will be required is for Netanyahu to have a “bad hair day” for the construction of E1’s 3,500 units to commence. . . .

Can E1 be stopped?

E1 can be stopped by Prime Minister Netanyahu, if he wants to do so. The West Bank is under Israeli control, and literally ever step in the approval process of settlement construction requires the active or tacit approval of the government of Israel. This means that at any step along the way, the government can freeze a plan—including simply by refraining from putting it back on the agenda of the Planning Council following the review period. Stopping the plan, or continuing to move toward its implementation, is nothing more or less than a matter of political will for the prime minister of Israel. Previous prime ministers (including Netanyahu in his first time around in that role) have understood this and have acted to stop the plan.

Netanyahu can easily do the same today, if he so chooses.

This document is based on a previous backgrounder drafted in 2005 by then-Peace Now Settlements Watch Director Dror Etkes, along with Danny Seidemann, and Lara Friedman. Updated info/analysis from Peace Now’s Hagit Ofran, Lara Friedman, and Danny Seidemann.

“MA’ALE ADUMIM: A SHORT HISTORY”


In the early 1970s, Israel’s Labor government considered a plan to expand the boundaries of Jerusalem eastward by establishing an industrial zone and settlement on the Jerusalem–Jericho road. In winter 1975, on the seventh night of Hanukkah, the group Gush Emunim erected a prefabricated concrete structure and two wooden huts six kilometers east of Jerusalem. They did so without government authorization but with Defense Minister Shimon Peres’s active support. The group was subsequently evicted several times from the unauthorized outpost. Shortly after Menachem Begin’s 1977 election, however, Ma’ale Adumim was granted official status as a permanent settlement.

In March 1979, the settlement, with fewer than 300 residents, obtained local council status. The settlement anchors the “Adumim” bloc that today includes E 1, Mishor Adumim, Qedar, and Allon. With a municipal area of 53,000 dunams (13,097 acres), Ma’ale Adumim is larger than Tel Aviv, although only 7,120 dunams (1,760 acres) have been developed. In contrast, the five neighboring Palestinian villages have more residents, but expropriations favoring Ma’ale Adumim have left them with an area of only 4,600 dunams (1,137 acres). Around 1,050 Palestinian Jahalin Bedouin were forcibly moved from the area in the late 1990s when land was annexed to the settlement.

By 1990, large-scale construction had boosted Ma’ale Adumim to a population of 13,500. Today, with a population exceeding 39,000, it is the third largest settlement in the West Bank and one of only four settlements classified as a “city”
by the Israeli government. More than 70 percent of its residents are secular. The overwhelming majority located there not for ideological reasons, but for lower-cost housing and higher living standards than are available in Jerusalem. In 2004, 48 percent of residents were under age 18.

Ma’ale Adumim is located on a strategically important hilltop along the road linking Jerusalem and the Allenby Bridge to Jordan. Sitting at the crossroads of the West Bank, Ma’ale Adumim sits astride the route to the eastern border with Jordan, the Dead Sea in the southern West Bank, and most important, Jerusalem, where many of Ma’ale Adumim’s residents commute for work.

**E1**

E1, also known as Mevasseret Adumim, is a 12,000 dunam area of Israeli-designated “state land” east of Jerusalem linking Ma’ale Adumim with East Jerusalem. It is bordered by the French Hill settlement neighborhood of Jerusalem to the west, the Palestinian village of Abu Dis to the southwest, and the settlements of Qedar to the south, Ma’ale Adumim to the east, and Almon to the north.

In 1994, Prime Minister Rabin declared that under any final status agreement a united Jerusalem would include Ma’ale Adumim. He then approved a plan to expand the borders of the settlement to incorporate the area known as E(ast)-1 to establish an Israeli land bridge connecting Ma’ale Adumim to (East) Jerusalem.

In an October 1994 address to the Knesset, Rabin vowed that Israel would never return to the June 1967 borders. His remarks included references to “a united Jerusalem, which will include Ma’ale Adumim and Givat Ze’ev, as the capital of Israel, under Israel’s sovereignty.”

Although Rabin, under pressure from the U.S. government, refrained from developing E1 and some other areas of the West Bank around Jerusalem, he never renounced Israel’s territorial claim. Other areas where Rabin froze construction, notably in Efrat, have subsequently been developed. During the last decade, Israel has “built quietly” in E1, establishing road and other infrastructure for eventual large-scale development of housing and hotels.

On August 31, 2005, after Benjamin Netanyahu quit the government of Ariel Sharon, he launched his own campaign for Likud chairman, and ultimately prime minister, on the hilltops of the E1 corridor linking Jerusalem and Ma’ale Adumim. “Jerusalem is in danger,” Netanyahu warned, as he attacked Sharon for failing to move forward with construction in the controversial zone.

Construction of a new Judea and Samaria district police headquarters, formerly located in the Ras al-Amud neighborhood of East Jerusalem, was completed in a section of E1 in March 2008, when Ehud Olmert was prime minister. To avoid embarrassing Secretary of State Condoleezza Rice, who was then visiting Israel, the festive opening of the police station was delayed until after Rice’s departure.

“...For the last 20 years, the Israeli government has retained the right to build in the E1 area,” said Defense Minister Ehud Barak recently. “There never was an explicit Israeli pledge to not build in E1. It’s Israel’s right and national interest, which has a broad consensus, to create continuity between Jerusalem and Ma’ale Adumim.”

Like his predecessors, Prime Minister Netanyahu has maintained the effective ban on construction of civilian settlement dwellings in E1. His December 2012 declaration that “the State of Israel will continue to build in Jerusalem and in all the places on the state’s strategic map” is a continuation of the political tradition that views control over E1 as a cardinal Israeli interest.

Planning for E1 moved another step forward in December 2012, when the Higher Planning Council of the civil administration registered plans for constructing 3,426 dwelling units in the area. After a period of public comment, and the plan’s approval, a number of steps remain along the road to actual construction.

“**On-going settlement activity in the Adumim ‘Bloc’ and the E1 area**”

This map appeared as part of a short document published by the PLO Negotiations Affairs Department in December 2012. The full document can be found online at www.nad-plo.org.
THE ISRAELI ELECTIONS AND THE SETTLERS

“ELECTION OBSERVATIONS” (EXCERPTS)


Benjamin Netanyahu will lead Israel’s next government, offering the Likud Party leader the chance to become Israel’s longest-serving prime minister since Israel’s founder David Ben Gurion. Under his unchallenged leadership, the Likud Party, however, emerged from the 2013 election much diminished from the 27 seats it won in 2009, when it was able to construct a stable coalition between the religious and ideological...
right that withstood the U.S.-led international effort to contain Israel’s long-term program of settlement expansion and occupation.

Netanyahu’s decision to run jointly with Avigdor Lieberman’s Israel Beitenu enabled the newly formed Likud Beitenu list to win more combined seats (31) than its closest runner up—the new Yesh Atid (There is a Future) (19). The Likud by itself, however, won only 20 seats on the combined list, a significant decline from the 27 Likud candidates who won in 2009, not to mention the 48 mandates in the 1981 elections. The January 2013 result is nevertheless hardly comparable to the Likud’s miserable showing in 2006 (12 seats) against Ehud Olmert’s Kadima Party (29 seats). The Likud’s smaller Knesset faction should make it easier for Netanyahu to derail controversial Knesset initiatives related to the occupation and settlement that were so pronounced in the last Knesset.

Netanyahu’s electoral strength has indeed been reduced at the ballot box—the Likud accounted for seven of the nine seats lost by the joint Liked-Israel Beitenu list. But unlike Shamir in 1992, Netanyahu remains the leader of the largest party—one that has been “purged” of its more moderate voices and will form the next government.

U.S. reservations about the policies of the outgoing Netanyahu government, particularly concerning settlements and stalled negotiations, were both less explicit than the pointed criticism expressed by the George H. W. Bush administration towards the rejectionist policies of Prime Minister Yitzhak Shamir in his losing effort in 1992. Netanyahu remains the leader of the largest party—one that has been “purged” of its more moderate voices and will form the next government.

In the new Knesset, Ha Bayit Ha Yehudi (Jewish Home) represents this Greater Israel constituency. The party, which first appeared in the 2009 elections and won 3 seats, has increased its representation to twelve MKs. It supports the annexation of 60 per cent of the West Bank and opposes the creation of a Palestinian state west of the Jordan River.

What is notable about this party is not so much the electoral strength of Israel’s pro-settlement, messianic movement but its unification under the leadership of Naftali Bennett. Bennett is a high-tech millionaire, a former elite commando and top aide to Netanyahu. He has succeeded in broadening the appeal of what is an ideological, militant, anti-democratic and chauvinist movement based in settlements and religious academies associated with them by attracting votes from the military as well as “regular” voters disaffected with the Likud and long a mainstay of every coalition since Israel’s establishment, had disappeared by the 1988 election in favor of a series of short-lived messianic, settler parties. In the Likud, a primary system resulted in the election of ideologues who pushed Jabotinsky’s party even further to the right in its support of settlement and annexation.

Israel’s right-wing, messianic, pro-settlement forces were first energized by the NRP’s Gush Emunim—the Bloc of the Faithful—a popular movement that successfully challenged the then-ruining Labor Alignment to expand settlement throughout the West Bank after 1973. When running independently from the Likud, this faction has garnered as few as 7 (in the eighteenth Knesset, 2009), and as many as 17 MKs (thirteenth Knesset, 1992), running under an ever-changing banner of parties in support of more aggressive settlement and annexationist policies. These parties have been notoriously fractious, sectarian, and politically unstable, rarely lasting for more than two election cycles. At their electoral peak (1992–1995), this sector nevertheless failed to prevent Knesset endorsement of the Oslo accords. Ariel Sharon’s campaign to “disengage” from the Gaza Strip was successfully implemented and won a ringing popular support in 2006 despite strong popular opposition from these quarters.

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Labor, many of whom otherwise voted for Yesh Atid.

The Labor Party continues as a shadow of its historic presence during Israel’s first three decades when it was Israel’s largest party and head of government. Its inability to join with smaller parties and to energize the electorate has sapped its electoral strength and resulted in an extended period of opposition since being ousted by Ariel Sharon’s Likud in 2003.

The electoral debut of Yesh Atid with 19 seats is the story of this election. Its surprisingly strong showing under the leadership of the telegenic Ya’ir Lapid, a popular television presenter, is the latest manifestation of the continuing effort to give electoral expression to the desire for reform, good government and a less radical and messianic policy of settlement and occupation popular among a large segment of Israel’s secular and globalized electorate.

Meron Benvenisti has observed that there are two representative Israeli monuments to these Israelis—the separation barrier and the international airport. The barrier attests to the wish to make Palestinians, and the challenge they represent to Israel’s future as a Jewish and democratic state, disappear while preserving the demographic and territorial achievements of settlement expansion, while the airport links them to the secular and modern West.

Lapid’s Yesh Atid is not the first to mobilize these voters. Their electoral power first manifested itself on the Israeli political scene in 1977, in the wake of widespread public disillusionment with the policies of the Labor Party that led to the 1973 October war and the Likud’s surprising 1977 victory under the leadership of Menachem Begin. In elections that year, the newly formed Democratic Movement for Change exploded onto the electoral map with 15 seats. Yet while posting impressive achievements at the ballot box, Dash and its successors have been political disappointments. After flashes of popular support in 1977 and 2003, these new and untested parties found themselves consistently outmaneuvered by their coalition partners in the right-wing political establishment and fell quickly into internal disarray and dissolution. Dash numbered 15 MKS as part of a governing coalition that brought Begin to power in 1977, but it had disappeared from the political map by the next election, in 1981. It reappeared as the Shinui (Change) Party in 2003 with 15 mandates, led by journalist Tommy Lapid. The party joined the Sharon government, only to disappear in the 2009 polling. Like Dash, Shinui was both uninterested and unable to exercise any real influence over Israeli occupation and settlement policies, or indeed over any aspect of government conduct.

Ya’ir Lapid, son of the Shinui leader, re-invented the Yesh Atid party in the months before the recent contest. Like its predecessors, Dash and Shinui, Yesh Atid represents a constituency that is not interested in sitting in the back benches. It is determined to join the government in order to change policies aimed at “sharing the burden”—that is, drafting the ultra-Orthodox into compulsory national service and ending policies discouraging their entry into the labor force.

Like most parties, Yesh Atid hardly addressed issues of settlement and occupation during the campaign. Its voters reflect the national consensus supporting policies of occupation and settlement that remove Palestinians and the issue of Palestine from the Israeli agenda and enable Israel to enjoy the benefits of settlement without the costs of continuing occupation. Lapid opened the party’s campaign in a speech at Ariel University in the West Bank settlement of the same name. His deliberate and reassuring message of support for the “consensus” favoring “settlement blocs,” the annexation of East Jerusalem, and his appeal to settlers was clear. Yesh Atid, like its predecessors, has positioned itself as the party of domestic reform and ongoing settlement at Israel’s Jewish, Zionist political center.

The Yesh Atid party manifesto reaffirms its relatively moderate views. It notes that, “the fact that the current Israeli government consistently shirks the necessity of returning to the negotiating table, is in our eyes, blatant national negligence. Its only import is that we are leaving the painful, bleeding problem to our children. . . . Peace is the only prudent answer to the demographic threat and the frantic conceptions of a “country of all its citizens” and “bi-national state”
that right and left extremists attempt to promote. . . . Continuation of the existing situation, in which no settlement-negotiations take place but construction momentum continues in far-flung, isolated settlements [outside] of the outlines drawn from the permanent-arrangement viewpoint, pulls us further away each day from the likelihood of reaching a permanent solution and represents a real danger to the future and existence of the State of Israel. . . . The solution of two states for two nations—which was recognized by all the prime ministers of Israel in the last 30 years, from Yitzhak Rabin to Benjamin Netanyahu—is the only solution that can ensure existence and security for Israel."

The Obama administration will be heartened by the appearance of such sentiments in the yet-to-be formed government. The White House has made clear its belief that policies of the outgoing Netanyahu government are at odds with Israel's interest in ending occupation and the supporting creation of a Palestinian state at peace with Israel. An Israeli government that includes Yesh Atid may be better suited than the current coalition to address these concerns. Netanyahu will almost certainly be less interested in antagonizing Washington than has been the case. The Yesh Atid platform has eloquently articulated the dangers to Israel posed by continuing occupation and settlement throughout the West Bank. Yet it is also the case that the true test of a change in Israel's policies is not only the ability to describe the problem and to tally its costs, but rather to promote and implement a change in direction—supporting the withdrawal Israel's soldiers and settlers to an agreed upon border between the states of Israel and Palestine. This is the challenge shared by the newly-reelected governments in Washington and Jerusalem alike.

"WHO DID THE JEWISH SETTLERS VOTE FOR?" (EXcerpts)

This article, written by Ori Nir, was first published by Forward on 7 February 2013. The full text can be found online at www.forward.com. Ori Nir is the spokesman for American's for Peace Now.

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The leaders of Israel's largest party are now undoubtedly examining the voting trends among settlers, as they try to understand how Likud and Israel Beiteinu lost almost a quarter of their combined strength, deflating from 42 seats in the outgoing Knesset to 31 seats in the incoming Knesset. They are surely considering the price they paid for trying to appeal to the ideological settlers, a population that is perhaps 5 percent of the Israeli public, and an even smaller sliver of the Israeli electorate.

Why a small sliver? Because according to the settlers' own data, only about 45 percent of Israelis living in the West Bank (not including East Jerusalem) identify with the ideological national-religious hard core of the settlement movement. And because only 51 percent of the settlers are eligible to vote (a full half of this population is under 18), compared with an Israeli national eligibility rate of 72 percent. True, the turnout rate among the settlers is higher than the national average (around 80 percent compared to 67 percent nationally), but since the actual number of voters residing in the West Bank is so small, compared to the overall national number, that high turnout rate among settlers makes but a marginal difference.

So who did the settlers vote for? Well, the settler population is not monolithic. A distinction is usually made between the "ideological" settlers, those who chose to live across the Green Line to fulfill a biblically prescribed mission, and the "quality of life" settlers, who move to the West Bank in pursuit of cheaper housing. Most of the "ideological" settlers live in remote settlements, farther from the Green Line, while the others typically live closer to Israel, in so-called "settlement blocs," which may be annexed to Israel in the context of an Israeli-Palestinian peace accord. The second category includes settlements that are largely secular and settlements that are largely or even exclusively ultra-Orthodox.

In the ultra-Orthodox settlements, the overwhelming majority of the votes (95 percent in Modi'in Illit, for example) went to the ultra-Orthodox parties: Torah
Judaism and Shas. In the mostly secular settlements, the voting pattern, unsurprisingly, is a tad to the right of the national voting pattern.

Most interesting, however, is the voting pattern among ideological settlers, the dynamo of the West Bank settlement movement. There, the extreme right reigns supreme.

In ultra-radical settlements near Nablus and Hebron, the leading party is the Kahanist Otzmah Le-Israel (Might to Israel). This extremist party, which nationally did not meet the 2 percent threshold to make it into the Knesset, was almost uniformly one of the three largest parties in ideological settlements. In Yitzhar, it received 72 percent of the vote, in Tapuah 30 percent, in Kiryat Arba 28 percent, and in Elon Moreh 27 percent. Even in the less radical national-religious settlements, this party’s showing is typically in the double digits (24 percent in Shiloh, 14 percent in Karnei Shomron, and 13 percent in Kedumim).

In the less radical ideological settlements, unsurprisingly, the big winner is Naftali Bennet’s Habayit Hayehudi (The Jewish Home), the extreme right-wing current incarnation of the National-Religious Party. In Kedumim, it gets 70 percent of the vote, in Ofra 74 percent, in Eli 71 percent, in Psagot 78 percent, and in Elon Moreh 55 percent. Nationally, Bennet’s party got 9 percent of the vote.

In almost all the ideological settlements, Habayit Hayehudi and Otzmah Le-Israel combined receive between 80 and 90 percent of the vote.

Most strikingly, Likud trails far behind with 5 percent (Matityahu, Yitzhar), 8 percent (Beit El, Hagai), 11 percent (Kedumim, Ofrah), 12 percent (Psagot), or 13 percent (Elon Moreh) of the ideological settlers.

What can we learn from this pattern? First, it reaffirms that the ideological settlers’ worldview differs greatly from that of most Israelis. Second, it shows that the ideological settlers are extremely successful in creating an image of having a larger electoral footprint than they actually have. Third, it shows how successful they were at manipulating Likud. In the past few years, ideological settlers registered in droves as members of Likud’s Party Center, acquiring the right to vote in the party primaries. That, to a large extent, explains the strong showing of extremist pro-settlement Likud leaders in last November’s primaries and the rejection of relative moderates such as Dan Meridor. Fourth, we learn that while the settlers worked hard to shape the makeup of Likud’s Knesset list, they ended up following their heart and voting for extreme right-wing parties. Lastly, one should keep in mind that numerically, the ideological settlers’ vote is a drop in the bucket—maybe 2 or 3 percent—of Israel’s overall electorate. They may be a very well-mobilized, influential pressure group, but a small group as well.

Netanyahu should keep all that in mind as he finds himself under pressure from President Obama and from Yair Lapid to tackle the settlements in pursuit of peace.

Ori Nir, formerly the Forward’s Washington correspondent, is the spokesman for Americans for Peace Now.

SETTLEMENT UPSURGE IN THE GOLAN

From Settlement Report, November–December 2012. The original article is titled “Thousands Settle in the Golan.”

“Free Land” screams the large headline in the Israeli daily Yediot Aharanot. “Thousands flock to the Golan.”

The newspaper report crowed, “Where else in the country can you receive land for free?” Diplomatic efforts to reach a peace agreement between Israel and Syria are moribund. Efforts by the Barack Obama administration had been limited to preliminary consultations, and then the civil war in Syria took the issue off the agenda entirely.

While reports speak of “unprecedented” development that has attracted 1,600 new families to 32 Golan Heights settlements in the last five years, the reality is more sober. Since 2005 the settler population has increased by 3,100, or approximately 15 percent.

Golan regional council leader Eli Malka explained, “This massive influx has also created a real economic engine.” He noted, “Hundreds of small and medium-
sized businesses have opened,” including firms producing plastics, foodstuffs, and cosmetics. Companies locating to the Golan receive a cascade of tax breaks and incentives. Unemployment in the area is 4 percent, less than the national average. During the last decade, the Golan economy has diversified away from a largely agricultural economy to one increasingly based on industrial employment and services, including a thriving tourism sector drawing Israeli, as well as international visitors.

Most of the 32 settlements in the region are experiencing population growth and economic expansion. Housing is typically of the “build your own house” variety rather than large-scale corporate or government construction. Individual residential plots—provided by the state for free—range from half a dunam to a single dunam (quarter of an acre). While land is provided at no cost, traditionally structured housing programs and incentives are also offered to newcomers.