

SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

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 NEXT PRESIDENT AND THE ILLUSION OF DELUXE OCCUPATION”

From Settlement Report, September–October 2012.

As the end of the first term of the administration of President Barack Obama approaches, expectations of a successful American effort to end Israel’s occupation of the West Bank, East Jerusalem, and the Gaza Strip that greeted the president in January 2009 have evaporated. This is the dismal legacy that the next American administration will confront.

The president’s selection soon after his election in 2008 of former senator George Mitchell as special envoy and the articulate and forceful focus on the need for a “freeze” in Israeli settlement activity in the West Bank and East Jerusalem were widely viewed as clear indications of Obama’s commitment to lead the

parties to an agreement that reflected the vital national security interests of the parties, as well as the United States—the creation of two states, Israel and Palestine, at peace with each other and secure within recognized borders.

Secretary of State Hillary Rodham Clinton set the aggressive tone for this initiative in May 2009, when she said, “[President Obama] wants to see a stop to settlements—not some settlements, not outposts, not ‘natural growth’ exceptions. That is our position. That is what we have communicated very clearly.”

Notwithstanding American objections, settlements today are flourishing. Senior Israeli columnist Nahum Barnea commented recently that,

“[Israel’s] goal was to prevent the establishment of an Arab state between the Jordan River and the Mediterranean Sea. Today, with 300,000 settlers living in Judea and Samaria, with a powerful lobby

and compensation arrangements from Gush Katif [Gaza] that would amount to hundreds of billions of shekels if they were to be applied to the West Bank, you could say that the mission has been accomplished.”

This breakdown in Washington’s diplomatic effort is unprecedented. Jeffrey Feltman, a former assistant secretary of state for Near Eastern affairs, and currently UN undersecretary for political affairs, acknowledged the diplomatic retreat of the international community at an August 22 briefing before the Security Council, noting that “in the short-term the international community may not be in a position to succeed in helping the parties bridge their political differences.”

U.S. interest in and leadership of the effort to end the conflict has atrophied to a point not seen since the abortive Rogers Plan in 1970, which created a policy vacuum that would lead to the October 1973 war. Today, policymakers and the public alike have surrendered in the face of dysfunctional domestic politics and the passions that drive the conflict. They are bored with its grinding hopelessness, distracted by the more hopeful and dramatic narratives of the Arab Spring, strangely complacent about the strategic costs to be paid by all for failure to end the occupation and settlement, and all but resigned to the victory of the settlers.

If Barnea’s observation is tinged with regret, National Union chairman and MK Ya’akov Katz is representative of settlers who smell victory. “Despite the freeze, settlement in Judea and Samaria increased this past year,” he noted recently. “With the current rate of growth, we will be about 400,000 Jews before the next election campaign, and within four years, we will be about half a million Jews in Judea and Samaria. If you include East Jerusalem, we will number more than a million Jews, at which point the revolution will have been completed.”

Deluxe Occupation

Many Israelis applaud this failure to end the occupation as much as Palestinians condemn it. Dov Weisglas, Prime Minister Ariel Sharon’s top negotiator, wrote recently in candid praise of the Oslo accords, which have regulated the

occupation for almost twenty years: “A Palestinian once told me that ‘Oslo’ was ‘a brilliant Israeli arrangement.’ ‘How?’ I asked. ‘It is the only prison in the world where the prisoners are responsible for their own support, without any participation from the management.’” “Israel,” continued Weisglas, “enjoys all the privileges of sovereignty over the Palestinian territories, without the sovereign’s obligations; that is what ‘Oslo’ means today.”

This Israeli objective is not new. Nor, as Weisglas’ remarks suggest, is confidence in the advantages that it offers Israel.

The building blocks of a permanent Israeli presence in the West Bank and other territories occupied by Israel in June 1967 were put in place by a coalition of the Israeli security and political establishments well before the settlement movement went into overdrive. Settlement is motivated by religion and ideology. But the settlement drive is also a consequence of the still popular view that Israel’s security is enhanced by territorial expansion and the deployment of its forces and citizens beyond the June 1967 borders. This notion is at the heart of the settlement enterprise and the continuing support for occupation offered by Israel’s key institutions.

However, this Israeli strategy is not immutable. It did not survive a costly war with Egypt and an intifada in Gaza that erupted in December 1987 and never really ceased until Israel withdrew in September 2005.

In both cases, Israeli leaders concluded that national security would improve by withdrawing military forces and settlers from Sinai and Gaza—in the case of Egypt, by the signing of a peace treaty, and in Gaza, by adopting a strategy of deterrence.

This history holds out some slender hope that Israel, notwithstanding the real differences between these areas and the West Bank, is still capable of deciding that its future will be more secure if it jettisons rejectionism, negotiates a mutually acceptable border with the Palestinians and makes peace.

The U.S. in an Era of Transition

President Obama has defined the contemporary scene in the Middle East as an “era of transition.” The current malaise

among policymakers and the diplomatic “freeze” that defines the U.S. view of the conflict on the eve of the November election is not simply a product of domestic American politics. It also reflects a crippled strategic vision. Occupation and settlement undermine Israel’s character and security. The status quo defeats Palestinians’ internationally recognized right to freedom and self-determination. It engenders a pervasive sense of Palestinian insecurity, particularly in the rural parts of the West Bank contested by settlers and the vigilante elements of the “hilltop youth,” even as the absence of violent Palestinian opposition to the status quo currently breeds complacency among Israelis.

As Israel’s settlement population continues to grow at a pace twice as fast as the growth of Israel’s population as a whole, so too does the threat to Palestinian lands that are critical to the community’s national and even existential survival. This is particularly the case in Area C, comprising 60 percent of the West Bank, where the Palestinian Authority has no recognized presence . . . and where, in the spirit of the recommendations of the Levy Report (see *Settlement Report*, August 2012), Israel’s Ministry of Interior is quietly expanding its authority. Conceding the success of the settlers and effectively closing the door to a two-state solution will not end this dangerous conflict, nor insulate the next American president from its corrosive effects on America’s national security.

CLOSING THE DOOR ON A TWO-STATE SOLUTION

“BIBI’S TRIED-AND-TRUE SETTLEMENT WEAPON”

The piece by Lara Friedman was published in The Daily Beast on 6 November 2012. Friedman is the Director of Policy and Government relations for Americans for Peace Now. The text is available online at www.thedailybeast.com.

Today’s announcement that the Israeli government is moving full steam ahead with the construction of nearly 1300 new settlement units should surprise nobody.

The announcement paves the way for construction in Pisgat Zeev and Ramot (settlement neighborhoods of East Jerusalem), as well as in the huge and extremely controversial settlement of Ariel—a settlement located smack-dab in the middle of the northern West Bank, in a location that makes its inclusion as part of Israel under any realistic borders scenario pretty much impossible.

Today’s announcement is no surprise for two reasons. First, because starting about 2 weeks ago it became clear that Prime Minister Netanyahu was opening the settlement floodgates, particularly in East Jerusalem. In addition to today’s announcement, we’ve seen approvals of plans in Gilo, Har Homa, East Talpiot, and the Mount of Olives—and more approvals are clearly on the way. Today’s announcement is just part of that flood.

The other reason this is no surprise is that Netanyahu has plenty of reasons, foreign and domestic, for doing this now. In terms of domestic politics, early elections are only a short time away, and Netanyahu and his right-wing allies are eager to burnish their credentials with the settlers and their supporters—just in time for Likud party primaries (scheduled for November 25). Moreover, today’s announcement serves as a stinging riposte to President Abbas’s interview this past Friday—a pro-peace overture that, from Netanyahu’s point of view, was extraordinarily unwelcome. On the international front, Netanyahu is no doubt counting on the fact that during an election season—especially one in which pro-Israel credentials have been such a hotly-contested issue—the Obama administration isn’t going to waste an ounce of political capital condemning his actions on settlements, no matter how outrageous they might be. In addition, it is worth remembering that Netanyahu has a long and storied history of politically-timed settlement announcements during President Obama’s time in office. These include (but are not limited to):

- the September 27, 2011 approval of construction in Gilo, at a time when the Obama Administration was working feverishly to re-start negotiations;
- the May 19, 2011 announcement of action to approve 1,500 new settlement units in East Jerusalem,

- coinciding with Netanyahu's trip to Washington to meet with President Obama (and on the eve of President Obama's major Middle East speech);
- the April 3, 2011 announcement of the approval of new settlement construction in East Jerusalem and the West Bank, coinciding with Israeli President Shimon Peres' visit to Washington to meet with President Obama;
 - the announcement on November 2010 of the opening of the settlement floodgates in East Jerusalem, coinciding with Netanyahu's meeting with Vice President Biden in New Orleans;
 - the infamous March 2010 announcement of plans for massive construction in the East Jerusalem settlement of Ramat Shlomo, coinciding with Vice President Biden's visit to Jerusalem;
 - the March 2010 announcement of the issuance of permits to begin settlement construction at the Shepherds Hotel in East Jerusalem, coinciding with Netanyahu's meeting with President Obama;
 - the November 2009 announcement of plans for massive new construction in Gilo, coinciding with Special Envoy Mitchell's meeting with Netanyahu's envoy, Yitzhak Molcho, in London;
 - the March 2009 announcement of plans to demolish 80 Palestinian homes in East Jerusalem, coinciding with Secretary of State Clinton's March 2009 visit to Jerusalem.

Clearly, Netanyahu's latest settlement announcement is par for the course. Settlements and related issues—does anyone remember the Hasmonian Tunnel crisis?—have long been Netanyahu's tried-and-true weapons when he wants to score political points with his target constituencies and thumb his nose at everybody else. All of that being said, nobody should dare dismiss what is happening today as just more of the same boring settlement news that they can just ignore. The current scope, pace, and intensity of settlement activity in East Jerusalem is unparalleled since the earliest days of Israel's annexation of East Jerusalem. As Jerusalem expert Daniel Seidemann has warned, if these settlement

trends continue, the two-state solution in Jerusalem as it is currently understood—wherein a relatively clean line can be drawn between Israeli Jerusalem and Palestinian Jerusalem, and land swaps can ensure that large numbers of Israelis are not forced to move—will be gone by the end of 2013, if not sooner. And let no one misunderstand: there is not a two-state solution without two capitals in Jerusalem. Today, Netanyahu continues to give lip service to his desire for negotiations and Israeli-Palestinian peace. His actions on settlements—over the past weeks, months, and years—reveal a much different agenda and send a clear message that it is the Palestinians, not Israel, who are missing a partner for peace.

THE RISE OF SETTLER TERRORISM (EXCERPTS)

The piece excerpted below was published in Foreign Affairs on 14 August 2012. Daniel Byman is a professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and Director of Research at the Saban Center at the Brookings Institution. Natan Sachs is a fellow at the Saban Center. The full text is available online at www.foreignaffairs.com.

Late this past June, a group of Israeli settlers in the West Bank defaced and burned a mosque in the small West Bank village of Jabaa. Graffiti sprayed by the vandals warned of a "war" over the planned evacuation, ordered by the Israeli Supreme Court, of a handful of houses illegally built on private Palestinian land near the Israeli settlement of Beit El. The torching of the mosque was the fourth such attack in 18 months and part of a wider trend of routine violence committed by radical settlers against innocent Palestinians, Israeli security personnel, and mainstream settler leaders—all aimed at intimidating perceived enemies of the settlement project.

This violence has not always plagued the settler community. Although many paint all Israeli settlers as extremists, conflating them with the often-justified criticism of Israeli government policy in the West Bank, the vast majority of them oppose attacks against Palestinian civilians or the Israeli state. In the past,

Israeli authorities and the settler leadership often worked together to prevent such assaults and keep radicalism at bay. Yet in recent years, the settler movement has experienced a profound breakdown in discipline, with extremists now beyond the reach of either Israeli law enforcement or the discipline of settler leaders.

Nothing justifies violence by extremists of any variety. But to be stopped, it must be understood. The rise in settler radicalism stems from several key factors: the growth of the settler population over the past generation, the diversification of religious and ideological strands among it, and the sense of betrayal felt by settlers following Israel's withdrawal from the Gaza Strip in 2005. Israel, through the Israel Defense Forces (IDF) and other security agencies, must now assert control over groups that no longer respect the state or the traditional settler leadership. Yet just as radical settlers pose an increasing threat, mainstream Israeli society has become more apathetic than ever about the fate of the Palestinians. Negotiations between Israel and the Palestinians remain deadlocked, and even their meaningful resumption, let alone success, seems unlikely in the near future. The Israeli government thus feels little political or diplomatic pressure to confront the extremists. . . .

[though] . . . recently, Israeli leaders have begun to recognize the problem. Following extremist vandalism against the IDF and mainstream settler leaders over the past year, some Israeli generals and government ministers began to label radical settlers as terrorists. . . .

The Wild West Bank

Radical Jewish activists have staged politically-motivated attacks against Palestinians and pro-peace Israelis before. In the early 1980s, for example, one group, known as the Jewish Underground, carried out a series of bombings against Arab mayors and shot three Arab students in the West Bank. And in 1995, an Israeli law student, Yigal Amir, assassinated Israeli Prime Minister Yitzhak Rabin, dealing a devastating blow to the peace process. Israeli authorities have investigated and prosecuted those involved in these operations, and they have disrupted other attacks before they

could occur. Yet they have failed to stem less dramatic violence, such as arson and assault. According to UN investigations, in 2011, extremist settlers launched almost 300 attacks on Palestinian property, causing over 100 Palestinian casualties and destroying or damaging about 10,000 trees of Palestinian farmers. The UN has also reported that violent incidents against Palestinians have proliferated, rising from 200 attacks in 2009 to over 400 in 2011. The spike in assaults on Palestinians by settlers has come despite the fact that over the same period, Palestinian terrorism fell dramatically. . . .

The Israeli government does not support or condone settler violence, but it has failed to adequately combat it. Soldiers have been known to look on as violence occurs, and they sometimes do not aggressively seek the perpetrators after the fact. According to Yesh Din, an Israeli human rights organization, of 781 incidents of settler abuse monitored since 2005, Israeli authorities closed the cases on over 90 percent of them without indictment. And the Israeli newspaper *Haaretz* has reported that the IDF is currently probing 15 cases, all of which took place between September 2000 and December 2011, of Israeli soldiers witnessing clashes between settlers and Palestinians and failing to intervene.

Israel's halfhearted response to settler violence is partly a result of the fundamental anomalies of military rule. Unlike East Jerusalem or the Golan Heights, other territories that Israel conquered in the 1967 war, the West Bank was never annexed by Israel, and Israel applies civil law there only to Israeli citizens. Although the Israeli police have authority over criminal matters among settlers, the military governs most aspects of public life, from security to construction permits. . . . [and unsurprisingly,] . . . the IDF also faces little pressure from the Israeli public to protect the Palestinians under its rule. Although Israelis cared deeply about the peace process during the Oslo years, suicide bombings, the collapse of the negotiations in 2000, and the carnage of the second intifada that followed left them reeling, indignant, and wary of Palestinian intentions. . . . With violence down and peace distant, Israelis have become indifferent to the situation

in the West Bank and weary of the Palestinian issue in general, preferring to contain and, if possible, ignore the problem. With the peace camp all but dead and a conservative government in power, right-wing politicians exert a great deal of influence on Israeli policy, particularly regarding the settlements. In recent years, the extreme right wing has made inroads even into Prime Minister Benjamin Netanyahu's own party, the Likud, making any opposition to settlement activity a risk for more mainstream Likud politicians.

When it comes to confronting extremist settlers, then, the Israeli government is politically handicapped. Radical settlers understand why Israel has responded so tepidly to their actions and have sought to exploit this reluctance. And their violence has often successfully altered or deterred government actions that they opposed.

Settlement Over State

The rise in violence among extremist settlers stems from deep changes in the settler population, particularly its dramatic growth and shifting ideological composition. Israeli civilians began moving into the West Bank and Gaza shortly after the 1967 war, when Israel conquered both territories. . . . The Israeli government also sought to create several small settlements for security reasons: to establish "facts on the ground" that might allow Israel to keep several strategic points in the West Bank as part of a peace accord and might even, some argued, help Israel defend itself against an Arab invasion. In the early 1980s, the settler community was still a relatively small, coherent, and disciplined society of about 24,000. Some settlers were secular, but others subscribed to the ideology of Gush Emunim (Bloc of the Faithful), a religious-political movement that sought to fulfill what it viewed as a divine obligation to settle the complete *Eretz Yisrael* (Land of Israel), the territory Jews regard as having been promised to them by God, which includes the West Bank.

Although Gush Emunim strongly opposed any government policy that curtailed the settlement project, it respected the primacy of the state. For example, in the early 1980s, when the Israeli

government evacuated all settlements in the Sinai as part of the peace treaty with Egypt, Gush Emunim protested but did not call on its members to take up arms (although several of its members went on to form the Jewish Underground anyway). For religious-nationalist settlers, the state remained an instrument of providence, carrying out God's mission by upholding Jewish sovereignty and protecting Jewish religious life in the Land of Israel. . . . The IDF and settler leaders maintained close contact and coordination, with the military relying on the settler leadership to police its own. . . .

Since then, the settler movement has changed dramatically. In the past three decades, the number of settlers in the West Bank has grown more than tenfold, to some 300,000. Today, most live in large communities that function as suburbs of Jerusalem or greater Tel Aviv. The inhabitants of these settlements represent all walks of Israeli society, including secular and ultra-Orthodox Jews who do not share the nationalist zeal of Gush Emunim. Many of these Israelis moved to the West Bank primarily for economic, rather than political, reasons: the settlements are subsidized by the government, so living in them is much more affordable than living in cities inside the Green Line. Most policymakers in Israel and the United States do not consider these particular settlements to be insurmountable obstacles to a peace agreement with the Palestinians. . . . Many of these settlers would likely consider accepting compensation if they were told to leave their homes in the context of a peace agreement.

Yet over the last several years, the evolution of the settler community has also led to the growth of a small but significant fringe of young extremists, known as the "hilltop youth," who show little, if any, deference to the Israeli government or even to the settler leadership. . . . These young radicals, who largely live in settlements deep in the West Bank and do not affiliate with traditional religious authorities, have embraced [vigilante violence]. These settlers—likely no more than a couple thousand. . . —are the ones leading the "price tag" attacks against Palestinian civilians and Israeli soldiers. They have lost faith in the notion that the state. . . is

key to settling the Land of Israel. Instead, they see it as an obstacle to God's will.

Although the Israeli military has traditionally worked closely with the heads of the settlements to maintain security, this new generation of radicals scoffs at such cooperation. . . . As a result, the settler establishment has little control over the most problematic members of its community. Indeed, extremists have targeted some of the most central figures of the settler movement, including Ze'ev Hever, who heads the construction arm of the settlement enterprise. Hever, once a member of the Jewish Underground, is the person perhaps most responsible for the settlement expansion that has occurred in collaboration with the Israeli government. Yet this past June, extremists expressed their outrage at continued cooperation between the settler leadership and state authorities by slashing the tires of his car.

This new generation of extremists came out of the trauma of Israel's 2005 withdrawal from the Gaza Strip, known by the settlers as "the expulsion." In late 2003, Israeli Prime Minister Ariel Sharon, once a champion of the settler movement, announced that he planned to dismantle the Israeli settlements in Gaza. Sharon's transformation rocked the settlers. Feeling abandoned, many began to question the authority of the state. Whereas settler leaders could once portray previous actions against various outposts or individuals as tactical maneuvers, they understood that Sharon's "disengagement," as it became known in Israel, represented a fundamental break with their religious mission.

Even so, settler elders and their allies upheld the sanctity of the state and opted for largely nonviolent opposition. They embarked on a public relations campaign, portraying themselves as an oppressed minority and borrowing the color orange from the 2004 Ukrainian revolution to reinforce their image as a peaceful civil movement. Even as it became clear that the settlers' challenge to the disengagement would not succeed, most settler leaders called on Jews in Gaza to avoid violence against Israeli soldiers and refrained from urging soldiers, including settlers in military service, to disobey the evacuation orders. Opposition to the withdrawal, in other

words, remained within the bounds of Israeli political discourse and preserved the settler movement's deference to the state.

As the disengagement approached, however, a segment of more radical settlers began speaking out against their leaders' acquiescence. Some rabbis even suggested that divine intervention would prevent the withdrawal at the last minute. But in the summer of 2005, Israel did pull all the settlers, some 8,600 people, out of Gaza and ended its military presence there. The Israeli military forcefully removed families from their homes, demolished villages, and transferred entire communities—homes, synagogues, cemeteries, and schools—to Israel proper. . . . Radical settlers saw the expulsion as a manifest failure of the old guard's approach. Not only was the state of Israel no longer a vehicle of redemption; it had actively rolled back the most important project of contemporary Jewish religious nationalism: settling the Land of Israel. The settlers felt doubly betrayed by the sense that the government failed to reintegrate them properly into Israel, devoting inadequate resources to their relocation and, in their eyes, essentially neglecting them after the withdrawal ended.

Faced with what the radical settlers saw as a choice between the state and the settlements, they picked the latter. To stave off another disengagement of any kind, they resolved to retaliate against any attempt by the Israeli government to crack down on the movement—hence the birth of the "price tag" attacks. In this climate, the traditional leadership of the settler movement and the authority of the Israeli government are less relevant than ever.

Radical Success

Settler violence is undoubtedly working. It has made it more difficult for the IDF to govern the West Bank and fractured the settler movement, weakening the influence of the more moderate elements that would accept the legitimacy of the Israeli state even if it committed to another withdrawal. The "price tag" doctrine has thus raised the cost of even token settlement removals. The violence has conditioned Israeli politicians to worry that any pullout, whether as part of

a peace agreement or as a unilateral measure, will lead to conflict. That puts the government in a bind. If it ignores the radicals, they will undermine its authority and any Palestinian goodwill that might result from a withdrawal. Confronting them, however, risks public spectacles of armed police dragging conservatively dressed young girls out of their homes, a political disaster for any Israeli government.

The first post-Gaza pullout, the dismantlement of the outpost of Amona in 2006, justified such fears among Israeli politicians. During the demolition of nine uninhabited homes built on land determined to belong to Palestinians, thousands of settlers confronted Israeli security personnel, occupying the homes and nearby areas and attacking the officers with rocks, bottles, and cinder blocks. The riot left 200 people injured, including 80 security officers and two Israeli members of the Knesset . . . who had come to support the settlers.

Although the mission technically succeeded, the violence surrounding it strengthened the perception that any withdrawal, no matter how small, risks opening up deep fissures within Israeli society. The incident left Israeli leaders wary of future evacuations and eager to retroactively legalize the remaining outposts in the West Bank. In fact, this past June, after the Israeli Supreme Court ordered the government to dismantle several outposts built on private Palestinian land, the Knesset debated a bill that would have circumvented the court and legalized several houses there, a move with profound legal ramifications. Only the direct intervention of Netanyahu killed the bill. In response, demonstrators in Jerusalem burned public property and extremists vandalized the mixed Arab-Jewish village of Neve Shalom, in Israel, with graffiti saying "Death to Arabs."

Besides undermining the rule of law and intimidating Israeli politicians, radical settlers have increasingly come to define the way that Palestinians see Israelis as a whole. After Israel took control of the West Bank and Gaza in 1967, the two communities interacted regularly. Israelis shopped in the West Bank, and hundreds of thousands of Palestinians worked in Israel. But the second intifada stopped Israelis from casually

entering Palestinian areas, and in response to Palestinian terrorism, Israel enacted policies that made it harder for Palestinians to work inside the country, culminating in the construction of the security barrier. Today, essentially the only Israelis that Palestinians interact with are soldiers and settlers, whom they see as representative of all Israelis. This means that relations among settlers, Israeli soldiers, and Palestinian civilians are now more important than ever. . . .

Counter Terror

With the peace process in a stalemate, Israel's control of the West Bank is not likely to end soon Just as Palestinian officials must fight Palestinian terrorism, Israel must fight settler terrorism. Cracking down on radical settler violence would not give the Palestinians the political recognition they crave, nor would it lead to peace. But it would help legitimize moderate Palestinian leaders and make life better for ordinary Palestinians, both of which would keep alive the possibility of a negotiated peace. Stopping extremist violence in the West Bank may become even more important should the peace talks resume in earnest. If the Israeli government plans to withdraw from additional territory, settler terrorism may increase, exacting a considerable political price from the government and potentially derailing peace.

Over the last several months, Israeli officials have begun to take the problem of settler terrorism more seriously, at least rhetorically. Last year, the Israeli general in charge of the West Bank, Nitzan Alon, described the violence by radical settlers as "terrorism" and urged the IDF to "do much more to stop it." Even the chair of the Yesha Council, the forum that traditionally speaks for the settler community, recently denounced the "terrible and shameful phenomenon of masked Jews with slings and a stone in their hands" and forcefully reprimanded mainstream settlers for their silence on the matter. And following settler vandalism of an IDF base in the West Bank last year, the Israeli ministers of defense, legal affairs, and internal security discussed officially designating the "hilltop youth" as a terrorist organization. The government should do this, thereby facilitating a coordinated intelligence and law

enforcement campaign against the violence. Israeli courts should no longer treat radicals as patriots who have strayed in their defense of Israel and should instead give them stiff sentences to keep them behind bars and to deter others from following their example. Meanwhile, mainstream rabbis should denounce their radical brethren and demonstrate how their views contradict centuries of religious tradition. When extremist rabbis incite violence, they must face prosecution.

In executing this crackdown, the government should also attempt to work with the traditional settler leadership. The timing may be right: having seen the violence committed against leaders such as Hever, settler officials realize that the radicals have seized the momentum and fear that “price tag” violence will tar the entire settlement project, setting back decades of efforts to win over more Israelis to their cause. Traditional leaders can ostracize the most extreme elements among the settler community and preach more forcefully against violence. And with the help of settler leaders, the government can gain vital intelligence on the radicals.

To avoid creating a new burst of extremism, Israel must also prepare to handle any future settlement withdrawals more smoothly. It should begin by encouraging settlers in remote areas to relocate to Israel proper regardless of the peace process or any forced withdrawal. Several Israeli figures, including Ami Ayalon, a former head of Israel’s domestic intelligence service, have proposed a wide-ranging program meant to entice thousands of settlers to relocate to Israel of their own volition, but the proposal has thus far faced resistance from the settler establishment and the government. And when actually evacuating settlements, as Israel will have to do as part of any peace agreement, it should devote enough resources to properly compensate the settlers.

The United States also has a role to play. Washington has long hoped that issues related to settler violence would vanish after the implementation of a peace deal. In the absence of meaningful negotiations, however, it must prevent both parties from deepening tensions. By highlighting the problem of

settler extremism, the United States can push Israel into responding to it more effectively. In addition, much like Israel, it should consider designating individuals involved in acts of violence against Palestinians as terrorists. Such a designation would allow U.S. authorities to prevent Americans from sending them funding and would be a way to support those Israelis seeking to combat the rise of extremism. . . .

CAN A TWO-STATE SOLUTION BE SALVAGED?

“THE ISRAELI SETTLERS WHO MAKE UNLIKELY PEACE ACTIVISTS”

This article was published in The Guardian on 12 October 2012. It was authored by Khaled Diab, a Belgian-Egyptian journalist and writer who currently lives in Jerusalem. The text is available online at www.guardian.co.uk.

In his recent speech to the UN General Assembly, Palestinian Authority president Mahmoud Abbas warned that Israel’s ongoing settlement construction in East Jerusalem and the occupied West Bank would make the creation of a viable Palestinian state alongside Israel “extremely difficult if not completely impossible.”

It is not only Palestinians who see Israeli settlements as one of the main obstacles to peace—the international community does too, as do many Israeli peace activists.

Despite that, there is a small but growing group of religious settlers who believe that far from being an impediment to peace, [the settlers] can actually help build it. This movement is led by the charismatic Rabbi Menachem Froman.

Rabbi Froman cuts an unlikely figure as a peace activist. He is an ideological settler, yet believes in the two-state solution along the pre-1967 green line. He was one of the founders of the messianic, religious settler movement, Gush Emunim (“Bloc of the Faithful”), and supports continued Jewish settlement in the West Bank, yet believes in and promotes coexistence between Palestinians and Israelis, Jews and Arabs.

Adding to his maverick credentials, Froman was friends with the late Yasser Arafat and met regularly with the late Sheikh Ahmed Yassin, the spiritual leader of Hamas. He is also close to Abbas, meets regularly with Binyamin Netanyahu, and negotiated, along with Palestinian journalist Khalid Amayreh, a ceasefire agreement with Hamas, which would have ended the blockade on Gaza—which the Islamist group agreed to but Israel simply ignored.

This renegade rabbi so intrigued me that I visited him, along with an American-Israeli filmmaker making a documentary about this enigmatic figure, in his modest home in Tekoa, an Israeli settlement near Bethlehem.

So, how does Rabbi Froman propose to square the circle between his support for Jewish settlements and Palestinian statehood? Religious Muslims and Jews believe, he says, “that this land is holy . . . that this land belongs to God. This can be a very strong basis for peace.”

In his view, since it is the land itself that is holy and not the political structure governing it, settlers should be given the choice to become part of a Palestinian state or move to Israel. Froman also believes that the presence of an Arab minority in Israel and a Jewish minority in Palestine would have the additional benefit of promoting tolerance and understanding between the two neighbouring countries.

The Palestinian Authority has, on a number of occasions, floated the possibility that Israeli settlers can be given the option to live under Palestinian sovereignty. However, this option elicits fears. Palestinians worry that the settlers would remain Israeli citizens and hold on to their privileged status, as well as possibly providing Israel with a pretext to carry out military incursions, even invasions.

I asked Froman whether, in his vision, the settlers would become Palestinian citizens and live according to Palestinian law, and whether the settlements would become mixed neighbourhoods for all. “Yes, yes, yes,” he responded emphatically. “The keyword here is to be open, to be free.”

Froman’s vision chimes with that of some pro-Palestinian Israeli leftists.

However, ideological settlers, who generally see the land and Israel’s control over it as vital, do not share Froman’s vision. “I reject the two-state solution,” David Wilder, the spokesperson for the radical settlers in Hebron, told me some months ago. “I want to live in Israel. I came to live in Israel, under Jewish leadership. I didn’t come to live under the rule of anybody else, certainly not an Arab.”

Economic settlers are also unlikely to want to become Palestinian citizens, though they could more easily be persuaded to move under the right conditions. “The question is not the Palestinian attitude,” Froman freely acknowledges. “The question is the Israelis: if Israel and Israeli settlers are ready to be part of the Palestinian state.”

But he believes that, once they overcome their fear and distrust, people can be persuaded. “It’s all a matter of confidence,” the rabbi insists.

Froman is also a strong believer in the power of religion to resolve the conflict. This, you could say, was something of a revelation to me, as I have long viewed religion as a major stumbling block on the path to peace—it is what I call the “God veto.”

But Froman believes that one major factor behind the failure of the peace process is that it ignored or did not pay enough attention to the religious dimension. “[Sheikh] Ahmed Yassin used to say to me: ‘I and you, Hakham [Rabbi] Froman, can make peace in five minutes, because both of us are religious’.”

The very idea that an Orthodox rabbi and an Islamist sheikh would engage in dialogue, let alone believe that they can resolve a conflict that has defied everyone else for decades, is likely to confound both Palestinians and Israelis alike.

“Religion is like nuclear energy: you can use it to destroy or to kill. You can also use it for peaceful purposes,” the rabbi observes. “The Dome of the Rock or the Temple Mount can be a reason to quarrel or a reason to make peace.”

Despite his fine words, I left the meeting skeptical that Froman’s vision would, especially in the current climate, attract many takers. However, our encounter did drive home some important lessons: the situation is never black and white, peacemakers can be found in

the most unlikely places, and that we must understand the obstacles to peace if we ever hope to remove them.

IT'S ALL REVERSIBLE (EXCERPTS)

This article by Peace Now Secretary General Yariv Oppenheimer was originally published by the Hebrew Language Edition of Yedi'ot Ahronot on 5 September 2012 and was translated by Israel News Today. It was republished by Americans for Peace Now. The full article can be found online at www.peacenow.org.

In the past months, a surreal and dangerous ideological alliance has been emerging between some of the settler representatives and prominent figures in the left wing, based on despair and lack of faith in the vision of two states for two peoples. The sense of helplessness against the Elkin-Danon-Regev¹ government, along with reports about the acceleration of construction in the territories, have succeeded in causing many people to despair, to raise a white flag and to announce the victory of the settlers. Instead of raising their head high and fighting for the only solution that will enable Israel to remain a Jewish and democratic state, many prefer to admit defeat and failure, and eulogize the chance of separation from the Palestinians into two states.

One person who succeeded in identifying the trend and riding it is Settlers Council Chairman Danny Dayan, who in recent months has searched for every possible platform and means to declare victory and state that the settlements have become an irreversible fact, and that the wheel can never be turned back. . . .

There is no lack of left wingers who are willing to jump on the bandwagon of despair being led by Dayan. It is understandable that pessimism has succeeded in taking over the minds of so many people. Indeed, the news from the territories is disheartening, and construction

in the past year has significantly accelerated, in the isolated settlements too. But it is a long way from this to a strategic change in reality.

The number of settlers living in the isolated settlements, which Israel will have to remove in a final status arrangement, has increased—but not dramatically. Most of the increase in the settler population is in the Haredi settlements, Modiin Illit, and Beitar Illit, which are located near the Green Line and the chance of leaving them within Israeli territory after an agreement is almost certain.

In the isolated settlements most of the construction consists of private homes. . . . The number of settlers that Israel stands to evict as part of an arrangement continues to be about 100,000, about 1.5 percent of Israel's population. This is not a negligible number, but it is not substantially different from the number that was discussed in the negotiations between Olmert and Abu Mazen or between Barak and Arafat.

The situation on the ground is changing, the reality is becoming more complex, the price of an arrangement is continuing to rise, but it is too soon to eulogize it. The State of Israel, which succeeded in absorbing a million immigrants within a decade; which succeeded in removing within six hours the largest outpost in the territories²; will succeed, if it so wishes, in evicting one-and-a-half percent of its population in order to bring to an historic end the Israeli-Palestinian conflict.

The questions of the cost of the eviction and the number of settlers that Israel will be forced to remove are an important but not exclusive component of the question of the feasibility of an agreement. The Israeli public's motivation to end the conflict and reach an agreement is more important than any number of settlers that Israel will have to evict. As the sense of urgency to reach an arrangement increases in Israel, as the price of failing to attain it and continuing the occupation rises—the question of removing the settlements will be diminished in the eyes of the public, and will

1. Likudist members of the Israeli Knesset, Ze'ev Elkin and Danny Danon and PM Netanyahu's international spokesperson Mark Regev.

2. In reference to Migron outpost. See following article for more details.

become irrelevant in comparison with the other interests.

If the period of relative calm in which we live is not translated into action, the path to changing people's attitudes may only arrive after another violent and painful round with the Palestinians—one that is inevitable, whether we like it or not. Capitulation and surrender to the settlers does not just mean giving up on the removal of settlements, it means giving up on the idea of Israel being a Jewish and democratic state that lives in peace with its neighbors.

**"TOP 10 REASONS WHY THE MIGRON EVACUATION IS A VICTORY FOR PEACE"
(EXCERPTS)**

This piece was published by Americans for Peace Now (APN) on 5 September 2012. It was co-authored by APN's Lara Friedman and Peace Now's Hagit Ofran. Migron is the largest and oldest unauthorized settlement outpost built on private Palestinian land in the occupied West Bank. In August 2011, the Israeli Supreme Court ordered that the outpost be dismantled by 31 March 2012 (see Settlement Monitor in JPS 164), although some settlers have moved ahead of the deadline. The full text of this article can be found online at www.peacenow.org.

The recent evacuation of the illegal outpost known as Migron, following numerous decisions of the Israeli Supreme Court, is a clear victory for democracy and rule of law in Israel, notwithstanding the fact that it marks neither the end of settlement activity nor the beginning of the implementation of the two-state solution. After years of legal battles, Peace Now succeeded in having the Court compel the Israeli government to respect and enforce its own laws, despite strong political pressure not to.

Some argue that the Migron victory is nonetheless pyrrhic, given the current Israeli government's de facto policy of compensating the settlers for any eviction with even more settlement construction. The reality is both more complicated and more promising. There are many lessons to be learned from the Migron case, including some negative

implications alongside the positive ones. We believe that the bottom line is that due to Peace Now's indefatigable efforts to stop the settlements, the ground today is shifting in significant ways against the settlers. The following **Top 10 List** does not purport to provide a full analysis of the Migron case, but offers some food for thought regarding the achievements and the successes of the story of Migron, and its implications for the future.

1. Migron demonstrates that the forces of peace and security for Israel can stand up to the settlers—and win.

The evacuation of Migron is the first major battle that the settlers have lost since 2005. It is the first time in almost a decade that the settlers failed to create immutable facts on the ground and, in doing so, hijack Israeli policy and set the Israeli public agenda. The settlers had planned to turn Migron into a major settlement with permanent homes and hundreds of families. They dreamed of it becoming a settlement like Ofra or Shilo—one that is in an area that under no possible peace agreement could fall under Israeli sovereignty. . . . Migron also brought into Israeli public discourse the fact that the rights of individual Palestinians as guaranteed by Israel—Palestinians with faces and names—are being systematically abused by settlers. . . .

2. The Migron evacuation establishes that settlers aren't above the law

Migron was an open-and-shut case of land theft under Israeli law. Peace Now's successful struggle against Migron proved that, ultimately, settlers aren't above this law. . . .

3. The Migron evacuation demonstrates the power of legal action against the settlements.

Migron is a victory for peace, for Israel, and for Peace Now's strategy of taking cases against the settlers into Israeli courts. The limitations of legal action were known in advance. The occupation won't be ended by the Court, and neither will the Court rule on what it considers the "political" question of the fate of all the settlements. Nonetheless,

the Migron evacuation demonstrates that determined legal action can yield important accomplishments in the struggle against the settlements. Indeed it is not only a legal success but also a political one: the case brought an unprecedented level of public attention to the issue of settler arrogance and lawlessness. . . .

4. The Migron case confirms that acting against settlements is only a question of political will.

The Migron evacuation, which was carried out without difficulty by Israeli security authorities, underscores the fact that removing settlements is exclusively a question of political will. In the best-case scenario, a decision to do so would be rooted in the political vision of a government that understands what is necessary for peace and security. In another optimistic scenario, such a decision would be rooted in the determination of a government to respect and preserve the norms of a civilized, democratic state and uphold the rule of law. In the current scenario, the decision was rooted in a government that was forced by its own courts to obey the rule of law. On the negative side, this reality underscores the current government's lack of political vision and lack of commitment to the rule of law. On the positive side, it underscores the strength and independence of Israel's own legal system and the fact that, when deprived of any other option, even the most right-wing government in Israel's history will obey its rulings.

5. Migron proves that removing settlements won't bring down the government or cause a civil war.

The evacuation of Migron demonstrates emphatically that it is indeed possible to remove even very "mainstream" settlers who enjoy massive political backing in the Knesset and inside the government. The evacuation of Migron demonstrates unequivocally that any Israeli government can evacuate a settlement, including the most far right-wing government in Israel's history. It proves, too, that predictions that a government will fall or a civil war will break out over settlement evacuations are over-wrought,

and that threats of bringing down a government over such a decision are hollow (just as were the threats that adopting a settlement moratorium would bring down the government). In doing so, Migron also proves that other settlements can be removed.

6. Migron demonstrates that evacuating settlements need not involve violence.

The Migron evacuation involved no violent confrontations between settlers and soldiers. This, despite the impression created by settler leaders that violence is inevitable if the government threatens their interests, and despite the ongoing "price tag" campaign of terrorist violence and intimidation—a campaign that is explicitly aimed at convincing Israelis and the IDF that taking on the settlers will incur too high a cost to bear. The fact that the evacuation of Migron was peaceful demonstrates that settler violence is by no means inevitable and uncontrollable; rather, settler violence is a weapon that settler leaders deliberately choose how and when to unleash, and for which they must be held accountable.

7. Migron highlights how little the average Israeli cares about defending settlements.

Back in 2005, settlers tried to mobilize the Israeli public to stop Ariel Sharon's Gaza disengagement. The Israeli public wasn't interested; the thousands that protested in the streets were only the settlers themselves, without the support of the Israeli mainstream. In 2006, settlers tried to rally the Israeli public to block the evacuation of another illegal outpost (Amona). The Israeli public yawned. In 2009, settlers tried to energize the non-settler Israeli population to oppose any settlement freeze. Israel's non-settler population didn't bite. Now, the settlers have done everything they can to convince the public that Israel's fate is tied to the fate of Migron. The Israeli public once again didn't buy the hype. The Migron drama never captured the Israeli public's imagination or sympathy—there were no mass rallies in solidarity with the settlers or other signs that the mainstream Israeli public is invested in the fate of Migron or the settlers' agenda. This demonstrates how little the

average Israeli is invested in the defending settlements and underscores how much room to maneuver any Israeli government actually will have if and when there is a decision to negotiate seriously about settlements in a peace agreement.

8. *The Migron evacuation symbolizes the end of the outpost era and the private-land-theft era.*

Migron was the flagship of the illegal outpost enterprise—an enterprise begun in the 1990s and predicated on the belief that by creating facts on the ground settlers could circumvent official Israeli policy and subvert Israeli law. The evacuation of Migron—something most believed would never happen—marks the end of the outpost era. Although most of the outposts that were established are not likely to be removed in the near future, and some have even been retroactively approved by the government, the legal and political struggle stopped the outposts machine. . . . Regrettably, Israeli law permits settlement construction on more than 50% of the West Bank—on land that has been designated State Land. On top of that, for years settlers grabbed additional lands, lands recognized by the government of Israel as privately owned by Palestinians. Until the campaign against the outposts, they did so with impunity. However, since 2005, when the legal struggle against the outposts began, construction on land recognized by the Israeli authorities as privately owned has almost completely stopped.

9. *Migron means the era of official government duplicity on settlements is over.*

Absent Peace Now's efforts, the Netanyahu government would, like previous governments, have the luxury of blithely claiming they aren't building new settlements, while they tacitly and actively allow settlers to do the dirty work of undermining the two-state solution. As a result of Peace Now's work against outposts, the Netanyahu government must instead operate under the bright light of public scrutiny—scrutiny that forces it, at a minimum, to take responsibility for its reckless, anti-peace, pro-settlement policies.

10. *The Migron evacuation stands as a warning—and a precedent.*

The Migron case stands as a warning to settlers and the government that the Courts will not permit the legal laundering of all criminal acts by settlers. In doing so, it sets an important legal precedent in the fight against illegal settler construction, actual and potential—a precedent the settlers and the government fought desperately to avoid. More cases are in the legal pipeline and more will be launched, related to outposts, private land, and other issues. Peace Now has demonstrated that it will not be intimidated by threats and it will not give up in the face of Israeli government foot-dragging or game playing, but will continue the struggle against settlements, including in the courts, until there is peace.

SETTLEMENT DATA

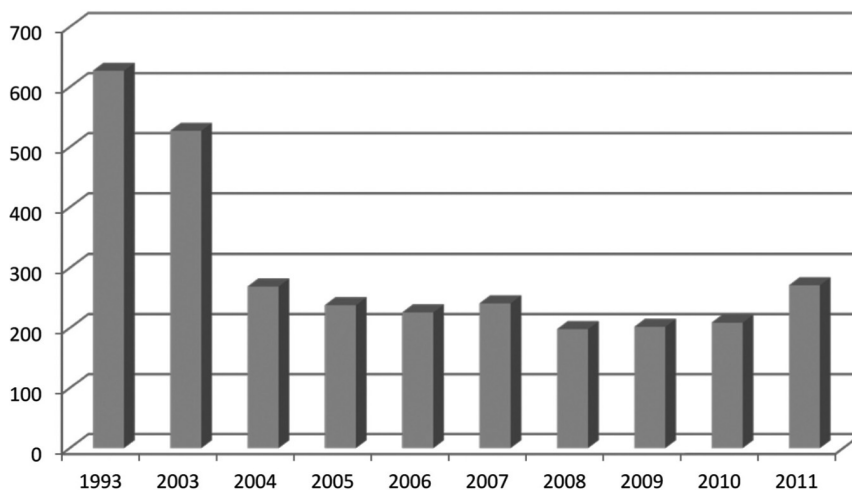
“SETTLEMENT BUDGETS ON THE RISE”

From Settlement Report, September–October 2012.

During the Oslo era, successive Israeli governments have invested almost \$7 billion to encourage and expand settlement in the West Bank and, until 2005, in the Gaza Strip. After the signing of the Oslo accords in 1993, the government of Yitzhak Rabin inaugurated huge infrastructure projects favoring settlement in the West Bank, most notably the new system of bypass roads linking settlements to Israel. In 1993, governmental investment in the territories peaked at more than \$627 million, \$605 million of which was earmarked for construction, housing, and development. From 1994 to 1997, investment averaged \$376 million annually, while in 2003, it reached about \$527 million. According to data compiled by Israel's Central Bureau of Statistics, from 1992 to 2011 the Israeli government invested more than \$6.77 billion (in 2011 dollars) in the territories. (Official figures reported by the various government agencies are not always internally consistent.)

The completion of large-scale infrastructure projects, a national slowdown in construction, and the effects of the intifada that erupted in 2002 combined

Settlement Budgets, 2003–2011, in Millions USD



Source: *Yediot Aharonot*, August 2, 2012.

to reduce government investment, in some years dramatically. From 2003 onward, governmental investment in the territories declined in real terms. In 2009, for example, \$202 million (805 million shekels) was invested by government agencies, even as the settler population continued to grow at around 5 percent annually.

Beginning in 2009, following the establishment of the second Netanyahu government, governmental investment in the territories increased. In 2010, the government allocated about \$212 million for the territories, and in 2011, a time of increasing budget austerity, governmental investment skyrocketed by almost 38 percent, to nearly \$276 million. Even with this large increase, the 2011 figure was still below the years of peak expenditure in the 1990s.

From 2003 through 2011, Israeli governments invested more than \$2.5 billion in the settlements. All expenditures, excluding defense and security costs, are included in this figure and cover services to which all citizens are entitled, including transfers from the central government in support of the settlements' local authorities, investment in infrastructure and public facilities, and tax benefits, grants, and subsidies, including mortgage

subsidies that represent losses in state revenue. Together these allocations can be said to illustrate the state's extraordinary investment in the settlement enterprise.

The *Calcalist* reported on August 2 that the share of overall government investment in settlements allocated for the Ministry of Construction and Housing has been reduced over the years. The reductions, however, have been offset by increases in other settlement-related spheres. Until 2008, the three governmental bodies that accounted for 70 to 80 percent of governmental investment in the territories were the Interior Ministry (grants to local settlement authorities), the Ministry of Construction and Housing, and the National Roads Company of Israel. These three agencies invested \$426.5 million in 2003 alone.

The investment budget of the Ministry of Construction and Housing reached a low of some \$14.5 million in 2011, accounting for a mere 8 percent of the ministry's national investments. The investment of the National Roads Company, in contrast, has averaged \$58.5 million annually, totaling 20 percent of the company's total road maintenance budget. Meanwhile, the education

budgets allocated to settlements have consistently grown, including by a whopping 272 percent between 2003 and 2011, a graphic example of the government's extraordinary support for the changing composition of settler needs in an era of continuing growth.

**"SETTLEMENTS EAST OF THE BARRIER
INCREASING FASTER THAN SETTLEMENTS
WEST OF THE BARRIER"**

*From Settlement Report, September–
October 2012.*

Fastest Growing West Bank Settlements, in Relation to Separation Barrier

By Population Increase, 2000–2011				Ten Largest Settlements, 2011			
1	Modi'in Illit	35,660	West	1	Modi'in Illit	52,060	West
2	Kokhav Ya'aqov	4,700	East	2	Betar Illit	39,710	West
3	Geva Binyamin	3,467	East	3	Ma'ale Adummim	36,089	West
4	Kefar Haoranim (Menora)	1,774	West	4	Ariel	17,849	West
5	Mevo Horon	1,432	West	5	Giv'at Ze'ev	12,632	West
6	Na'ale	957	East	6	Efrat	7,685	West
7	Yizhar	777	East	7	Qiryat Arba	7,433	East
8	Kefar Tappuah	723	East	8	Alfe Menashe	7,423	West
9	Eshkolot	490	West	9	Oranit	6,600	West
10	Gittit	202	East	10	Qarne Shomron	6,449	East

Source: *List of Localities: Their Population and Codes*, Central Bureau of Statistics, 2001–2012.