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SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

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

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SETTLEMENT AFTER LEBANON

“STANDING UP STRAIGHT” AFTER LEBANON: A SECOND WIND FOR SETTLEMENTS

From Settlement Report, September-October 2006.

On 13 June, a group of Israelis determined to scuttle Israeli Prime Minister Ehud Olmert’s promise to evacuate West Bank settlements gathered in Jerusalem. In their view, neither opposition like that waged unsuccessfully against the August 2005 evacuation of the Gaza Strip nor the more confrontational tactics used in a failed attempt to prevent the destruction of permanent dwellings at the settlement outpost of Amona in January could avert future withdrawals.

According to a report in *Yedi’ot Abaronot* on 15 June, participants discussed tactics that included destroying property of the Israel Defense Force (IDF), firebombing army vehicles, hacking into IDF computers, tainting IDF food supplies, destroying Arab property, and inciting Palestinian rebellion to keep IDF forces too busy to mobilize for settlement evacuations. “The struggle against

the convergence plan will be much more militant than the struggle against the [Gaza] disengagement,” explained one participant.

This militant minority opposed to settlement evacuation stands at the fringe of what was, even before the war in Lebanon, a growing popular uneasiness about Olmert’s intentions. This concern was apparent even within the ranks of Olmert’s Kadima party, which only a few months before had staked its electoral victory on Olmert’s undefined plan to remove settlers from the West Bank. On 10 July, Olmert declared, “I am absolutely committed to continue, in order to finally separate from the Palestinians and establish secure borders that are recognized by the international community.”

The very next day, on 11 July, MK Otniel Schindler, a former settler advising Olmert, sought to placate the growing settler opposition to withdrawal. He noted that the number of settlers east of the separation barrier who would be compelled to vacate had been reduced to 30,000. That is, only half of those settlers residing east of the separation barrier would be withdrawn. Implementation of the plan would take at

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least three years, he explained. And unlike the Gaza withdrawal, settlers would “evacuate of their own free will.” Foreign Minister Tzipi Livni asserted that the IDF would remain in many of the still-undefined areas from which settlements were to be evacuated.

On 12 July, the war against Lebanon erupted. Olmert initially claimed that the battle waged against Hizballah would facilitate the removal of settlements. The war, however, dramatically weakened Olmert’s political standing and heightened already substantial Israeli doubts about the wisdom of another unnegotiated retreat, after which Israel would remain within range of Palestinian missiles.

On 24 July, the prime minister told an audience of former Gaza settlers, “I want you to know that your evacuation won’t be the last. We will be removing more [settlement] communities.” Asked by a reporter on 2 August whether the war and attacks from Gaza would affect the implementation of his “convergence” plan, Olmert replied, “I will surprise you. I truly believe the creation of a new order [in Lebanon] that will provide more stability will produce an environment that will create a new momentum between us and the Palestinians. It will assist me to create an atmosphere for disengagement from the Palestinians.”

The surprise, however, was on Olmert. “Within two hours of his words being published,” wrote one commentator, “he had received an ultimatum: if convergence is still on the table, settler representatives told him, we’re calling our people back home. You cannot use settlers from Yitzhar, Eli, and other settlements to fight [as Israeli soldiers] for you in Lebanon and at the same time threaten to raze their homes.”

Olmert hastened to apologize to his right-wing political opponents. “The war is a consequence of Hizballah’s attack against Israel. There is no connection whatsoever to future political moves on other fronts.” Olmert had made an “own goal” against convergence.

Days later, more bad news, this time from his own foreign ministry. A top-level inquiry reported that a unilateral withdrawal that left some settlements and continuing military control in the West Bank would not result in international recognition of the “end of occupation.” Not only did the idea lack an international political payoff, the report noted that the IDF had no answer to the security threat posed by the short-range

missiles of the variety now being fired at Israel from Gaza and Lebanon that could be expected to be deployed in areas of the West Bank evacuated by Israel.

Olmert had embraced a unilateral Israel evacuation of some settlements as a half-baked solution to myriad problems confronting Israel as a consequence of its determination to remain in control of the West Bank. Today, a West Bank disengagement in the Gaza model has been “frozen”—a victim of its own shortcomings, instability in Gaza after disengagement and Hamas’s electoral victory, and the explosion of war on Israel’s northern frontier and the ensuing recriminations in Israel. Embroiled in a fight for his political life, Olmert has chosen to surrender the idea at the heart of his political program and Kadima’s *raison d’être*, leaving Israel without a declared strategy for preserving its settlement and security interests in the West Bank and East Jerusalem.

“Evacuating settlements in the Gaza Strip was not a mistake,” observed Deputy Prime Minister Shimon Peres on 8 September.

“They had no business being there. It is best that they have been removed, not least for the settlers themselves. But the unilateralism of the disengagement was a mistake. The concept of a unilateral withdrawal [on the West Bank] or realignment is dead politically, psychologically, and practically. There will be no large-scale version of the disengagement in the West Bank; no massive evacuation of settlements.

“The concept of realignment is dead for three reasons. First, we are being fired upon from the Gaza Strip after withdrawing from there. Second, because of the schisms in the Palestinian political landscape, there is no one willing to take responsibility. The third reason is that Israel is a democracy and public opinion today rules out the idea of a unilateral withdrawal. That is why it will not happen; at least, not in the next five or ten years. Kadima has to create a new agenda; otherwise it will not survive.”

The Gaza disengagement marked the high point of an era that witnessed an absence of productive formal negotiations, but resulted in tangible territorial withdrawals by Israel and the *de facto* creation of a tenuous *modus vivendi* between Israel and its Islamist antagonists in Palestine and Lebanon. A broad application of this option to the West Bank is no longer in the cards. Prominently absent in the current, half-hearted Israeli effort to engage diplomatically is an intention to implement significant evacuations

of West Bank territory regardless of who speaks for the Palestinians. Diplomacy that lacks a territorial dimension and thus also a political horizon for ending occupation is a prescription for continuing conflict and instability.

"There are no talks with Hamas," explained Peres, "nor are there expected to be any. . . . We will talk to the leader of the PLO, who is also the president of the Palestinian Authority, Abu Mazin. . . . We will talk about everything—from a permanent agreement to a new economic agenda."

They will talk about everything, but agree about nothing.

In this new era, Israel is rejecting a significant settlement evacuation, even as an ambiguously declared intention, undermining the domestic political rationale for questioning the systemic bias in favor of settlement and the increasingly draconian restrictions placed upon Palestinians. The visible evidence of this retreat is all too apparent in the continuing expansion and consolidation of scores of settlements, including those Israel's legal system has slated for destruction. The settlers propose that no less than 70 percent of the West Bank be annexed to Israel, an extraordinary testament to a settlement movement revitalized by the political and security failures of the Oslo decade.

In the security realm, the advocates of settlement have been emboldened by Olmert's weakness and the prominence of short-range rockets in the Palestinian arsenal. "What happened to the idea that 'in the missile era territory has no meaning,'" wrote settlement advocate Elyakim Haetzni sarcastically. "The north and the south are boiling. And if the center of the country has not yet descended into violence, this is thanks only to the Jewish presence in Samaria. 'Settlements instead of katyushas' is a fact that cannot be denied. Olmert has promised to do in Samaria what he did in the Katif bloc, that is, to remove from their graves in Eli [soldiers] who fell in Lebanon. If this is the case, why do we need Shi'a suicide bombers?"

In an environment in which no political program dominates, the debate about settlements recedes and the expansionist dynamic created by the settlement enterprise itself grows even more significant. "In the occupied territories," wrote Akiva Eldar in *Ha'Aretz* on 20 September, "it's business as usual. A non-law abiding group in the settlements continues to cut down olive trees and confront Palestinian farmers. A report prepared by the organization Yesh Din . . . lists

three serious incidents of felled olive trees in Salam (45 trees) and Sinjil (140 trees). As in all previous instances, no arrests were made. Another report by the organization's volunteers tells of an illegal outpost whose residents mock the law and those in charge of enforcing it." The Bush administration announced the extension of a program of loan guarantees to Israel without even a debate about conditioning the program on Israel's performance on settlements. Tenders for the construction of almost 1,000 new housing units in settlements have also been announced. When Ma'ale Adumim mayor Benny Kashriel was asked whether such construction violates Israel's pledges to the international community, he responded that "all Israel has to do is stand up straight and not bow to foreigners."

AFTER WAR IN LEBANON, ISRAELI SETTLEMENTS GROWING AGAIN

This article by Ilene R. Prusher originally appeared in the 5 October 2006 issue of the Christian Science Monitor.

At this time last year, many people in this settlement [Karnei Shomron, in the northwestern West Bank] started eyeing their future with increased doubt. Some 8,000 Jewish settlers had just been forcibly removed from Gaza, and people here learned that Karnei Shomron was going to be outside the separation barrier—a high-security network of walls and fencing that Israel is building inside the West Bank.

Today, things look much different, underscoring just how the turmoil in Gaza and the war with Lebanon has affected Israeli politics. The route of the controversial barrier, yet to be built here, is now promised to encompass—rather than exclude—Karnei Shomron. Israel's Office of Building and Construction just issued permits for 20 new houses, along with 56 for the neighboring Alfe Menashe settlement and another 88 for Ariel, one of the largest West Bank settlements.

To the town council leader, permission to build 20 houses is a merely a drizzle in a drought. Over the past year, he says, more than 100 young people who grew up in Karnei Shomron married and want to settle down close to their families but cannot find housing. "It's been a long time that we haven't been allowed to build," says Herzl Ben-Ari, the head of the town council, using a laser pen to point out the open spaces on the topographical map that hangs in his office. He wants to put housing on each

plot of land considered to be within the settlement's borders. His dream: to turn the settlement of 6,700 into a city of 20,000.

Palestinian dreams, of course, look markedly different, including the establishment of an independent state, a goal they view as incompatible with settlement expansion. To them, and to U.S. officials hoping to coax Israeli and Palestinian leaders back to the negotiating table, news of settlement growth only complicates efforts. Secretary of State Condoleezza Rice was due to meet with Palestinian and Israeli leaders Wednesday in an attempt to "explore ideas" and pursue "a way forward" in the impasse, U.S. officials here say. "We see the road map as the best way forward, and among Israel's road map obligations is to remove illegal settlement outposts and to cease settlement expansion," says Stewart Tuttle, the spokesman for the U.S. embassy in Tel Aviv, referring to the plan that calls for a series of steps leading to an independent Palestinian state living peacefully alongside Israel. "It is our expectation that the Israeli government will abide by those commitments."

The future of Israel's settlements in the West Bank has been a moving target over the course of the past half-year. When he was elected six months ago as the head of the Kadima party, Prime Minister Ehud Olmert said that he would pursue a new "realignment plan" in order to continue with the course of unilateral withdrawals pioneered by Ariel Sharon. Just as Mr. Sharon pulled out of Gaza without negotiating with the Palestinians, Mr. Olmert said he would withdraw from several West Bank settlements deemed untenable because they are far away from others, or too far from the 1967 Green Line.

This summer's Israeli-Hizballah war, however, has changed the mood for one-way, one-time-only moves that haven't been negotiated as part of a comprehensive plan. Under sharp criticism from many during the war, Olmert said that he was reconsidering the realignment plan. "The idea of realignment is still alive, but it needs to be reassessed," Miri Eisin, the Israeli government spokesman, told reporters Wednesday. She said that Olmert was committed to removing "illegal outposts" in the West Bank. The war nearly eclipsed the Israeli-Palestinian conflict, which had reached a boiling point in Gaza in June, following the kidnapping by Hamas-affiliated militants of an Israeli army corporal, Gilad Shalit.

But while cameras were focused on the Israeli-Lebanese conflict, building in illegal

outposts in the West Bank accelerated, an Israeli organization that keeps track of settlement growth says. Peace Now, a left-wing organization opposed to settlement in the occupied territories, charged this week in its biannual report that during the war, 31 illegal outposts underwent expansion and infrastructure works, while 12 outposts saw the construction of permanent buildings. "Illegal outposts" are classified as small, newer satellite settlements that were established without official permission. According to the *Ha'Aretz* newspaper, which bases its figures on the Interior Ministry's population registrar, from June 2005 to June 2006, the settler population in the West Bank grew by 5.3 percent. About 3.5 percent was attributed to babies born to families living in the settlements.

A spokesman for Israel's Ministry of Construction and Housing says that the permission to build new houses in the settlements is independent of political events. "All we've done is give the developers the permission to build houses," says Kobi Blich, a ministry spokesman. "It's got nothing to do with timing. It's simply part of the plan of allowing natural growth."

Demographically, Israel is indeed finding itself with a burgeoning challenge: A new generation of Israelis who grew up in the settlements wants to stay. In Israel's 58 years of statehood, it has controlled the West Bank for four decades. Shimon Peres, Israel's vice prime minister and an architect of the Oslo peace accords, said in a meeting in London last week that "the settlers' children cannot be stopped from building their homes," adding that this issue is one of Olmert's major problems.

That picture has certainly put a dent in Tzvia Shelter's honeymoon. The newlywed and her husband, both born and raised here, were married two weeks ago. Now, they're living in someone's basement—and feeling frustrated that there's nowhere else for them to go. "Our parents are here, all our friends are here, and it's our home. To leave it . . . is out of the question, but there are also no possibilities to stay here," she says.

The fact that 20 new houses could be built soon, she says, is little consolation. Competition will be fierce, a fact confirmed by a real estate agent in the area. "There are about 100 couples here who want 20 units," Mrs. Shelter gripes. "Twenty units is enough to say, 'Oh, we gave you something, so don't complain.' And to the Americans, it won't seem like that much."

BUILDING ON PALESTINIAN-OWNED LAND

FIFTY-FIVE MINUTES FROM TEL AVIV

This article by Yehuda Litani originally appeared on YNet, the Web site of Yedi'ot Aharaonot, on 6 October 2006.

Once every few hours in recent days, Army Radio has been broadcasting commercials calling on Israeli citizens to visit the Gush Etzion area during the Sukkoth holiday to enjoy the various festivities being held there, such as treading grapes, a kite festival and jeep safaris. And all this, the commercial says, is just 55 minutes from Tel Aviv and 15 minutes from Jerusalem.

During these pleasure tours over the holidays, participants will get a chance to see to what extent settlements and outposts have expanded (some illegally) in recent years. What participants will not hear from organizers is how the settlements were expanded; the methods by which lands were expropriated from Palestinian Arabs; the expansion orders given by the Israeli civilian administration and the seizing of private Palestinian land by settlers in the dark of night.

But they will not see the olive groves and the vines of the village of Hussan uprooted by bulldozers so that Beitar Ilit could be expanded. They won't see the private plots of land belonging to the residents of Bethlehem and Bayt Jala that were fenced off by settlers. Because the organizers aren't interested in showing their guests from Tel Aviv the dark side of Israeli existence in Gush Etzion.

Over the years we have become accustomed to ignoring the injustices going on in the territories; we suppress them and go on as usual. For example, the new report published by Peace Now this week regarding expansion of outposts: For a few hours the topic was discussed on a radio program, and then it seemingly disappeared into a state of oblivion. The settlers' claim that the report was false and exaggerated helped calm the consciences of Israelis eager for balance.

The facts published in the report, however, are hard to conceal: Since the beginning of the year the government has issued tenders for building 952 housing units in the territories—four times as many compared to the same period last year; not only were the illegal outposts not removed, building there was accelerated, roads were broken through, and land was prepared for construction.

Expansion Under Cover of War

Peace Now argued that expansion of the outposts was carried out under the cover of war. Settler spokespersons were outraged by this statement. The bottom line was that the expropriation of land and the harsh attitude toward their neighbors continued. (In May of this year, Central Command Chief Major-General Yair Naveh signed a decree calling for the expansion of the jurisdiction of four settlements: Givat Ze'ev, Oranit, Beitar Ilit, and Maskiot.)

And now is the olive harvest season, and there is almost no doubt that thugs from the settlements—who have been spreading fear among their neighbors at the time of harvest every year—will continue to do so now, even if just to test Amir Peretz's assurance that he would take severe measures against thugs who would cut down plantations and destroy crops. A weak defense minister, who is indifferent to the expansion of illegal outposts and the continuation of land expropriation, will find it difficult to show determination against the vandalism of hilltop youth.

Jerusalem and its neighborhoods can be seen from the observation point at Gush Etzion, and it seems as though Gush Etzion will link up to the capital of Israel in just an instance. Even if they see their Palestinian neighbors' villages and towns right in front of them, they will ignore the sight and imagine the future annexation that will take place on more Arab land.

Only 55 minutes from Tel Aviv and 15 minutes from Jerusalem and the Israeli tourist arrives at another land. Perhaps this is the place that inspired Yehuda Amichai's poem "The Place Where We Are Right": "From the place where we are right, flowers will never grow in the spring. The place where we are right is hard and trampled like a yard."

SETTLEMENTS GROW ON ARAB LAND, DESPITE PROMISES MADE TO U.S.

This article by Amos Harel originally appeared in the 24 October 2006 issue of Ha'Aretz.

A secret, two-year investigation by the defense establishment shows that there has been rampant illegal construction in dozens of settlements and in many cases involving privately owned Palestinian properties. The information in the study was presented to two defense ministers, Amir Peretz and his predecessor Shaul Mofaz, but was not released in public, and a number of people

participating in the investigations were asked to sign nondisclosure agreements.

According to security sources familiar with the study, the material is “political and diplomatic dynamite.” In conversations with *Ha’Aretz*, the sources maintained that the report is not being made public in order to avoid a crisis with the U.S. government.

Brigadier General Baruch Spiegel, assistant to the defense minister, retired earlier this month. Spiegel was also in charge of the various issues relating to the territories, which Dov Weisglass, chief of staff in prime minister Ariel Sharon’s office, promised Secretary of State Condoleezza Rice in writing that Israel would deal with. These commitments included illegal settlement building, improvements in the conditions of Palestinian civilians, and a closer oversight over the conduct of soldiers at IDF roadblocks. One of Spiegel’s tasks was to update the database on settlement activities. During talks with American officials and nongovernment organizations such as Peace Now, it emerged that the defense establishment lacked up-to-date information on the settlements, which was mostly based on data provided by the Civil Administration in the territories.

The lack of updated information stemmed from the fact that the defense establishment preferred not to know what was going on, but was also linked to a number of key officials in the Civil Administration actively deleting information from the database out of ideological allegiance with the settlers. Spiegel and his team compared the data available from the Civil Administration to that of the Americans and carried out dozens of overflights of the territories, using private aircraft at great expense, in order to complete the database.

The findings of the study, security sources say, show an amazing discrepancy between the Civil Administration’s data and the reality on the ground. The data in Spiegel’s investigation served as the basis for the report on the illegal outposts prepared by attorney Talia Sasson and made public in March 2005. “Everyone is talking about the 107 outposts,” said a source familiar with the data, “but that is small change. The really big picture is the older settlements, the ‘legal’ ones. The construction there has been ongoing for years, in blatant violation of the law and the regulations of proper governance.”

Three years ago, in talks with the Americans, Israel promised that all new construction in the older settlements would

take place near existing neighborhoods. The idea was that construction would be limited to meeting the needs of the settlements’ natural growth and bringing to an end the out-of-control expansion over territory. In practice, the data shows that Israel failed to meet its commitments: many new neighborhoods were systematically built on the edge of areas of the settlement’s jurisdiction, which is a much larger territory than the actual planning charts account for.

The data also shows that in many cases the construction was carried out on private Palestinian land. In the master plans, more often than not, Palestinian properties were included in the construction planned for the future. These included Palestinian properties to which the state had promised access. However, exploiting the intifada and arguing that the settlers should not be exposed to security risks, Palestinian farmers were prevented access to their properties that were annexed by Israeli settlements. In many settlements, including Ofra and Mevo Horon, homes have been constructed on private Palestinian land. “The media is busy with the outposts, but how many of these are really large settlements like Migron? In most cases, it’s a matter of a few mobile homes. Spiegel’s study shows the real situation in the settlements themselves—and it is a lot more serious than what we knew to date,” one of the sources said.

A senior security official expressed concern that with Spiegel’s retirement, the database will not be updated and the data will be lost. “The [defense] establishment does not necessarily have an interest in preserving this information. It may cause diplomatic embarrassment vis-à-vis the Americans and cause a political scandal. It is not unlikely that there will be those who will seek to destroy the data,” the senior officer says. Other relevant sources said it is necessary for an objective, external source, like the State Comptroller’s office, to intervene in this matter.

A statement issued by the defense minister’s office in response said that “the matter is being examined internally and staff work will be completed soon, and the parts of the report that can be published will be made available. The defense minister will discuss the matter with Prime Minister Ehud Olmert.” Meanwhile, construction in the new outposts has intensified. Sources in the YESHA Council say that since the Lebanon War, “Junior officers on the ground are in

our favor and in many instances turn a blind eye regarding mobile homes in place.”

ISRAELI SETTLEMENT BUILDING ON PRIVATE PALESTINIAN PROPERTY (EXCERPTS)

The October 2006 report from Peace Now's Settlement Watch team excerpted here, titled "Breaking the Law in the West Bank—One Violation Leads to Another: Israeli Settlement Building on Private Palestinian Property," is available in full at www.peacenow.org.il. Footnotes and diagrams have been omitted and tables reformatted for reasons of space.

Executive Summary

[...]

- Key findings include:
- Palestinians privately own nearly 40 percent of the land on which the settlements have been built;
- Palestinians privately own over 40 percent of the land in settlements located in "settlement blocs," west of the fence being constructed by Israel, including 86.4 percent of Ma'ale Adumim, 44.3 percent of Giv'at Ze'ev, 47.7 percent of Kedumim, and 35.1 percent of Ariel;
- More than 3,400 buildings in settlements are constructed on land that is privately owned by Palestinians;
- "Survey lands" are areas whose ownership has yet to be determined and on which development is not legal, yet 5.7 percent of settlement territory is "survey land" and 2.5 percent of the "settlement blocs" are on "survey lands;"
- Only a small percentage of settlement land was purchased by Jews; and
- Over 50 percent of the land on which settlements have been constructed has been declared "State land," often through controversial means and mostly for the benefit of settlements.

Background

[...]

2) Defining Privately Owned Land

To understand the mechanism of land seizure in the West Bank, one must go back to the political history of the region. During the 19th and 20th centuries, the West Bank came under the successive rule of four different powers: the Ottomans, the British, the Jordanians, and the Israelis. Each left a legal and administrative trail behind them, the implications of which play a significant role in today's legal reality.

Since 1967, Israel has made use of Ottoman legislation dating back to the middle of the 19th century in order to declare land to be "State land." According to that law, all lands are considered "State land" unless proven otherwise. To formally register land as private property, one must cultivate it for at least ten years. If the land is not registered, one would be considered the owner as long as he cultivates it and pays taxes on it. If the land is not cultivated for three successive years, it may become the property of the Ottoman State, i.e. "State land."

Israel has also exploited the fact that during the Ottoman period only small parts of the land of the West Bank were formally registered to a specific owner. During the 1920s, the British began a process of registering the land to the farmers who cultivated it or residents who owned houses that were built on it. This process continued throughout the Jordanian period. In 1968, the State of Israel stopped the land registration process by virtue of an injunction issued by the military governor in the occupied territories. It was claimed that the injunction was intended to protect the owners of land that had been abandoned (from other Palestinians who might try to register ownership of it in their absence) and to prevent the rights of these owners from being discriminated against. However, in reality, this injunction left thousands of square kilometers of agricultural land unregistered, where it eventually was declared "State land" and used for the sole benefit of Israel.

The occupation in 1967 brought about a change in the Palestinian economy. Many Palestinians, who in the past had worked as farmers, became workers in Israel. This situation paved the way for the "Custodian of Government Property in the Area of Judea and Samaria" to declare large parts of the uncultivated land as "state land," utilizing the Ottoman law.

The "privately owned land" to which this report refers is:

A. Land that was registered and recognized as private property before 1968, at a time when the process of land registration was still open and available to Palestinians, or

B. Cultivated land which is recognized by Israel as private land according to the Ottoman law.

3) Seizure for "Military Purposes"

In addition to the wholesale declaration that designated much of the West Bank as

“State land”—land that was then allocated solely to the settlements and the settlers—there are a number of additional administrative means by which the State was able to take control of land in the West Bank.

The State’s main means of acquiring private land was “seizure for military purposes.” In contrast to an “expropriation,” in which ownership of the land is transferred to the State, “seizure” leaves the official ownership of the land in the name of its original owners but transfers total control of the land, for a designated period of time, to the military. At the end of that period, the military must either relinquish control of the land to the owners—something which has rarely happened in the West Bank—or renew the seizure order.

Many of the settlements established during the first decade of the Israeli occupation of the West Bank were built on land that had been “seized for military purposes.” However, a landmark court decision in 1979, the result of the affair known as the Elon Moreh case, brought this abusive practice to an official end. . . .

5) *Building on Private Land: The Law vs. the Reality*

In spite of the clear ruling of the court [in the 1979 Elon Moreh decision, which ruled that settlements could not be constructed on land “seized for military purposes” by Israel], the State continued to initiate and allow the construction of settlements, as well as “new neighborhoods” of established settlements, on property that the State knew to be privately owned by Palestinians. Since such lands could not be declared “state land” and, based on the Elon Moreh ruling, could not be seized under the pretext of “military purposes,” these activities were carried out without any legal basis.

In a harsh report regarding the conduct of the Civil Administration, the State Comptroller describes a case in which an Israeli industrial area was built, both by public and private investment, on privately owned Palestinian land in the West Bank. Quoting the legal adviser of the Civil Administration on this affair, he writes: “This affair’s severity does not indicate its exceptionality.”

Thus, for example, the settlement Ofra, established in 1975 on an abandoned Jordanian military base, was constructed mainly after 1980, almost completely on private lands belonging to the residents of the neighboring village of ‘Ayn Yabrud. This is the case, as well, for dozens of additional settlements

and outposts, which were knowingly built, in whole or in part, on privately owned Palestinian land. The most extreme example is Elon Moreh itself, which was moved to a new site following the court’s ruling. According to the data of the Civil Administration published below, over 65 percent of the land of this settlement is privately owned by Palestinians.

Peace Now does not possess all available information regarding land seizure injunctions issued by Israel in the West Bank from 1967 until today. As noted earlier, a request to the Civil Administration for this data, based upon the Freedom of Information Law, has yet to be answered. This information could, of course, shed light on the interesting question of which of the settlements (or parts of settlements) are located on land which was seized in the past through the use of military seizure orders. As discussed earlier, such seizure orders do not change the status of land ownership. Any settlements which were built on land seized in this manner are actually located on land that is owned privately by Palestinians, even according to official registration in Israel.

6) *“Survey Land” and “Jewish Land”*

Apart from “State Land” and “Private Palestinian Land,” Israel established another category of land, “survey land.” This refers to property whose ownership is in dispute, generally in cases where a Palestinian’s title to the land is being challenged by the State. Under Israeli law, such land cannot be developed legally, either by the State or by the Palestinian claiming ownership. In reality, as the data below will show, settlement construction has been permitted on such land, too. In addition, the category of “Jewish land” was created, referring to West Bank property owned by Jews. . . .

The Main Findings

1. Nearly 40 percent of the total area of the settlements, outposts, and industrial zones in the West Bank comprises private Palestinian land:

	Area (in dunams)	Percent
Total Settlement Area	157,591	100.00
Private Palestinian Land	61,085	38.76
Survey Land	8,933	5.67
Jewish Land	1,986	1.26

2. Settlement land located west of the fence which Israel is constructing around the "settlement blocs" comprises private Palestinian land:

	Area (in dunams)	Percent
Settlements West of the Fence	74,098	100.00
Private Palestinian Land	30,684	41.42
Survey Land	1,832	2.47
Jewish Land	1,850	2.50

3. Settlements east of the fence:

	Percent
Private Palestinian Land	36.40
Survey Land	8.50
Jewish Land	0.16
State Land	54.93

4. Nearly 30 percent of the built-up area of the settlements is located on private Palestinian land, with at least 3,435 buildings in settlements constructed on private Palestinian land:

	Area (in dunams)	Percent
Built-up Areas	52,941	100.00
Private Palestinian Land	15,190	28.69
Survey Land	1,636	3.09
Jewish Land	844	1.67

5. The amount of Palestinian private land involved in settlements differs according to the settlement region. The highest percentage is found in the Binyamin area (north-central West Bank) and the lowest percentage in the Jordan Valley:

Region	Private Palestinian Land (%)	State Land (%)	Survey Land (%)	Jewish Land (%)
	Samaria	36.26	60.46	2.77
Binyamin	55.14	38.96	4.04	1.86
Jordan Valley	11.06	69.75	19.19	0.00
Gush Etzion	23.86	70.18	2.50	3.46
Hebron Area	28.62	64.88	6.50	0.00

6. Before the 1979 Elon Moreh case . . . which established that Israel could no longer use "security needs" as a pretext for the seizure of Palestinian private land to benefit settlers, nearly 50 percent of the land on which settlements had been established was private Palestinian land. After the Elon Moreh ruling, Israel continued to build settlements on private Palestinian land, mainly without seizure orders, and nearly 32 percent of the land on which settlements were built after 1979 is private Palestinian land.

Settlements Established	Private Palestinian Land (%)	State Land (%)	Survey Land (%)	Jewish Land (%)
	Before Elon Moreh	48.07	44.31	7.37
After Elon Moreh	31.27	62.36	4.30	2.07

UPDATE ON ISRAELI SETTLEMENT AND WALL ACTIVITY

This update from the Negotiations Support Unit of the PLO's Negotiations Affairs Department covers Israeli settlement and wall construction from the period 1 July 2006-30 September 2006. References in the text have been eliminated for reasons of space. The full update is available at www.nad-plo.org.

In the third quarter of 2006, Israel continued to unilaterally impose its vision of a final status outcome, in violation of international law and the road map. Consistent with this strategy, Israel intensified its settlement activity, issuing tenders for hundreds of new housing units and forging ahead with the construction of supporting infrastructure, especially bypass roads, settlement fences, and the wall. Developments on the ground indicate that little has changed with respect to Israel's colonization and de facto annexation policies in the occupied Palestinian territory (OPT).

1. Wall Update

Two years after the International Court of Justice affirmed its illegality, Israeli construction of the wall and its associated regime continued steadily, particularly in the central and southern West Bank and Jerusalem regions. According to the United Nations, 51 percent of the wall's route is now constructed.

Ariel-Keddumim "Fingers"

In mid-August, Israeli bulldozers began leveling land for the wall between Azzun

and Kafr Laqif villages and between Azzun and Kafr Thuluth villages. This follows the issuance of a military order in January for the seizure of 279 dunams from Hajja, Kafr Laqif, Dayr Istiya, and Azzun villages for construction of the Ariel "finger."

Land-levelling has also been taking place near Immatin village in the Qalqilya governorate; north of Salfit city, Iskaka, and Dayr Istiya villages south of Marda and Kifl Haris villages; and near al-Zawiya and Dayr Ballut villages, all in the Salfit governorate.

In mid-August, construction of the wall resumed around Bet Arye and Ofarim settlements after the Israeli High Court approved a new route near Abbud. The Israeli military uprooted and damaged at least 150 olive trees belonging to Abbud villagers for the building of the wall in the area.

Jerusalem

While the wall around Jerusalem is, for the most part, completed from the north, south, and east, isolating 250,000 Palestinian Jerusalemites from the rest of the West Bank, construction continued between Bayt Ur al-Fawqa and al-Tira villages and near al-Ram checkpoint between Dahiyat al-Barid and 'Atarot.

Israel has completed its construction of the Hizma terminal. Located four kilometers inside the West Bank with the look and feel of an international border crossing, the terminal and others like it are indicative of Israel's plan to unilaterally treat the wall as an international border and annex Palestinian areas west of it, including all of East Jerusalem. With four lanes for cars and gates, the terminal is one of eight points of entry to Jerusalem from the West Bank whose use is barred to West Bank Palestinians. West Bank Palestinians may only access Jerusalem through four points of entry.

Southern West Bank

Construction of the wall continued near Bayt Jala, while land leveling continued near Har Gilo settlement and between al-Khadr village and al-Nashash, south of Bethlehem city.

Israel also continued its construction of tunnels and terminals, with land levelling occurring for the proposed tunnel near al-Khadr village and for a new terminal next to al-Jaba' checkpoint. The Israeli army also issued a military order seizing 150 dunams of agricultural land belonging to Bayt Ummar (Hebron governorate), Bayt Fajjar and al-Khadr (Bethlehem governorate)

for construction of the wall and of a crossing terminal in Um Salamuna village. The Um Salamuna terminal is the sixth terminal Israel plans on building in the Bethlehem governorate. Like Hizma terminal, all six planned for the Bethlehem governorate will be situated within the West Bank, separating Palestinians from Palestinians and Palestinians from Palestinian lands.

Wall construction continued between Tarqumiya and Surif towns. Work also continued on terminals, with land leveling happening west of Tarqumiya checkpoint for a new commercial checkpoint, paving at Bayt Yatir checkpoint, and construction continuing on an agricultural terminal at Meitar checkpoint.

In mid-July, land leveling for the construction of a new section of the wall started in the planned bubble located around Eshkolot settlement.

2. Settlement Activity

With international attention focused elsewhere, Israel exploited the broader regional and international crises as cover to accelerate its settlement activity in the West Bank, particularly in and around occupied East Jerusalem.

Settlement Expansion

Israel continued to plan and approve the expansion of settlements throughout the OPT, carrying out actual construction in at least 39 settlements (excluding East Jerusalem), including industrial areas, with a particular emphasis on settlements west of the wall.

Large-scale Israeli construction, including of a second police headquarters, continues inside the E-1 plan area, in violation of the road map and Israel's commitments to the U.S. The E-1 plan calls for the construction of 3,500 housing units, offices, an industrial park, entertainment centers, and ten hotels on lands belonging to al-Za'ayem, al-Tur, and 'Issawiya, in order to connect Ma'ale Adumim to West Jerusalem. If completed, the plan would deny East Jerusalem the last major space for its urban development and permanently sever Palestinian East Jerusalem from the rest of the West Bank, thus foreclosing the establishment of a Palestinian capital in East Jerusalem.

At the beginning of July, settlers from Karmi Tzur settlement uprooted 50 almond trees belonging to farmers from Halhul and Bayt Ummar towns in order to expand the settlement.

In July, construction began on the first residential units in Nof Zion settlement, established on lands confiscated from Jabal al-Mukabbir neighbourhood in East Jerusalem. Three hundred ninety-five (395) housing units are planned for the settlement.

Construction in Ma'ale Zeitim settlement, located in the East Jerusalem neighborhood of Ras al-Amud, is currently underway to double its size, from 52 to 119 residential units. The settlement will be expanded to incorporate the two police buildings directly adjacent to the Jewish cemetery on the Mount of Olives. These police buildings are being turned over to right-wing settler groups who, in exchange, constructed a police station in E-1.

On 4 September, the Israeli Ministry of Housing and Construction issued tenders for 690 new housing units, the largest single announcement of new settlement activity this year. The housing units are slated for Ma'ale Adumim and Beitar Ilit. This follows a decision in May to expand the jurisdictional area of Beitar Ilit, along with those of three other settlements, bringing it closer to Jerusalem. The tenders for Ma'ale Adumim are part of a larger plan to build 4,000 apartments in the settlement. Tenders for 98 other housing units were issued earlier in the year.

On 21 September, the Israeli Lands Administration issued tenders for 164 new settlement housing units, including 88 units in Ariel, 56 units in Alfe Menashe, and 20 in Karnei Shomron, bringing to 952 the number of plots on offer so far this year. Israel is very clearly making good on its promises to expand settlements in the "blocs" in a bid to permanently annex them.

In September, the Israeli Central Bureau of Statistics published data on construction works for the first half of 2006. Construction of 907 housing units in the West Bank (excluding East Jerusalem) got underway in the first six months of the year, while 925 units were completed during that time. By the end of June, 3,461 housing units were under active construction. Two hundred eighty-five (285) flats had been sold in the West Bank (excluding East Jerusalem) in the first seven months of 2006, a 41 percent increase compared with the same period last year.

Settlement Outposts

By the end of August, there were 101 outposts in the West Bank. Construction and expansion activities were taking place in at least 31 outposts, 12 of which included

permanent construction. At least 55 outposts have been expanded since June 2003. Instead of evacuating and dismantling settlement outposts, as required by the road map, the Israeli government is reportedly considering a plan to retroactively "legalize" outposts illegal under Israeli law, according to former government lawyer Talia Sasson. Although many outposts already enjoy the covert complicity of the Israeli government, retroactively endorsing the outposts would enable dozens of these nascent settlements to receive a variety of financial incentives reserved for "official" settlements, thereby accelerating their expansion. Furthermore, the Israeli government is reportedly considering relaxing its "supervision" of settlement expansion, allowing local and regional councils to make such decisions on their own.

3. Settlement Roads and Infrastructure

The matrix of Israeli settlement roads, fences, and other infrastructure, along with internal closures and movement restrictions on Palestinians, continues to facilitate settlement growth at the expense of the indigenous Palestinian population.

In August, 81 dunams belonging to Bayt 'Awwa and Fuqayqis villages in the Hebron governorate were confiscated for erection of a barbed wire fence along the bypass road extending from the 1967 boundary to Negohot settlement.

In August, a detailed development plan (T/20/901) for a new segment of Route 60 running near al-Arrub refugee camp and Bayt Ummar and Halhul towns was deposited with the Israeli Supreme Planning Committee. The new segment of Route 60 will confiscate 350 dunams (~87.5 acres) of land from Halhul town, 700 dunams from Bayt Ummar town, and 50 dunams from al-Arrub governmental agricultural college. The new bypass road is part of a broader Israeli plan to develop segregated road networks for Palestinians and illegal settlers in the West Bank.

In early September, the City Pass consortium, the Jerusalem light rail franchisee, announced that it would lay tracks in French Hill and Pisgat Ze'ev this year. The work is part of a project to construct a light rail that will strengthen the connection between Pisgat Ze'ev settlement in occupied East Jerusalem and neighboring settlements with West Jerusalem via French Hill settlement, cutting through Shu'fat neighborhood. Two French companies are involved in the

construction, in contravention of international humanitarian law.

On 7 September, the Israeli army began constructing a settler bypass road leading to Qiryat Arba settlement in Wadi al-Nassara neighborhood in Hebron city. The Israeli army leveled approximately 50 dunams belonging to one Palestinian for this purpose.

Land leveling continued around Avnei Hefetz and Einav settlements, east of Tulkarm, for the construction of a new fence around the settlements.

The Israeli army continued leveling land north of Shavei Shomron settlement for the installation of a wall around the settlement. Fifty-three dunams of Palestinian land were seized for the wall, and 350 olive trees [were] destroyed for its erection. Furthermore, a "buffer zone" between the settlement and the fence will deny local Palestinians access to their lands. Israeli bulldozers also continued leveling lands in Dayr Sharaf village for a bypass road 1.5 kilometers long and 15 meters wide that will run around the settlement.

Israel continued its construction of a road barrier along Road 1, east of al-Za'ayim in East Jerusalem. In addition, it resumed work on Road 1 along the segment just east of Kfar Adumim. Road 1 connects Jerusalem to settlements in the Jordan Valley.

Construction of Road 70 between 'Anata and al-'Izariya continued. This is part of the 15.5 km "ring road" that Israel has planned to connect the settlements to the north, south, and east with West Jerusalem.

The Israeli army razed lands and uprooted trees in order to construct a fence around Karne Tzur settlement in the Hebron governorate, which will deny Palestinians access to more than 70 dunams of lands.

4. Settler Violence and Extremism

Settler violence and extremism continued in the third quarter of 2006, with at least 45 reported incidents.

On 2 July, a group of Israeli settlers severely beat a 55-year-old while he was working on his land on the outskirts of Bayt Dajan village in the Nablus governorate. Suffering contusions and other injuries, the victim was admitted to a public hospital for treatment.

On 4 July, an Israeli settler truck ran over a 65-year-old on the main road between Bayt Ummar village and al-'Arrub refugee camp in the Hebron governorate, leaving him with injuries and bone fractures.

In July, settlers from Yitzhar settlement set fire to three agricultural fields owned by Palestinian residents of 'Ayn Yabus village in the Nablus governorate, destroying hundreds of olive and almond trees.

On 7 August, an Israeli settler opened fire on a Palestinian truck transporting vegetables near Duma village in the Nablus governorate, killing the truck's driver and injuring his son.

On 10 September, an Israeli settler attempted to abduct a 12-year-old Palestinian near Dayr Istiya town in the Salfit governorate.

On 11 September, an Israeli settler vehicle ran over an 8-year-old female child near al-Nabi Ilyas village in the Qalqilya governorate, leaving her with critical wounds. The victim was transported to an Israeli hospital for medical treatment, and the Israeli army arrested the settler perpetrator after he attempted to flee.

On 19 September, a group of Israeli settlers from Susia settlement, southeast of Yatta town, severely beat an 87-year-old, leaving him with contusions. The victim was transported to a public hospital for medical treatment.

Settlers from Ma'ale Levona settlement destroyed at least 40 olive trees belonging to Palestinians from Sinjil village in the Ramallah governorate.