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Settlement Monitor

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SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

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

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OSLO'S LAST GASP: THE IMPLOSION OF THE PALESTINIAN AUTHORITY

From Settlement Report, July–August 2007.

A new Palestinian government headed by Palestinian Authority (PA) President Mahmud Abbas was created in June in the aftermath of the disintegration of security forces in the Gaza Strip nominally under his command. This action has sealed the demise of the central institutions and the assumptions that have defined the Palestinian scene and international diplomacy since the Oslo Declaration of Principles between Israel and the PLO was initialed in September 1993. Nothing remains of the core foundations of this agreement and its successors, long under assault by violations committed by all parties. The main diplomatic task set by Oslo's promoters—to establish a framework for ending the conflict between Israel and the Palestinians—ran aground seven years ago at the Camp David discussions in July 2000. The other founding goal—to marginalize

Hamas—has been turned on its head. Hamas has been empowered by developments over the last fourteen years while Fatah has been all but fatally compromised.

Since the end of negotiations at Camp David, half-hearted efforts to re-create a diplomatic option, led by an American administration distracted by Iraq and skeptical of the prospects for success, have gone nowhere. Israel, which declared the PA an "entity that supports terror" on the eve of its formal reoccupation of the West Bank in April 2002, long ago decided that neither the PA nor its security branches, compromised by their role in the al-Aqsa intifada, were reliable partners in a process intended to win Palestinian acquiescence in maximal Israeli territorial and settlement objectives in the territories it has occupied since June 1967. As a consequence, Israel by its actions and policies has effectively destroyed the territorial basis for even limited Palestinian self-rule. Israel's settlement and security policies pursued without interruption in the West Bank now strike at the ability of Palestinians to

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pursue a normal, everyday existence and to centrally administer their civil and security affairs. The unilateral disengagement from the Gaza Strip featured the precedent-setting evacuation of settlements and settlers and the active, if undeclared, assistance of Hamas. Disengagement and the accompanying decision by Hamas to enter elections reflected Israel's (and Hamas's) post-Oslo thinking, which departed in significant ways from the Oslo diplomatic paradigm.

Despite these developments, the continuing existence of the institutions of Palestinian self-rule, represented by the PA, however compromised by changes in the diplomatic environment and the security and settlement facts on the ground, remained an anchor that all parties, each for their own reasons, professed to support. Hamas's January 2006 parliamentary victory marked the end of this consensus and the creation of a new one championed by the Bush administration—to engineer the failure of any Palestinian government in which Hamas was a power.

The prevailing view in Washington is that the policy of isolating Hamas is working and that a new opportunity has been created yet again to “strengthen Abu Mazen”—now weaker than ever after the collapse of his Gaza security forces, his retreat to Ramallah, and his unprecedented dependence upon the good will of foreign powers. The United States prefers to press the “restart button” and to pretend that the January 2006 election and its chaotic aftermath never took place. Israel's leaders are far more skeptical of Abu Mazen, the man Ariel Sharon disparagingly described as “a chick without feathers.” They remain to be convinced that it is in their interest to abandon policies that in their view have succeeded insofar as they have isolated Hamas, maintained Israeli security, and facilitated settlement expansion. Although the government of Ehud Olmert may be prepared to reconsider administrative and security measures it remains adamantly opposed to defining a political horizon that includes an end to occupation and settlement removal.

The January 2006 elections set in motion a chain of events that has led to the fast-paced creation in Ramallah of a new Palestinian regime that in the short time since its creation has limited its responsibility for the Gaza Strip and its 1.5 million residents and looked to foreign patrons for its strongest signs of support. The initial U.S. response has linked Abu Mazen, Fatah, and the PLO more closely to Washington and Israel than

has ever been the case. The U.S.-led effort to support Abu Mazen appears likely to continue along a path pursued with little success for many years, focusing on two principal operational arenas: financial aid and continuing efforts to moderate Israeli occupation policy. To the extent that these two elements are informed by a grander design, it will be a process-heavy series of “gatherings” in which Arab-Israeli (not Palestinian-Israeli) rapprochement is the focus—long on expressions of interest in creating a political horizon, but short on the critical diplomacy needed to define it and make it operational.

Periodic efforts to reenergize lapsed Israeli or Palestinian commitments have been a principal hallmark of U.S. diplomacy. It is probable that the U.S. interest in narrow operational issues, the so-called “benchmarking process,” will continue to be the principal feature of U.S. diplomatic activity, rather than efforts to forge a final status peace agreement. The much-heralded but often-violated November 2005 Agreement on Movement and Access (AMA; see Doc. A4 in *JPS* 138) and the stillborn effort of General Keith Dayton to oversee its implementation grew out of the failed “performance-based” initiatives detailed in the road map. These initiatives were part of a U.S. strategy that disdained discussion of final status issues. Rather, incremental progress on the “little” operational areas defined in the AMA would build a track record for successful diplomacy on borders, Jerusalem, refugees, and settlements—the “big picture” issues of final status.

In early 2007, it appeared that Secretary of State Condoleezza Rice and the Department of State had reconsidered this strategy, which had failed to realize even the tactical goals highlighted in the AMA. The new idea was to turn the framework on its head, to look at the big picture—a “political horizon”—that would create an atmosphere conducive to progress on the entire spectrum of outstanding issues, including those that the former strategy had failed to resolve.

The appearance of the Acceleration Benchmarks for Agreement on Movement and Access as well as on the Gaza Security Situation (Benchmarks; see Quarterly Update in *JPS* 144) in April of this year, alongside the “horizon” discussions suggested by Secretary Rice, signals that the Bush administration is putting everything on the table at the same time. It is not clear which of these two elements Washington considers to be most important or whether they are

seen as complementary or competing initiatives. Indeed, there is unsettling evidence of strategic incoherence and an absence of broad agreement within the Bush administration in this multifaceted (some would say scattershot) approach that will not be lost on the players, all of whom can be expected to exploit the shortcomings of U.S. policy to their advantage.

Israel has little reason—at a moment when Abu Mazen is weaker than ever, without a working presence in Gaza, with no security forces to speak of, no real command and control, and whose cabinet reflects an effort to please foreign patrons first and foremost—to implement either a radical modification of its security and settlement policies in the West Bank and East Jerusalem that are considered to be working successfully or to revise its broader opposition to negotiations on final status issues. Only a political horizon that features an end to occupation and the removal of settlements will create the conditions necessary to strengthen Abu Mazen by fashioning a Palestinian majority prepared to support a peace agreement with Israel in return for genuine sovereignty and independence. There is no evidence that events of the past weeks have made this option any more compelling to Israeli or, indeed, to U.S. or international policymakers. The disintegration of the PA and the fact that Abu Mazen's writ barely extends past the Muqata'a have fortified the swelling ranks of Israel's rejectionists.

In this environment, Israel will be unwilling to do much more than tinker at the margins of its security and closure policies, and Washington is not prepared to ask for more than this. One area that may see progress is international approval for the Israel Defense Forces road plan of October 2004. The Continuous Movement Plan aims at securing the existing road network for settlements by creating an inferior network for exclusive Palestinian use (see *Settlement Monitor* in *JPS* 134). The World Bank and others have opposed the plan, which is nonetheless being partially implemented. The United States has funded some links that would be useful in any case. Today, given the interest in strengthening Abu Mazen without affecting Israel's occupation, settlement, and security requirements, the road scheme—the strategic intent of which is to consolidate Israel's rule—may receive a more positive second look by the international community. A similar process, girded by a similar logic, oc-

curred in the early Oslo years, when the original bypass roads for settlements were created.

There is as yet no evidence that the momentous changes in the Palestinian scene will compel U.S. policymakers to review longstanding assumptions and the policies that result. But as Aluf Benn of *Ha'Aretz* reported, “in conversations within the U.S. and Israel this week, we heard doubts that go beyond questions of timing to those of substance: Is the idea of an independent Palestinian state still valid? . . . [F]or the professionals, the analysts and the assessors, the events in Gaza afford a new window of opportunity to deal with scenarios that in ordinary times cannot even be mentioned.”

The reappearance of such ideas as the Jordanian, autonomous, and one-state options in public discussion of the current crisis not only attests to the failure of American-led diplomacy. These shopworn ideas, long past their sell-by date, also reflect the absence of the kind of creative strategic thinking required to establish a stable basis for Palestinian independence, two genuine states, and an end to Israel's forty-year occupation.

UN REPORT: ISRAELI SETTLEMENTS AND INFRASTRUCTURE IN THE WEST BANK (EXCERPTS)

This report, released in July 2007 by the United Nations Office for the Coordination of Humanitarian Affairs, provides a useful overview of the Israeli settlements, military bases and closed military areas, nature reserves, security barriers, and Israeli-only road networks that together constitute almost 40 percent of the surface area of the West Bank. The findings, based on field research and spatial analysis derived from satellite imagery, demonstrate how these structures have dissected the West Bank into dozens of enclaves. While the report's main aim is to show the detrimental impact on the economy and daily lives of the inhabitants, the excerpts below focus especially on the physical aspects of the settlement-military infrastructure. They do not, however, include material on the separation barrier except with regard to East Jerusalem. Footnotes have been omitted for space considerations. The full report, including a wealth of useful charts, graphs, photographs, and maps, is available online at www.ochaopt.org.

Chapter 1: Israeli Settlements and Other Infrastructure in the West Bank

Israeli Settlements in the West Bank

Israeli settlement construction in the West Bank has taken place under every government since the beginning of Israel's occupation following the 1967 Arab-Israeli War. In 2007, there are more than 450,000 settlers living in 149 settlements in the West Bank including East Jerusalem. . . . In addition, there are nine industrial sites which are Israeli owned and operated and located near settlements, usually within their municipal boundaries. These are often managed from nearby settlements and include Israeli industrial companies. . . .

[As of] 2007, approximately 57 percent of the total settler population in the West Bank live[s] within a 10-km radius of the Old City of Jerusalem, many of them inside the Israeli-declared Jerusalem municipal boundary. The encircling settlements have increasingly isolated East Jerusalem, home to approximately 250,000 Palestinians, from the rest of the West Bank.

Eighty percent of the settler population lives within a 25-km radius of Jerusalem in the Ramallah and Bethlehem governorates. Most of the settlements deeper into the central West Bank are located on hilltops affording them a commanding presence over surrounding Palestinian communities. Other settlements, such as those in the Jordan Valley, have large areas of agricultural land under their control. . . .

While fewer settlements were established after 1987, overall the settler population increased by nearly 150 percent between 1987 and 2004—an average annual growth rate of 5.5 percent per year. Since the beginning of the Oslo accords period in 1993 . . . the total settler population has increased by 63 percent (an absolute increase of more than 163,000 settlers between 1993 and 2004). The settlement population growth rate far exceeds the growth rate inside Israel. Between 2003 and 2004, for example, the settler population expanded by 4.6 percent compared with 1.8 percent inside Israel.

In 1987, the 128 existing settlements covered 4,127 hectares of land. By 2005, the number of settlements had grown to 149 but the amount of land they covered had increased by nearly 400 percent to 16,375 hectares. . . . In certain areas of the West Bank, particularly in the Jordan Valley, a number of settlements and outposts rely on

agriculture. In many of these, land is cultivated outside the outer limits of the settlement. This additional land, also under settler control, covers a further 10,122 hectares of West Bank land.

Military Infrastructure in the West Bank

The IDF [Israel Defense Forces] operates 48 military bases in the West Bank, including East Jerusalem, controlling approximately 1,919 hectares of land, where Palestinian access is prohibited. Fourteen bases are located in the Jordan Valley.

However, the presence of these military bases does not convey the full extent of land controlled for military purposes. More than one-fifth of the West Bank is designated as closed military areas/fire zones, including an area fenced along the border with Jordan. These areas effectively limit access and use by Palestinians of 115,034 hectares of land unless they have prior permission from the IDF or settlement regional councils.

The vast majority of these no-go areas are located in the eastern strip of the West Bank, including most of the Jordan Valley. While settlements are not located within these areas, they are located around and between them. The military areas act as a physical division between the settler population and local Palestinian communities.

Land that had earlier been declared closed for military purposes has, in some cases, been later requisitioned for settlements. Beqa'ot settlement in the northern Jordan Valley and Kiryat Arba near Hebron are such examples. Within the Jordan Valley are eight "Nahal," or dual military/civilian settlements where no population data is available on the number of resident Israeli civilians.

Nature Reserves in the West Bank

Israel has declared 49,348 hectares of West Bank land as nature reserves. Under the 1998 Wye River Memorandum, a further 16,665 hectares of West Bank land was agreed by the GoI [Government of Israel] and Palestine Liberation Organization [PLO] to be set aside as green area/nature reserves.

With the exception of the Wye River Memorandum, all nature reserves in the West Bank are under Israeli civil and security control (within Area C under the Oslo accords) and the majority are located along the eastern strip of the West Bank.

More than 30 percent of the area defined by Israel as nature reserves overlaps with closed military areas, in which Palestinian entry is forbidden. The declaration of

land as a nature reserve severely restricts all other use, and all development is forbidden. Palestinian shepherds and farmers caught crossing through nature reserves under Israeli control risk fines for trespassing from the Israeli authorities. . . .

Chapter 2: Settlements, Roads, Closures—Palestinian Enclaves

...
 Palestinian movement is [further] inhibited by roads reserved primarily for Israeli use and the system of physical obstacles and permits that accompanies them. These roads have two major impacts. First, Palestinians are restricted from using roads between their key towns and communities. Second, the roads have become barriers for Palestinians wishing to cross them. One community has been separated from another by roads reserved for Israeli use. They have, therefore, further fragmented the West Bank, creating isolated Palestinian enclaves.

A Road Network Primarily for Israeli Use

Settlements depend on their connection to each other and to Israel; they cannot exist in isolation. A network of 1,661 km of roads, on which Israeli vehicles must travel by IDF order, links settlements, military areas, and other infrastructure in the West Bank with Israel.

Some roads have been newly built, while others have resulted from upgrading preexisting primary roads. Via these roads, Israelis move freely between the West Bank settlements and Israel.

Palestinian access [to] this network is restricted by a closure regime consisting of approximately 85 checkpoints, 460 roadblocks, and a permit system for Palestinian vehicles. The impact on Palestinian life has been profound. The key thoroughfares throughout the West Bank on which Palestinians have traditionally depended are closed or restricted, shutting routes traditionally used for trade and normal movement to jobs, hospitals, schools, universities. . . .

Major and Regional Road Network

There are at least 20 major and regional roads primarily for Israeli use that specifically link West Bank settlements to each other and to Israel. There is no distinction in name or number between the sections of these regional roads, whether located in Israel or in the West Bank. Israeli traffic moves easily from one side of the Green Line to the other,

passing through checkpoints with minimal delay. . . .

A settler from Kiryat Arba wishing to go to Beersheba in southern Israel can travel seamlessly on Road 60. Road 35 provides similar direct access to another major Israeli city, Ashkelon, to the west. In Israel, Road 35 intersects with the new Road 6 highway, stretching from north to south, which when complete will provide easy access to all parts of Israel.

Bypass Road Network

Many of the major roads that traditionally connected Palestinian urban centers are now reserved for Israeli use. Other sections of roads were specifically built to bypass Palestinian localities. For example, segments of Road 60, the main north-south road that runs the length of the West Bank, were diverted after 1993 around the major Palestinian urban centers. The old Road 60 passed through the Palestinian cities of Hebron, Bethlehem, Ramallah, and Nablus. The new Road 60 diverts traffic around all these centers.

Palestinians are generally restricted from traveling on the main routes taken over or purpose-built for Israelis by a range of physical obstacles. . . . The number of physical obstacles [i.e., 85 manned checkpoints and more than 460 physical obstacles] in the West Bank has increased by more than 45 percent since August 2005.

West Bank Closures: Creating a Two-Tier Road Network

The closure regime blocks the Palestinian routes that once flowed onto the roads now used primarily by settlers and prevents Palestinian traffic from accessing them. . . . [N]early all of the physical obstacles and checkpoints that make up the closure regime are located along the primary and secondary roads for Israeli use. In practice, Palestinians are compelled to use an alternative road network of secondary and more circuitous roads that run between the Israeli road network[s]. In effect a two-tier road system—Israeli and Palestinian—operates side by side.

Limited Palestinian travel is still possible on the primary Israeli road system, but Palestinian drivers wanting to travel on these roads need permits. . . . Few drivers of private cars are able to obtain these permits. For those Palestinian drivers who succeed in obtaining permits, passage on the controlled road system is controlled by checkpoints. In addition to the 85 fixed and partially manned

checkpoints, random (or flying) checkpoints are regularly set up by the IDF. In July 2007, approximately 100–120 flying checkpoints were observed each week. Long delays are regularly reported at flying checkpoints and their unpredictable nature makes Palestinian travel plans difficult. The closure regime that originated as a temporary security measure during the peak of terrorist attacks now appears institutionalized.

Fragmenting the West Bank into Palestinian Enclaves

The roadblocks and checkpoints not only stop Palestinians traveling on roads primarily for Israeli use, but also prevent Palestinian vehicles crossing these roads. The road system has fragmented the West Bank into a series of Palestinian enclaves. Each Palestinian enclave is geographically separated from the other by some form of Israeli infrastructure, including settlements, outposts, military areas, nature reserves, and the Barrier [separation wall].

However, the Israeli road network is the key delineator in marking the boundaries of the enclaves. The road network functions to provide corridors for travel from Israel and between settlements in the West Bank, and barriers for Palestinian movement.

Palestinian communities on one side of a road can no longer travel by vehicle across the road to a neighboring community on the other side because they cannot cross the Israeli road network. Instead, they are forced into longer, more circuitous roads to go distances that once took a few minutes. . . .

A growing trend is to funnel Palestinian traffic under the Israeli road network via tunnels and underpasses. Palestinian vehicles, therefore, remain on their inferior secondary road network but pass under roads primarily for Israeli use to Palestinian communities in nearby enclaves. In effect, Israelis and Palestinians use a parallel road system.

To maintain this separation further, some Palestinian roads are being upgraded to allow for the increased Palestinian traffic flow. In addition, the IDF are constructing what they term “fabric of life” roads. Most of these purpose-built roads are located around Jerusalem, where traditional links between communities have been severed by the Barrier [separation wall] and closures. They are designed to provide alternative connections to the traditional links Palestinians once used via specially created roads that avoid Israeli settlements and road network.

A sunken road is under construction to link the Biddu (pop. 35,000) with Bir Nabala (pop. 15,000) enclaves. The road will pass under Israeli settlement roads.

The pattern of checkpoints and tunnels [is] designed to limit and funnel Palestinian traffic while simultaneously permitting unimpeded movement for settlers. Where there are no settlements, as in the northern West Bank, for example, there is little fragmentation and Palestinians move more freely. . . .

Chapter 3: Settlements and Palestinian Urban Centers

*...
Palestinian Access to East Jerusalem*

Palestinians who hold Jerusalem ID cards are permanent residents of Israel. They can live and enter Jerusalem without a permit, buy property and work in Israel, and receive Israeli taxpayer benefits. By contrast, the introduction of a permit regime in 1993 restricted access for West Bank Palestinians to East Jerusalem. Restrictions were enhanced with the outbreak of the second intifada. . . .

Construction of the Barrier [separation wall] has made Palestinian access into East Jerusalem more difficult. The section of the Barrier within Jerusalem governorate measures 162 km in length. Only five km of its completed length runs along the Green Line. The remainder lies within the West Bank. . . .

The Barrier's route winds around the Israeli settlements that surround East Jerusalem, ensuring that the majority lie on the western side of the Barrier with easy access into Jerusalem and Israel. The route runs deep into the West Bank to encircle the large settlements of Givat Ze'ev (pop. 11,000) and Ma'ale Adumim (pop. 28,000). These settlements currently lie outside the municipal boundary but will be physically connected to Jerusalem by the Barrier.

By contrast, densely populated Palestinian areas—Shu'fat, Kafr 'Aqab, and Samiramees with a total population of over 30,000—which are currently inside the municipal boundary are separated from East Jerusalem by the [wall]. Other villages to the north and east of the city, with populations of more than 84,000 are also excluded. In addition, the Barrier runs through the middle of Palestinian communities separating neighbors and families from one another—this occurs in Abu Dis, for example.

In other cases, West Bank villages that were once closely connected to East

Jerusalem are now physically separated from the city. To the north, over 15,200 Palestinian residents of four villages in the Bir Nabala enclave are completely surrounded by the [wall] and related obstacles. As a result, these residents live in an enclave isolated from East Jerusalem, with their only access via "Fabric of Life" roads . . .

In total, approximately 25 percent of the 253,000 Palestinians living in East Jerusalem have been cut off from the city by the Barrier. They can now only reach Jerusalem by crossing a checkpoint to access the services to which they are entitled as holders of Jerusalem ID cards.

For West Bank ID holders, only four of the thirteen functioning checkpoints from the West Bank into Jerusalem are accessible for those who have been granted permits. These checkpoints, lying several kilometers inside the West Bank, are large terminal-like structures with elaborate security checks. Applications for permits are made through the Civil Affairs Units of the IDF. This is a time-consuming and bureaucratic process, and there is no guarantee of a permit being given.

Seven of the nine remaining checkpoints are for Israeli citizens, including those living in settlements in the West Bank, persons of Jewish descent entitled to the Israeli Law of Return, other Israeli residents including East Jerusalem ID holders, and non-Israelis with valid visas. The remaining two checkpoints are a commercial crossing point and a temporary checkpoint in the northern Jerusalem area of ar-Ram. A further three checkpoints are planned around Jerusalem (Mazmouria checkpoint, and Sawahira and Nabi and Samuel gates).

Nablus, a City Encircled

Nablus city, the economic and service center of the northern West Bank, has a population of more than 130,000 people and serves as a regional hub for an estimated 350,000 people in the governorate. . . .

Nablus is encircled by 14 Israeli settlements and 26 outposts . . . The settlements are connected to each other by a series of roads used primarily by settlers that stretch around the city and across Nablus governorate. These roads are in turn linked to ten checkpoints, including seven encircling Nablus city. All Palestinians going in and out of Nablus are required to cross these checkpoints. In April 2007, only 10 percent of Nablus buses (22 out of 220) and 7 percent of Nablus taxis (150 out of 2,250) had

permits to access and use the checkpoints around Nablus city.

Only 50 private Palestinian cars were permitted to use the checkpoints. In addition, more than 70 obstacles installed by the IDF block the road junctions and physically prevent Palestinian traffic from reaching the roads used primarily by settlers. Palestinian vehicles also need a permit to travel on these roads. Palestinians caught without a permit can be fined or prosecuted.

Under these conditions, it is impossible for the Nablus economy to function normally. Unemployment in Nablus governorate increased by 44.5 percent between 1999 and 2006 (18.2 to 26.3 percent). Many businesses, no longer accessible by customers and traders, have been forced to relocate to smaller towns and villages. These new centers, however, cannot substitute for the large urban markets in terms of the volume of customers and levels of trade. . . .

Hebron City

Hebron city, in the southern West Bank, has a population of more than 165,000 Palestinians and is a center for commerce and manufacturing. It is also a natural urban center for the approximately 560,000 Palestinians within Hebron governorate. . . .

Since 1967, more than 24 Israeli settlements have been established in Hebron governorate, creating a ring around its urban center and fragmenting the outlying agricultural areas. Between 1979 and 1983, Israeli settlers established four settlements inside the Old City itself—Avraham Avino, Beit Romano, Beit Hadasah, and Tal Rumayda. . . .

The IDF withdrew from approximately 80 percent of Hebron city (H1) in January 1997, as part of the Oslo accords. The remaining part (H2), which includes the settlements, remains under Israeli control.

The Old Suq in the center of Hebron has served as the commercial heart of the city for hundreds of years. It is now largely deserted. Israeli settlements lie on the southern edge of the Old Suq. They are home to approximately 600 settlers who are protected by around 1,500 IDF soldiers. The settlers are connected to the Tomb of the Patriarchs and to the larger settlement of Kiryat Arba by a corridor lined with 87 obstacles that physically prevent access by the local Palestinian population. . . . All vehicle traffic is banned by the IDF in the Old Suq and many Palestinians who were living and running businesses there have since moved out.

Today, the Old Suq is almost deserted. Before September 2000 there were 1,610 shops licensed in and around the Old City. Around 650 shops are closed by military order and another 700 closed due to the drop in trade. Of those remaining in the Old Suq, only 10 percent are still functioning.

Of the 10 percent of the original population who still live in the Old City, eight out of ten adults are unemployed and an estimated 75 percent live below the poverty line. A recent survey conducted by the Ministry of National Economy found that the average income per household in the area is about \$160 per month, while the average for the West Bank is \$405 [per month].

Chapter 4: Settlements and Palestinian Rural Centers

...

Access to Agricultural Land—Jordan Valley

Since the start of the Israeli occupation of the West Bank in 1967, the Jordan Valley has been perceived as having a strategic importance to Israel's security. The first settlements in the West Bank were established in the Jordan Valley as early as 1968. Seventeen settlements were established by 1977, and by 2005 the number stood at 32.

By 2004, the settler population had risen to 7,380. Although the population is quite small, most settlers in the Jordan Valley are farmers who cultivate large land areas.

For Palestinians, the Jordan Valley is an integral part of the West Bank. An estimated 53,000 Palestinians live in the Jordan Valley (including the population of Jericho) with an economy based primarily on agriculture.

Much of the Jordan Valley has been declared closed military areas/fire zones and/or nature reserves by the GoI. This has significantly limited the land available for Palestinian farming and herding communities who are squeezed by Israeli settler infrastructure on the one hand and areas that are off-limits to them on the other.

Five Palestinian communities (al-Farisiya, al-Malih, Khirbat al-Ras al-Ahmar, Khirbat Humsa, and al-Hadidiya) are located within Israeli-declared closed military areas. Palestinian farmers caught grazing their livestock on the lands traditionally used by these villages now face the risk of their animals being seized, their identification cards temporarily confiscated, fines, and even arrest.

Palestinian access to the Jordan Valley had deteriorated sharply over the last two years, with increased restrictions imposed by

Israeli authorities. Access has improved since April 2007, although checkpoints and roads reserved primarily for Israeli use continue to restrict Palestinian movement. . .

Access to Water

Water scarcity is a major concern in the West Bank, where access to and control over water resources is a constant struggle. Under international law, a significant part of the water sources that Israel uses to meet its needs, including that of the settlements, should be shared equitably and reasonably by both Israelis and Palestinians.

Israeli per capita water consumption is more than five times higher than that of West Bank Palestinians (350 liters per person per day in Israel compared to 60 liters per person per day in the West Bank, excluding East Jerusalem). West Bank Palestinian water consumption is 40 liters less than the minimum global standards set by the World Health Organization.

Under the Oslo agreement, nearly six times more aquifer water was allocated for Israeli use. For example, of the 362 million m³ of water pumped from the Western Aquifer that lies beneath Israel and the West Bank . . . 22 million m³ is for Palestinian use while 340 million m³ is for Israeli [use].

Israel's agricultural settlements in the West Bank, in particular the Jordan Valley, are large consumers of water. A 1993 report by Peace Now found that, per capita, irrigated areas of settlers were thirteen times larger than the area accorded to Palestinians.

Mekorot, the Israeli water company, which sells water to Palestinian towns and public bodies, supplies an estimated 54 percent of all water to Palestinians in the West Bank. However, during times of shortage, such as in the summer months, the company prioritizes settlements over Palestinian communities, often leaving Palestinian communities with a shortfall. In summer months, in particular, residents of a number of cities in the West Bank, such as Hebron, Bethlehem, and Jenin, face water restrictions.

Many Palestinian villages who find themselves short of water resort to buying supplies from water tankers at considerable expense. According to a 2005 report by the Palestinian Hydrology Group (PHG), an estimated 30 percent of surveyed communities in the West Bank (190 communities) were not connected to a water network and relied primarily on tankered water and rainwater collected in household cisterns.

Conclusion

...
 Settler numbers continue to grow at a rate of 5.5 percent a year—equivalent to adding one and a half busloads of new settlers each day to the 450,000 living in the West Bank in 2007. This rate of growth is three times that of Israel itself. The majority of new arrivals settle in the large settlement blocs west of the Barrier [separation wall] where over 80 percent of all settlers currently reside.

Based on the current growth rate, the settler population will double to nearly 900,000 in just twelve years. Meanwhile, the Palestinian population is growing at a rate of around 2.5 percent a year—which means the Palestinian population will double in less than 30 years to around four million.

The problem is obvious: the West Bank's resources are finite. As both settler and Palestinian populations expand, it is inevitable that the pressure on natural resources—namely, land and water—will increase. It is equally inevitable, based on trends of the last 40 years, that the growth of settlements, roads, and other infrastructure will come at the expense of Palestinian development and freedom of movement around the West Bank. . . .

Exacerbating the pressure on land is the geographical demarcation of the West Bank under the Oslo accords . . . into three jurisdictional areas: Area A (under full control of the Palestinian Authority and comprised primarily of Palestinian urban areas); Area B (under Palestinian civil control, Israeli security control, and comprising the majority of the Palestinian rural communities); and Area C (under full Israeli control, except over Palestinian civilians).

Approximately 40 percent of the land area of the West Bank is made up of areas A and B, [which] come under Palestinian administrative jurisdiction. The remainder of the West Bank, Area C—around 60 percent—remains under Israeli control. As no final settlement has yet been agreed, this interim situation has remained geographically frozen.

Little Palestinian development has been allowed in Area C. Buildings permits, for example, are rarely given by the Israeli authorities, and buildings constructed without a permit are frequently destroyed. . . . Palestinian residential areas already have a population density double that of Israeli settlements. Overcrowding is particularly severe in the West Bank's 19 refugee camps.

Much of the agricultural and grazing land of many rural communities [lies] in Area

C. So too are the remaining large reserves of land for future Palestinian development. The expansion and development of Israeli settlements and other infrastructure has nearly all occurred in Area C. . . .

PEACE NOW REPORT: SETTLEMENT CONSTRUCTION BEYOND THE LIMITS OF JURISDICTION (EXCERPTS)

This Peace Now special report by Hagit Ofran and Dror Etkes was released in June 2007 as the third in a series comparing Israeli laws governing Jewish settlement to the reality of settlement expansion on the ground. The report demonstrates how Israel manipulates definitions of "settlement area" in order to expand settlements virtually without restriction while claiming to limit construction to approved boundaries. The study involves, inter alia, the comparison of actual built space (based on maps and aerial photographs) to data pertaining to settlement areas of jurisdiction obtained from Israel's Civil Administration in the West Bank. These latter data, which by law are public information, were obtained only after an administrative appeal to the Israeli Supreme Court under the Freedom of Information Law, a process that required more than a year. Footnotes have been omitted for space considerations. The full report, entitled "And Thou Shalt Spread: Construction and Development of Settlements Beyond the Official Limits of Jurisdiction," is available online at www.peacenow.org.il.

A. Preface

One of the recurring claims of the various Israel government spokespersons over the past few decades regarding construction in the settlements [has been] that it only occurs within the "boundaries of the settlement." Words of that nature were even uttered by Prime Minister Olmert during a recent meeting with Abdallah, the King of Jordan (15 May 2007), during which he promised that "the construction of settlements is only being carried out within the approved designated lines." However, through the years, Israel's spokespersons made deceptive and manipulative use of the concept of "settlement areas" in order to continue, in fact, to make it possible for settlements to grow and develop without almost any restrictions. The construction in settlements "within their boundaries" continued, in contradiction to the commitment of those very same

governments, to maintain “political restraint,” where the vision of a future Palestinian state plays a major role. In this context, it is important to remember that the State of Israel’s official position is that no new settlement has been established anywhere in the West Bank for over a decade. As an aside, we would note that this was the reason that a need arose for the establishment of “outposts,” where the goal was to circumvent the ban on the establishment of official new settlements. . . .

We would like to emphasize that this report *does not deal* with the areas of jurisdiction of Israeli regional councils on the West Bank, but rather the jurisdictions of the settlements themselves. While it is true that the vast majority of the area under the jurisdiction of the settlements is also under the jurisdiction of the regional councils, there are also extensive areas on the West Bank that, while officially considered part of the jurisdiction of the regional councils, are not within the boundaries of any settlement. . . .

Four Possible Definitions of the Concept of “Areas of the Settlements”

In order to clearly understand the intention of the official government spokespersons when they say “the construction in the settlements is only taking place within the areas of the settlements,” it is necessary to understand the various ways in which the concept of “areas of the settlements” can be defined. The intention is dependent, of course, upon the changing political needs of the official spokespersons. Keeping this in mind, this concept can be interpreted, and intended, to refer to four different things:

- (1) The official area of jurisdiction of each settlement
- (2) The boundary of the approved outline plan of each settlement
- (3) The boundaries of the built-up area of each settlement
- (4) The external perimeter of each settlement—that is, the area which the settlement actually covers.

None of these lines necessarily overlap, despite the fact that there are cases where there is a full or partial overlapping between all or some of them. . . .

B. The Legal Situation

Dates of Declaration Regarding the Areas of Jurisdiction

In the final section of the accords of Oslo B, [paragraph] 7 states:

“None of the parties shall initiate or take any step to change the status of the West Bank and the Gaza Strip before negotiations for a permanent state will have been completed.”

Despite these solemn words, the settlement project which Israel had previously initiated in the West Bank did not come to a halt. [Instead,] the areas of jurisdiction of 92 settlements were redefined (or in some cases were defined for the first time) after the 1993 Oslo accords, while the area of only 24 settlements did not change after that year. The fact that most of these jurisdictions were expanded during those years would have had no immediate practical implications at the time had this not been accompanied by a surge in development, construction, and increased population in most of the settlements. Thus, in a move which up to that time was unprecedented in the history of the settlement project, the total number of settlers was doubled during the decade following the Oslo Accord. . . .

C. Declaration of “Jurisdiction” as a Means of Taking Control of Land

Throughout the years, the State of Israel used the declaration of areas of jurisdiction of the settlements as a means of controlling the land of the West Bank.¹ . . . [M]any of the settlements have huge areas of jurisdiction, areas which include thousands if not tens of thousands of dunams (1 acre = 4 dunams) of land dedicated for use by the settlements. Even if no use is made of large portions of the areas of jurisdiction, they still constitute areas to which Palestinians have no rights and upon which they are unable to build, develop real estate enterprises, or make any other long-term use of the land. An aerial photographic comparison of the areas of jurisdiction of the settlements show that in fact, only about one-fifth of the settlements’ areas of jurisdiction is actually being used by the settlements, making it clear that

¹In the report’s section on the legal situation, it is noted that “[t]he area of jurisdiction of each settlement and each council is a function of the ‘regional commander’s’ decision. In other words, the decision regarding the size of the areas of jurisdiction of the settlements lies with the State of Israel, which, in actual fact, controls Area C, the majority of the West Bank.” It is also noted that the regional commander “may determine the bounds of jurisdiction only after receiving the approval of the political echelon.”—Ed.

jurisdictions are defined less by the “needs” of the settlements and more by a desire to establish control over land. The area of jurisdiction of all of the settlements covers approximately 9 percent of the total area of the West Bank (this is part of the areas of jurisdiction of the regional councils, whose total area comes to 42 percent). . . .

Jurisdiction of Ma’ale Adumim

The area of jurisdiction of Ma’ale Adumim is the largest of all of the Israeli settlements on the West Bank. Its population is the second largest of all the settlements (after the ultraorthodox settlement of Mod’in Ilit) and is estimated to be today around 32,000 persons. The jurisdiction of Ma’ale Adumim spreads over a very large region which begins west of the settlement and extends into the Jericho valley. If compared with the size of the jurisdiction of cities within Israel, Ma’ale Adumim’s area is similar in size to that of the largest (most populated) cities within Israel.

[A table follows—omitted here for space reasons—that compares the population of various cities to their areas of jurisdiction. It indicates, for example, that Tel Aviv has 385,000 residents in a jurisdiction of 51,449 dunams; Ma’ale Adumim, by contrast, has 32,000 residents in a jurisdiction of 48,000 dunams—*Ed.*]

. . . It is important to point out that most of the area of jurisdiction of Ma’ale Adumim (approximately 76 percent) is empty and unused. The objective of the declaration of such a large area of jurisdiction, particularly in this region, is clear: to create a buffer of land under Israeli control which will bisect the northern and southern parts of the West Bank. . . .

Small Settlements, Large Areas—Settlements in the Jordan Valley

Ma’ale Adumim is not the only settlement whose large area is disproportional with its number of residents. An examination of areas of jurisdiction of the settlements shows that there are other settlements where the number of residents is very low but their area of jurisdiction is comparable to that of large Israeli cities. For example, the settlement of Mitzpe Shalem, which has only 180 residents, has jurisdiction over more than 35,000 dunams, close to the size of the city of Petach Tikva (which has a thousand times more residents). Another settlement, Beit Ha’Arava, is the second smallest settlement in size of population (with only 83

residents) but is the fifth largest in terms of area of jurisdiction (19,425 dunams). It is indeed interesting, if not really surprising, to see that a large number of these settlements are located in the Jordan Valley, an area known for the fact that many of Israel’s governments have viewed it as an area which must remain “Israeli.” It is clear that the definition of the disproportionate areas of jurisdiction of the settlements in the Jordan Valley constitutes an additional tool in Israel’s hands, intended to distance the Palestinian/Bedouin population from the area of the valley. The exception in this matter is the settlement/city of Ariel, which is not situated in the Jordan Valley and where the population is relatively larger than other settlements but whose area of jurisdiction is still exceptionally large, far exceeding the settlement’s actual needs. . . .

“Two for the Price of One”—A Number of Settlements within the Area of Jurisdiction of One Settlement

One of the ways that the State of Israel has found [to] circumvent its promise not to establish new settlements is to establish them on land that is within the jurisdiction of an existing settlement, but at a location that is distant and isolated from that settlement, and then still claim that this is just construction within the original settlement.²

An example is the settlements of Alon and Nofei Prat, officially considered to be “neighborhoods” of Kefar Adumim, but clearly distinct from that settlement. Similarly, Israel expanded the jurisdiction of Eshkolot to include an area remote and isolated from the settlement, in order to use that land to establish the new settlement of “Sansana”—permitting the official fiction that this new settlement is simply a neighborhood of Eshkolot. . . .

D. Deviation from Jurisdiction *Extent of the Deviation*

. . . [I]t seems that it is not enough for the settlement project to control large areas in an official, organized, and governmentally sanctioned manner by declaring them to be areas of jurisdiction for the settlements.

²Elsewhere in the report, it is explained that “in many cases, there is no physical contiguity with the settlement itself. Enclaves of areas which have been declared within the jurisdiction of the settlement are scattered over large areas and at great distances from the settlement itself”—*Ed.*

It turns out that almost all of the settlements (90 percent) in actual fact deviate from their area of jurisdiction. Most of the settlements have unofficially annexed additional areas which have then been used for construction and development. The extent of this deviation stands at approximately 30 percent of all of the area that is actually controlled by the settlements. It is important to emphasize that these deviations from the areas of jurisdiction do not stem from a lack of sufficient physical area or room for the settlements to operate and grow; since, as discussed above, it turns out that they only make use of 21 percent of the land officially at their disposal. This phenomenon, rather, reflects the fact that while the areas under the jurisdiction of settlements (along with all "State land" in the West Bank) "are retained" solely for Israeli use—since the civil administration, the army, and the settlers do not allow the Palestinians to use the areas in any way—the settlers are deliberately focused on taking over land situated outside of the areas of jurisdiction, knowing full well that no one will enforce the law and oppose their actions.

Established Deviation as Opposed to Independent Domination

It should be pointed out that in some of the settlements, the deviations from the area of jurisdiction is institutionalized and orderly, apparently sanctioned by Israeli authorities. There are whole construction projects, actual neighborhoods, that were constructed beyond the areas of jurisdiction under the watchful eye of the state, and at times, even at its initiative and with its encouragement, and for which the state has provided services (water, electricity, sewage, roads) and associated infrastructure. The most extreme examples of this phenomenon are the settlements of Ofra and Psagot, both of which are considered official settlements, and both of which, in actual fact, have NO areas of jurisdiction. And, in fact, it turns out that the land upon which these settlements are constructed is registered as being privately owned Palestinian land, and therefore should not be included in the declared area of jurisdiction of any settlement.

There is another type of violation—that of appropriating land by fencing or by working the land, or even by constructing "unregularized" structures outside of the area of

jurisdiction. The most obvious and famous example of this type of violation is the establishment of outposts, most of which are situated completely or in part outside of the area of jurisdiction of the settlement, and most of which have received one kind of support or another from the authorities. . . .

There are many examples of land appropriation outside of the area of jurisdiction. For example, in Susia, work is being carried out on land that is adjacent to the settlement on its southeast corner, outside of the area of jurisdiction. Until the second intifada, this land was being worked by the Palestinians, but since then, the settlers have prevented them from returning or from working their land.

F. Consolidation of Findings

Analysis of the Findings

- Deviations from the area of jurisdiction: The overwhelming majority of the settlements (90 percent) deviate from the area of jurisdiction which has been delineated for them. In fact, almost one-third of the total area of the settlements lies outside their official jurisdiction.
- Actual use of the area of jurisdiction: The built-up area of settlements accounts for only 9 percent of their total area of jurisdiction. The actual boundaries of the settlements (including the built-up areas) cover only 21 percent of the whole of their area of jurisdiction [while almost 80 percent of the external area is not being used at all—*Ed.*]. Thus, it is clear that the deviations from the areas of jurisdiction do not derive from a land shortage in the settlements.
- Construction beyond the areas of jurisdiction: Approximately one-third of the land upon which the settlements are actually situated is located outside the official areas of jurisdiction. The explanation for this phenomenon can be found in a desire to expropriate additional land that is beyond the official areas of jurisdiction of the settlements. All of this stems from the fact that while the areas of jurisdiction are, in any case, kept solely for use by Israelis (since the civil administration, the army, and the settlers do not permit Palestinians to use those areas), expropriation attempts by settlers are aimed at areas located outside the areas of jurisdiction,

with the full knowledge that in fact, no one enforces the law against their actions.

- Expropriation of privately owned land: Over 10 percent of land included within the jurisdiction of the settlements is privately owned by Palestinians, despite the fact that officially, the Order Regarding Regional Councils . . . does not permit the inclusion of private land (with the exception of areas which were seized by the army) within the areas of jurisdiction of the settlements.³

This matter is, of course, directly related to the issue of enforcing the planning and construction laws in the territories. It is a well known fact that today there are approximately 3,000 demolition orders pending against Israeli structures in the settlements; these are not being carried out because of a decision of the political echelon. Recently, Uri Blau of *Ha'Aretz* made public an internal memo by the civil administration regarding data of illegal construction and related law enforcement in Area C during the past decade. The document shows that despite the fact that Palestinians make up only about one-fourth of the population in this area, the number of illegal structures that were identified by Israel on the Palestinian side was twice as large as the number of illegal structures identified in the settlements.

Similarly, the number of demolitions carried out against Palestinian illegal construction [in Area C] was three times higher than the number of demolitions in the settlements. These data, coupled with the information analyzed in this study, point to two obvious conclusions: First, there is overzealous enforcement against the Palestinians at a time when, in fact, they are largely unable to build in Area C because they cannot receive the relevant permits from the Israeli authorities; and second, there is almost no enforcement against illegal construction by settlers even if they build beyond the areas of jurisdiction and even if the construction is carried out on land that is privately owned Palestinian land.

- Correlation between location of the settlements and deviations from the

³Elsewhere in the report, it is noted that nearly 72 percent of the land that has been taken by settlements is outside their areas of jurisdiction.—*Ed.*

areas of jurisdiction: There is an unmistakable correlation between deviations from the areas of jurisdiction and the region in which the settlements are located. Two regional councils together—Binyamin (49 percent) and Samaria (30 percent)—contain almost 80 percent of the total area which deviates from the areas of jurisdiction, despite the fact that 45 percent of the total areas of jurisdiction are located within the boundaries of these regional councils.

- Correlation between the character of the settlements and deviation from the areas of jurisdiction: There is an unmistakable correlation between construction beyond the areas of jurisdiction and the type of population residing in the settlement. Sixty-four percent of all of the settlements' land that is outside the areas of jurisdiction is situated around national-religious/orthodox settlements (as contrasted with ultra-Orthodox settlements) whose population is characterized by an ideological dedication to the settlement project. In this context, one should perhaps point out that fourteen of the settlements which have the highest percentage of such deviation are national-religious/orthodox settlements. This fact underscores that the phenomenon of deviating from areas of jurisdiction is unmistakably ideological.
- Correlation between the path of the security barrier and deviation from the areas of jurisdiction: Almost 75 percent of the area of the settlements that deviate from the area of jurisdiction is situated around settlements located east of the path of the security barrier. This fact, once again, underscores the link between this phenomenon and ideology, as well as the lack of action on the part of the system charged with enforcing the law. The data contained in this report correlates to the common wisdom that as a rule, the further away a settlement is from the Green Line, the more politically extreme is its population. In addition, the deeper one goes into the West Bank, the weaker the law enforcement system becomes until it turns into a very amorphous concept.
- Following is a list of very well-known settlements and the percentage of the

settlement's land that is located beyond its area of jurisdiction.

Name of Settlement	Area Deviating from Jurisdiction
Alfe Menashe	10.8%
Efrat	11.2%
Beitar Ilit	14.4%
Mod'in Ilit	22.9%
Elkana	25.9%
Neve Daniel	27.3%
Keddumim	28.4%
Kiryat Arba	29.0%
Ariel	29.7%
Emmanuel	31.5%
Givat Ze'ev	36.2%
Kochav Ya'acov	42.6%

Conclusions:

Despite the fact that 40 years have passed since the birth of the settlement enterprise, and despite the fact that the state's perceptions of the project have undergone far-reaching changes at various periods, Israel's policy, as expressed on the ground, continues to promote, first and foremost, the interests of the hardcore ideologically motivated right-wing settlers. The State of Israel continues to make use of a variety of planning and administrative tools, among them the delineation of areas of jurisdiction of the settlements, to reinforce its position in this project. It should be pointed out that these means intensify and complement each other. These means include:

- Halting land registration in 1967 so that Palestinians wishing to register their land in the Land Registry Bureau are faced with bureaucratic and financial obstacles which, in fact, prevent them from registering the land in their name;
- Declaring almost half of the land in the West Bank to be state land and only allocating it to Israelis;

- Defining areas of jurisdiction for settlements and settlement councils with no planning justification;
- Systematically and continuously not enforcing the law when it comes to illegal Israeli construction;
- Not providing construction permits to Palestinians in Area C (even if the land is registered to them);
- Effectively prohibiting, through overzealous enforcement (including expulsions and demolitions), any Palestinian use of even their own privately owned land in Area C;
- Preventing Palestinian access to privately owned land.

Often when attempts are made to describe the reality that prevails in the West Bank, the discussion focuses upon questions relating to the "rule of the law," particularly with reference to the shortcomings of a system charged with enforcing the law with regard to Israeli citizens living in the West Bank. This report, which is the third in a series of reports issued by the "Settlements' Watch" team (see "One offense begets another," published in November 2006, and "Building settlements in Nature Reserves," published in February 2007), seeks to paint an up-to-date picture of the relation between Israeli law and the deployment of the settlements. In doing so, we have shown that the main problem can be found in the continual failure by Israel to enforce the law when it comes to Israeli citizens in the West Bank. This failure to enforce the law has become, over time, one of the principal elements of a policy whose main goal is that of transferring the majority of the land reserves in the West Bank into the hands of Israeli citizens. All of this is done to prevent the establishment of an independent and viable Palestinian state alongside the State of Israel. It is difficult to see how the continuation of this policy can bring a better future for either of these two peoples.