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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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SETTLEMENT OVERVIEW: NEGOTIATIONS AND THE SETTLEMENT FREEZE

A CHASTENED OBAMA SEARCHES FOR A NEGOTIATING STRATEGY

From Settlement Report, January-February 2010

After a year of well-intentioned but counterproductive diplomatic effort, President Barack Obama's interest in and ability to achieve a diplomatic solution to the conflict between Israel and the Palestinians appear to be waning. . . .

In comments to *Time* magazine [see Doc. D2 in this issue], Obama placed himself at the head of a growing chorus of voices expressing disenchantment with a diplomatic impasse that Washington's efforts during the past year have, if anything, exacerbated. Notwithstanding extraordinary declarations over the past year by U.S. officials of an American national interest

in a solution to the conflict, there is today an unprecedented lack of clarity to U.S. intentions and, as a consequence, to the stalled diplomatic effort spearheaded by Washington. Just days after special envoy George Mitchell, in an extended television interview, spoke at length of the continuing U.S. commitment to progress [see Doc. D1], the president's statements, made on the eve of Mitchell's visit to the region, were widely interpreted as an admission of failure and lowered expectations. This atmosphere is being fed by the absence of an agreed upon mechanism for diplomatic engagement, a situation not experienced since the darkest days of the second intifada.

U.S. officials have recognized since mid-year that their promotion of a settlement freeze was an impediment rather than a gateway to negotiations on issues of final status. The damage sustained in that effort, however, has continued to plague U.S. efforts to create an agreed foundation for

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a renewal of talks. "As long as settlement activity does not stop and we don't know which international principles will guide the peace talks," explained PLO Chairman Mahmud Abbas, "we won't return to the negotiating table with Israel."

Since late summer 2009, the United States has been anxious to move beyond the focus on a settlement freeze that it earlier championed. Secretary of State Hillary Rodham Clinton now notes frequently that "Resolving borders resolves settlements; resolving Jerusalem resolves settlements." The U.S. effort has been focused since October 2009 on winning Israeli and Palestinian agreement to "terms of reference" that will enable a renewal of direct talks aimed at establishing an agreed upon border within nine months. "The United States," reiterated Clinton on 8 January 2010, "believes that through good faith negotiations, the parties can mutually agree on an outcome which ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the 1967 lines with agreed swaps, and the Israeli goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israeli security requirements."

Both Israeli prime minister Benjamin Netanyahu and Abbas well understand that Washington's aspiration to solve the conflict creates a contest for each to tilt the new, emerging "rules of the game" in their favor. Neither has been satisfied by Washington's effort. Obama's downbeat assessment, followed by his domestic political travails, has discouraged Palestinian expectations of effective U.S. leadership, while encouraging Netanyahu and his political allies in their belief that just as with the settlement freeze, a U.S. peace "plan" can be neutralized.

An effort to stack the U.S. diplomatic effort with "made in Israel" ideas is at the heart of Netanyahu's negotiating agenda. On the one hand, there is an ongoing effort to win U.S. endorsement of Israel's security agenda on the West Bank as it has in Gaza, including a permanent Israeli military presence in the West Bank and control of the border with Jordan, as well as support for the vague concept of "settlement blocs" to be annexed by Israel. On the other hand, Israel's domestic political-security scene is moving incrementally toward a (unilateral) disengagement on the

West Bank, an idea most recently championed by former minister of defense Shaul Mofaz, to establish a Palestinian entity on 60 percent of the West Bank. The territorial basis for an Israeli redeployment was foreshadowed in both the 1995 Oslo II accords that established areas A and B on 41 percent of the West Bank and the map produced by Operation Defensive Shield in April 2002 and the "closure" policy that followed. Israeli commentator Ben Caspit noted that "the Mofaz plan is actually the Peres plan, which is also in fact the Barak plan. And if you think about it, it is also the Netanyahu plan."

NETANYAHU'S SETTLEMENT MORATORIUM: THE REALITY

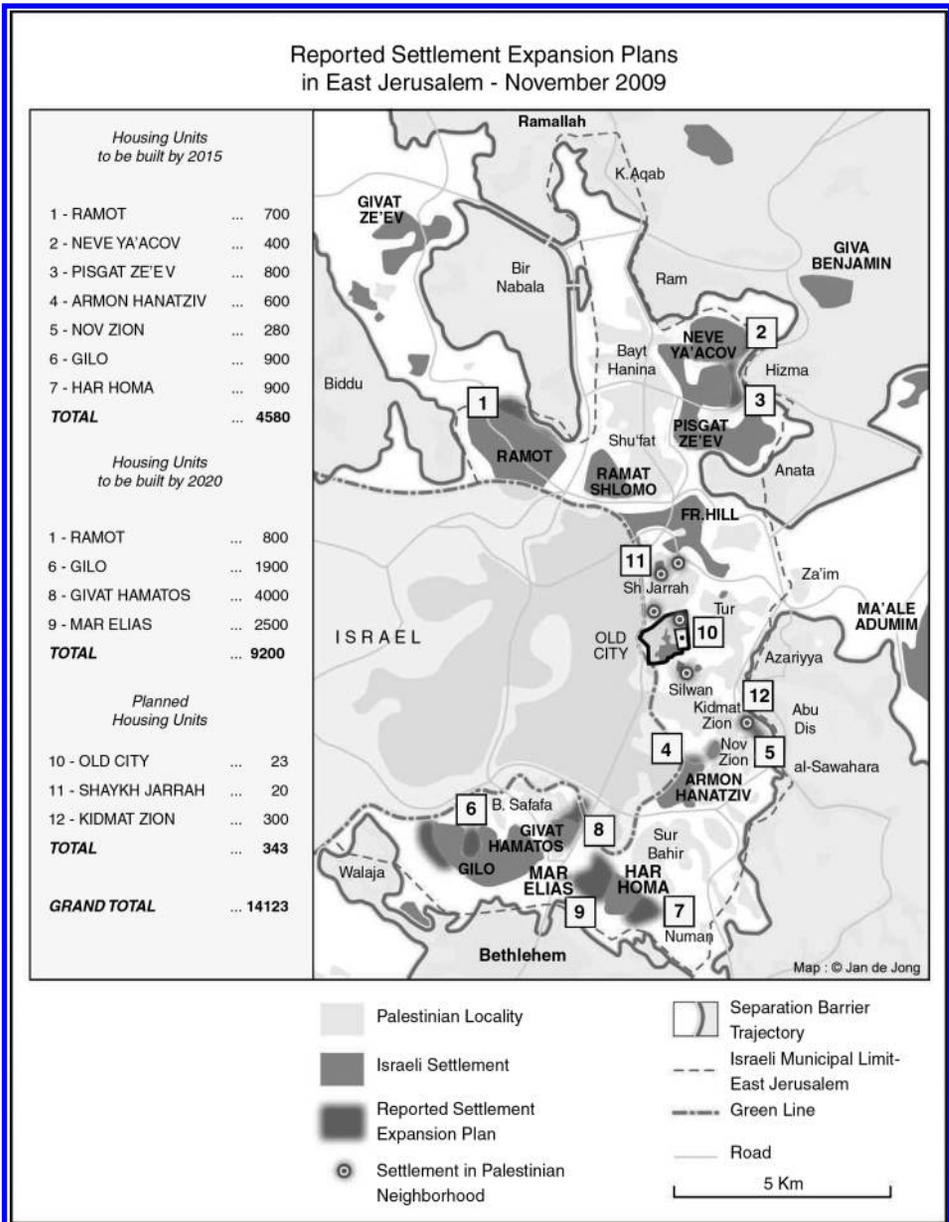
From Settlement Report, January-February 2010

The main operational effect of the settlement moratorium announced by Prime Minister Benjamin Netanyahu on 25 November has been to increase the pace of authorized new settlement housing construction above historical averages, including east of the separation barrier, where more than 70,000 settlers reside. In the months before the new policy was announced, ground was broken on hundreds of new dwellings—perhaps as many as one thousand—throughout West Bank settlements. As a result, close to 4,000 dwellings are currently under construction in West Bank settlements, a rate of construction not seen since 2000. The true test of the effectiveness of the restrictions will be felt, if at all, in the period subsequent to the expiration of the moratorium on 30 September 2010, and only then if it continues, as the administration of Barack Obama hopes, indefinitely.

...

The Netanyahu Moratorium

The Israeli moratorium on settlement expansion announced in November 2009 rests upon a decision taken by Netanyahu's security cabinet and a subsequent military order outlining the terms of the new policy. The order restricts the construction of new residential settlement dwellings in West Bank settlements outside the annexed areas of East Jerusalem, where no moratorium has been declared. There are no restrictions on myriad other forms of settlement construction—public



(From Settlement Report, November-December 2009.)

infrastructure and education, religious, cultural, and sport facilities, for example—or planning by the Ministry of Interior or other settlement bodies.

Despite the widespread appearance in press reports of a specific number of settlement units permitted under the military order, no numerical ceiling appears in the official announcements. The Netanyahu

government has not responded to U.S. efforts to formally identify the precise locations of those dwellings permitted under the new policy, making the establishment of an agreed upon baseline from which violations can be determined impossible.

In the weeks after the announcement, the policy was amended to restore some authorizing powers to local settlement

councils, to establish a compensation mechanism for settlers and contractors injured by the policy, and more generally to broaden the “exceptions” to the moratorium in order to enable continued settlement construction. For example, *Yedi’ot Abaronot* reported on 6 December 2009 that “a kibbutz near the northern Dead Sea, which built the infrastructure for a dairy that cost millions and has not yet started construction—received a permit to build it. Young couples who prove that they bought a plot, took a mortgage, and remain without a house—will receive a permit. And now the government is wracking its brains: what about construction extensions in places where some of the houses are inside the Green Line and some are on the other side?” In addition, some settlements, many of them located east of the separation barrier, are now eligible for enhanced state-financed benefits according to the new map of “national priority” zones.

Despite widespread reports of vigorous official enforcement of the moratorium, only 140 stop-work orders were issued to violators during the period from the starting date of the moratorium until 15 January 2010. This number is no more than 4 percent of current construction now underway and does not represent a departure from historical averages. For example, during 2008, the civil administration issued 293 stop-work orders for unauthorized construction in settlements. In other words, settlers have not engaged in extraordinary actions on the ground to violate the terms of the order, most probably because of (1) the quickened pace of new construction starts in the months before the new policy was announced and (2) administrative efforts now underway in various planning bureaucracies aimed at expediting approvals and new construction once the moratorium lapses in late September 2010.

Diplomatic Impact

The settlement moratorium is widely viewed as an insufficient demonstration of an Israeli intention to meaningfully alter its historical support for increased settlement in the West Bank and East Jerusalem. In this critical sense, the diplomatic effort led by the Obama administration during its first year has confirmed rather than allayed suspicions among Palestinians and the Arab world generally of Israeli intentions

to continue its settlement enterprise. This outcome has in turn undermined rather than enhanced the effectiveness and credibility of U.S. policy and has failed to encourage public recognition by Arab states of the need to respond to Israeli actions with confidence-building measures of their own.

The failure of the U.S. effort to build upon a settlement freeze to jump-start diplomacy on issues of final status—borders, settlements, Jerusalem, security, and refugees—has resulted in a (so far) unsuccessful effort since September to establish broad parameters (Terms of Reference) defining a diplomatic reengagement between Israel and the Fatah-led Palestinians represented by Mahmud Abbas, including a reference to the 1967 border and a vague but nonetheless unprecedented reference to the relevance of settlements (“subsequent developments”) as one of the key elements in determining an agreed upon border between Israel and Palestine.

Domestic Politics

Netanyahu sought neither full cabinet nor parliamentary endorsement of the settlement moratorium, depending instead on support by a majority in the smaller security cabinet. Netanyahu has stressed the limited nature of the decision—excluding East Jerusalem, for example—and its duration, insisting that the moratorium will be lifted in late September 2010. In addition, procedural amendments to the decision since its inception in November have expanded permitted construction beyond that initially included.

Settlers have reacted with unanimous opposition to the policy, which has served to unite the larger settlements west of the separation barrier that are usually described as within the Israeli “consensus” with smaller and more ideological settlements east of the barrier. Their primary political concern is the domestic political consequences of decisions that they see as aimed against settlements and at isolating settlers from the Israeli mainstream, rather than the (limited) practical effect of the new policy on the ground. Rejection of the policy has also energized broadly representative settlement institutions—foremost the YESHA Council and regional councils—which had been eclipsed by the more aggressive and popular tactics of the promoters of settlement “outposts.”

The government is sensitive to settler charges of “abandonment” and “discrimination.” One of the results can be seen in efforts by the military to demonstrate its continuing commitment to settler wellbeing, most notably by the 26 December incursion into Nablus when soldiers killed three Palestinians said to be involved in the drive-by killing of a settler.

SETTLER VIOLENCE

THE PRICE OF LAW ENFORCEMENT FAILURE: ISRAELI SETTLER VIOLENCE AND THE EVACUATION OF OUTPOSTS (EXCERPTS)

This 12-page report by the UN Office for the Coordination of Humanitarian Affairs (OCHA) was published in November 2009 and provides an overview of settler violence against Palestinians in the West Bank. It also includes a full list of Palestinian communities highly and moderately vulnerable to settler violence not reproduced here. Footnotes have been omitted for space considerations. The full report can be accessed at www.ochaopt.org.

Introduction

The phenomenon of Israeli settler violence has been, since the early 1980s, a key factor undermining the physical security and livelihoods of Palestinians in many areas throughout the West Bank. In the context of this ongoing phenomenon, a new pattern of violence, named by Israeli settlers as the “price tag” strategy, emerged during 2008, in which groups of settlers would exact a “price” against Palestinians and their property in response to attempts by the Israeli authorities to dismantle “unauthorized” settlement outposts. This new pattern of violence raises significant additional concerns related to the protection of Palestinian civilians.

... To date, there are between 90 and 100 settlement outposts. In April 2003, as part of Israel’s obligations under phase one of the “road map,” former Israeli prime minister Ariel Sharon agreed to dismantle those settlement outposts that were built since he became prime minister in March 2001. Despite this commitment, no significant outpost evacuation has been carried out since then. During May–July 2009, the Israeli media reported on the intention of the Israeli authorities to remove 23 settlement outposts. . . .

The “price tag” strategy entails the exertion of systematic, widespread and indiscriminate violence against Palestinian civilians and Israeli security forces, following attempts by the Israeli authorities to evacuate settlement outposts. . . . In the immediate term, the “price tag” strategy aims at diverting Israeli forces and troops from the scene of an outpost evacuation into other areas requiring the intervention of those forces to contain violent incidents.

The Rolling Out of the “Price Tag” Strategy and the Lessons Learnt

While none of the 23 settlement outposts mentioned has so far been removed, since mid-2008, the Israeli authorities have demolished or evacuated individual structures in several settlement outposts, some of which have subsequently triggered violent responses by Israeli settlers.

Law Enforcement Deficit

The lack of adequate law enforcement and accountability in regard to settler violence has been recurrently pointed out, since the early 1980s, by official commissions appointed by the Israeli authorities, as well as by human rights organizations. . . .

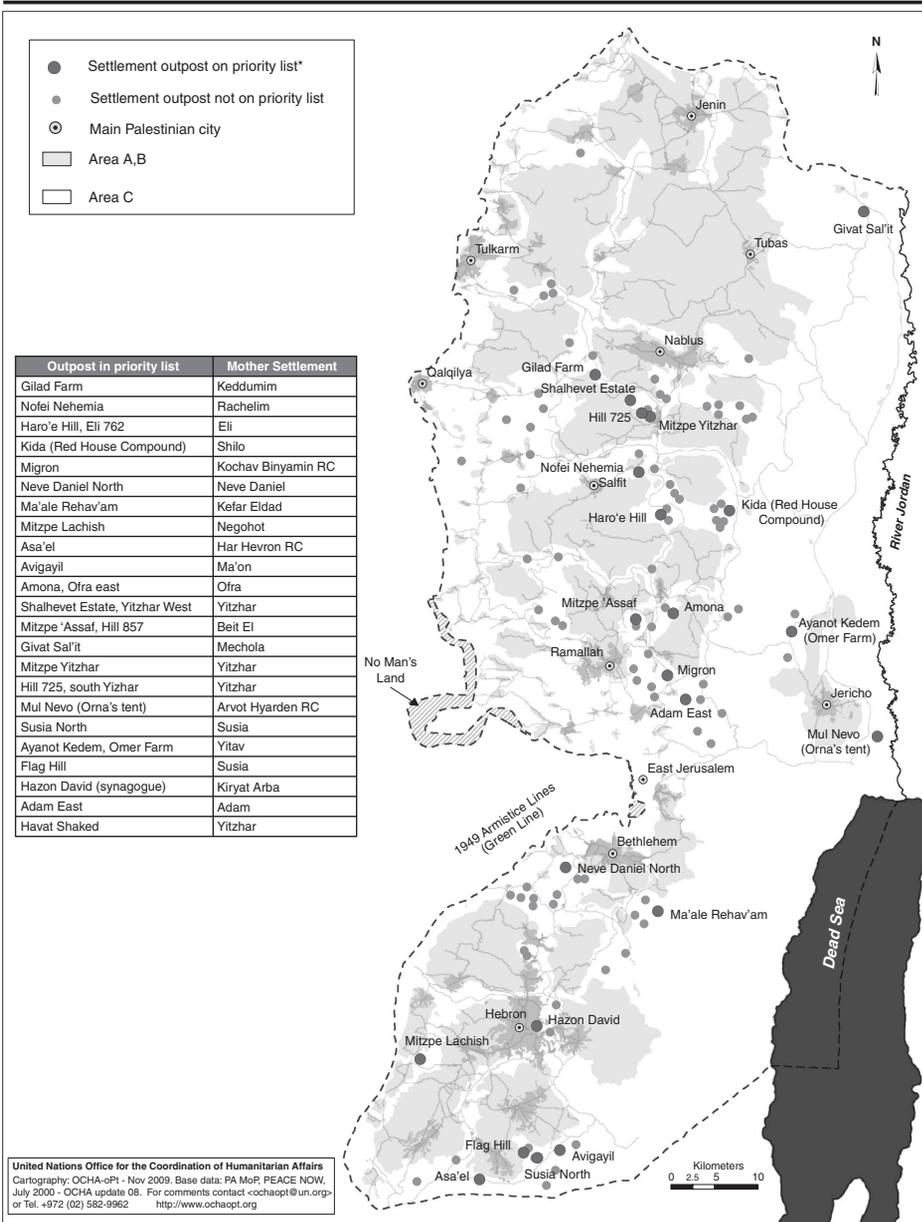
Among the main reasons behind this failure [to intervene to stop settler attacks] is the ambiguous message delivered by the government of Israel and IDF [Israel Defense Forces] top officials to the security forces in the field regarding their authority and responsibility to enforce the law on Israeli settlers.

As stated by an official Israeli report issued in 2005, “as a rule, the IDF soldiers do not want to act as policemen; even more so they do not want to take part in the confrontations between the settlers and the Palestinians related to land and the control of the area.” In fact, it has been widely documented that many of them truly believe that their role in relation to Israeli settlers is limited to protecting them from Palestinian attacks. This is compounded by the ideological identification of individual soldiers with the settler movement, a phenomenon that in a number of cases brought soldiers to refuse superiors’ orders and not take part in law enforcement activities.



United Nations Office for the Coordination of Humanitarian Affairs

Settlement Outposts

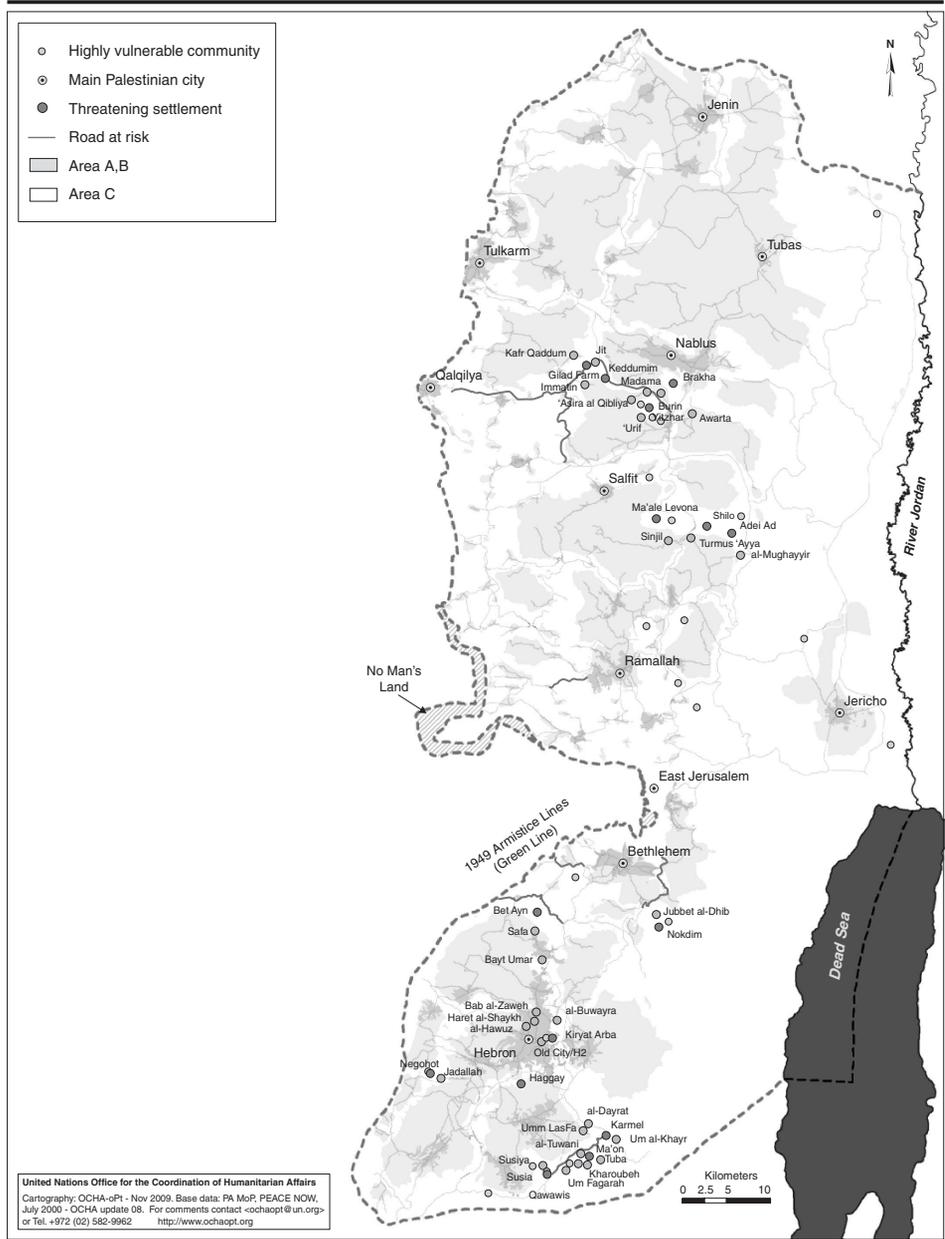


*Ed. Note—The 23 settlement outposts built after March 2001 and designated for removal by the Israeli government.



UN Office for the Coordination of Humanitarian Affairs

Palestinian Communities Vulnerable to Settler Violence



Another dimension of the ongoing law enforcement deficit is the absence of accountability of Israeli settlers who perpetrate attacks against Palestinians and their property.

Vulnerable Communities by Area and Vulnerability Level

High Vulnerability		
Area	Community	Population
North	6	14,900
Central	3	11,900
South	13	49,100
Total	22	75,900
Moderate Vulnerability		
Area	Community	Population
North	17	44,800
Central	30	120,500
South	14	7,500
Total	61	172,800

SETTLERS ATTACK PALESTINIANS TO AVENGE WEST BANK OUTPOST DEMOLITION

This article by Chaim Levinson was published in Ha’Aretz on 27 January 2010.

The text messages were sent out en masse at about 9:43 A.M. “Buses full of Special Forces Police with flak jackets and nightsticks at the Rantis Junction,” they warned. At 10:08 A.M., an update: “A large convoy that includes a D9 [bulldozer] is making its way to Gush Talmonim.” At 10:15 A.M., the signal was given: “Demolition forces have taken over the gates. Everyone move in.”

Several dozen teens from the area responded to the call and rushed to the Givat Menachem outpost, hoping to prevent the razing of the outpost’s synagogue. It was too late. When they arrived, the police were already gone, leaving ruins behind them.

Avi Cohen searched the ruins of the synagogue for the missing mezuzah. Other teens also began to dig, to see if the cement foundations were still there. And they began chanting slogans: “The police destroy nothing that belongs to Arabs.” “The rule of evil is persecuting the settlements.” “In 24 hours, we will set this place up anew.” . . .

As the number of teens at the site grew and talk of the “unfair” treatment

intensified, it was clear that a “price tag” operation—an attack against Palestinians or their property to retaliate for outpost demolitions—was only a matter of time. In recent months, the Dolev-Talmonim area has become a “price tag” zone.

The army had prepared for this in advance: it placed a military vehicle at the entrance of every single Palestinian village in the area. But despite the military preparations, the youths found a weak point: a muddy path that led straight from the outpost to the Palestinian village of Bitilu, 500 meters away. Suddenly, the relative quiet turned into an assault, as one teen galloped to the top of the path, shouting, “Let’s go! Mayhem!”

About 20 other teens, some with masked faces, joined him. They stopped suddenly near an olive tree, cut branches from it and made themselves improvised weapons. Others picked up stones, and one of the older ones became a security guard, making sure no journalists joined the operation.

“We will break your cameras,” he threatened, to emphasize the risk of disobeying him. Another youth, his face masked, came up with a bottle of water to spill on the camera.

The crowd of rioters reached a house at the edge of Bitilu, which overlooks the nearby settlements. The house belongs to the Mazar family. Some of the teens approached the back of the house and threw stones at the windows. Others approached the car at the front and tried to set it on fire. One of the seats did catch fire, but the residents managed to put it out.

Two other members of the household tried to escape in another car. The rioters surrounded them and pelted them with stones. Muhammad Mazar, who was visiting his grandmother, was hit in the head and began to bleed. Another relative was also injured, and both were evacuated to a local clinic.

All of this occurred in no more than two minutes. The rioters then quickly escaped, leaving behind destruction, casualties, and an unsettled village. The village school was closed. Municipal workers were sent home. The shopkeepers in the center of the village closed their stores and rushed to the site of the attack. The villagers were furious. . . . [and] began preparing to attack the outpost and pay its residents back. But then, three border

policemen arrived at the scene and barred the way.

THE U.S. CASH BEHIND EXTREMIST SETTLERS

This article by Andrew Kadi and Aaron Levitt was published in the Guardian on 8 December 2009.

Last month, a Brooklyn-based non-profit organization called the Hebron Fund, which supports Jewish settlers in the Israeli-occupied city of Hebron, held a fundraiser at the New York Mets' stadium, Citi Field.

The fundraiser went forward despite calls for its cancellation from grassroots human rights organizations from the United States, Palestine, and Israel. The fact that the Hebron Fund likely raised hundreds of thousands of dollars for extremist Israeli settlers at a major U.S. venue with little public scrutiny is a troubling sign for those who hope that the United States can play a constructive role in achieving a just peace in the Middle East.

Perhaps more worryingly, according to *Washington Post* columnist David Ignatius ["A Tax Break Fuels Middle East Friction," 26 March 2009]: "A search of IRS [Internal Revenue Service] records identified 28 U.S. charitable groups that made a total of \$33.4 m. in tax-exempt contributions to settlements and related organizations between 2004 and 2007." Some of the larger organizations, including Friends of the Ateret Cohanim and Friends of Ir David, both leading the Jewish settler takeover of Palestinian East Jerusalem, are based in New York City. . . .

Hebron's Jewish settlers, who are supported by the Hebron Fund, are openly fundraising in New York City. Under the protection of the Israeli military, they are expanding settlements in Hebron's Old City and driving out the Palestinian residents.

The Hebron Fund's extremist positions are clear. Hebron Fund executive director Yossi Baumol told the *American Prospect* that "[d]emocracy is poison to Arabs," "Israel must not give Arabs a say in how the country is run" and "[y]ou'll never get the truth out of an Arab." Hebron's chief rabbi, Dov Lior, a featured participant in some Hebron Fund events, recently praised a new book that says it is permitted for a

Jew to kill civilians who provide moral support to an enemy of the Jews and to even kill young children, if it is foreseeable that they will grow up to become enemies.

Settlers and the Israeli army routinely attack and terrorize Palestinians in Hebron, according to human rights groups such as B'Tselem in Israel. In 1994, Hebron settler Baruch Goldstein massacred 29 unarmed Palestinians who were praying in a Hebron mosque. One of the honorees at the 2009 Hebron Fund dinner, Noam Arnon, called Goldstein "an extraordinary person" in 1995. In 1990 Arnon called three Jewish terrorists who were convicted of killing three Palestinians and maiming two Palestinian mayors "heroes."

Though the Hebron Fund tells the IRS that its purpose is to "promote social and educational wellbeing," in 2008 Baumol assured New York radio listeners: "There are real facts on the ground that are created by people helping the Hebron Fund and coming to our dinners." A 2007 appeal explained: "Dozens of new families can now come live in Hebron . . . waiting for you to be their partners in the redemption of Hebron."

Baumol dedicated the 2009 fundraiser to protesting at "racist limitations, led by President Barack Obama on Jewish growth." Settlers frequently claim that preventing Jews from living anywhere they want in the Israeli-occupied West Bank is "racist," regardless of the settlers' severe infringement on the rights of longstanding Palestinian residents. Settlers justify their takeover of Hebron by invoking the massacre of 67 Jewish residents of Hebron by Palestinians in 1929. But rather than equality, Hebron's settlers aim for superior rights enforced from the barrel of a gun.

Nonprofit organizations like the Hebron Fund play a substantial role in fuelling the Middle East conflict, but largely fly under the radar in the United States. They brazenly hold public fundraisers, and the media generally ignore them. . . . In one rare mainstream media report, David Ignatius [in the article mentioned above] highlighted the U.S. government's self-defeating policy, writing that "critics of Israeli settlements question why American taxpayers are supporting indirectly, through the exempt contributions, a process that the government condemns." . . .