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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 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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ON THE EVE OF THE UN BID

Originally titled "Political Stalemate and Security Cooperation Equals Continuing Occupation," from Settlement Report, July–August 2011.

As the September date for consideration of the Palestine Liberation Organization's UN bid for recognition and state membership approaches, the attention of Israelis, as well as many Palestinians, is focused elsewhere.

The occupation is more distant from everyday Israeli concerns than at any time in the last two decades. Israelis are protesting about internal domestic issues, from the price of cottage cheese to the critical lack of affordable housing. In contrast, relations with Palestinians in the West Bank and Gaza Strip, or the grinding expansion of settlements, hardly rate attention.

The "calm" security environment is at the heart of Israel's national complacency. As columnist Nahum Barnea wrote on 15

July, "The situation that has been created in the West Bank, in practice, is a Palestinian autonomy under the auspices of the IDF. From the standpoint of the Israeli government, there is a winning combination here: political stalemate along with security cooperation. This was the heartfelt wish of Menachem Begin when he signed the Camp David Accords. This was the vision that he took from Jabotinsky. This is what they imagined when they sang, 'How shall they dwell in happiness, the son of Arabia, the son of Nazareth, and my son.'"

In the West Bank, the IDF is engaged more frequently in confrontations with settlers than with Palestinians, particularly those associated with state-supported "outposts" whose signature policy is "pricetag" attacks on Palestinians. Although Israeli forces continue to enter Area A at will, as they have since Operation Defensive Shield in April 2002, Israel's first line of defense against Palestinian opponents is the security forces of the Palestinian Authority. In Gaza, the standoff between

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Israel and Hamas is played out through occasional deadly but nonetheless almost routine confrontations.

The diplomatic calendar is preoccupied with whatever action the United Nations may take in September, but among Palestinians, indifference mixed with a sense of foreboding prevails. The stillborn reconciliation between Fatah and Hamas, and what President Shimon Peres once described as the never-ending contest for “staying power” (which, as always, continues to be most graphically expressed in the ongoing struggle between Arabs and Jews for control of the land), define the overall environment. The ranks of the ruling Fatah cadre are preoccupied not only with endemic sniping between Prime Minister Salam Fayyad and PLO chairman Mahmud Abbas, but more ominously with a high-stakes internal battle between Abbas and former Fatah strongman in Gaza Muhammad Dahlan. The PA’s financial troubles are also at center stage; the vital salaries to PA employees have been delayed. Top PA officials in Ramallah are once again warning that, in light of the failure of the Oslo process to bring an end to settlement and occupation, regardless of what happens at the United Nations, it is perhaps time for the PA to disband and hand Israel responsibility for managing the occupation. Close supporters of Fayyad are counted among those expressing such a view.

Fayyad was the author, in mid-2009, of a two-year blueprint for statehood—“Palestine, Ending the Occupation, Establishing the State”—whose “sell-by” date is fast approaching. The plan was meant to respond to U.S.-led calls for “bottom-up” construction of the institutions deemed necessary for statehood. Many diplomats compared Fayyad’s effort positively to Ben-Gurion’s state-building project during the British Mandate. Fayyad argued that winning international recognition of the state-building effort could tip the diplomatic balance against occupation, particularly in the event that Israeli-Palestinian diplomacy failed.

“If occupation has not ended by [2011],” Fayyad explained, “and the nations of the world from China to Chile to Africa and to Australia are looking at us, they will say that the Palestinian people have a ready state on the ground. The only problem is the Israeli occupation that should end.”

Fayyad’s program was initially criticized by the Fatah hierarchy, which viewed it as an effort by the prime minister to upstage PLO president Abbas and Fatah. Today the plan has been embraced by the very same leaders who once criticized it, and it is Fayyad, of all people, who is having second thoughts.

“It is not going to be a dramatic result,” Fayyad replied when asked in a 28 June 2011 AP interview about UN action in September. Little will actually change, even if the PA is recognized in the UN General Assembly as a new Arab country,” he explained. “Unless Israel is part of that consensus, it won’t [change reality on the ground], because to me, it is about ending Israeli occupation.”

Fayyad has recently been striving to lower public expectations in anticipation of the UN action. He and others are becoming increasingly concerned with what may follow the vote. On the other hand, Fatah leaders, including the imprisoned Marwan Barghouti and Abbas himself, are calling for a Palestinian Arab Spring-like popular mobilization. “I call on our people in the homeland and in the diaspora to go out in a peaceful, million-man march during the week of voting in the United Nations in September,” Barghouti said in a statement issued from his jail cell in Israel on 20 July.

One week later, Abbas called for similar action. “Every day, we face things that drive us to carry out popular resistance on a wide scale and not in one place,” he said. “I insist on popular resistance, and I insist that it be unarmed popular resistance so that nobody misunderstands us. We are now inspired by the protests of the Arab Spring, all of which cry out ‘peaceful, peaceful.’”

Top Israeli political officials minimize the prospect of disruptive Palestinian protest. “On the ground nothing will happen,” explained former chief of staff and current deputy prime minister Moshe Ya’alon on 27 June 2011. “If it were a UN Security Council decision, we would have to contemplate unilateral steps of our own. The Palestinians aren’t thinking about a third intifada or about millions marching into Israel. That is more a case of us frightening ourselves.”

Nevertheless, the IDF and settlers are readying themselves to confront the prospect of Palestinian marches on settlements

and major checkpoints. The Israeli news site *Walla!* for example reported on 3 August:

Some of the residents of Yitzhar who received yesterday administrative restraining orders removing them from Judea and Samaria, on suspicion that they were involved in planning and executing the torching of mosques, were in the midst of preparations for launching a course that they called a "self-defense course," which was intended to train the settlers to cope with Palestinian infiltration into their territory. The settlers planned to bring to Samaria [hand-to-hand combat] instructors, who would prepare the residents of Yitzhar for the events of September, the implementation of the Palestinian initiative for unilateral recognition of their independence by the UN, and the riots that are liable to break out afterwards.

...

Although Abbas and Barghouti see value in mobilizing the Palestinian public to confront the symbols of occupation—settlements and checkpoints—PA security forces are meant to keep Palestinian protesters away from these points of confrontation. During Israel's January 2009 Operation Cast Lead in the Gaza Strip, and more recently in May during events commemorating the Nakba, IDF and PA forces maintained effective security cooperation.

Ha'Aretz recently reported that "security coordination between the security system and the Palestinian forces has been maintained, but there is already a certain cooling in relations ahead of the crisis that may develop in September." Large-scale demonstrations organized around the Palestinians' UN bid for recognition may signal a new, dangerous chapter in this relationship, forcing Palestinian forces to choose between their security obligations to Israel and officially sanctioned and encouraged popular demonstrations targeting settlements and checkpoints. In this context, the counsel of the U.S. security coordinator general Keith Dayton, who until recently was responsible for training members of the Palestinian National Security Force, offers a cautionary warning.

During questions after he had delivered a speech at the Washington Institute for Near East Policy, Dayton was asked, "How many Palestinians see your people as collaborators?" Dayton acknowledged that Hamas and its sympathizers accuse the Palestinian battalions of being "enforcers of the Israeli occupation. With big expectations, come big risks," he explained.

"There is perhaps a two-year shelf life on being told that you're creating a state, when you're not."

Dayton spoke in May 2009, just a little more than two years ago.

GEARING UP FOR ANNEXATION

IDF CIVIL ADMINISTRATION PUSHING FOR LAND TAKEOVER IN WEST BANK (EXCERPTS)

This article by Akiva Eldar originally appeared in Ha'Aretz on 22 July 2011.

The IDF Civil Administration is taking steps to increase state ownership of West Bank lands, an internal military document reveals. The policy enables increased construction not only around settlement blocs like Ariel, Ma'ale Adumim, and Gush Etzion, but also in strategic areas like the Jordan Valley and Dead Sea.

Until now it was not known that the administration, which is a military agency, was charged with distinguishing between the blocs Israel is demanding to annex as part of a final-status agreement and the rest of the settlements.

The document was written by Lt. Col. Zvi Cohen, head of the Civil Administration's infrastructures department, in January. On the same day, Cohen signed a procedure stipulating that the custodian of government property is authorized to take possession of lands whose ownership is undefined.

The first document, setting the Civil Administration's priorities in advancing Israeli takeover of West Bank lands, says the construction would take place on state-owned land. Cohen writes that in view of the fact that building settlements on private Palestinian land, as in the case of most illegal outposts, constitutes a violation of international law and a government decision.

The document was passed on to the Rabbis for Human Rights under the Freedom of Information Law.

The inclusion of the Jordan Valley, northern Dead Sea, and area surrounding Ariel in the "settlement blocs" whose takeover the administration is advancing would prevent the establishment of a Palestinian state with territorial contiguity. In addition, the scope of land in question thwarts the possibility of exchanging areas in a peace settlement, according to the formula presented by U.S. president Barack Obama on 19 May.

This is because on the western side of the Green Line there is not enough open land to compensate the Palestinians for such an extensive annexation, according to examinations carried out during previous talks between Israel and the Palestinians.

It has recently been reported that Prime Minister Benjamin Netanyahu wants Obama to ratify the letter of his predecessor George Bush, of April 2004, saying the United States is in favor of the new borders, which take into account "the new reality on the ground," including the existence of "major Israeli population centers."

However, the letter says the changes on the border must have the agreement of both sides. A position paper submitted by Palestinian president Mahmud Abbas to the American envoy George Mitchell a year ago rules out the possibility of a settlement that includes Israeli control of the Jordan Valley, northern Dead Sea, and Ariel.

Cohen details the work procedures of the administration's team, dubbed "Blue Line," for demarcating state lands in the West Bank. He writes that the team's major task is to examine the state's declarations of ownership on lands mainly in the eighties and nineties. But the team, which has been working since 1999, is also examining the possibility of declaring lands with undefined ownership as state lands.

The document says the team gives priority to territories whose ownership is subject to a court debate or to dispute between settlers and Palestinians and between Palestinians and the state. The team also gives priority to advancing building public institutions, schools, parks, and "other matters classified as urgent by the authorized bodies."

The document says the team's goal is to make sure the planning procedures and land allocations are advanced only on lands that are government property and not Palestinian-owned, in keeping with international law.

The document also says the government's decision of 1979, saying that extending West Bank settlements and building new ones would only be carried out on state-owned land, must be adhered to.

Despite the document, dozens of settlements and outposts have been built, with the authorities' knowledge and assistance, on private, Palestinian-owned lands. These include Ofra, Beit El, and Eli and the

outposts Amona, Givat Asaf, and Migron, to name just a few.

The document says the Blue Line team is not required to examine and ascertain land ownership where the ownership has already been determined de facto by illegal construction.

Dror Etkes, a left-wing activist monitoring construction in the settlements, has found that the administration's team included at least twenty-six outposts in territories it defines as state lands. This means the state has started a process to legitimize these outposts. Official information the administration gave Etkes under the Freedom of Information Law reveals that almost half of the Blue Line team's work has been carried out in areas Israel defines as "settlement blocs." Altogether the team has examined in twelve years' work 195,000 dunams, 92,000 of them west of the approved separation fence line, and 103,000 dunams east of it.

Almost 13,000 dunams of the examined lands are located in the Dead Sea and Jordan Valley region.

In an overwhelming majority of cases the team recommended classifying the examined lands as state lands, but in some cases the team accepted Palestinians' appeals, after appellants produced documents proving their ownership of the land.

...

Etkes said the document provides a rare glimpse into the delicate interface between the politicians and those carrying out their orders obediently. In 99.9 percent of the cases, the procedure of declaring state lands and allocating them are aimed at benefiting the settlers, and them alone, he said.

"That's the main way Israel enforces its discriminatory land policy, which aims to evict the Palestinians from most of the West Bank and take possession of these territories," Etkes said.

...

IN THE JORDAN VALLEY, EXISTENCE IS RESISTANCE (EXCERPTS)

This article by Jillian Kestler-D'Amours originally appeared in the Opinion section of al-Jazeera's Web site on 29 July 2011.

The Israeli army destroyed water wells and confiscated water pumps in three separate Palestinian communities in the

northern Jordan Valley on 12 July. A few weeks earlier, Israeli military officers and police razed twenty-nine homes in the bedouin village of Hadidiya, leaving dozens of residents, including eleven children, without shelter in the scorching summer heat.

As this was happening, the Israeli government quietly announced its plan to double the size of illegal Israeli agricultural settlements in the Jordan Valley, which already use the vast majority of the area's water resources and land.

More specifically, the plan would give Israeli settlers living in the Jordan Valley access to an additional 54,000 dunums of land to cultivate—bringing their total to approximately 110,000 dunums—and up to 51 cubic meters of water (51,000 liters) annually. One dunum is equivalent to 1,000 square meters.

Already, Israeli settlers in the Jordan Valley consume more water than in any other West Bank settlements, and approximately three times the daily household consumption of families living inside Israel itself. The dichotomy is even more severe when looking at some Palestinian communities in the Jordan Valley, where water consumption is less than 40 percent of the minimum level recommended by the World Health Organization.

"This policy aims to make an ethnic cleansing from the Jordan Valley of the Palestinian people and replace them with newcomers, Jewish people from all over the world. This is a state policy," said Fathy Khdirat, a Palestinian resident of the Jordan Valley and coordinator of the Jordan Valley Solidarity campaign.

"It's part of the Israeli occupation authority's policies, especially in the Jordan Valley, which started directly after the Israeli occupation [in 1967]. They started to control every drop of water in the Jordan Valley. They know that controlling water means controlling life," Khdirat said.

The unequal allocation and exploitation of water in the Jordan Valley is part and parcel of an overall Israeli policy of colonization and control, which has manifested itself not only through Israel's command of natural resources, but through never-ending settlement expansion and restrictions on Palestinian freedom of movement, building, and development.

In this context, the ability and resolve of Palestinians to remain in their homes and villages—despite Israeli control of

every aspect of their daily lives—must be viewed as the main form of resistance today in the Jordan Valley.

Israel's "Line of Defense"

Israeli leaders have promoted the idea that Israel must control the Jordan Valley for security reasons since the formulation of the Allon Plan in 1967, shortly after Israel began its occupation of the West Bank. Named after former Israeli Labor minister Yigal Allon, the Allon Plan outlined Israel's intention to control virtually all of the Jordan Valley, including the outlying Jerusalem area, so as to serve as a buffer zone between Israel and the "Eastern Front."

In October 1995, when then-Israeli prime minister Yitzhak Rabin presented the Knesset with the "Israeli-Palestinian Interim Agreement," or Oslo II, he affirmed this position by stating that "the security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term."

More recently, in March of this year, Israeli prime minister Benjamin Netanyahu stated on a tour of the region that "Israel's line of defense begins here. . . . If rockets and missiles break out here, they will reach Tel Aviv, Haifa, and all over the state."

In his speech to the U.S. Congress on 24 May, Netanyahu also alluded to the Jordan Valley when he said that "places of critical strategic and national importance [would] be incorporated into the final borders of Israel" should a peace agreement be signed with the Palestinian leadership.

In response to Netanyahu's statements, Palestinian prime minister Salam Fayyad has said that without the Jordan Valley, no Palestinian state is possible.

. . .

DISPOSSESSION AND EXPLOITATION: ISRAEL'S POLICY IN THE JORDAN VALLEY AND NORTHERN DEAD SEA (EXCERPTS)

This fifty-nine-page report by B'Tselem, published in May of 2011, chronicles Israeli policy regarding the annexation of land and natural resources, restrictions on building and Palestinian movement, as well as economic exploitation in the Jordan Valley and northern Dead Sea region of the West Bank. The excerpts below are from the first two chapters of the

report and deal primarily with population statistics and the various methods through which the State of Israel annexes Palestinian land. Footnotes have been omitted for space considerations. The full report is available on B'Tselem's Web site at www.Btselem.org.

Introduction

Toward the end of 2010, residents of settlements in the Jordan Valley and northern Dead Sea area demonstrated against right-wing activists who entered the city of Jericho without army approval in an attempt to settle there. The settlers, like many Israelis, do not consider the Jordan Valley and the northern Dead Sea occupied territory, but part of the sovereign State of Israel. Placards carried during the demonstration, stating "This is not Judea and Samaria," confirmed this belief.

Similarly, successive Israeli governments have viewed the Jordan Valley and the northern Dead Sea as areas over which Israeli control must be maintained. This view is based on the plan of Yigal Allon, a leading force in the Labor party and minister of labor at the time, which was submitted to the government in July 1967, shortly after Israel occupied the West Bank.

Under the plan, which was never officially adopted by any government, the Jordan River marks the strategic border of the State of Israel and serves as a buffer zone between Israel and the "Eastern Front," as a potential Iraqi-Jordanian-Syrian military coalition was referred to. The plan also called for Israel to annex a strip up to fifteen kilometers wide along the Jordan Valley and Judean Desert, in which a relatively small number of Palestinians lived after 1967, and to leave a land corridor in the Jericho area that would link Jordan and Palestinian population centers in the West Bank. The settlements in the area were to be "permanent advance-position lookouts that would avoid having to call up military forces and could not only alert the military to a sudden attack by the enemy, but also attempt to halt, or at least delay, the enemy's advance until military forces could control the situation."

From 1967, when the Allon Plan was presented to the government, to 1977, the government initiated the establishment of nineteen settlements in the Jordan Valley and northern Dead Sea area. The prime

minister, Yitzhak Rabin, wrote that these settlements would reflect the "political and security conception with respect to the peace borders in the Mideast." In September 1977, following the rise of the Likud to power, Ariel Sharon, who was minister of agriculture and head of the Ministerial Committee for Settlement, presented a plan that referred to the Jordan Valley as "the eastern security zone" and proposed expanding the chain of settlements in the area. From 1978-92, under Likud-dominated governments, eleven more settlements were built.

Following the beginning of the Oslo process in 1993, Israel's government, headed by the Labor party, undertook not to establish new settlements and not to expand existing settlements. However, it did not consider the undertaking to apply to the Jordan Valley. In his speech to the Knesset on approval of the Israeli-Palestinian Interim Agreement (Oslo II), Prime Minister Rabin explained clearly that "the security border to protect the State of Israel will be set in the Jordan Valley, in the broadest meaning of this term."

The present government, headed by Benjamin Netanyahu, continues this policy, opposing any withdrawal from the Jordan Valley. In a speech to the Knesset, Netanyahu quoted Rabin, saying that Israel's security border will be set in the Jordan Valley, and during a visit in the Jordan Valley he declared that the army "must remain along the Jordan River in any future agreement."

...

Chapter One

Statistics

Land Area and Borders of the Jordan Valley and Northern Dead Sea Area

The Jordan Valley and northern Dead Sea area covers 1,611,723 dunams, constituting 28.8 percent of the total area of the West Bank.

This region, most of which is under Israeli control, includes the area of the Jordan Valley and Mitzpe Jericho regional councils; part of the area of the Ma'ate Binyamin Regional Council, on which the settlements Mitzpe Jericho, Rimonim, and Kochav HaShachar were built; and the part of the municipal area of the city Ma'ale Adumim that lies between the Jordan Valley and Megillot regional councils.

Of this area, 87.5 percent is situated in Area C, over which Israel has complete control. The remainder includes enclaves of land in Area A, which is under the complete control of the Palestinian Authority, Jericho among them, and in Area B, where the PA controls civil affairs and Israel controls security matters.

Palestinian Population in the Jordan Valley

The Jordan Valley and northern Dead Sea area is among the most thinly populated subdistricts in the West Bank. According to figures of the Palestinian Ministry of Agriculture and the Palestinian Water Authority, 64,451 Palestinians lived in the Jordan Valley in 2009, which represents 2.6 percent of the Palestinian population of the West Bank.

The Jordan Valley has twenty-nine Palestinian communities, which are concentrated in three areas: Jericho, which has a population of 51,217 (80 percent of the Palestinians living in the Jordan Valley), with 24,013 residing in the city and the others in twelve nearby communities; Wadi al-Far'a, in the central Jordan Valley, where 8,452 Palestinians live in six communities; and the northern Jordan Valley, which is home to 4,782 Palestinians living in ten communities. The Jordan Valley also has dozens of small bedouin communities, most of them without infrastructure and permanent structures, in which an additional 15,000 persons live.

Settlements and the Settler Population

At the end of 2009, the number of settlers in the Jordan Valley and northern Dead Sea area was 9,354, representing 3.1 percent of the total settler population in the West Bank (excluding East Jerusalem). Settlers comprise 10.5 percent of the area's population. The settlements in this area were among the first built by Israel in the territories it occupied in June 1967. By early 1968, the first two settlements were established in the area: Meholah, built south of the Palestinian village Bardala, in the northern Jordan Valley, and Qalya, in the northern Dead Sea area, where a Jewish community had existed prior to 1948. These two settlements were established following a government decision that "no announcement of the

establishment of the aforesaid settlements will be made."

Since then, Israel has built settlements along the two main traffic arteries in the area—Route 458 (Allon Road) and Route 90 (Gandhi Road), part of which runs through the Jordan Valley and northern Dead Sea area. In early 2011, there were thirty-seven settlements in the area, including seven unauthorized outposts. The two largest outposts are Mevo'ot Jericho, which lies east of Jericho, and Givat Sal'it, which is situated in the northern Jordan Valley.

Four of the settlements are Nahal encampments that were turned, without government decision, into civilian communities in recent years. The most recent one—Maskiyot—became civilian in 2008. It is now populated by Israelis who were removed from the Shirat Hayam settlement in the Gaza Strip. The change to civilian status was carried out in the past decade, during which Israel undertook not to establish new settlements. . . .

Based on the nonimplemented approved building plans, building potential in the Jordan Valley and northern Dead Sea area is high, enabling the construction of an additional 3,054 housing units. Since the average-sized family in settlements is 4.5 persons, if the full building potential is realized, the population in the area will increase by 250 percent. By the end of 2010, the government had approved funding for the construction of thirty-six new housing units in Shademet Mehola and dozens of units had been built in Maskiyot. Both of these settlements are in the northern Jordan Valley.

The growth rate of the settler population in this area is modest compared with elsewhere in the West Bank. From the end of 2000 to the end of 2009, the settler population in the Jordan Valley and northern Dead Sea area grew by 15 percent, compared with a growth rate of 56 percent in the entire West Bank (not including East Jerusalem). The population of Ma'ale Ephraim dropped by 14 percent despite the exceptional incentives that the government provided in 2003 and 2005 to encourage Israelis to move to the area.

Land Area of the Settlements

As of May 2009, the built-up area of the settlements in the Jordan Valley and northern Dead Sea area totaled 6,661 dunams,

less than half a percent (0.0041 percent) of the total area. Their municipal area, including the broad swaths of land allocated for farming and future development, is twenty-eight times greater than the built-up area and covers 191,143 dunams (11.8 percent of the total area). The municipal area of the settlements in the West Bank is 9.4 times as large as the built-up area of the settlements. The municipal area of all the settlements in the West Bank is classified a closed military area, to which Palestinians without permits are prohibited entry.

The total land area of the Megillot, Jordan Valley, and Ma'ate Binyamin regional councils, plus the municipal land area of the Ma'ale Adumim Municipality and of the Ma'ale Ephraim Local Council is 1,4654,730 dunams, which account for 90.1 percent of the Jordan Valley and northern Dead Sea area.

...

Chapter Two

Taking Control of Land

Over the years, Israel took control of large swaths of land in the Jordan Valley and northern Dead Sea and tried to prevent Palestinian use of more than three-quarters of the area. Israel seized private Palestinian land and declared large sections of land closed military areas, nature reserves, and state land. The vast majority of these lands are included in the jurisdiction of the regional councils that amalgamate settlements in the area. In the past two years, Israel has taken stronger measures, removing a few small bedouin communities from the area.

Some of the means used by Israel to take control of the land are unique to this area. The reason is that the first settlements there were established at the end of the 1960s, before Israel institutionalized the seizing of control of land to establish dozens of settlements throughout the West Bank. The most important mechanism for this purpose was declaration of extensive areas as "state land," a practice that has been used since the end of 1979.

Theft of Private Palestinian Land and Transfer to Settlements

The state comptroller found that Israel stole thousands of dunams of privately owned Palestinian land in the Jordan Valley, in breach of the provisions of the military

order of July 1967, which arranged the safeguarding and protection of these assets.

Most of the stolen land belonged to absentee Palestinians, the majority of whom were refugees who fled from the West Bank in 1967. The land was seized in the late 1960s and in the 1970s, "by exchange of land, in which the Palestinians were given substitute land that had belonged to absentees, and by direct allocation of the land of absentees, amounting to thousands of dunams." The state comptroller did not mention how the land was seized, did not state the precise magnitude of the land that was stolen to build the settlements, and did not specify which settlements were built on the seized land. However, during the period covered by the state comptroller's report, Israel established six settlements and six army bases in the area. . . .

...

The state comptroller adopted the opinion of the legal advisor of the Civil Administration and held that allocation of land of absentee Palestinians to the settlements was "prima facie unlawful."

The state comptroller contended that the powers of the custodian of abandoned private property, who is responsible for the assets of absentee Palestinians, require that he safeguard the assets in a way that enables their return to the owner. Therefore, "the custodian may not make any transaction regarding the asset that conflicts with the obligation to safeguard the asset as stated, especially his obligation to return the asset to the owner upon his return to the region."

The military order regarding abandoned assets enables absentee owners who return to the West Bank to regain their assets if they succeed in proving their ownership. According to the former head of the Civil Administration, Brig. Gen. (res.) Ilan Paz, the office of the Civil Administration's custodian of abandoned property had a secret list of the absentee owners of land. The list was referred to as the "List of One Hundred," but over the years, it came to include more than two thousand names of absentee owners. The list was used to deny their entry to the West Bank, including for purposes of family unification, to prevent Israel from being compelled to return the land to them, on which the settlements had been built. Paz said that he ordered the list to be cancelled. B'Tselem does not know if this has been done.

After the second intifada began, Israel froze family unification and summer visits of Palestinians in the West Bank, so there has not been a need for the list since then.

...
 B'Tselem's requests under the Freedom of Information Law to the Civil Administration's public requests officer on the subject of the theft of private land of absentee Palestinians were not granted, in violation of the statute.

Seizure of Land for "Military Needs"

In the first decade of the settlement enterprise, Israel seized land for the settlements also by military orders, contending that the settlements have a security-military function. Official Israeli sources provide partial figures on the scope of the land that was seized by military orders. . . .

According to a map of the Civil Administration updated to 2007, 11,778 dunams of land were seized pursuant to military orders for nine settlements in the Jordan Valley.

...

Declaration of State Land

The Jordan Valley and the northern Dead Sea region is one of the few areas in the West Bank which were registered by the Jordanian authorities as government property—state land—at the time the occupation began. Some of the land was privately acquired by the Turkish sultan 'Abd al-Hamid, and after the Young Turk Revolution of 1908, this land was nationalized. The amount of the sultan's land that was nationalized was estimated at more than 220,000 dunams: 144,000 in the northern Dead Sea area, 77,000 in the area of Wadi al-Far'a in the central Jordan Valley, and the rest in other sections of the Jordan Valley.

There is now four times as much state land in the Jordan Valley and northern Dead Sea area—861,000 dunams, constituting 53.4 percent of the area. Of the 861,000 dunams, 472,000 are "arranged state land," which includes the nationalized land from the Ottoman period. The remainder—386,000 dunams—is land that Israel declared state land, primarily from 1980 to 1992, by relying on a tendentious interpretation of sections of the Ottoman Land Law of 1868.

...

Conclusions

In its forty-four years of occupation, Israel has created a regime in the Jordan Valley and northern Dead Sea area that denies Palestinians their rights. Israel has closed more than three-quarters of the land area to Palestinians and has prohibited them from working the area's fertile land. Israel has restricted Palestinian access to water sources such that, in some Palestinian villages, water consumption is minimal and comparable to that of disaster areas. Israel also restricts Palestinian movement and prevents Palestinians from building and developing their communities. It has also taken control of the tourist sites and enables private enterprises to exploit and profit from the minerals in the area.

This regime, which exploits the area's resources to a greater extent than in other sections of the West Bank, indicates Israel's intention: de facto annexation of the area.

The settlers in the Jordan Valley and northern Dead Sea area benefit from extensive benefits, even compared with settlers living elsewhere in the West Bank. The Jordan Valley is the only area in which settlers are given generous allocations of water, appreciably larger than the average consumption of Israel's families, both in Israel and in the other settlements. The settlements in the area have been allocated large swaths of land; their municipal area is twenty-eight times as large as the built-up area. These benefits have enabled the settlers to develop modern, intensive agriculture, based in part on cheap labor from among the local population.

The Jordan Valley contains the largest land reserves available to the Palestinian Authority in the West Bank with which the Palestinians can develop a modern agricultural sector, tourism, industry, and logistic elements such as airports and roadways. However, Israel restricts the Palestinians' ability to realize any of this potential.

Israel's policy in the Jordan Valley and northern Dead Sea area reflects, more clearly than anywhere else in the West Bank, its instrumental use of international law, local law, and Israeli law to meet its objectives. Israel justifies its acts by relying on provisions of law, but breaches those provisions when it serves its purposes. For example, Israel stopped registration of land in the West Bank on grounds that it wanted to protect the property rights of

Palestinian refugees, but established settlements in the Jordan Valley on thousands of dunams of land that it stole from them.

“moratorium” in 2010 that ended on 26 September 2010. Data from the Israeli Central Bureau of Statistics make clear that new settlement construction continued in the West Bank during this period, albeit at a reduced rate, and that the effects of the moratorium were temporary and limited. There were 630 housing starts in 2010, compared to 1,873 in 2009, when a spurt of construction starts was undertaken in anticipation of the moratorium.

SETTLEMENT FREEZE UPDATE, 2009–10

From Settlement Report, July–August 2011.

The Israeli government implemented a temporary ten-month settlement

West Bank Settlement Freeze, 2009–10

	2009				2010			
	Jan–Mar	Apr–Jun	Jul–Sep	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sep	Oct–Dec
Housing starts	342	327	442	762	33	35	104	458
Housing completions	437	469	592	572	414	553	381	318
Housing under construction	3,006	2,936	2,790	2,995	2,862	2,328	2,051	2,215



Jewish settlers wave the Israeli flag while standing outside a house belonging to the Palestinian al-Kurd family in East Jerusalem’s Shaykh Jarrah neighborhood, 8 July 2011. (Ahmad Gharabli/AFP/Getty Images)