

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

A Bimonthly Publication of the Foundation for Middle East Peace

Volume 20 Number 1

January-February 2010

A CHASTENED OBAMA SEARCHES FOR A NEGOTIATING STRATEGY

By Geoffrey Aronson

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 a common assessment of the impact of the stunning Republican victory in the Massachusetts Senate race, *Ha'aretz's* Aluf Benn wrote, "Obama spent his first year in office on fruitless diplomatic moves that failed to restart talks between Israel and the Palestinians. From now on, it will be harder for Obama. Congressional support is essential to the political process and in the current political atmosphere in the U.S.—in which the parties are especially polarized—Netanyahu can rely on Republican support to thwart pressure on Israel."

In comments to *Time* magazine (see page 8), 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. com-

mitment to progress (see story page 10), 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 (see story page 7).

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 (see story page 4). The damage sustained in that effort, however, has continued to plague U.S. efforts to create an agreed foundation for 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 Palestine Liberation Organization chairman Mahmoud Abbas, "we won't return to the negotiating table with Israel."

Since late summer 2009, the U.S. 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 January 8, 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 American leadership, while encouraging Netanyahu and his political allies in their belief that just as with the settlement freeze, an American peace "plan" can be neutralized.

An effort to stack the American 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 "settle-

STRATEGY, continued on page 7

TO OUR READERS

Ten years after 9/11 made combating terrorism the main focus of American foreign policy, the problem has not diminished. The continuing threats against American and western targets, of which the attempted bombing of a U.S. airliner was the most recent, proves that something is still wrong with our strategy.

The message from our officials and media, a post-9/11 replay, is that we need better intelligence analysis and coordination to “connect the dots,” as well as improved technologies to create a “fail-safe” system.

Amazingly, there has been almost no mention in this debate of acknowledging and applying policies to better deal with the motivation of extremists, primarily in the Arab and Muslim world, who want to kill us.

Smart counter-terrorism policy needs to address the causes, not just the symptoms of this evil. Security and intelligence methods can and should be improved, but unless we are dealing aggressively with the root

causes, the risk stays high.

No single cause drives anti-American terrorism. Western troops in Muslim countries is one. But the “elephant” in our living room is the Israeli-Palestinian conflict.

Israel’s occupation and settlements, and the perception that the U.S. is Israel’s enabler, are what one analyst calls the “prism of pain” that inflames Arab and Muslim societies worldwide and breeds terrorism.

President Obama and his deputies have acknowledged this, indirectly, by calling the Israeli-Palestinian conflict a national security threat. But as the President’s peace efforts threaten to founder on the shoals of Israel’s settlement and Jerusalem policies and Palestinian fratricide, some are repeating the mantra that “only the parties themselves can make peace.” That is true in the end. But without tougher, more persuasive U.S. diplomacy, the conflict will fester and America’s national security will remain at risk.

Philip C. Wilcox Jr.

ENFORCING THE SETTLEMENT FREEZE: AN ISRAELI VIEW



ערן וולקובסקי | eranwol@haaretz.co.il

Source: Ha'aretz, December 4, 2009

FOUNDATION FOR MIDDLE EAST PEACE

Merle Thorpe, Jr.
Founder
(1917–1994)

Philip C. Wilcox, Jr.
President

Geoffrey Aronson
Director, Research and
Publications, Editor, *Report on
Israeli Settlement in the Occupied
Territories*

Nitzan Goldberger
Waseem Mardini
Editorial Assistants

Holly Dagues
Monica Kamen
Interns

TRUSTEES

Landrum R. Bolling
Calvin H. Cobb, Jr.
James J. Cromwell
Peter Gubser
Stephen Hartwell
Richard S.T. Marsh
Richard W. Murphy
Jean C. Newsom
Gail Pressberg
William B. Quandt
Nicholas A. Veliotis

The Foundation, a non-profit I.R.C. 501(c)(3) organization, supports peace and security for Israelis and Palestinians through mutual recognition and a negotiated division of historic Palestine. It publishes the bi-monthly *Report on Israeli Settlement in the Occupied Territories*.

Copyright © 2010

Sign up to receive the *Report* by e-mail, to be notified of events in Washington, D.C., and more. Visit us at www.fmep.org.

A TESTIMONIAL TO STEADFASTNESS

On December 10, 2009 Al Haq, the pioneering Palestinian human rights organization, celebrated its 30th anniversary. On this occasion the announcement was made of the winner of Al Haq's first Annual Human Rights Award, Sabri Gharib. Raja Shehadeh, one of the founding members of the Organization, wrote the following tribute to Gharib.

Sabri Gharib, the recipient of the First Annual Al-Haq Human Rights Award, was too ill to come himself to receive the award. The struggle over the past thirty years with the Jewish settlers to save his land has had its toll on his health. He sent one of his sons on his behalf. There is no doubt that Sabri never sought recognition, reward, publicity, or financial reward. In the course of his thirty-year-struggle, he simply wanted to preserve his land. By choosing him as the first recipient of its annual award, Al-Haq was not only rewarding him, but also the Palestinian people. In a sense, this presentation of an award to a hero like Sabri is a selfish act on Al-Haq's part. By his resilience, tenacity, and bravery, and his success at staying in his home, surrounded as it is on all sides by the settlement, fenced in and imprisoned, Sabri puts the rest of us to shame. He also provides us with the best example of the struggling Palestinian after whom we should all aspire. This was why it was thought that he is the best candidate to receive this human rights award.

I will never forget that first meeting with Sabri Gharib in 1982, when I sat on the porch of his house up the hill in the village of Beit Ijza surrounded by attractive, mainly empty hills on all sides except for the small menacing presence of the fledgling settlement, which Sabri referred to as Hadasha [Hebrew for "new"], whose full name was Givon Hadasha. With his strong voice, high cheekbones, piercing, unflinching gaze, Sabri narrated under oath the attempt of the Jewish settlers at taking hold of his 120 dunums of land, which he said was the main source of income for himself and his large family of ten children. I had no clue then that this was going to be the beginning of a long, painful, and inspiring relationship with this formidable fighter who would become the symbol of *Sumoud* [steadfastness]. . . .

Throughout my years at Al-Haq and after I left the organization, Sabri continued to appear at my office to update me about his struggles. He and his children were shot at by the settlers. He was so often dragged from his house by the military and imprisoned to allow the settlers to claim more of his land and get on with building their homes on it. After the bulk of his land, which he used to cultivate and depend on as the source of livelihood for his family, was stolen from him, he had to seek other manual work. . . .

Whenever we at Al-Haq would feel satisfied that the work we were doing was satisfactory, Sabri would appear and put us in our place. He would explain how the settlers had taken more land to build their water tank, or encroached further by building another fence further on his land, or that they had

come at night to his house and shot around to scare him and his family. When he described how he would be working in the field and they came to him and held their gun at him, he would say: "Shoot me. I don't care to [if I] die." When we heard this from him we knew, just as the settlers did, that he meant it and that this was why the settlers left him alone. Any other man would have taken to the wind and run. Not Sabri. "This is my land," he would say, "I inherited it from my father and I will leave it to my children. Nothing matters but God and the land."

Whenever I found myself struggling for our much sought after Palestinian state, I would remind myself that to someone like Sabri, his struggle was not nationalist or in any way abstract but a concrete, specific fight to save the land which was he felt had been entrusted in to him by those who preceded him and which he was under a solemn obligation to pass on to his descendants. . . .

As the years passed, the single settlement near his house grew to become many settlements, and more and more of his land was being taken, yet Sabri would not relent.

The last time I went to visit Sabri, I was depressed by what I saw. To get to his house I had to go through a narrow passage surrounded on both sides by wire fences. Most of the rest of his land was taken over by the settlement. As I stood on the few meters allowed him around his house, I watched as an older Israeli man was taking a walk with his dog. I tried to catch the Israeli's eyes to see how he might be feeling about imposing this state of imprisonment on the owner of the land which was illegally acquired to build the community in which he has chosen to live. But he continued to avert his eyes.

In contrast Sabri's gaze remained no less sharp. He turned to the settlement and said:

"Look at what they have done. Look at the resources available to them. Here I am a single man, in a single house, surrounded by all these walls and yet to them I am like a Ghoul."

Sabri's ability to remain in his house is a small victory, and yet it is a kernel of a hopeful future. Just like that first affidavit Al-Haq took from Sabri grew into massive documentation of many more human rights violations over the past thirty years, in the end the example of Sabri's struggle and life it will make all the difference. It will empower and inspire many future generations. As to those who now feel immune, they will not always be successful at escaping prosecution for the criminal acts they have done to others.

It is perhaps appropriate to wonder where we would be today had there been many other Sabris, many other ghouls like him who would fight as tenaciously to keep their land as he did. While we might think of Sabri as a hero, he himself has no patience for posturing or role models. Yet despite what he might think, he is a unique and outstanding phenomenon and an inspiration for all of us. This is why he deserves to be honored as the first recipient of this annual Al Haq award. ♦

NETANYAHU'S SETTLEMENT MORATORIUM: THE REALITY

The main operational effect of the settlement moratorium announced by Prime Minister Benjamin Netanyahu on November 26 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 September 30, 2010, and only then if it continues, as the administration of Barack Obama hopes, indefinitely.

The International Legal Framework

Settlements are widely understood to be illegal under international law. Article 6 of the Fourth Geneva Convention, for example, notes, “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” The United States has never formally repudiated the 1978 opinion of Herbert Hansell, a State Department legal adviser, who wrote in a letter submitted to the House Committee on Foreign Affairs that “the establishment of the civilian settlements in those territories is inconsistent with international law.” In practice, however, no U.S. administration since the Carter administration has formally declared settlement to be illegal under international law.

The Oslo accords referred only indirectly to the need to constrain settlement expansion, but in practice Israel has increased the settlement population in the West Bank by 203,000 since 1992 and by about 49,000 during the same period in East Jerusalem.

The road map presented by U.S. president George W. Bush on behalf of the Quartet in October 2002 specifies, “Consistent with the Mitchell Report, [Israel] freezes all settlement activity (including natural growth of the settlements).” The November 2009 moratorium notwithstanding, Israel remains in violation of this key provision.

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 restric-

tions on myriad other forms of settlement construction—public 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, *Yediot Aharonot* reported on December 6, 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 January 15, 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 under way 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 insuffi-

The main operational effect of the settlement moratorium has been to *increase* the pace of authorized new settlement housing construction above historical averages.

cient 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 American 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 Fateh-led Palestinians represented by Mahmoud 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 (see story page 1).

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 well-being, most notably by the December 26 incursion into Nablus when soldiers killed three Palestinians said to be involved in the drive-by killing of a settler. ♦

Israel Defense Forces Order Number 1653 Order on Suspension of Building Procedures (Temporary Order)

By virtue of my authority as commander of IDF forces in the area, I hereby order the following:

1. Definitions

“Permit”—a license in its sense in the fourth chapter of City, Village, and Building Planning Law no. 79 of 1966 or a permit by section 2 of the order;

“The order”—an order on granting permits for work in areas occupied for military purposes (Judea and Samaria) (no. 997), 5742-1982;

“Starting date”—the date this order becomes effective;

“Planning institution”—any authority that has the power to grant a permit;

“Council”—regional council as defined in the order on administration of regional councils (Judea and Samaria) (no. 783), 5739-1979, or a local council as defined in the order on the administration of local councils (Judea and Samaria) (no. 892), 5741-1981;

“The council’s planning space”—as defined in the order on declaring planning spaces (local councils and regional councils) (Judea and Samaria), 5768-2008, as well as seized area as defined in section 1 of the order, within the boundaries of the council;

“Head of the Civil Administration”—as defined in the order on establishing the Civil Administration (Judea and Samaria) (no. 947), 5742-1981, or anyone appointed on his behalf for the purpose of this order;

“Affidavit”—a written affidavit given before a lawyer or any other written affidavit by the law of the place where it was given.

2. Suspension of building procedures

a. No planning institution may decide to neither grant a building permit in a council’s planning space nor grant any such permit.

b. A permit in a council’s planning space granted before the starting date and any decision to grant such a permit made before the starting date are hereby suspended, and no construction work, including groundwork and infrastructure work, may be carried out by any such permit.

c. Despite the aforementioned in subsection b, the said suspension will not apply to a permit lawfully granted that was valid on the starting date, if before the starting date the pouring of the building’s foundations had ended, nor shall it apply to the building of such a building’s infrastructures.

3. Submitting applications for certain construction work

a. Despite the aforementioned in section 2b, anyone who received a lawful permit that was valid before the starting date may submit an application to the Head of the Civil Administration to cancel suspension of the permit if any of the follow-

ing conditions applies:

1. The permit was granted for building an addition or repair in a residential building whose construction was completed before the starting date by a permit lawfully granted before the starting date;

2. When it is necessary to maintain public safety or human life;

3. In exceptional cases for special reasons that are noted.

b. The following documents should be attached to any application submitted according to section a:

1. An affidavit on the application of the conditions enumerated in section a1, a2, or a3, signed by the permit owner or the engineer of the relevant planning institution. 2. A copy of the permit and a copy of the decision by the planning institution on granting the permit.

c. The Head of the Civil Administration will be allowed to demand from the permit owner and the engineer of the relevant planning institution further evidence in support of the affidavit of the permit owner and/or the affidavit of the engineer of the relevant planning institution.

d. The Head of the Civil Administration shall not consider any application under section a unless all permitted construction activity has ceased as stated in section a, until the Head of the Civil Administration makes his final decision on the matter, and construction shall not resume except by such a decision. e. The decision of the Head of the Civil Administration in an application as stated in section a shall be given as far as possible within 14 days after receiving the application, with the attachment of all of the documents detailed in sections b and c, or from the day construction stopped as stated in section d, whichever is later.

4. Building for public purposes

Despite the aforementioned in section 2, the Head of the Civil Administration may permit, in writing, a planning institution to decide to grant a permit for construction in a council's planning space and to grant such a permit, as well as being allowed to order, in writing, cancellation of the suspension according to section 2b, all regarding the construction of public buildings, public infrastructures, or construction for commercial or industrial purposes.

5. Actions committee

a. The Commander of IDF Forces in the area will appoint an actions committee (hereinafter: the committee) of three members, headed by a person qualified to serve as a judge in a magistrate court in Israel.

b. The role of the committee is:

1. To hear appeals on decisions by the Head of the Civil Administration as stated in section 3e. 2. To hear claims of direct damage of anyone damaged as a result of the suspension by this order.

c. The committee will hear claims from:

1. Anyone who considers themselves damaged by the decision by the Head of the Civil Administration as stated in section 3e;

2. Any permit holder who incurred expenses and direct monetary damages as a direct result of the suspension under the provisions of this order;

d. The actions committee shall set its working procedures and hold its hearings in the manner that it deems the most effective to clarify claims and decide on them.

6. Penalty

Without detracting from the provisions of any security law or legislation:

a. Anyone who carries out work or construction in violation of the provisions of this order will be subject to the provisions of section 37b of the City, Village, and Building Planning Law no. 79 of 1966;

b. Any member of a planning institution who voted in favor of a decision to grant a permit in violation of section 2a of this order, or participated in a way other than by voting, will be subject to the provisions of section 17a of the City, Village, and Building Planning Law (Judea and Samaria) (no. 418), 5731-1971.

The said suspension will not apply to a permit lawfully granted that was valid on the starting date, if before the starting date the pouring of the building's foundations had ended, nor shall it apply to the building of such a building's infrastructures.

7. Effect

This order takes effect on the day of its signing, and is effective until 22 Tishrei, 5771, September 30, 2010.

8. Name This order shall be called "Order on Suspension of Building Procedures (Temporary Order), no. 1653, 5770-2009."

9. Kislev, 5770; November 26, 2009

[signed] Avi Mizrahi, Maj. Gen. Cmdr. of IDF Forces Judea and Samaria Area

Translated from Hebrew by Peace Now

Obama Acknowledges Failure

The other area which I think is worth noting is that the Middle East peace process has not moved forward. And I think it's fair to say that for all our efforts at early engagement, it is not where I want it to be.

I'll be honest with you. A) This is just really hard. Even for a guy like George Mitchell, who helped bring about the peace in Northern Ireland. This is as intractable a problem as you get. B) Both sides—the Israelis and the Palestinians—have found that the political environment, the nature of their coalitions or the divisions within their societies, were such that it was very hard for them to start engaging in a meaningful conversation. And I think that we overestimated our ability to persuade them to do so when their politics ran contrary to that. From [Palestinian Authority President Mahmoud] Abbas' perspective, he's got Hamas looking over his shoulder and, I think, an environment generally within the Arab world that feels impatient with any process.

And on the Israeli front—although the Israelis, I think, after a lot of time showed a willingness to make some modifications in their policies, they still found it very hard to move with any bold gestures. And so what we're going to have to do—I think it is absolutely true that what we did this year didn't produce the kind of breakthrough that we wanted, and if we had anticipated some of these political problems on both sides earlier, we might not have raised expectations as high. Moving forward, though, we are going to continue to work with both parties to recognize what I think is ultimately their deep-seated interest in a two-state solution in which Israel is secure and the Palestinians have sovereignty and can start focusing on developing their economy and improving the lives of their children and grandchildren.

"Obama on His First Year in Office," from an interview in *Time* magazine, January 21, 2010

STRATEGY, continued from page 1

ment 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 Kaspi 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." ♦

SETTLERS ATTACK PALESTINIANS TO AVENGE WEST BANK OUTPOST DEMOLITION

By Chaim Levinson

Ha'aretz, January 27, 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 are 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.

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.

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. Other picked up stones, and one of the older ones became a security guard, making sure no journalists joined the operation.

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. Other 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.

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.

The villagers began preparing to attack the outpost and pay its residents back. But then, three [Israeli] border policemen arrived at the scene and barred the way. ♦

SETTLEMENT TIME LINE

October 2 Israel Defense Forces (IDF) Central Command instructs soldiers to cease dining in settlers' homes on the Sabbath. (*Ma'ariv*)

October 3 Palestinians throw rocks and burn tires on the road linking the French Hill and Ma'ale Adumim settlements, near Jerusalem. Israeli border police arrest two suspects. (Army Radio)

October 4 The imprisoned Marwan Barghouti calls for Palestinians to unite in peaceful resistance to Israeli settlements. Speaking through his lawyers, Barghouti says, "There is no Israeli peace partner." (Army Radio, Ma'an News)

The Jordanian Foreign Ministry issues a formal letter of protest to the Israeli ambassador in Amman demanding that Israel stop construction activities in East Jerusalem and in the area of the al-Aqsa Mosque. (Army Radio)

October 6 The UN Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territories reports that of 100 West Bank closures scheduled to be removed by the IDF, 65 still remain.

October 7 New residential buildings are completed for an additional 104 apartments in the East Jerusalem settlement of Nof Tzion. (Army Radio)

Despite efforts by settler leaders to organize a large crowd for groundbreaking ceremonies at Nof Tzion for another phase of construction, only tens of local residents attend. (*Ma'ariv*)

October 11 Fateh and Israeli officials agree on a plan guaranteeing free passage for 400 Muslims who had stayed in the al-Aqsa Mosque to prevent settler attacks on the site. Israel guarantees that they will be allowed to leave without arrest. (Ma'an News)

October 12 *Ma'ariv* reports the release of a document drafted by Israel's security agency (Shabak) documenting criminal activity by settlers against Israeli security forces in the West Bank. The report outlines ten violent incidents in the month of September 2009.

Ariel Gruner and Akiva HaCohen, from Yitzhar settlement and known by Israeli security forces to incite violence during the Palestinian olive harvest, receive injunctions to leave the West Bank for six months. (Army Radio, Arutz 7)

Ha'aretz reports that Israeli environment minister Gilad Ardan has turned to Interior Minister Eli Yishay to promote plans for a national park in the East Jerusalem area currently reserved for the construction of a Palestinian neighborhood. The settlement group Ateret Cohanim had approached Ardan with the proposal.

October 13 Shabak launches a campaign to confiscate illegal weapons owned by settlers in the area of Hebron. (Ma'an News)

In a speech in Jenin, Palestinian Authority president Mahmoud Abbas states that the resumption of negotiations is dependent upon a complete halt to all settlement activity, including settlements in East Jerusalem. (*al-Hayat al-Jadida*)

October 16 *Ze'Man Yerushalaim* reports on the opening of a new bus line connecting East Jerusalem settlements with the Old City and West Jerusalem.

October 21 Ma'an News reports that Israeli settlers are responsible for burning 10 dunums of Palestinian land outside Nablus.

October 27 Amnesty International reports that daily water consumption per capita in Israel is four times higher than in the West Bank and Gaza. The Prime Minister's Office calls the report biased and incorrect, asserting that Israel holds a legal right to aquifers because it was the first to discover and develop them. It blames Palestinian officials for their lack of investment in developing the wells that have been approved. (*Jerusalem Post*)

October 28 Dozens of settlers from Shvut Rachel throw stones at Palestinian farmers as they harvest olives on their land in Qaryout village, south of Nablus. Nine Palestinians are injured, and one is detained. (Ma'an News)

A large group of settlers enter Asira al-Qibiliya and damage the residence of Jamal Yousef. (Ma'an News)

Al-Ayyam reports the demolition of nine Palestinian buildings in East Jerusalem cited for being built without permits.

October 30 *Ze'Man Yerushalaim* reports on the resignation of Jerusalem municipality official Meir Margalit over his opposition to the demolition of Palestinian homes in East Jerusalem. His resignation is subsequently withdrawn.

November 1 *The Marker* reports on a ruling by the European Commission that Israeli goods produced in the occupied territories are not eligible for the same tax preferences available to those made in Israel.

November 5 The office of Prime Minister Benjamin Netanyahu announces that he "will be ready to reduce the extent of building in [the West Bank] for a limited period of time, in order to set the peace process in motion with the Palestinians." (*Yediot Aharonot*, pmo.gov.il)

November 6 *Ze'Man Yerushalaim* reports on clashes between settlers and Palestinian residents of Jerusalem's Sheikh Jarrah neighborhood over orders to evacuate a Palestinian family.

Ze'Man Yerushalaim reports on plans by the Ministry of Housing and Construction, in conjunction with the Jerusalem municipality, to issue up to 1,800 tenders for housing in Jerusalem in the coming months. Of these, 300 will be in the East Jerusalem settlement of Pisgat Ze'ev and 100 in Har Homa.

November 8 Clashes erupt in Burin village when settlers enter and throw rocks. Israel forces respond in force, injuring several Palestinian residents of Burin. (Ma'an News)

November 9 Two newly built homes in the Migron outpost are set for demolition. (Arutz 7)

Israel issues 17 demolition orders to Palestinian residents of Silwan, in Jerusalem. The orders allow the residents 20 days to appeal the decision. (Palestinian Information Center)

November 10 *Ma'ariv* reports on Israeli authorities rescinding the order barring soldiers deployed in the West Bank from dining at settlers' homes following an outcry by settler leaders.

The Knesset blocks a vote on the Labor Party-sponsored evacuation-compensation law to compensate settlers living east of the separation barrier who relocate to Israel. (*Ha'aretz*)

November 12 *Ma'ariv* reports the Jerusalem District Court indictment of Yaakov Teitel for the murders of two Palestinians and the attempted murder of four others. Teitel is 37 years old, a father of four, and a resident of the Shvut Rachel settlement. In the courtroom, Teitel states that it had been

SETTLEMENT TIME LINE

a privilege to serve his god and that he had no regrets for his actions.

November 13 *Ze'Man Yerushalaim* reports on plans by the Jerusalem municipality to construct a new Arab neighborhood with 217 housing units in an area near Sheikh Jarrah.

November 16 Home demolition orders are issued to nine Nablus residents for uncensured construction. (*al-Quds*)

Yediot Aharonot reports that U.S. special envoy George Mitchell has demanded that the Israeli government stop construction in the East Jerusalem settlement of Gilo.

November 17 The civil administration and Israeli border police demolish two homes in the Negohot outpost, in the southern Hebron hills. (Army Radio)

Arutz 7 reports that Palestinian groups are urging Arab nations to boycott two French firms, Alstrom and Veolia, due to their involvement in the Jerusalem light rail project.

South of Hebron, five settlers harass a Palestinian family walking home and beat and rob two foreigners accompanying them. (Wafa)

In response to Israel's approval of 900 new settlement housing units in East Jerusalem, White House press secretary Robert Gibbs states, "At a time when we are working to re-launch negotiations, these actions make it more difficult for our efforts to succeed. Neither party should engage in efforts or take actions that could unilaterally pre-empt, or appear to pre-empt negotiations. . . . The U.S. also objects to other Israeli practices in Jerusalem related to housing, including the continuing pattern of evictions and demolitions of Palestinian homes. . . . Our position is clear: the status of Jerusalem is a permanent status issue that must be resolved through negotiations between the parties." (*Ha'aretz*)

The Jerusalem District Planning and Construction Committee rejects the building of 200 new housing units in the East Jerusalem Arab neighborhood of Sur Baher. (*Yediot Aharonot*)

Yediot Aharonot reports the demolition of a house in the Issawiya neighborhood of Jerusalem for being built without a permit. There are standing demolition orders for

216 Palestinian dwellings in East Jerusalem.

November 18 U.S. president Barack Obama criticizes Israel's announcement of tenders for 900 units in the East Jerusalem settlement of Gilo. (*Ha'aretz*)

Israeli officials demolish a two-family, Palestinian home in Issawiya, in Jerusalem. It is the second house demolition in the area in two days. (Ma'an News)

Controversy grows over a planned fundraiser in New York for the Hebron Fund, a Brooklyn-based settlement group. The invitation for the event reads, "Join us in support of Hebron and in protest of today's building freeze in [the West Bank]." (Ma'an News)

Israel sends demolition notices to three Palestinian homes in Libban al-Gharbieh village. (*al-Ayyam*)

Israel demolishes two Palestinian dwellings in the East Jerusalem neighborhoods of Wadi Qaddum and Bet Hanina. (*al-Ayyam*)

November 22 Settlers from the Havat Gilad outpost attack Israeli border police on patrol, damaging one of their jeeps. (*Yediot Aharonot*)

The Alfei Menashe settlement denies the nearby Arb al-Ramdin village access to water for several hours. Eliezer Chasdai, head of the regional council, says the water was shut off as a punitive measure because residents had allowed their donkeys to roam free in the area. Chasdai's daughter had crashed her car into one of the animals. The village has relied on water supplied by Alfei Menashe for 13 years. (*Yediot Aharonot*)

Ha'aretz reports on orders issued to Israeli soldiers at checkpoints permitting them to transfer settlers who are harassing them to police custody.

November 25 The settlers' YESHA Council announces that construction will continue in the West Bank with or without the Israeli government. Settler leaders describe the construction moratorium as immoral. (Army Radio)

November 26 Israeli defense minister Ehud Barak authorizes construction of 28 educational and public structures in the West Bank but emphasizes that Israel intends to implement its decision to reduce settlement construction. (Army Radio)

November 27 Civil administration representatives begin distributing construction freeze orders to settlement leaders, rescinding the authority of settler council chairmen to approve construction within their jurisdictions. Members of the Settlers Council say they will "keep building as much as we can." (*Yediot Aharonot*)

November 28 Israeli tourism minister Stas Misezhnikov announces that Israel will continue to invest in tourism projects and sites in the West Bank during the period of the settlement construction moratorium. Four tourism projects in the West Bank are already underway or beginning soon. Misezhnikov says that his political party, Yisrael Beiteinu, is able to support the new policy because it does not affect construction of public buildings like schools in the West Bank or any construction in Jerusalem. (*Yediot Aharonot*, Arutz 7)

Israeli forces close the Huwwara checkpoint in an effort to contain a large group of settlers attempting to access Joseph's Tomb in Nablus. (Ma'an News)

Defense Minister Barak announces that 40 new building inspectors will be hired and trained within two weeks and that many more would be hired to help enforce the construction moratorium. (*Makor Rishon-Hatzofe*)

November 30 Fifteen Israeli settlers from Yitzhar attempt to set fire to a home in the Palestinian village of Burin, resulting in clashes between settlers and residents of the village. Israeli Civil Administration forces disperse the two groups and the incident ends with no injuries. (Ma'an News)

In an exception to the recently declared moratorium on construction in settlements, Prime Minister Netanyahu issues an order allowing the building of 25 new homes in the Qedar settlement, east of Jerusalem. (Ma'an News, *Yediot Aharonot*)

Ha'aretz reports on the discovery that ankle bracelets issued to parolees do not work in East Jerusalem and the West Bank, and therefore are ineffective for use on settlers on parole.

GEORGE MITCHELL MAKES THE U.S. CASE

On January 6 2010, U.S. special envoy George Mitchell appeared on the Charlie Rose show. Excerpts of the interview appear below:

On the Settlement Moratorium and East Jerusalem

If you want to get 60 percent, do you begin by asking for 60 percent? . . . So what we got was—what we got was a moratorium, ten months, far less than what was requested, but more significant than any action taken by any previous government of Israel for the 40 years that the settlement enterprise has existed: ten months of no new starts in the West Bank, less than what we asked, much, much greater than any prior government has done. And we think over time it's going to make a significant difference on the ground. . . .

The Israelis are not going to stop settlements in or construction in East Jerusalem. They don't regard that as a settlement because they think that it's part of Israel.

Settlements and the June 1967 Border

There is no doubt that [the settlements will have made a difference in terms of the way the final borders are determined]. That's just a reality that's going to have to be dealt with. You can ask wishfully that things might be as you'd like them to be, or you deal with them as they are, and I think we have to deal with them as they are, but there will be adjustments with swaps, and what I believe is that we can get an agreement on that once we get them in negotiations. I think here Charlie, the harder part is getting started than getting finished.

The Structure of Negotiations

What we want is a parallel process as the Israelis and the Palestinians talk in negotiations, Israel, the Palestinians and all of the surrounding countries would meet to deal with regional issues, energy, water, trade, communications, transport, all of which have been discussed in the past but haven't been brought to full fruition. And we think the way to move forward is an Israeli-Palestinian agreement, Israel and Syria, Israel and Lebanon, and full implementation of the Arab

peace initiative. That's the comprehensive peace in the region that is the objective set forth by the president and the Secretary of State. . . .

We're going to tell them that we think the time has come to enter negotiations and that we think—we will lay out what we think is a proper basis for doing so, a timeframe for achieving agreement, a method for negotiating that we think will achieve the desired. . . .

A Hamas-Israel Prisoner Exchange

Well, that will not build confidence with the Palestinian Authority because it will, in fact, be seen as a validation of Hamas' tactics, which is violence resistance. . . . It does send the message that their violent resistance has paid off. And of course it will lead others around the world to seek more hostages. . . . But what we think is that there should also be actions taken with respect to the Palestinian Authority, which believes in peaceful negotiation. And that's the approach that ought to be rewarded.

The U.S. Commitment

So we're making an intense effort to demonstrate that we are committed to this process. And let me make clear, when we get into a negotiation, we're going to be involved in an active, sustained and determined way, to try to encourage the parties to reach what I believe is an agreement that is possible. . . . we think the way to approach this is to try to persuade the parties what is in their self interests. And we think that we are making some progress in that regard, and we are going to continue in that effort and we think the way to do that is to get them into negotiations. . . .

There is no entity on the face of this Earth, other than the United States government, no public or private entity, that can create the context within which an agreement is possible and most importantly can ensure, to the extent humanly possible, that full implementation will occur. And that requires a president and a Secretary of State who are committed and determined. And believe me, we have them now. ♦

Foundation for Middle East Peace
1761 N Street, N.W.
Washington, DC 20036
Telephone: 202-835-3650
Fax: 202-835-3651
E-mail: info@fmep.org
Internet: <http://www.fmep.org>

FIRST CLASS US POSTAGE PAID MERRIFIELD, VA PERMIT #2333



RECYCLED PAPER