

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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AID DEBATE BREAKS NEW GROUND

In early summer, Congressman John Bryant [D-Texas] broke a political taboo by spearheading an effort to penalize Israel for its settlement activity.

Bryant offered an amendment to the foreign aid bill that called for withholding \$82.5 million from Israel's foreign aid allocation. This amount is equal to the Bush administration's estimates of Israeli government expenditures on settlements in the occupied territories. These funds would be placed in escrow.

If the president certified to Congress that the Israeli government has demonstrated that it is not expanding its settlement activities in the West Bank or Gaza, the money would then be released.

The amendment was defeated 377 to 45. Influential members Lee Hamilton [D-Indiana] and David Obey [D-Wisconsin], while opposing the amendment as ill-timed, took the opportunity to reiterate their disagreement with Israel's settlement policy.

The following are extracts from the floor debate as recorded in the *Congressional Record*.

BRYANT: I offer my amendment today because I believe that it is no longer possible not to conclude that these settlements are wrong

Mr. Chairman, the expansionist policies of the Likud coalition which now governs Israel can no longer be sanctioned by the studied and timid silence of this House due to our concerns about domestic politics

We do not have to prove our bona fides with regard to Israel. We have every right to object to the policy of an ally which is wrong, which is an obstacle to peace, and which is supported by \$3 billion per year in our foreign aid

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ISRAELI SETTLEMENTS AND BAKER'S DIPLOMACY

By Geoffrey Aronson

U.S. Secretary of State James A. Baker III has devised a diplomatic framework for Arab-Israeli negotiations that avoids a fundamental issue separating the antagonists—Israel's settlement of the occupied territories and the claim to de facto sovereignty that settlements represent.

The shape of this postwar diplomacy reflects, as President George Bush noted in a June letter to Israeli Prime Minister Yitzhak Shamir, "a process, already based for the most part on [Israel's] conditions."

Shamir has described Israel's settlement program as "the essence of the conflict." Israel, he has noted, will not entertain any Arab demand on this subject or any American demand made as a result of Arab pressure.

Baker's framework reflects this condition. Yediot Aharonot, citing "well-informed sources in Washington," reported on April 4 that "if Israel demonstrates flexibility on the idea of convening a regional conference, Baker will relate to the settlement issue as secondary, preferring to wait a number of months to begin the real battle."

At an April 17 meeting with Philip Wilcox, U.S. consul in Jerusalem, Palestinian leaders asked specifically if Jewish settlement would be halted with the beginning of anticipated negotiations.

"Although it's an important question," answered Wilcox, "[Secretary of State Baker] can't promise you anything. He can't tell Israel the process would stop unless the settlement activities were halted. . . . If you make this a condition, there will be no process."

At the time of this writing, the Palestinians have yet to reconcile themselves to this stipulation.

Baker has been angered by Israel's efforts to highlight its power to continue and to expand settlement during and, in some measure, as a response to his diplomacy. But in his discussions with Shamir he has been constrained by his own negotiating framework from dealing with the issue.

DIPLOMACY, *continued on page 8*

TO OUR READERS

SETTLEMENTS: AN OBSTACLE TO AID

Israel's request for \$10,000,000,000 of loan guarantees to assist in housing and absorbing Soviet immigrants brings to the fore the important question of Israeli settlements in the occupied territories, which the last four U.S. administrations have termed "obstacles to peace."

A group of Israeli intellectuals, led by Maj. Gen. (Ret.) Mattityahu Peled, has written the Congress to urge that it not let Israel's need for humanitarian aid "be turned against the principle of 'Land for Peace'" and that any loan guarantees be made conditional upon the Israeli government's acceptance of that principle, "manifested by an immediate cessation of all settlement activities."

When \$400,000,000 of housing loan guarantees for Israel were approved last year, the administration's attempt to impose accountability and restraint on settlement failed. Whether Israel would refrain from a "policy" of settling Soviet immigrants in the territories missed the point. U.S. policy is against *all* settlement, not just Soviet settlement.

Equally ineffectual was a requirement that Israel report to the United States on

its settlement activity. It has long been Israeli policy to conceal settlement data in its budgets and reports.

The State Department estimates Israel's annual settlement expenditures at \$82,500,000 but it excludes costs not fully verifiable. Realistically, Israel probably spends as much as \$500,000,000 annually on settlement construction, incentives, and infrastructure.

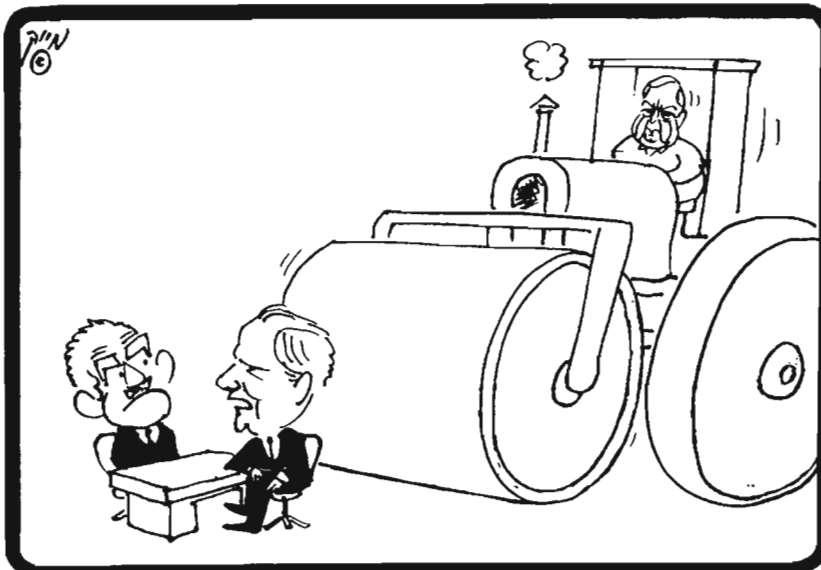
A settler in the occupied territories today is assured virtually free housing, while the cost of affordable housing in Israel for new immigrants is out of sight.

Israeli political scientist Ehud Sprinzak warns American friends of Israel that by "evading the settlement issue" they are "accomplices to a tragic march of folly that may lead Israel to disaster."

Congress desires to assist Israel with its very real problem of absorbing immigrants. However, an ideologically driven Israeli government must be prevented from misusing that support to thwart the "land for peace" principle that the United States and the international community believe is the only basis for resolving the Middle East conflict.



Merle Thorpe, Jr.



"I have a feeling that something's moving..."

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IMPRESSIONS OF A RECENT VISIT

By Geoffrey Aronson

Writing about Israel's settlement enterprise from Washington is a risky business. Because Israel's intention is literally to change the face of the land, a Washington perspective—focusing on numbers, budgets, and politics—can easily fail to convey the revolutionary transformation that Israeli bulldozers and concrete are fashioning on the ground.

A two-week mid-summer trip to Israel and the territories provided a firsthand reminder of the scale and popularity of the largest Israeli building boom on occupied lands in the twenty-four-year history of Israeli rule.

The dimension of the new construction is most dramatic in annexed Jerusalem, where a new neighborhood, Pisgat Ze'ev, is taking shape on the hillsides northeast of the central city where row after row of multistory apartment blocks are rising in terraced uniformity.

The term "settlement" obscures more than it clarifies about what is being built in Pisgat Ze'ev—and for most of the communities that are being expanded throughout the West Bank and Golan Heights for that matter. For these are not the tiny, barbed-wire enclosures of ramshackle housing sitting in defiant isolation on some barren hilltop—the image that still dominates American perceptions of this grand undertaking—but modern communities in every sense of the word: with schools, trees, swimming pools, apartment buildings, townhouses, government offices, and in some cases, red-tiled villas that would not be out of place in any affluent American suburb.

So fully has the annexation of Jerusalem been integrated in Israel's public consciousness that Pisgat Ze'ev is naturally seen as part of Israel, even by Peace Now, which does not contest a policy that has placed almost 150,000 Israelis in Jerusalem homes built on occupied land.

The concern expressed about the construction of new "settlements" and the roads and infrastructure servicing them tends to draw the eye away from older Jerusalem communities like Ramat Eshkol, French Hill, and Gilo—where the passage of time has obscured their shared roots with the likes of Pisgat Ze'ev. The creation of facts in Jerusalem, it must be remembered, is as old as the occupation itself. In Pisgat Ze'ev, one sees history dynamically repeating itself.

From Pisgat Ze'ev one can look southeast to the seventeen-year-old town of Ma'ale Adumim rising some miles away in the Judean desert along the Jerusalem-Jericho

road. Ma'ale Adumim is the first officially designated Jewish city in the West Bank, conferring upon it a status of more symbolic than practical value.

The city, now boasting a population of 15,000, was originally conceived by Labor Party planners in the early 1970s. Today many of their children, along with *their* progeny, call it home. Perhaps one-third of the 5,000 or so dwelling units to be constructed this year in the West Bank are located here.

Construction has recently moved northwestward across the main road, toward Jerusalem. From this vantage point it is easy to see what Ariel Sharon means when he says that if Jerusalem will not extend its municipal boundary to include Ma'ale Adumim, Ma'ale Adumim will expand toward Jerusalem. During the next decade, the apartment blocks of Ma'ale Adumim will link up with Pisgat Ze'ev along a road constructed with this end in mind, forging a wall of concrete along the eastern perimeter of the city.

Israel's efforts to create a market for West Bank housing are succeeding. To judge by the crowd at an "apartment sale" sponsored by the local council of the West Bank settlement of Efrat, neither the shuttle diplomacy of U.S. Secretary of State James Baker nor the intifada have convinced significant numbers of prospective purchasers to reconsider their choice.

Efrat is home to 3,000 Israelis, many of them religious emigrants from South Africa and the United States. The booming town is built on a hillside east of the main Jerusalem-Hebron road south of Bethlehem.

This "capital of the Etzion Block" boasts gardens, playgrounds, and tennis courts, a commercial center, and take-away pizza.

The Efrat event took place in a basement room of Jerusalem's Moriah Hotel. There, young couples competed for the attention of harried real estate agents for complete information on mortgages and surveyed renderings of as yet uncompleted townhouses, trying to envision a completed subdivision with a view of the Judean Hills and only twelve minutes (stressed the promoter) by car along the new road to Jerusalem. Efrat, as the color sales brochure declares, is simply "a great place to live."

"But what about the Arabs?" asked a Peace Now provocateur. No one wanted to hear about them. No one wanted to know about Efrat's Arab neighbors, some of whom are wont to throw stones at passing Israeli vehicles and on whose lands their prospective homes are being built. For these "pioneers," Palestinians are at worst a nuisance, intruding upon the wonderful views. But most of the time they are simply invisible. ♦

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"pioneers," Palestinians are at worst
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wonderful views.

U.S. POLICY ON ISRAELI SETTLEMENTS IN OCCUPIED TERRITORY

Israeli responsibilities in the occupied territories are defined by the international consensus embodied in The Hague Convention of 1907 and the Geneva Convention. Paragraph 6 of Article 49 of the Fourth Geneva Convention on Protection of Civilian Persons in Time of War states:

“The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies.”

Successive Israeli governments, however, have denied the applicability of such constraints to their right to settle their own population in the occupied territories.

The U.S. position on the status of Israeli settlements has undergone noteworthy revision over the last quarter century. Highlights of this evolution follow.

The Johnson Administration

Israel's settlement program was in its infancy during the Johnson presidency. Shortly before leaving office, President Lyndon B. Johnson declared that “Arab governments must convince Israel and the world community that they have abandoned the idea of destroying Israel. But equally, Israel must persuade its Arab neighbors and the world community that Israel has no expansionist designs on their territory.”

The Nixon Administration

Except for opposition to Israel's decision to annex East Jerusalem, the Nixon administration did not make specific reference to Israeli settlement activities until a UN Security Council debate on the subject in September 1971, which resulted in Resolution 298. U.S. Ambassador to the United Nations George Bush stated, “We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and the spirit of this convention.”

The State Department's deputy legal advisor, George H. Aldrich, reaffirmed this position, which applied as well to annexed East Jerusalem, when he noted in April 1973, “Israel, as occupant of the territories seized during the fighting in 1967, is bound by the Fourth Geneva Convention—that for the protection of civilians—but Israel refuses to apply the convention.”

The Ford Administration

The Ford administration upheld the interpretation formulated in the Nixon years. During a Security Council debate on the occupied territories, occasioned by the establishment of the first Jewish settlement in the Samaritan hills, U.S. Ambassador to the United Nations William Scranton told the Security Council in March 1976, “[S]ubstantial resettlement of the Israeli civilian population in occupied territories, including East Jerusalem, is illegal under the convention and cannot be considered to have prejudged the outcome of future negotiations be-

tween the parties on the locations of the borders of states of the Middle East. Indeed, the presence of these settlements is seen by my government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors.”

The Carter Administration

President Jimmy Carter was more determined than his predecessors to resolve the issue of Israel's occupation of the West Bank and Gaza Strip. In talks with Prime Minister Menachem Begin in July 1977, Carter notes in his memoirs, “I then explained to the Prime Minister how serious an obstacle to peace were the Israeli settlements being established within the occupied territories . . . I reminded Begin that the position of the United States had always been that any settlements established on lands occupied by military force were in violation of international law.”

At Camp David, President Carter thought he had won Israel's approval for a freeze on the construction of new settlements for the duration of post-summit negotiations. Israel claimed that a moratorium of only three months had been agreed and that it did not cover the “expansion” and “strengthening” of existing settlements.

The State Department's legal advisor, Herbert Hansell, informed Congress that “the establishment of the civilian settlements in those [occupied] territories is inconsistent with international law.”

U.S. characterization of settlements as “illegal” was reaffirmed by Secretary of State Cyrus Vance in testimony before Congress on March 21, 1980: “U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process . . .

“Article 49, paragraph 6, of the Fourth Geneva Convention is, in my judgement, and has been in the judgement of each of the legal advisors of the State Department for many, many years, to be . . . that [settlements] are illegal and that [the Convention] applies to the territories . . .”

The Reagan Administration

President Ronald Reagan was determined to forge a “strategic consensus” with Israel and was therefore less inclined to dispute continuing settlement. The writings of former Under Secretary of State Eugene V. Rostow offered legal cachet to Reagan's revision of U.S. policy, explained in a February 2, 1981 interview.

“As to the West Bank and the settlement there, I disagree with the previous administration as they referred to them as illegal. They're not illegal—not under U.N.

U.S. POLICY, *continued on page 6*

BAKER ATTACKS SETTLEMENTS

The following is the complete transcript of Secretary of State James Baker's May 22 and May 23 testimony regarding Israeli settlements before the House and Senate Foreign Operations Subcommittees, chaired by Congressman David Obey and Senator Patrick Leahy.

House Testimony

OBEY: With respect to—I have to raise, because our committee asked the State Department last year to provide a report on the issue of Israeli settlements. And that report indicated to us that there are now over 200,000 settlers in some 20[0] settlements in the occupied territories, including East Jerusalem; in the West Bank, about 90,000 settlers, an increase of 9,000 to 10,000 during the past year; perhaps as many as 40,000 since '84. According to that report, West Bank settlements are growing at a rate of 10 percent a year, and last year it suggested the government of Israel spent at least 83 million [dollars] in identifiable allocations for settlements.

On April 5th, the [Washington] *Post* reported that Israeli Minister said 14,000 new housing units would be placed in the settlements outside of Jerusalem in the next two years. We then have a number of other newspaper articles, including one by Jackson Diehl which says "Israel Boosts Land Seizures." And it says—and I have no idea whether this is accurate. I want to ask you if it is. But it says while the Palestinians of Artis waited out a 40-day curfew after January 15, teams of Israeli land agents began staking out tracts on the hillside outside the village. Then, two weeks after the war ended, a notice arrived. Israel's government had decided to seize 360 acres of traditional village land, wiping out much of the agriculture on which the community depends.

The confiscation was one of a sudden rash of land takeovers initiated by Israel in the West Bank in the two months after the Persian Gulf War, amounting to at least 7,500 acres so far that appears linked to a vast new program for construction of Jewish settlements. It then goes on to suggest the rationale under which Israel allegedly takes the land, saying that Israel bases their land seizures on an interpretation of 19th century Ottoman Turkish law, which required villages and families who wanted to register their ownership of land to prove they had cultivated the property for 10 consecutive years. And because it's difficult for a number of reasons for them to do so it sets it up for confiscation. So alleges the article.

I would like to know, number one, whether this is true, and secondly, if it is, in concert with the other reports that—the other report you sent us—frankly, it gets under my skin, because I guess my question is this: What specifically is US policy with respect to settlements? Because my understanding is that this activity is in violation of US policy. What bothers me is the Israeli government says that they desperately need funds for other purposes, including bringing Soviet Jews to Israel for resettlement. But then they appear to be spending money like this, which I

don't think they ought to be spending. It seems to me that if in fact this article is true, it also represents significant human rights violations.

I would simply like to have your assessment of what the situation is. Can we expect to see action on the part of the Israeli government that will reflect—let me put it another way. I think we have a moral obligation to try to help Israel resettle every Soviet Jew who wants to leave Israel [sic—probably means the Soviet Union]. But I think Israel has an obligation to us and to their own future security not to settle them in such a way that it proves either an obstacle to the peace process or it proves to be a major embarrassment to you and to anybody trying to jump start peace talks . . .

BAKER: Mr. Chairman, every time I have gone to Israel in connection with the peace process on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It's the first thing that Arabs—Arab governments, the first thing the Palestinians in the territories—whose situation is really quite desperate—the first thing they raise with us when we talk to them. I don't think that

The report accompanying this year's House of Representatives Foreign Aid bill requests the State Department "to provide a full report on settlement activities during 1990-91, in the territories occupied since 1967 with special emphasis on expenditures, subsidies and financial incentives relating to settlements."

there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace. And nothing has made my job of trying to find Arab and Palestinian partners for Israel more difficult than being greeted by a new settlement every time I arrive . . . it substantially weakens our hand in trying to bring about a peace process, and creates quite a predicament.

Now, I've raised the issue on any number of occasions with the leadership of the government of Israel, to no avail. I've even raised it in the context of perhaps a tradeoff for a suspension of the state of belligerency or suspension of the boycott, as I've mentioned to you. And I haven't gotten any takers on that, either. So, it makes it tough.

I have about decided that we're not going to get any movement on settlement activity before we—at least before we have an active peace process going, and it's going to be just that much more difficult to get a peace process going if we can't get any action on settlement activity.

Someone told me, and I don't want to—I don't want to say this as being an absolute fact, because I haven't checked it, but I believe that there's only about 35 percent of the occupied territories that has not been in one way or another utilized, or is being utilized, by Israel, either through settlement activities or appropriation in the manner that the article you just mentioned outlines. I can't tell you that everything in that article is accurate, because I don't know whether it is or not. I suppose we could have it analyzed and send you a report.

OBEY: I would like you to do that.

Let me simply say that if I were Israel, I would not give back one square inch of any of the territory without explicit, clear, emblazoned in gold letters—recognition on the part of Arab states. But, I think the Israeli government has an obligation to

BAKER, *continued on page 6*

resolutions that leave the West Bank open to all people, Arab and Israeli alike . . .” In Reagan’s view, Israeli settlement was not illegal, but merely “ill-advised” and “unnecessarily provocative.”

The State Department sought to reassert customary U.S. policy. Nicholas Veliotis, assistant secretary for Near Eastern and South Asian affairs, told Congress in October 1981 that “the establishment of the civilian settlements in those territories is inconsistent with international law . . .”

Still, U.S. policy on this issue was not clearly articulated. Secretary of State George Shultz merely added to the confusion when he told a news conference a few days before unveiling the Reagan Plan in September 1982 that “. . . the question isn’t whether they [settlements] are legal or illegal; the question is are they constructive in the effort to arrange a situation that may, in the end, be a peaceful one . . . [President Reagan’s] answer to that is no, expansion of those settlements is not a constructive move.”

The Reagan Plan states that

“The United States will not support the use of any additional land for the purpose of settlements during the transition period (5 years after Palestinian election for a self-governing authority). Indeed, the immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated.”

The Bush Administration

President Bush has reiterated that East Jerusalem is still considered occupied territory. The Bush administration has not reverted to the pre-Reagan administration characterization of Israeli settlement activities as illegal, but Secretary of State James Baker has characterized settlement as “de facto annexation.”

“Building settlements,” explained a State Department spokesman in January 1990, “or putting even more settlers in the territories is an obstacle to the cause of peace.”

In the wake of the establishment of a new West Bank settlement in April 1991, White House spokesman Marlin Fitzwater reiterated that “the settlements are an obstacle to peace, and their continuation does not contribute to the development of the peace process which we all have been working for.”

Subsequently, President Bush himself appealed directly to the Israeli people: “We’re not giving one inch on the settlements question. . . . We’re not going to change our position on settlements. So please, those in Israel, do what you can to see that the policy of settlement after settlement is not continued. It is counterproductive.” ♦

try to deal with this resettlement issue in such a way that it makes possible US support for Soviet refugees in Israel because I very badly want to see that happen. But, I also have to say, as I said in Milwaukee last week, that I think it is dangerous negligent nonsense for the Arab world itself to continue to play what I regard as a “cat and mouse game” on the entire issue, and it just seems to me that if the Arab world cares about the settlements issue as much as they ought to, that the Arab world as well ought to take some action which makes it very difficult politically for the Israelis to justify continuing their settlement policy on the West Bank. So, I frankly think we’ve gotten very little out of either side.

Senate Testimony

LEAHY: I know that last month the State Department sent us a report that says Israelis, including Soviet Jews, are settling on the West Bank in a greater number than previously thought. I had very blunt talks with the Israeli leaders on settlements. They were, I thought, extremely blunt. I found no willingness on their part to show restraint in the interests of the peace process on the settlement issue, and that was one of the most disappointing aspects of my trip.

If these settlements continue, with a significant expansion of the number of Jews living on the West Bank, how would that affect the Middle East peace process?

BAKER: Well, Mr. Chairman, as I indicated yesterday in the House, it has been the long-held view of the United States and has been the view of many administrations that settlements are an obstacle to peace. That continues to be the position of the United States . . .

I also said I did not think that there was any bigger obstacle to peace. If you go back and look at the transcript, you’ll see that’s exactly what I said. I didn’t say it was the biggest. I said I don’t think there are any—there was any bigger obstacle, and I don’t think that there was any bigger obstacle.

There are other obstacles that are every bit as big, and in saying that, I do not exclude those others. And that’s why I said yesterday in my comments that I had suggested to Israelis and to Arabs that they both consider mutual suspensions, if you will. A suspension by the Arabs of the state of belligerency against a suspension by Israel of settlement activity, during the pendency of peace discussions. Nothing would move us in a better way or more quickly toward real discussions for peace.

I didn’t get any takers on either side of that equation. I got the same response you did, Mr. Chairman, from the Israeli leadership, and I did not get an affirmative response either from Arab governments . . .

I also made the suggestion, by the way, that Arab governments think in terms of a suspension of boycott against a suspension of settlement activity. These things are all very big obstacles to peace. But I will say one more time, there is no bigger obstacle than the continued enhanced settlement activity that we see going on in the territories. Because what that does is it tends to make the parties we are trying to bring to the table with Israel think that Israel—they tend to think that Israel is not interested in negotiations but only in creating facts on the ground . . . ♦

ISRAEL DRAWS DOWN SETTLEMENT INVENTORY

More new settlements have been created in the West Bank and Golan Heights in recent months than during the past two years. These new settlements—Revava, Yad Shaked, “Permanent” Talmon, and Har Manoach in the West Bank; and Kanaf and Barukim on the Golan—were first approved in 1984 during the premiership of Shimon Peres, but only recently have they been established on the ground. Their founding brings the number of Jewish settlements in the West Bank to 150, in the Golan Heights to 37, and in the Gaza Strip to 19, with a total Israeli population of 110,000.

In addition to these settlements, the government has an inventory of 15 officially approved settlements for which ground has yet to be broken: Anin, Zufin, Kaniel, Gabriel, Ammihud, Natsif, Na’aleh, Ovadia, Manora, Asa’el, Yonadav, Sansanna, Shani, Qatsif, and Gilgalit. ♦

DEBATE, *continued from page 1*

HAMILTON: I share [Bryant’s] view that the expansion and thickening of these settlements is, in fact, an obstacle to peace and, therefore, I have some reluctance to oppose this amendment. I commend him for offering it, but I do feel constrained to oppose it . . .

I think this amendment will not be effective even if it were enacted in law. It is not going to stop the settlements.

We are going to stop the settlements only through the peace process itself. We are not going to stop the settlement by putting penalties on one party or the other or even all parties.

The best way to stop the settlements is to push that peace process forward. This amendment is inappropriate in terms of timing . . .

MILLER [R-Ohio]: I do not believe we should subsidize, even indirectly, new or expanded settlements in the West Bank or Gaza. Without a commitment from Israel that it will not increase settlements in occupied territories, we have no assurance that the assistance we provide does not serve to substitute for Israeli moneys that can then be used to support new settlements . . .

WOLPE [D-Michigan]: Make no mistake, the process of settling the occupied territories by Israel is a significant obstacle in Arab-Israeli peace negotiations, and the United States should continue to urge the Shamir government to reassess its policy of settling the occupied territories. But at this critical juncture of the Middle East peace process, this is no time to threaten Israel with a cut in economic assistance . . .

OBEY: My objection to that amendment was simply that it aimed at only one side of the Middle East controversy . . . I made a commitment to the Secretary of State that we would try to give him as much room as possible to deal with the Middle East, and so, therefore, I have told the Secretary of State that I would try to the best of my ability to see to it that no boats were rocked with respect to Middle East spending until he had ample time to try to negotiate the participation of all of the key parties in peace talks in the Middle East . . . ♦

FROM THE ISRAELI PRESS

How to Establish a Settlement

The following article appeared after Prime Minister Yitzhak Shamir denied knowledge of the timing of new settlements constructed during Secretary of State James Baker’s spring visits to Israel.

The formal steps necessary to establish a new settlement in the occupied territories are as follows:

1. Decision of the government or the Ministerial Settlement Committee (which currently is not in existence), and establishment by the settlement authority (the Ministry of Housing or the settlement department of the World Zionist Organization).
2. Land site determination and approval by Plia Albeck, head of the civilian department in the Ministry of Justice.
3. Declaration of the land as state land. In this process it is necessary for representatives of the state to take village leaders in the area and the landowners on a tour of the lands in order to enable them to contest the seizure (in practice it is acceptable to announce the expected confiscation to the village leaders who will inform the landowners, sometimes too late). After the declaration, the area is measured by the [Israeli] administration, and, after Albeck’s approval, the settlement authority receives the land.
4. The settlement authority signs a lease (on the land) and makes the first request for land preparation.
5. The civilian administration approves the action.
6. Preparation steps: the construction plan goes to the local [Israeli] city building committee of the local regional council. After that the plan is published in the local paper to give an opportunity to register opposition.

In practice, not all Jewish settlements in the West Bank follow these bureaucratic rules. The Ministry of Justice permits entry of mobile homes and connections to the electricity grid, water, and sewer systems even before a site plan exists. The specific planning and the process of making it permanent begin after the temporary settlement already exists. In other instances, like in Talmon, the temporary site remains in its place while the permanent settlement becomes in effect an entirely new settlement.

—*Ha’aretz*, April 30, 1991

Yossi Ben Aharon, director general of the Prime Minister's Office, revealed that Baker, in the course of his negotiations in Israel, has never asked for an Israeli commitment to freeze settlement activity. The diplomatic concept he has pursued, which centers upon an agreement on procedure, implicitly excludes discussion of this central topic.

"There has been a big disproportion between the coverage given by the media to the settlements issue and the attention and time devoted to the matter in our talks and discussions," noted Shamir. "I do not consider this a particularly special or important issue liable to affect the current negotiations. The question of the settlements is not relevant to the political process."

On his fourth visit to Israel, Baker did suggest that a settlement freeze would be reciprocated by a cessation of the Arab economic boycott of Israel. This suggestion was later endorsed by the G-7 nations and approved by Egypt, Kuwait, and Saudi Arabia.

This proposed trade-off, no matter how attractive politically, reflects a lack of understanding of the two issues vital to the proposed deal. First, the boycott of Israel, both primary and secondary, is ineffectual. Israel markets at least ten percent of its nondefense exports—\$1 billion and perhaps as much as \$2 billion—annually to the Arab world.

More important, the offer illustrates an inability to comprehend the centrality of the settlement enterprise to the Shamir government. For if Israel is to concede what in effect it considers its national birthright, it will demand a quid pro quo far more substantial than an end to the feeble

boycott. The offer of such a lopsided bargain—and it wasn't the only one—simply invited its rejection.

Baker's patience with the diplomatic dance around the settlement issue gave way in testimony to Congress where he declared, "I don't think that there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace."

The president followed up on Baker's complaint with a letter to Shamir in which Bush offered Shamir a deal. "There will not be any doubt in [King Hussein's] ability to include the Palestinians in a joint delegation if he can say that there will be a freeze of settlement activity from the moment negotiations begin."

"I ask you to consider this," Bush continued, "if it is impossible, we will need something like the compromise proposals that were put forward on the UN issue and on the right of the conference to convene more than once. . . ."

If Israel was not prepared to concede what Bush declared were insignificant procedural points to gain Arab support for a conference, why would it entertain gutting its settlement effort to achieve the same end? Bush himself seemed to have realized this, for he quickly assumed Israel's rejection of such a "bargain."

Shamir did not take seriously the president's proposal to stop settlement, nor perhaps was he meant to. It was, he remarked, "merely the expression of a wish."

Wishing alone will not bring an end to Israel's settlement program. If the United States is serious about achieving a peaceful resolution of the issues separating Israel and its Arab antagonists, its diplomacy and not merely its rhetoric must confront Israel's territorial ambitions head on. ♦

"We're not giving one inch on the settlements question. . . . We're not going to change our position on settlements. So please, those in Israel, do what you can to see that the policy of settlement after settlement is not continued. It is counterproductive."

**President George Bush
July 1, 1991**