

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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SHARON'S WEST BANK POLICY LEAVES LITTLE ROLE FOR THE PA

Any informed assessment of the future direction of events in the West Bank must take as its point of departure a review of the main elements of current Israeli and Palestinian policies.

The Big Picture

Prime Minister Ariel Sharon has adopted a wide-ranging and dynamic policy that makes no reference to Palestinians or the Oslo framework. This spirit of unilateralism has long been a central feature of Israel's policies in the occupied territories.

Palestinian president Mahmoud Abbas, an advocate of nonviolence, hopes to assert the leadership of the PA over Palestinian factions and their violent resistance to continuing occupation in an effort to convince Israel to resume negotiations on final status issues and restore territorial and security attributes lost during the intifada.

In December 2001, Israel's cabinet defined the Palestinian Authority (PA) as an "entity that supports terror," setting the stage for the body's subsequent

emasculatation. This declaration has not been amended nor repudiated.

In May 2002, shortly after the beginning of Israel's restoration of direct security control over the entire West Bank, the *Settlement Report* observed, "A new, post-Oslo era has begun in the occupied territories. The understandings between Israel and the Palestinians that made possible the establishment of a Palestinian Authority led by Yasser Arafat and the creation of Palestinian security services with a mandate in Palestinian populated areas [Areas A] of the West Bank have been irrevocably undermined. Likewise, the territorial division of the West Bank that resulted from the Oslo process—the creation Areas A, B, and C—is no longer relevant to the reality in the West Bank and Gaza Strip."

Subsequent events, including Israel's departure from the Gaza Strip, have confirmed that the Sharon government has no interest or faith in the "land for security" bargain at the heart of Oslo. Nor do many Palestinians who see Israel's retreat from Gaza as a victory for the armed resistance. Abbas is relying upon the international community, particularly the Bush administration, to restore the Oslo equation, now updated by the moribund road map, to the diplomatic center stage.

Palestinian strategic objectives are freedom, independence, and sovereignty over all territories conquered by Israel in June 1967. In an April 2005 position paper presented to U.S. envoys, Palestinians demanded "full . . . sovereignty

over the land borders, regional waters, and air space of these areas, including securing an international presence." Minister for Civil Affairs Muhammad Dahlan explained, "There will be no separation between the West Bank and Gaza, and we will not allow the Gaza Strip to be turned into a prison."

Measured against these Palestinian goals, Israel's disengagement from the Gaza Strip remains incomplete, pending a resolution of the residual powers Israel will retain over the movement of people and goods between the Gaza Strip and Egypt and beyond, and the degree of freedom established for movement between Gaza and the West Bank.

Crippling the PA

The government of Ariel Sharon has little interest in the creation of an effective Palestinian security force in the West Bank, and it is at best ambivalent about the rehabilitation of such a capability in the Gaza Strip.

In the West Bank, the Israeli army regularly exercises freedom of action everywhere, preempting the crippled security capabilities of the PA. Unilateral Israeli actions, notably the erection of the separation barrier, assassinations, and the complex and draconian system of controls on Palestinian movement, now define Israel's preferred security instruments. Despite Palestinian and international entreaties, Israel has shown no interest in reassessing these policies.

Beginning in March 2002, the gov-

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TO OUR READERS

Hopes for peace based on Mahmoud Abbas' commitment to non-violence, an informal truce, and Ariel Sharon's withdrawal from Gaza are fading fast, threatening a return to the old cycle of violence and revenge. There has been little progress on the critical issue of assuring Palestinian freedom of movement in and out of Gaza, and American envoy James Wolfensohn has complained about Israeli foot-dragging. Abbas has not stamped out terrorism, nor has the IDF stopped settler violence against Palestinian citizens and property. Sharon is moving relentlessly to consolidate West Bank settlements and confine the Palestinians to isolated enclaves, ignoring U.S. concerns. In the first quarter of 2005, settlement building in the West Bank was up 83%, and 14,000 more Israelis have settled there, far more than the 6,500 evacuated from Gaza. The 23 square miles alone that Sharon plans to encircle with his separation barrier in order to sever East Jerusalem from the West Bank are more

than the 19 square miles abandoned in Gaza.

The only way to break the current impasse and avoid a new descent into violence is to end unilateralism and return to negotiations, with vigorous American mediation. Abbas wants peace talks. But Sharon prefers unilateralism and treats Abbas like Yasser Arafat, claiming he is not a "partner" until he gains control of security. Meanwhile, as this *Report* points out, Sharon and the IDF have rejected cooperation with Palestinian security forces and are pursuing unilateral settlement and security policies that undermine Abbas, strengthen his militant rivals, and provoke new violence. Adding to this dismal picture, President Bush discouraged hopes for renewed U.S. leadership when he said during Abbas' visit in October that he would urge no timetable for renewed talks.



NETZARIM VERSUS THE CHRISTIANS

Ariel mayor Ron Nachman wants "to strength the Jewish character of the city," according to a September 9, 2005 article in the *Ma'ariv* supplement. The settlement was established in 1978 and enjoys a growing population of 18,000. Close to half the settlement's population arrived from the former Soviet Union during the last 15 years, including a large percentage (up to 50 percent) who are Christian. Ariel is home to Russian evangelicals and a group of "Jews for Jesus"—the "Hope of Samaria"—who count Christians from Waco, Texas as members. These Americans were first introduced to the settlement by Nachman, who has long solicited Christian fundamentalist groups throughout the United States for financial and political support.

Ariel's popularity among Christians has prompted a backlash of sorts. As part of his campaign "to strengthen the ideological religious (Jewish) public that lives in the Land of Israel" and to double its population in the settlement to 20 percent, Nachman invited evacuees from the Gaza settlement of Netzarim, now residing temporarily in the settlement, to establish a new, permanent neighborhood.

"If they intend to build a new little Gaza with beautiful houses and money-earning hothouses," said one Christian resident, "I'll be very happy."

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The new cottage neighborhood in Anatot

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IT'S WORTH IT**

Populated Neighborhood • Immediate move-in •
Feature-rich house

**Freestanding 4 bedroom house with a
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Bet Amana—the leading company for freestanding homes invites you to take advantage of a once in a lifetime chance in the New Anatot—the new cottage neighborhood in Anatot.

This advertisement for the settlement of Anatot/Almon appeared soon after the Sharon government decided that the route of the separation barrier would include the Adumin bloc settlements.

Yediot Abarot, February 20, 2005

SETTLEMENT TIME LINE

August 26 *Yerushalaim* reports that two Jewish American investors are in the process of purchasing 13 dunams belonging to Arab landowners in the Palestinian village abutting Har Adar in an effort to expand Har Adar by about 2,000 residents.

Kol Ha'ir reports the Jerusalem municipality's intent to encourage one-third of Gaza's Neve Dekalim settlers, about 2,500 persons, to relocate to a newly built neighborhood in Har Homa in East Jerusalem.

August 28 *Yerushalaim* reports on a plan to build 500 housing units in Har Homa. The neighborhood currently includes more than 2,500 homes.

Yerushalaim reports that Jerusalem mayor Uri Lupolianski has proposed a plan to transfer some neighborhoods in East Jerusalem to the Palestinian Authority (PA) in exchange for complete Israeli control of the Old City, including the al-Aqsa mosque.

August 31 Avri Ran, the "father" of hilltop outposts and leader of the settler youth movement, is captured near the Jordan River by police. He had escaped house arrest seven months prior. (*Ma'ariv*)

Settlers vandalize security cameras placed by the Israeli Defense Forces in the Jewish enclave of Tel Rumeida in Hebron. Two teenagers are arrested. (*Ha'aretz*)

September 1 *Ha'aretz* reports the Israeli comptroller's findings of serious violations in the enforcement and operation of the separation barrier following an investigation conducted August through October 2004. The comptroller asserted that technology and personnel were not being used effectively to ensure the security or standard of living of the Palestinian people.

September 2 *Yerushalaim* reports a plan to build more than 1,000 Palestinian housing units on approximately 1,500 dunams in the neighborhood of al-Tur. An agreement is being negotiated whereby in exchange for a Palestinian commitment to freeze unauthorized construction in the area, the municipality would cease issuing demolition orders.

September 6 Israeli agriculture minister Yisrael Katz orders the fencing of 15,000 dunams south of Har Hebron. The government had decided to leave this area near unauthorized outposts outside of the separation barrier, but Katz, according to *Ma'ariv*

"voiced his determination to alter the demographic reality in the area to an extent where the government will be forced to include the area within the boundaries of the separation barrier."

Ma'ariv reports Defense Minister Mofaz's approval of the construction of 117 housing units in the West Bank settlements of Ariel and Ma'ale Adumim. High-ranking members of the Ariel municipality claim that more than 3,000 housing units have actually been approved.

Yediot Aharonot reports that 10 housing units have been built in the West Bank settlement of Ariel since the beginning of the year.

September 7 *Ha'aretz* reports that during the first half of 2005, Jerusalem mayor Lupolianski declined to sign 4 percent of demolition orders issued for Palestinian dwellings in East Jerusalem, while he declined to sign 37 percent of those issued for West Jerusalem.

Ma'ariv reports the recent building of approximately 130 new housing units in West Bank settlements. The most significant settlement expansion of 40 new units occurred in the outpost of Bruchin, west of Ariel.

September 8 The Jerusalem municipality gives final approval for the construction of 20 housing units and a synagogue in the heart of the Old City's Muslim quarter. (*Yerushalaim*)

September 9 *Neto* reports on a project to build 74 housing units in Har Adar. There are some 2,000 residents in the settlement. The 5 to 7 room houses will be sold for \$320,000-370,000.

September 11 *Ha'aretz* reports that hundreds of Palestinian children in East Jerusalem have again been refused admission to local schools. The Israeli High Court instructed the municipality to resolve the capacity problem a few years ago, when a petition was submitted on behalf of 950 East Jerusalem children for whom no publicly financed educational facilities existed.

September 12 The last IDF soldiers leave the Gaza Strip after 38 years of direct military occupation. (*Ha'aretz*)

September 13 During a visit to the West Bank settlements of Beit Arieh and Karne Shomron, Defense Minister Mofaz expresses

his commitment to increasing the security of settlements and to clearing any obstacles to expansion plans for key settlement blocs. (*Ha'aretz*)

September 15 Israel's High Court of Justice orders the government to move the separation barrier in the Alfei Menashe area (see page 5). (*MidEast Mirror*)

Yediot Aharonot reports that the outpost of Ramat Gilad, near the West Bank settlement of Karne Shomron, is now connected to the area's electrical grid. Prime Minister Sharon and Defense Minister Mofaz had recently signed off on Ramat Gilad's immediate dismantlement.

September 16 *Ha'aretz* reports that in Tel Rumeida five Jewish families have moved into a building purchased by Jewish residents of Hebron, bringing the total number of Jewish families living in the quarter to 20.

Kol Ha'zman reports the issuance in Britain of a warrant for the arrest of Jerusalem housing supervisor Micha Ben-Nun. Since 2002, the Jerusalem municipality and Office of Internal Affairs have demolished 294 houses in East Jerusalem. Ben-Nun was alleged responsible for 36 home demolitions in 2002, 66 in 2003, 124 in 2004, and nearly 60 thus far in 2005.

September 20 A Palestinian resident of the West Bank village of al-Sheikh is arrested for attempting to bribe an Israeli officer to redirect the route of the separation barrier to include his home on the side of the Jerusalem municipality. (*Ha'aretz*)

IDF soldiers complete their withdrawal from the settlements of Ganim and Kadim in the northern West Bank. (*Ha'aretz*)

September 21 Israel declares its border with Gaza an international boundary. The residents of Gaza must present passports to enter Israel. Internal Affairs Minister Ofir Pines-Paz signs orders making the Office of Internal Affairs responsible for the movement of people between Gaza and Israel. The responsibility had previously been that of security forces. (*Ma'ariv*)

A group of 30 settlers from Yitzhar throw rocks at the jeep of central commander Maj. Gen. Yair Naveh as he tours the West Bank. (*Ha'aretz*)

SEPARATION BARRIER UPDATE

Opponents of the separation barrier have filed almost 90 petitions before Israel's High Court of Justice since the government approved construction in June 2002. More than 40 petitions remain active, contesting 80 km of the route, parts of which have already been completed. Most of the petitions have been filed by Palestinians opposed to the barrier route in their local environs, including one that resulted in a court order in mid-2005 to revise the route near Beit Surik. Others have been filed by Israeli human rights organizations.

The current route of the barrier is 763 km, of which 242 km is completed, with an additional 157 km under construction. Construction has yet to begin along almost half of the route located south of Jerusalem and along the West Bank's southern perimeter.

Construction of the 25 km section of the separation barrier in the area of Alfei Menashe, south of Qalqilya, was completed in the summer of 2003. Alfei Menashe, a settlement of 5650 people, along with noncontiguous areas slated for its future expansion and a section of Route 55 linking the settlement to Israel, was included in the "seam area"—the land created between the

HJC 7957/04 *Mara'abe v. The Prime Minister of Israel*

Alfei Menashe is an Israeli [settlement] town in the Samaria area. It was established approximately four kilometers beyond the Green Line. Pursuant to the military commander's orders, a separation fence was built, surrounding the town from all sides, and leaving a passage containing a road connecting the town to Israel. A number of Palestinian villages [5] are included within the fence's perimeter. The separation fence cuts them off from the remaining parts of the Judea and Samaria area. An enclave of Palestinian villages on the "Israeli" side of the fence has been created. Petitioners are residents of the villages. They contend that the separation fence is not legal.

The military commander is authorized to order the construction of the separation fence if the reason behind its construction is a security and military one.

It is sometimes necessary, in order to erect a separation fence, to take possession of land belonging to Palestinian residents. Is the military commander authorized to do so? The answer is that if it is necessary for military needs, the military commander is authorized to do so.

Does the military commander's authority to construct a separation fence also include his authority to construct a fence in order to protect the lives and safety of Israelis living in Israeli communities in the Judea and Samaria area? . . . In our opinion, the answer is positive.

Even if the military commander acted in a manner that conflicted the law of belligerent occupation at the time he agreed to the establishment of this or that settlement—and that issue is not before us, and we shall express no opinion on it—that does not release him from his duty according to the law of belligerent occupation itself, to preserve the lives, safe-

barrier and the Green Line.

In a September 15 ruling, Israel's High Court of Justice ordered the Sharon government to reconsider 13km of the existing route in this area because of the disproportionate harm caused to Palestinians affected by its route. It expressed doubt that security considerations were always the paramount consideration in determining the barrier's route. It found that Israel must take into account the security requirements of settlers and settlements, as well as those of Israel itself, in determining the route of the separation barrier, but only insofar as the chosen route does not have a disproportionate impact upon affected Palestinians. The court found justification for its recognition of the security rights of settlers in the Oslo Accords in which, the court argued, the Palestine Liberation Organization recognized Israel's right to protect the security of settlers. Interestingly, the justices also argued that settlers enjoy property rights that the state is obliged to protect, according to standards enjoyed by citizens resident in Israel. The full decision can be found at: http://www.btselem.org/English/Special/20050916_Ruling_on_Alfeii_Menashe_Enclave.asp. Excerpts appear below.

ty, and dignity of every one of the Israeli settlers.

Israelis present in the area have the rights to life, dignity and honor, *property* [emphasis added], privacy, and the rest of the rights which anyone present in Israel enjoys. Converse to this right of theirs stands the state's duty to refrain from impinging upon these rights, and to protect them.

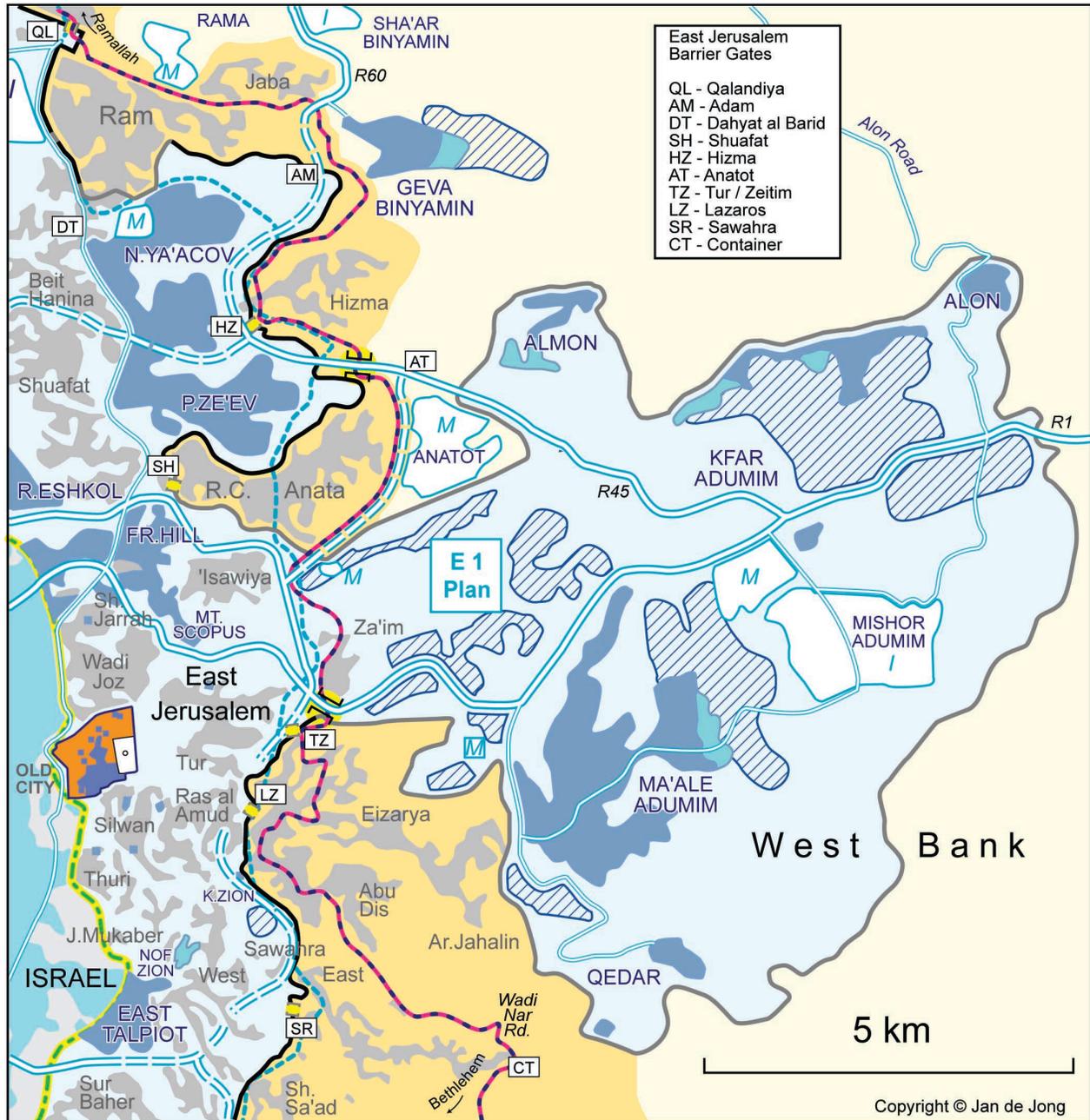
The fence cuts the residents of the villages off from the Palestinian communities which provide them necessary services. The fence traps the residents of the villages inside of an enclave cut off from the Palestinian population in the West Bank. The residents of the villages are unable to enter a Palestinian community outside the enclave without passing through the gates in the fence or a checkpoint (crossing 109). Residents who wish to travel from the villages of the enclave to the adjacent towns of Habla and Ras Atiyeh are forced to pass long and wearying roads, which require travel by car, just to get to a place which in the past was reachable by foot.

We have reached the conclusion that the considerations behind the determined route are security considerations. It is not a political consideration which lies behind the fence route at the Alfei Menashe enclave, rather the need to protect the well-being and security of the Israelis (those in Israel and those living in Alfei Menashe, as well as those wishing to travel from Alfei Menashe to Israel and those wishing to travel from Israel to Alfei Menashe). Our conclusion, therefore, is that the decision to erect the separation fence at the Alfeii Menashe enclave was made within the authority granted to the military commander. . . .

Indeed, any route of the fence must take into account the need to provide security for the Israeli residents of Alfei Menashe.

SEPARATION BARRIER UPDATE, continued on page 7

COMPROMISING PALESTINIAN JERUSALEM—THE ADUMIM BLOC



- | | | | | | |
|---|---|---|--|---|--|
|  | The Separation Barrier Existing or Under Construction/ Provisionally Approved |  | Palestinian Locality / Access and Use |  | Checkpoint / Gate |
|  | Green Line |  | Israeli-Determined Jerusalem Municipal Limit |  | Israeli (Re) Constructed Bypasses / Settler Roads, Projected or Under Construction |
|  | Israeli Settlement Existing / Under Construction / Proposed Expansion |  | Israeli Facility Military |  | Israeli-Constructed or Proposed Road Tunnels or Bridges |
|  | Settlement Area East of the Separation Barrier |  | Israeli Facility Industrial |  | Israeli Proposed Main Alternative Palestinian North - South Road Link |

COMPROMISING PALESTINIAN JERUSALEM

The map opposite portrays the emerging territorial reality of critical parts of East Jerusalem and its immediate West Bank hinterland. The following points should be noted:

- Prospects for maintaining Palestinian territorial hegemony in East Jerusalem have been undermined, not only by extensive Israel settlement there, but also by construction of the separation barrier south of Kufr Aqab and Semiramis and around the Shufat refugee camp.

- In contrast, territorial contiguity of East Jerusalem settlements with each other and nearby settlements is being enhanced by the expansion of East Jerusalem settlement peripheries beyond the municipal boundary of the city established by Israel in June 1967. Note in this regard the route of the separation barrier northeast of Neve Ya'acov and east of Pisgat Ze'ev.

- Territorial contiguity between the Ma'ale Adumim bloc of settlements and Israel is created by the territorial linkage in

the E-1 plan area and westward via Mt. Scopus. This territorial linkage is enhanced by dedicated transportation networks, notably Route 1 and Route 45.

- Palestinian communities pay the price of these territorial and transportation linkages. The prospect of Palestinian territorial continuity within the West Bank is compromised by the Ma'ale Adumim bloc. Contiguity within Jerusalem and between it and the West Bank is compromised by the destruction of Route 60 as the principal north-south Palestinian thoroughfare, and the separation barrier, which controls and limits access by Palestinians through 10 planned permanent gates. Construction of the barrier along the approved route east of Qedar to the Shufat Gate is essentially a political expression of the limits of settlement development.

- A transportation link between the Palestinian areas north and south of the Ma'ale Adumim bloc is maintained by an Israeli-controlled road yet to be constructed. ◆

WEST BANK, *continued from page 1*

ernment of Ariel Sharon effectively destroyed the principal feature of the Oslo framework when the IDF assumed direct control of security in Area A—covering the main Palestinian towns in the West Bank.

In November 2002, the *Settlement Report* noted, “Israel is now settling in for an extended period of the direct exercise of security responsibilities everywhere in the occupied territories, a dramatic transformation from the last decade, and one which the Bush administration, the road map notwithstanding, hesitates to confront.”

In the years that followed, Israel destroyed Palestinian operational security capabilities, adding to the already formidable internal obstacles to a unified and decisive monopoly of force faced by the PA. Israel has continued to obstruct the reconstruction of Palestinian security institutions by refusing to cede operational control exercised by the IDF throughout what was formerly considered Area A and by opposing the enhancement of Palestinian security capabilities.

Maj. General Ya'ir Naveh, who heads Israel's West Bank occupation forces, explains the difference between Israel's view of the Gaza Strip and West Bank as follows,

“In Gaza, we are leaving and closing the gates behind us. We have no intention of leaving Judea and Samaria. We will remain here in one way or another for hundreds and thousands of years.”

Israeli policies reflect an intention to permit the PA to exercise only the most limited of security functions. As Naveh explains, “I am pleased with the operation of the [Palestinian security] apparatus. There is a positive trend: returning Israelis who stray into Palestinian cities, returning [Israeli] stolen cars, and collecting weapons. I don't expect much more from them.”

Occupation Forever

Every aspect of Israeli policy, including the separation barrier, the system of checkpoints, closures, and bypass routes, and arguably the retreat from Gaza, is inspired by the intention to *remain* in strategic control of all of the West Bank and in permanent, exclusive physical control of between 20 and 50 percent of it. The evacuation of four settlements and army bases in the northern part of the West Bank did not result in the change in status of these areas from Area C, another indication of Israel's current lack of interest in reviving the territorial hierarchy that characterized the Oslo period.

Israel is prepared to evacuate additional settlements in the West Bank, although the timing and extent of the retreat remain to be decided. Notwithstanding this readiness, settlement expansion and the consolidation of new settlements, even in areas that are deemed to be potential candidates for evacuation, continues apace, without reference to concerns raised by third parties, including the United States. ◆

SEPARATION BARRIER UPDATE, *continued from page 5*

Respondents must reconsider the existing route. They must examine the possibility of removing the [Palestinian] villages of the enclave—some or all of them—from the “Israeli” side of the fence.

Respondents must, within a reasonable period, reconsider the various alternatives for the separation fence route at Alfei Menashe, while examining security alternatives which injure the fabric of life of the residents of the villages of the enclave to a lesser extent. In this context, the alternative by which the enclave will contain only Alfei Menashe and a connecting road to Israel, while moving the existing road connecting Alfei Menashe to Israel to another location in the south of the enclave, should be examined. ◆

JERUSALEM SHORTS

	<i>Arab Neighborhoods (East Jerusalem)</i>	<i>Jewish Neighborhoods (East/West Jerusalem)</i>
Population (2002)	185,000 ^a	460,000
Social workers	32	178
Cases per social worker	240	160
Public parks	45 (470 dunams)	1,087 (5,165 dunams)
Playground structures	15	220
Playground structures installed, 2003–2005	1	14
Recreational structures installed, 2003–2005	90	1,000
Ping Pong tables	0	14
Park benches	38	400
Budget for public centers and services	\$530,000 (15% of total)	\$3.5 million (85% of total)
Average household (persons)	5.3 ^b	3.4 ^b
Number of births (2004)	8,200 (41%) ^b	11,800 (59%) ^b

Sources:

Kol Ha'ir, September 23, 2005.

a. *Statistical Yearbook of Jerusalem, 2003*, Table III/13; Table X/12.

b. *Kol Ha'zman*, "18,000 People Don't Live Here Anymore." September 30, 2005.

President Bush: [A]chieving peace demands action from all parties. Israel must continue to work with Palestinian leaders to help improve the daily lives of Palestinians. At the same time, Israel should not undertake any activity that contravenes its road map obligations, or prejudices the final status negotiations with regard to Gaza, the West Bank, and Jerusalem. This means tht Israel must remove unauthorized posts and stop settlement expansion. It also means that the barrier now being built to protect Israelis from terrorist attacks must be a security barrier, rather than a political barrier. Israeli leaders must take into account the impact this security barrier has on Palestinians not engaged in terrorist activities. . . .

President Abbas: Peace requires a departure from the policies of occupation and the adoption of the principle of freedom. Peace requires departure from the policies of settlements construction, the collective punishment, unilateral acts that undermine your vision toward two states and replace that with progress towards negotiations. Peace and security cannot be guaranteed by the construction of walls, by the erection of checkpoints, and the confiscation of land, but rather by the recognition of rights.

President Bush: And so you said I would like to see two states before I get out of office. Not true. I'd like to see two states. And if it happens before I get out of office, I'll be there to witness the ceremony. And if it doesn't, we will work hard to lay that foundation so that the process becomes irreversible.

*President George W. Bush Welcomes
Palestinian President Mahmoud Abbas to the
White House, October 20, 2005*

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