

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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PRESIDENT OBAMA'S TRIP: MASTERFUL RHETORIC, BUT NO CONCRETE PEACE PROPOSALS

By Geoffrey Aronson

Israeli prime minister Benjamin Netanyahu announced the formation of his new government just days before the arrival of U.S. president Barack Obama on March 19. Eitan Haber, a confidant of Yitzhak Rabin, described the ruling coalition as “the most right-wing government that Netanyahu could have assembled. The settlers can and should be celebrating a major victory. They have always been left on the margin of real power in Israel, begging to be let in; now they are inside the key positions and are closer to the decision-making process than ever before.”

President Barack Obama used his carefully scripted three day visit to Israel and the West Bank to repair his negative poll ratings in Israel and also to cast Israel's occupation and settlement policies in a candid and critical light. His remarks, however, offered no guidance about the details of U.S. policy and suggested more caution than the president's soaring rhetoric evoked.

One of the challenges, I know, has been continued settlement activity in the West Bank area. And I've been clear with Prime Minister Netanyahu and other Israeli leadership that it has been the United States' policy, not just for my administration but for all proceeding administrations, that we do not consider continued settlement activity to be constructive, to be appropriate, to be something that can advance the cause of peace. So I don't think there's any confusion in terms of what our position is.

**President Barack Obama,
Ramallah, March 21, 2013**

Obama in Israel

Obama's public remarks in Israel highlighted Israel's historic and biblical narrative and his extravagant commitment to Washington's “eternal” alliance with Israel. But he also made the case to both complacent Israelis and frustrated Palestinians that the status quo is untenable, but he did not offer a diplomatic framework for changing it. In response to Netanyahu's view that Israel's conflict with Palestinians is a “marginal issue,” Obama declared its resolution central to not only Israelis and Palestinians but to

Americans as well.

Obama committed to U.S. support for Israel's security and Palestinian statehood and appealed to citizens to demand that their leaders make peace. His criticism of settler violence and his argument that an Israeli withdrawal from West Bank territory in the context of peace will enhance not only Israel's security but also that of the United States were unprecedented.

Obama called for new thinking and a rejection of “the formulas and habits that have blocked progress for so long.” He omitted the view expressed in his first term that continued settlement was not “legitimate.” In its place, he noted, the United States “does not consider” continued settlement activity to be constructive, to be appropriate, to be something that can advance the cause of peace.” He did not mention the June 1967 line as the point of departure for negotiations, and all but abandoned previous support for a settlement freeze that was at the heart of his failed, first term diplomatic effort. These views telegraphed a presidential reaffirmation of an American retreat from the view that settlement expansion and an Israeli commitment to base talks on the June 1967 line belong at the heart of any diplomatic initiative.

No Settlement Freeze

Obama confirmed his decision not to

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TO OUR READERS

The recent formation of Israel's most radical pro-occupation, pro-settlement government confirms the failure of Israeli politics to contain, much less reverse, Israel's decades-long policies of occupation and settlement.

This dangerous development is a paradox. Israel's globally integrated, modern, high-tech economy is a brilliant success, and the majority of Israelis are secular pragmatists who dislike settlements, realize they threaten Israel as a Jewish and democratic state, and support a two-state peace. But they are deeply skeptical that peace with Palestinians is possible, and as a result, they have largely ceded political leadership to Israel's right wing, pro-settlement parties. The major centrist parties, Labor and the new Yesh Atid, lack vision and said little in the recent election campaign about vital peace and security issues.

There are many reasons for this failure. Deep ideological and religious divisions have always thwarted political consensus. A flawed electoral system exaggerates the power of extremist parties. Even moderate Israelis are haunted by a history of chronic insecurity and conflict. Steady propaganda

adds to their fears. And Washington's protective embrace has helped shield Israelis from reality, encouraging an illusion of exceptionalism and impunity.

If President Obama is serious about renewed, more effective American peace making, he must find a way to transform Israeli politics in a way that obliges Israel's leaders to reverse the disastrous settlement adventure of the last forty-five years. Changing Israeli public opinion is the key to such a process. Obama's brilliant rhetoric during his recent visit conveyed some painful and candid truths about the urgency of Israel's crisis. Much more of this is needed, combined with new, persuasive American policies for peace to help create a new pro-peace majority.

It is no less important that the President adopt more realistic language, while preserving empathy, to describe the troubled U.S.-Israel relationship. Continued assurances that our relationship is "eternal" and "unbreakable" will undermine the truth telling he needs to continue.

Philip C. Wilcox, Jr.

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The Foundation for Middle East Peace has prepared a presentation of maps illustrating the evolution of the conflict from the UN Partition Plan in 1947, and depicting the growth of Israel's occupation and settlement project from the 1967 War to the present. To download the presentation visit: <http://www.fmep.org/resources/publications-1/map-progression-1948-1967>.

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LAW EXPERT SAYS ISRAEL CANNOT IGNORE UN REPORT ON SETTLEMENTS

Israeli government officials are absolutely correct to point out that the UN Human Rights Council is a biased, anti-Israeli body. Nevertheless, one should not ignore the recent report on West Bank settlements written at its behest, since it reflects the maturation of a prolonged process, typical of international law.

The report reflects the views of the international community, which sees Israel not only as an on-going occupier in the West Bank, but also one that conducts itself as proprietary owners, perceiving their rights as overruling the Palestinians' quest for self-determination on part of their homeland.

It should be noted that in contrast to the council's report, which views the 1967 borders (the Green Line) as the only criterion for the legitimacy of Jewish settlement projects, the Israeli government has before it the report prepared by retired justice Edmond Levy that states otherwise. This report, basing itself on the same international law, asserts that the entire West Bank is a legitimate target for Jewish settlement, subject to proprietary rights of Palestinian residents.

The state and its courts have done their utmost to avoid taking an unambiguous stand regarding the legality of Jewish settlement beyond the Green Line in the context of international law. The courts have dealt mainly with property rights of individual Palestinians, such as in the case of Elon Moreh, where the expropriation of private land by settlers was forbidden. The courts have never, however, addressed the significance and ramifications of the injunction against an occupying state transferring its population to conquered territory. The international community has always been critical of the settlement enterprise, but its terminology—for example, “obstacles to achieving peace”—has been more vague than explicit about its illegality, which continues to be the case.

The Rome Treaty of 1998, establishing the International Criminal Court, laid the foundation for the new UN report. The treaty explicitly defines as a war crime the transfer of populations to occupied territories by a victorious combatant. This treaty had the Israeli-Palestinian conflict in mind when the wording of this definition was addressed. Thus, the declared and consistent policy of transferring Israeli citizens into the West Bank, in the context of a territorial dispute, is now judged not only as undesirable, but as patently illegal in the eyes of the entire international community, including the United States. This puts Israel on a collision course with international opinion. The criticism is only bound to get worse.

Changing the debate over the settlement enterprise into a legal one is, indeed, bad for Israel. There is no distinction between legal and illegal settlements, as judged by Israel, or

between Jerusalem settlement blocs or more isolated settlements. The new discourse entirely ignores local political and security considerations and does not encourage negotiations or mutual concessions. It is, therefore, understandable why Israel objected to including this topic in the Rome Treaty; it was overruled.

Israel and its leaders will face mounting criticism, and even sanctions, if they continue to argue that it is permissible for Jews to settle anywhere in mandatory, pre-1948 Palestine (excluding private land), as the Levy report contends, rather than claim that this is how it currently interprets international law, until the issue is clarified.

After the Israeli political parties' deliberate suppression of this topic during the election campaign, the new government will have to make a decision: Will it support a two-state solution or will it continue to see the West Bank as part of the Jewish homeland. It must surely be aware that the second choice, based on the Levy report, will be an explicit rejection of the commitment to the concept of international law as perceived by the world.

Thus, the government in fact has no choice. It is time that it accept that even according to its own courts, Judea and Samaria are occupied, or held, territories. As such, they are not part of the state of Israel and no “annexation” can alter this fact. According to international law, a country cannot act as the owner of conquered lands and settle them with its citizens. Such conduct is no longer merely forbidden, but now constitutes a war crime.

The government's obligation to abide by international standards and statutes does not constitute “surrender” to its enemies, but rather recognition of its commitments to them as well as Israel's best interests. Thus, it is of vital urgency that Israel make a distinction between settlements that are already established, and thus probably not subject to the treaty's clauses, and settlements not yet built. Negotiations should be based on this distinction.

There should also be some weight given to “facts” that were established on occupied territory, even if they turn out to have been unlawful, and to the length of time that has elapsed, not all of which was the fault of the Israelis. Israel is right in arguing that a total dismissal of the entire settlement project and a call for full withdrawal is unrealistic and not conducive to finding a solution. It is obvious that some areas will remain under Israeli control, and construction there should be allowed, as opposed to construction in other areas. . . .

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The report reflects the views of the international community, which sees Israel not only as an on-going occupier in the West Bank, but also one that conducts itself as proprietary owners, perceiving their rights as overruling the Palestinians' quest for self-determination on part of their homeland.

SETTLEMENT TIME LINE

December 3 Settlers from the extremist Elad organization occupy three units in an East Jerusalem apartment block that was constructed without a permit. Settlers in Hebron torch a vehicle in a “price tag” attack. (Ma’an News, Palestinian Monitoring Group–Negotiating Affairs Department)

December 6 Settlers from Yitzhar assault a 47-year-old Palestinian man while he harvests olives south of Nablus. (Ma’an News)

December 11 An Israeli court rules that a home owned by a Palestinian family in the Sheikh Jarrah neighborhood of East Jerusalem belongs to settlers and gives the family one month to vacate the premises. (PMG-NAD)

December 12 Settlers vandalize a Jerusalem monastery, spray painting anti-Christian slogans on the walls. (Ma’an News, PMG-NAD)

Israeli authorities demolish a Palestinian home in East Jerusalem. (PMG-NAD)

December 13 Israel’s High Court rules in favor of a petition requiring that the route of a 500-meter section of the separation barrier be changed to protect the agricultural terraces of Battir, near Bethlehem. Construction would have confiscated 30 percent of the farmland of the village. (Ma’an News)

December 16 Settlers uproot 200 olive trees in the town of al-Khadr, near Bethlehem. (PMG-NAD)

December 17 Israel approves plans to build 1,500 housing units in the ultra-Orthodox settlement of Ramat Shlomo, in East Jerusalem. (*Ma’ariv*, Ma’an News)

The Israeli government informs the High Court of Justice that it will evacuate the two Jewish families living in four rooms in Hebron’s Beit Ezra building by April 24, 2013.

December 18 Israeli authorities issue confiscation notices for nearly 300 acres of land near the Abu Dis and Issawiya neighborhoods of East Jerusalem for the construction of housing units in the E-1 zone. (PMG-NAD)

December 20 *Ha’aretz* reports that the Jerusalem Planning Authority has decided to construct 2,600 housing units in the East Jerusalem settlement of Givat Hamatos.

December 25 The Israeli government announces the construction of 1,200 new housing units in the East Jerusalem settle-

ment of Gilo, near Bethlehem, bringing the number of new units in the West Bank and East Jerusalem announced since November 30 to 6,000. (Ma’an News)

Israeli Defense Minister Ehud Barak instructs GOC Central Command Maj. Gen. Nitzan Alon to declare Ariel Academic Center a university. (Arutz 7)

December 26 Israel’s High Court orders 21 Palestinians to pay more than \$10,000 to delay the demolition of their homes while the courts consider their case. (Ma’an News)

Israeli authorities demolish a home in the Jabal Mukhabbar neighborhood of East Jerusalem and serve demolition orders for 33 other homes in Jerusalem, Bethlehem, and Nablus. (PMG-NAD)

December 27 Settlers uproot some 40 olive trees in the village of Qusra, north of Nablus. (Ma’an News)

Ha’aretz reports that Israel’s state attorney had reached a plea bargain with five settlers charged with collecting intelligence on army activities in the West Bank in order to stymie the removal of settlements.

December 28 Israeli authorities demolish a home and two other structures in the Azariya neighborhood of East Jerusalem. (PMG-NAD)

December 29 Settlers from the Oz Zion outpost volunteer to vacate the site peacefully following a day of clashes with Israeli soldiers. (*Ha’aretz*)

Israeli authorities issue confiscation orders for 456 dunums of agricultural land near the Jerusalem village of Beit Iksha to build a section of the separation barrier. Eventually, 3,000 acres will be confiscated, and the barrier will surround the village on all sides, leaving 300 dunums for “natural growth.” The residents already must transit a checkpoint to leave the village. (Ma’an News)

December 31 Palestinian youths clash with Israeli forces in the village of Nabi Saleh, near Ramallah, after the soldiers close the main entrance to the village. (Ma’an News)

2013

January 1 Dozens of settlers raid Qusra, uprooting around 200 olive trees and assaulting several residents. After Palestinian security guards chase and detain four of the attackers, Israeli occupation forces intervene

to secure the settlers’ immediate release. (Ma’an News)

Israeli forces occupy the rooftops of two homes in Hebron and convert them into military outposts. (PMG-NAD)

January 2 Israeli forces demolish 50 olive trees, a home, and two buildings under construction in the East Jerusalem neighborhood of Issawiya. Settlers destroy and stone vehicles in Nablus and Ramallah. (PMG-NAD)

In Tubas, Israeli forces remove 400 residents from their homes for 24 hours during “military exercises.” (PMG-NAD)

January 3 Settlers enter the village of Jalud, south of Nablus, pelting cars, houses, and residents with rocks, wounding several Palestinians. (Ma’an News)

January 4 Settlers stone vehicles and raid homes in Burin and Jalud before withdrawing. (PMG-NAD)

January 5 Settlers stone Palestinian shepherd Walid Eid and attempt to steal his goats before withdrawing. (PMG-NAD)

January 6 Settlers level a plot of land in Qusra village while Israeli forces fire rubber bullets at residents trying to prevent the settlers’ attack. (PMG-NAD)

January 7 Israeli authorities approve the transfer of a Palestinian home in Beit Umar to settlers. (PMG-NAD)

The Israeli government authorizes the outpost of Rachelim, which was built in 1998. (Arutz 7)

The Gush Etzion Regional Council informs the Israeli High Court that four illegally built structures next to the Neve Daniel settlement are inhabited, in an effort to prevent their destruction. In December, Supreme Court Justice Zvi Zilbertal had issued a temporary injunction forbidding anyone from living in the structures after Palestinian residents petitioned for them and an access road to be demolished due to their encroachment on private Palestinian property. (*Ha’aretz*)

January 8 Israeli authorities demolish a house under construction in the East Jerusalem neighborhood of Silwan because it was being built without a permit. (Ma’an News)

January 10 Israeli authorities legalize a settlement outpost built on Palestinian land in Iskaka village. (PMG-NAD)

SETTLEMENT TIME LINE

January 11 Settlers uproot more than 200 olive trees and open fire on residents of the villages of Furiq, Orif, and Qusra. (PMG-NAD)

Hundreds of Palestinian activists erect a tent city, called Bab al-Shams, in the E-1 area, where Israel has announced the construction of 3,000 new settlement units. (Ma'an News)

January 13 Israeli security forces remove the protesters from the E-1 tent city. (Ma'an News)

Settlers enter the al-Aqsa Mosque compound, damaging three windows and a marble facade in an attempt to turn the first floor of the al-Nabi Daoud Mosque into a synagogue. (PMG-NAD)

January 14 Israeli soldiers disperse 50 protesters attempting to return to the evacuated tent city in the E-1 zone. (Ma'an News)

Israel's Defense Ministry approves the construction of 250 housing units in the Rotem settlement, in the Jordan Valley. (PMG-NAD)

A settler runs over a seven-year-old Palestinian child in Azariya, causing contusions. (PMG-NAD)

January 15 Israeli authorities demolish two Palestinian homes in East Jerusalem as well as several barns east of Jericho belonging to Bedouin tribes. (Ma'an News)

An Israeli court convicts a U.S.-born West Bank settler of murdering two Palestinians while visiting Israel on a tourist visa in 1997. (Ma'an News)

A young Palestinian man from Bethlehem is hit at close range with a tear-gas canister during clashes between Palestinian protesters and Israeli soldiers at a site along the separation barrier. (Ma'an News)

Israel approves the construction of 84 housing units in the settlement of Kiryat Arba and 114 units in Efrat. (Ma'an News)

Israeli forces demolish a Palestinian home in the East Jerusalem neighborhood of Beit Hanina for being constructed without a permit. (PMG-NAD)

January 16 Clashes erupt between Israeli forces and residents during the demolition of a Palestinian home in Sur Bahar, in East Jerusalem, that had been constructed without a permit. (PMG-NAD)

In Budrus village, Israeli forces shoot and kill

Samir Awad, 16. (PMG-NAD)

The Jerusalem Committee for Planning and Construction approves the construction of a new college for the Israel Defense Forces (IDF) next to the Mount of Olives, in East Jerusalem. (*Ze'Man Yerushalaim*)

January 17 Israeli authorities raze the Bab al-Shams tent city in the E-1 area. (Ma'an News)

Yediot Yerushalaim reports that demolition orders have been served for two mosque extensions constructed without a permit in Jerusalem.

January 18 *Kol Ha'ir* reports that the Ofer Ha'aron Company is advancing a plan for the construction of 250 housing units as well as a hotel and spa in the Kalya settlement, near the Dead Sea.

January 20 Israeli authorities level agricultural land near the Shu'fat refugee camp, in East Jerusalem. The land is intended for a road connecting West Jerusalem to the Ramat Shlomo and Ramot settlements. (PMG-NAD)

January 22 Israeli forces expand the Halamish settlement, installing 50 mobile homes on land belonging to Nabi Saleh. (Ma'an News)

In East Jerusalem, Israeli authorities demolish several structures that had been built without a permit. They also serve demolition orders for four homes. During the process, Israeli forces assault and injure a Palestinian woman, leaving her hospitalized. (PMG-NAD)

January 23 Lubna Hanash and 15-year-old Salih al-Amarin are killed when Israeli soldiers open fire from a civilian car at a gathering outside al-Arrub refugee camp, south of Bethlehem, allegedly in response to multiple firebombs being thrown at the car. (Ma'an News)

Settlers level 35 dunums of land and uproot 50 olive trees in al-Khadr, near Bethlehem. (PMG-NAD)

Ahmad Amrin, 16, dies of head wounds sustained from a tear-gas grenade. (PMG-NAD)

January 24 Israeli forces fire tear-gas grenades at Palestinians attending a funeral in Bethlehem for two children who died after being shot on January 19. (PMG-NAD)

January 25 Demonstrators block a bypass road in front of Elazar settlement, near Bethlehem, to protest the death of Lubna Hanash on January 23. (Ma'an News)

The Israel Land Authority issues tenders for 128 housing units in Beitar Illit.

January 26 Palestinians establish a protest village northwest of Jenin to demonstrate for the release of Palestinian prisoners in Israeli jails. (Ma'an News)

In Hebron, Israeli forces stop Palestinian residents from reaching their agricultural land, which has been expropriated for the Suissa settlement. (PMG-NAD)

January 27 Settlers uproot 50 olive trees near Nablus. (PMG-NAD)

January 28 Israeli soldiers and police petition the High Court not to prosecute young settlers from Bat Ayin who repeatedly attacked two elderly Palestinian farmers living nearby. (*Ha'aretz*)

January 29 In Silwan, Israeli authorities demolish four buildings and a sewage system. When a resident presents a deed, dated 1892, the Israeli commander responds that it is not recognized by Israel. (Ma'an News)

Israeli forces issue demolition notices for all 200 Palestinian residents of the Fueheidat neighborhood, in East Jerusalem. The justification for the demolition is the neighborhood's proximity to the Anatot military base. (Ma'an News)

In East Jerusalem, Israeli forces demolish a section of a Palestinian home and a parking garage and level a plot of land. When residents protest, clashes erupt, and the Israelis respond with stun and tear-gas grenades. (PMG-NAD)

January 30 Israeli forces confiscate a home in Jaba village, near Jenin. The homeowner reports that Israeli soldiers installed two surveillance cameras, placed an Israeli flag on his home, and told him that his home is now a closed military zone. (Ma'an News)

January 31 The International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory, an independent inquiry sponsored by the UN Human Rights Council, demands that Israel end settlement construction and withdraw all settlers from East Jerusalem and the West Bank. (Ma'an News)

focus U.S. policy on a settlement freeze, or settlements at all. In a critical reference to the Palestinian view at his press conference with a somber looking Palestinian Authority president Mahmoud Abbas, he said:

With respect to whether there's a requirement for a freeze or moratorium, if the only way to even begin the conversations is that we get everything right at the outset, or at least each party is constantly negotiating about what's required to get into talks in the first place, then we're never going to get to the broader issue, which is how do you actually structure a state of Palestine that is a sovereign, contiguous, and provide the Palestinian people dignity, and how do you provide Israel confidence about its security, which are the core issues.

... And that's the essence of this negotiation. And that's not to say settlements are not important. It is to say that if we solve those two problems, the settlement problem will be solved.

So I don't want to put the cart before the horse. I want to make sure that we are getting to the core issues and the substance, understanding that both sides should be doing what they can to build confidence, to rebuild a sense of trust. And that's where, hopefully, the U.S. government can be helpful.

In the coded language of Middle East diplomacy, Obama resurrected an argument used by Secretary of State Hilary Rodham Clinton in the past to rationalize the failure of the administration's settlement freeze diplomacy. Placing settlement expansion in the context of a final status discussion of borders, that is, to reduce its negotiating profile—was first employed by then Prime Minister Ehud Barak to downplay his approval of settlement expansion near Nablus before the July 2000 Camp David summit. Why be concerned about settlement expansion, he argued, or for that matter continue the redeployments called for in the Oslo Accords, when an agreement on borders would soon be reached?

Nonetheless, the response to Obama's remarks among some Israeli politicians was less than enthusiastic. Naftali Bennet, the new minister of Economy and Trade from the Jewish

Home party and a settler himself, asserted,

The general atmosphere reminded me of the Oslo era. The feeling [of] "If we only will it, if we are only able to cede enough ground, the long-awaited peace will come. One must take chances for peace," "People on both sides want peace," "a Palestinian state next to Israel is the only chance for peace." All of these are nice statements, but they are divorced from reality. . . . I desire peace with the Arabs no less than anyone else does, but the path of handing over territory to our enemies is not right. I told President Obama: 'It is time to explore new avenues, which are different and creative.' He said that it is important for him to meet and listen."

Obama in Ramallah

Palestinian Authority president Mahmoud Abbas had equally pointed concerns.

During his visit to Ramallah in the West Bank, Obama sought Palestinian concessions on their continuing demand for a settlement freeze and an end to "unilateral" efforts to win international support from institutions like the United Nations and International Criminal Court, without, however, offering a diplomatic plan for resolving the core issues of Palestinian statehood and Israeli security.

At the joint press conference with Obama, Abbas rejected the U.S. president's views on a settlement freeze, and reaffirmed support for the Arab Peace Initiative and the Road Map, both conspicuous for their absence in Obama's public remarks.

"Regarding the issue of settlements," declared Abbas, "it is not only our perception that settle-

ments are illegal, but it is a global perspective. Everybody considers settlements not only a hurdle, but even more than a hurdle, towards the two-state solution."

We are asking for nothing outside the framework of international legitimacy. Hence, it is the duty of the Israeli government to at least halt the activity so that we can speak of issues. And when we define our borders and their borders together, each side will know its territory in which it can do whatever it pleases.

So the issue of settlement is clear. We never give up our vision, whether now or previously, but we continue to maintain this vision, and we believe the settlements are illegal

I've returned to the West Bank because the United States is deeply committed to the creation of an independent and sovereign state of Palestine.

The Palestinian people deserve an end to occupation and the daily indignities that come with it. Palestinians deserve to move and travel freely, and to feel secure in their communities. Like people everywhere, Palestinians deserve a future of hope—that their rights will be respected, that tomorrow will be better than today and that they can give their children a life of dignity and opportunity. Put simply, Palestinians deserve a state of their own.

... [T]he United States remains committed to realizing the vision of two states, which is in the interests of the Palestinian people, and also in the national security interest of Israel, the United States, and the world.

**U.S. President Barack Obama,
Ramallah, March 21, 2013**

and that settlement activity is illegal. We hope that the Israeli government understands this. We hope they listen to many opinions inside Israel itself speaking of the illegality of settlements. . . .

Many Palestinians, when they see settlements everywhere in the West Bank—and I don't know who gave Israel that right—they do not trust the two-state solution or vision anymore. And this is very dangerous that people and the new generation reach the conviction that it's no more possible to believe in the two-state solution.

We continue to believe in the two-state solution [based] on the 1967 borders, and consequently, if peace between us and the Israelis is achieved, the Israelis will know very well that the Arab and Islamic world all together, which means 57 Arab and Muslim states, shall immediately recognize the State of Israel according to the Road Map and the Arab [Peace] Initiative.

Kerry Manages Diplomacy

Secretary of State John Kerry has been tasked to devise a new U.S. negotiating strategy that will halt what Obama himself believes are the deteriorating prospects of a two-state solution. The president aspires to a diplomatic engagement centered on a discussion of borders and security, without however an effort to freeze settlements. He has rejected the premise that negotiations proceed from a unanimous recognition of the June 1967 line as the starting point of negotiations, a key achievement of the Annapolis talks led by Secretary of State Condoleezza Rice in 2008. Instead, the U.S. has resurrected half-measures aimed at building “trust and confidence” as incremental steps toward an undefined “broad vision of peace.” Secretary of State Kerry has endorsed an aid and investment-led effort focused on improving Palestinian “quality of life”—recalling the similar effort by Secretary of State George Schultz in the 1980s.

Even the modest goals of such a strategy, all-but-divorced from a focused effort to end occupation, stand to be jeopardized by the resignation of Salam Fayyad as PA prime minister. Fayyad has been the key Palestinian interlocutor for Western economic aid and security assistance.

During his visit, Obama failed to offer a U.S. policy based upon a compelling vision and a plan for ending occupation and establishing a Palestinian state at peace with Israel. Yet only by adopting such a view can the president make credible his eloquent appeal for popular Israel and Palestinian support and confront the views of leaders like Minister Bennet, who noted that Palestinians are considered “enemies” to be vanquished rather than partners with common interests.

“The window of opportunity to make a serious push for resuming negotiations on the final status issues,” noted Jordan's King Abdullah after talks with Kerry, “is fast closing—primarily due to increasing settlement activities. So there is no time to wait.” ♦

IN ISRAEL, SETTLEMENT POLITICS IS LOCAL

Weeks before his reelection, Prime Minister Benjamin Netanyahu met with the heads of West Bank settler councils to seek their votes and political aid. Despite the ruling Likud Party's support for settlement and the commanding presence of settlers in the party's ruling councils, Netanyahu felt it necessary to make a politician's case to settlement leaders sympathetic to the rival Jewish Home party, itself a coalition representing the heart of the religious Zionist settlement movement.

Israel's settlement policy is at the heart of international concern, but for the politicians gathering at Netanyahu's request, settlement was a matter of local politics. Settlement leaders complained that Netanyahu had yet to implement the findings of the Levy commission, which called for the transfer of settlement oversight and planning from state security institutions to settler and civilian agencies. As always, these local politicians demanded even more settlement construction.

In response, Netanyahu made his case for electing a large Likud majority at the expense of smaller parties like Jewish Home. “It is clear to everyone that this government has done a considerable amount in the last four years to promote settlement in Judea and Samaria,” including removing from the national agenda the Annapolis plan for negotiations to divide Jerusalem and return to the June 1967 border promoted by former prime minister Ehud Olmert and his foreign minister (and new minister of justice in the just-seated government) Tzippi Livni; bringing 10,000 secular students to Hebron's Cave of the Patriarchs; constructing tens of schools and classrooms for a growing settler population now numbering over 350,000 in the West Bank alone (excluding the 200,000 plus in East Jerusalem); investments in infrastructure and the paving of tens of kilometers of high quality roads; approvals for the construction of thousands of new settlement dwellings; official recognition of the university status of the school in the settlement of Ariel, and more.

“We should thank the prime minister,” explained one leader from Efrat settlement near Jerusalem. “Netanyahu ended the drying out of my settlement council, and after 12 years of a freeze we received approval for the construction of hundreds of new dwellings.”

RULE BY LAW—THE LINK BETWEEN TRASH AND DE FACTO ANNEXATION

The story of a new garbage dump shows how Israel is trying to force the Palestinians to join the settlers in solving environmental problems.

On a hill overlooking the Judean Desert east of Bethlehem, a site for storing refuse is being built. Called Al Minya, it will replace environmentally unfriendly sites and take in the garbage of cities and settlements in the Hebron and Bethlehem region. The facility is being built with World Bank funding.

The Palestinians have insisted for years that they will not share environmental infrastructure with settlers. Still, over the years they have had no choice but to share refuse sites with settlements. Two of these sites are still in operation.

According to Nitzan Levy, CEO of the Municipal Environmental Associations of Judea and Samaria, there is economic and environmental sense to Israelis and Palestinians operating waste sites together. He says that without taking in waste from the settlements, the Palestinians will have a hard

time operating Al Minya because their towns are hard-pressed to pay for storage.

It's still unclear whether Al Minya will serve the settlements, but the debate raises problems tied to the legal reality beyond the Green Line. It's about implementing a [Israeli] law for encouraging local authorities to opt for recycling over storage. Because this law does not hold sway in the [West Bank], the settlements have little economic incentive to recycle. They'd rather transport the waste to storage sites like Al Minya and pay a much lower fee.

Environmental authorities in the settlements recently suggested that the government enforce [Israeli] laws on waste in the settlements. A step like this would provide financial assistance to encourage recycling, but it would further strengthen the settlements.

“Forced Cooperation,” Tzafir Rinat,
Ha'aretz, March 21, 2013

What you [US President Jimmy Carter] are trying to do or trying to convince—I wouldn't like to use the word “force” because I don't think one can force us—but to convince us, is to establish a second Palestinian state, and it must be clear: we want the autonomy; we are ready to go very far, but there never will be a second Palestinian state, and I think it is important to make it clear now, in order to prevent misunderstanding in the future. . . .

I don't see any possibility to [prevent] Jewish settlers to settle there. . . . How can we prevent Jewish settlers from living there while we have half a million Palestinian Arabs living within the boundaries of the pre-'67 borders? Altogether in this part of the world, I don't see any possibility whatsoever to draw any geographical line which can divide [the] Jewish population and Arab population, because we live here together. There is nothing to do about it, and we are going to live together here . . . believe me, Mr. President, when I use this figure of one million, saying that in

20–30 years I hope that one million Jews will live there, Mr. President, I can assure you, they will live there. There's nothing to do about it. They will live there, and if we said that we believe that in Jerusalem, what we call the Greater Jerusalem, it is a crucial problem for us, to have one million Jews, they will live there, and they will live in what we call the area of Gush Etzion, in Tekoa, in Ma'ale Adumim. . . . We are settling people there because that is part of our national security concept for the last 100 years. . . . So I refer to the question of the settlements, and I emphasize only in the most vital places, and we don't see any possibility to restrict this number and there is no need to restrict the number. There is plenty of land to settler there a million Jews, or two million Jews.

Comments by Minister of Agriculture Ariel Sharon
at a meeting with U.S. president Jimmy Carter,
March 11, 1979, released by Israel State
Archives, March 2013

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