

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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LOAN GUARANTEE TERMS FAIL TO IMPEDE FUTURE SETTLEMENT

Israel will suffer no reduction in U.S. loan guarantees for settlement-related expenditures during the coming four years under a formula initiated by former President George Bush and Prime Minister Yitzhak Rabin last August and finalized in late 1992 by an exchange of letters between the two countries. This agreement formalizes Washington's retreat from much harsher and pertinent settlement-related penalties proposed both by Bush and Congress before the defeat of the Likud Party in June 1992.

In a December 31 "Report to Congress" on the loan guarantees, the State Department said: "The GOI [Government of Israel] is committed to decreasing the level of government expenditures for non-security activity in the occupied territories. The GOI will also provide information on the annual level of non-security government expenditures (both direct costs and indirect costs such as income tax rebates) in these areas. This information will be taken into account by the USG [United States Government] in determining the amount, if any, to be reduced from the guarantees after the first year for activities inconsistent" with legislation passed last September, "and understandings between the USG and the GOI."

The legislation referred to in the report granted the president discretionary authority to reduce the loan guarantee amounts, but it is the exchange of letters between the United States and Israel that establishes the ground rules for such reductions.

The conditions outlined in these letters have not been made public. The State Department report, however, does include

PLANS GAINING MOMENTUM FOR METROPOLITAN JERUSALEM

Israel's plans for the Jerusalem region, including a significant portion of the occupied West Bank, are moving ahead swiftly. A steering committee composed of representatives of the Jerusalem municipality and the ministries of housing and interior has appointed a commission of Israeli planners, economists, architects, and lawyers to prepare a master plan for the Jerusalem region by the end of 1993.

In addition to annexed East Jerusalem, approximately 40 West Bank settlements are included in the area designated as Metropolitan Jerusalem. This area includes the major West Bank settlements of Ma'ale Adumim (population 16,757), Givat Ze'ev (population 7,100), and Efrat (population 3,807). The commission's mandate marks the first time an Israeli body will be making planning decisions about areas of the West Bank over which it has no statutory authority, according to *Ha'aretz* correspondent Nadav Shargai.

The territorial boundaries of the Jerusalem metropolitan region date from a government decision made during the premiership of Yitzhak Shamir. The area reaches from the West Bank towns of Ramallah and El Bireh in the north to the Israeli settlements of the Etzion Bloc in the south and Ma'ale Adumim in the east (see map, page 7).

The Commission's Role

Because the Palestinian towns of Ramallah and Bethlehem are within the metropolitan area's boundaries, the Israeli-appointed mayor of Ramallah as well as the elected Palestinian mayor of Bethlehem, Elias Freij, are expected to appear before the commission. Their cooperation would highlight Israel's continuing consolidation of control over the heart of the West Bank even as negotiations for Palestinian autonomy continue.

The commission is expected to concern itself with Jerusalem's evolving, haphazard relationship with the West Bank Arab and Israeli communities developing near it and to introduce area-wide plans for transportation, commerce, housing,

TO OUR READERS

"While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation . . . the establishment of the civilian settlements in those territories is inconsistent with international law."

These simple but wise words represented the official position of the Carter administration on the legal status of Israeli settlements in the occupied territories. They were written by Herbert Hansell, legal adviser of the Department of State.

This studied interpretation of international law fell out of favor during the Reagan and Bush presidencies. Both preferred to describe Israeli settlements in occupied territory as "obstacles to peace" rather than "illegal," the more severe assessment used by the Carter administration.

The talks between Israeli and Palestinian delegations during the past year have served to highlight the role of the settlements in obstructing a negotiated agreement between the parties. Settlements are viewed by Israel as legitimizing its presence and its demand for a controlling voice in the territories. Without them, the Israel Defense Forces would be seen by Israelis as merely an occupying army—as does the rest of the world—and the resolution of Palestinian-Israeli differences would be enormously simplified.

The Clinton administration, now in the process of formulating its views on these critical issues, would do well to keep Hansell's opinion in its "In box" and to pursue policies in keeping with its spirit.



ISRAELI EXPLAINS FUTURE LAND CONTROL

On January 22, 1993, the Jerusalem Post interviewed Elyakim Rubinstein, Israel's chief negotiator in the peace talks. Excerpts from the interview:

Q: As someone who led the peace negotiations with Palestinians during both the Shamir and Rabin governments, can you characterize the differences in your proposals under different governments? The Palestinians have charged that your proposals are not very different.

A: The government is characterized by both change and continuity. The continuity is the procedural framework (based on the invitation to the Madrid peace conference) and the principles that underlie it. However, this government is also characterized by change in several areas. For example, a willingness to deal with the issue of land development in the territories.

Another example is elections. The last government spoke only about municipal elections, while we are now talking about general elections.

Q: Assuming an agenda is concluded shortly, the focus will be on the specifics of

the negotiations. What about the issue of land development? On one hand, we hear that you informed the Palestinians that they have either sole or joint geographic jurisdiction over 92 percent of the land. However, at the same time, we have been told that only on a fraction of that land can they build without an Israeli permit. Is this true?

A: I don't want to get into percentages. First of all, the realities are complex.

We have to balance a variety of factors: security, Palestinian areas of residence, Israeli areas of residence, and free access for the roads. We don't want to infringe on Palestinian private property, nor are we in any way repartitioning existing areas.

All living within the area of the Palestinian cities and 400 Palestinian villages and Jewish areas will run their own land respectively. If you don't want to put the cart before the horse in final status issues, for example, all roads must remain open.

For security reasons, building near main roads could be dangerous. You also don't want building alongside military bases or firing ranges. ♦

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SALES ON SETTLEMENT HOUSING SLOW DOWN

The housing boom in the West Bank settlements continues, with some 11,000 units under construction. The decrease in Soviet immigration, however, has produced a slackening in overall Jewish demand for housing in the settlements and in Israel as well. The following article on this issue, written by Nadav Shargai, appeared in Ha'aretz, November 25, 1992.

Only 2,700 of 6,400 apartments put up for sale in the West Bank and Gaza Strip during the last year have been sold. Most were sold before the change in government. As the special [settlement] sales office gets set to close down, the number of inquiries has dwindled to only a few daily, in comparison with the 40 queries daily before the election. The momentum of development and absorption in the settlements has been stopped, although not completely. . . .

According to the Yesha [acronym for Council of Jewish Settlements in Judea, Samaria, and Gaza] plan, all apartments put up for sale were to have been sold by September 1992. The number of Jewish settlers was to have stood at 141,000, an increase of 40 percent over two years. In practice, the partial freeze in construction, an end to purchaser benefits, the recent wave of terror, and the decreasing political stature of the territories led to only a modest increase in the Jewish population in the territories, according to the figures of the Yesha Council, of only 123,000.

The percentage of Jews in the entire population of the West Bank [1 million] is 10.5 percent, but the percentage increase of the Jewish population will be lower this year in comparison to the two previous years—18.2 percent in 1990, 16.6 percent in 1991, and only 7.5 percent so far in 1992. This rate of growth is similar to that of the two-year term of Yitzhak Shamir during the national unity government [against a background of a relative freeze between 1984-1988]. Yesha's recent estimate that 200,000 Jews will be settled in the territories by 1994 would make sense if the rate of apartment sales were 100 percent, but the current rate is only 37 percent. At this rate there will be 167,000 settlers in the territories in another three years. If the government decides to rent the

unsold apartments, this number will increase.

. . . . In 1986, researcher Meron Benvenisti found that 85 percent of Jews living in the territories lived in the metropolitan regions of Tel Aviv and Jerusalem. Six years later, according to the figures of Yesha, and according to a definition of the metropolitan areas that differs a bit from Benvenisti, 54.7 percent of settlers live in these areas, and 45.3 percent in the remainder of the territories.

New Settlement Construction Revealed

Limited, publicly financed housing in West Bank settlements beyond the 11,000 units approved by the government last summer has been revealed in a recent report by the Peace Now organization. Private construction in West Bank settlements continues at a rate of 1,500 new homes annually.

The government announced in July 1992 that it would complete construction of almost 13,000 publicly financed units in the West Bank, Gaza Strip, and Golan Heights. A January 1993 investigation by Peace Now's "settlement watch unit" found "some sites where new housing construction was in process or being planned." The organization, which has called for a complete freeze on all settlement construction, called the newly detected building "an obstacle to the peace talks" and demanded an "immediate stop to all new construction."

The Housing Ministry denied the report's charges. "It simply is not true," said a government spokesman. "There is no widening, nothing over what the government has said."

In the settlement of Itmar, near Nablus, 36 "unapproved" units are under construction. Near Na'ale, close to Ramallah, large-scale preparations for new housing are under way. In Bet Hagai, near Hebron, infrastructural work for an additional 60 to 100 units is in progress.

with 6,527. In these four settlements alone, 43,500 people reside, representing more than one-third of the Jewish population in the territories.

The principal conclusion from these figures as well as those published by Peace Now [see Foundation's *Report*, January 1993] is the noticeable reduction in the rate of population increase, even as construction there continues at the great rate of 11,000 dwelling units. ♦

The meaning of these decisive numbers: In the relatively distant settlements, including Ariel and Kiryat Arba, live 56,000 Jews, while in the metropolitan environs of Jerusalem and Tel Aviv live 67,500. There is not necessarily a connection between settlements within the metropolitan regions and Yitzhak Rabin's "security settlements". . . . According to Benvenisti, Rabin's security settlement map includes 75 percent of the settlers controlling an area equal to half of the West Bank.

According to the Yesha figures, 74,428 Jews live in the 13 largest settlements [an average of 5,700 settlers per settlement], and 48,756 live in 129 small settlements [375 settlers per settlement]. . . . The largest settlement in the territories is Ma'ale Adumim, with a population of 16,757, followed by Ariel with 13,026, Givat Ze'ev with 7,100, and Kiryat Arba

FRONTLINE VISITS THE WEST BANK

The weekly *Frontline* documentary program originating on public television station WGBH/Boston carried an excellent program that showed nationwide on January 26, addressing the Israeli settlement program in the occupied territories. Produced by Michael Ambrosino, it dealt primarily with the Palestinians and their culture, but also included extensive footage of Israeli settler spokesmen and comments of Israeli Ambassador to the United States Zalman Shoval and General Fredy Zach (deputy coordinator, Office of the Coordinator of Government Operations in Judea, Samaria, and the Gaza District).

Most interesting, Plia Albek, director of the State Attorney's Civil Department, offered extensive comments on the justification and legal authority for Israel's land taking. Producer Ambrosino recognized Ms. Albek, who is rarely interviewed, as the pivotal and important figure that she is. Her job for ten years has been to locate lands for settlement and provide the authorities with the tools to carry out their settlement schemes.

Meron Benvenisti, who has conducted the most extensive analyses of land taking in the occupied territories, has described Ms. Albek as "the legal executive who applied the method that turned almost one-half of the West Bank into state land . . . I estimate that without her contribution, the Israeli Government would not have a single dunam [a quarter acre] to erect a caravan on."

Copies of the *Frontline* documentary, at a cost of \$29.95 plus \$5.00 postage, can be obtained from PBS Video, P.O. Box 791, Alexandria, VA, 22313, c/o David Crawford. ♦

Zealots for Zion

Peter Grose, author of "Israel in the Mind of America" (Knopf, 1983) and executive editor of *Foreign Affairs*, recently reviewed "Zealots for Zion: Inside Israel's West Bank Movement," (Random House, 1993) by Robert Friedman for the *New York Times*. Excerpts from his review follow:

In "Zealots for Zion" the journalist Robert I. Friedman depicts the West Bank settlement movement—the prosaic name for an epic obsession—which lurks under the calculations of diplomats and politicians working for peace between Israelis and Arabs. By planting themselves on lands Jews consider holy—and Arabs consider theirs by legacy—the settlers, now numbering about 100,000, are opposed to any Israeli withdrawal. Some even talk openly of civil war at the first sign of compromise, and if their defiance forces an apocalypse upon the Land of Israel, so be it. . . .

This is a chilling book. The contrast drawn between charming suburban lawns of settlement communities and the political threat they represent is sobering. The current Labor Government in Israel, and American diplomats pursuing the peace process, minimize the movement as an irritant that can be managed when the time comes. Anyone who knows about the tenacity of the settlers, as described by Mr. Friedman, dare not be so confident.

Settlement Opponent Declines Israel Prize

Only a few days after being selected for Israel's most prestigious award—the Israel Prize for Lifetime Achievement—Professor Yeshayahu Leibowitz, an inveterate critic of Israel's occupation and settlement policies, declined the prize. His selection had provoked a political uproar led by Prime Minister Yitzhak Rabin. Rabin declared his intention to boycott the award ceremony, and his cabinet formally censured the choice.

"Why should I cause complications for the prime minister," explained Leibowitz as he refused the \$7,500 prize, which was to be awarded for his "life's work and special contribution to society and the state."

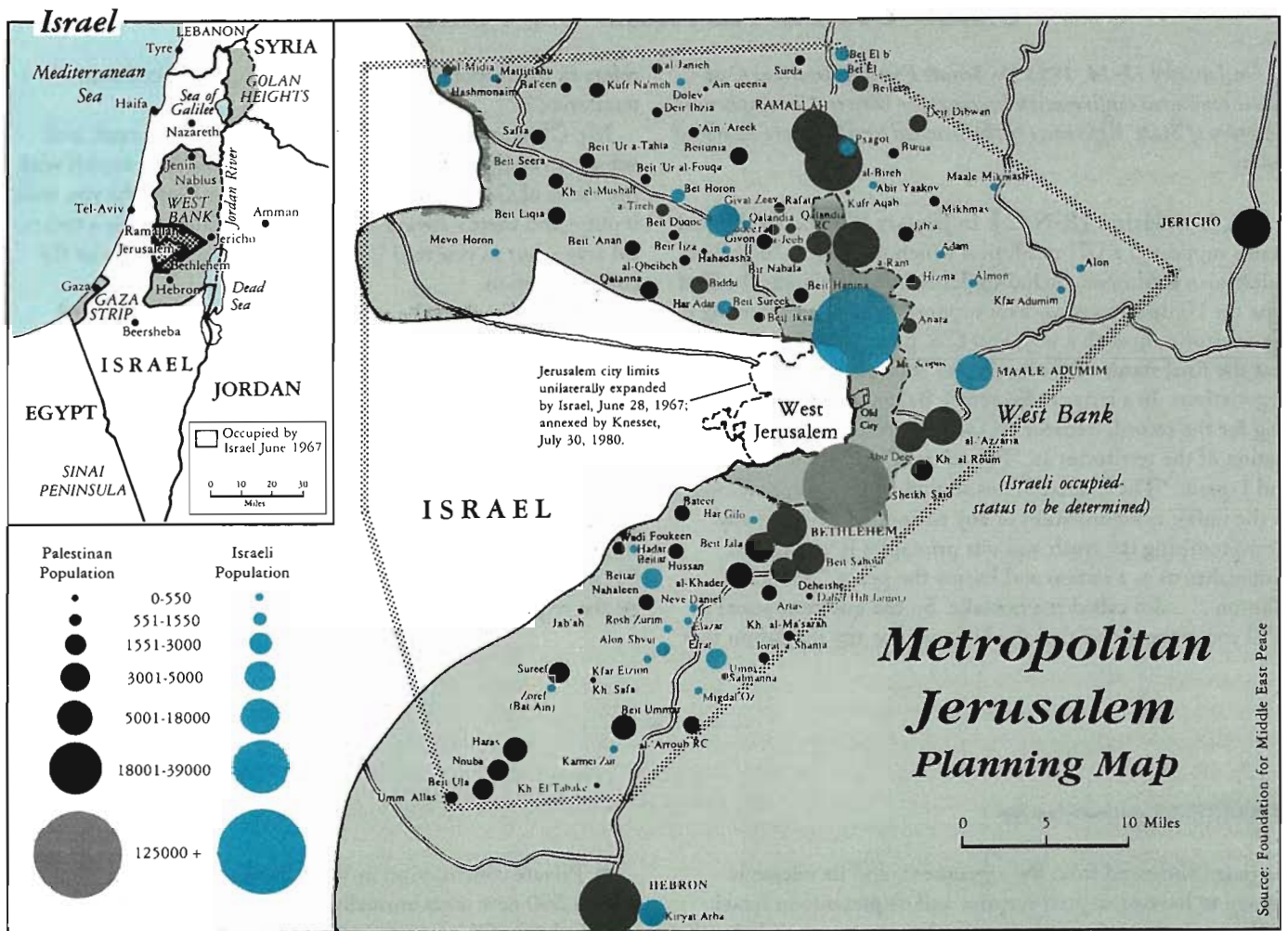
Leibowitz, 90 years old and a doctor of medicine and philosophy, has always been a harsh critic of Israel's occupation policies. He was selected for the award by a three-member panel, including Gen. (Res.) Aharon Yariv, appointed by Minister of Education Shulamit Aloni. Aloni was the sole cabinet member to oppose the censure.

"Since the Six Day war, I've been extremely opposed to the policy line taken by every Israeli government, that is, holding on to the occupied territories and ruling over two million people who are without civil or political rights," explained Leibowitz.

". . . The 'whole Land of Israel' will never be the state of the Jewish people since another people also lives there. While neglecting positive tasks and the duty of dealing with its internal problems, the state sacrifices its might, its capital, and the blood of its sons on the altar of building settlements in the occupied territories, by developing a caste of professional armed settlers whose task is to intimidate the subjected Arab population."

Mayor Teddy Kollek ignored cries of opposition last year when he named Leibowitz a "Worthy of Jerusalem":

"A society must know when to honor even someone who takes it to task. Leibowitz exaggerates sometimes and says things that are impossible to accept, but he is a great man."



PLANS, continued from page 1

industry, health, education, water and sewage in the area.

The *Jerusalem Post* quoted a Housing Ministry spokesman who said “the previous government had discriminated against the Etzion Bloc despite a consensus in Israel supporting settlement there, by providing a much larger proportion of government expenditure to other parts of Judea and Samaria.” Under the Rabin government, the area will receive a greater percentage of what the government acknowledges to be a shrinking settlement budget.

One of the basic assumptions guiding the study, according to the commission’s directive, is the belief that Metropolitan Jerusalem will be a “single district” for its entire population, and, regardless of any political agreements, the free movement of people, goods, services, and capital will be assured.

The directive also raised the following issues for examination: the merits of complete separation in housing between Israeli and Palestinian communities; the prospects for creating mixed Palestinian-Israeli housing; or whether Palestinians will continue to be confined to living in the region’s eastern sector.

Some of these issues are addressed in a recent study of Jerusalem released by the Jerusalem Institute for the Study of Israel.

It reports that during the intifada, Arab businesses, threatened with a loss of tourist and Israeli patronage, began to establish themselves in the western (Israeli) sector of the city for the first time since 1967. Arab businesses are also locating in the industrial zones of Atarot and Talpiot, built by Israel in East Jerusalem, which some Israeli manufacturers have avoided because of the intifada. With the extended closure of West Bank universities during the intifada, the study also notes that for the first time Arab students from East Jerusalem have enrolled in Israel’s Hebrew University.

The study reveals that the Palestinian population of Jerusalem is significantly larger than generally assumed: totaling 180,000, if 25,000 Palestinians from the West Bank and Gaza Strip “residing illegally” (without permits from the military government) are included. Palestinians today comprise a larger percentage of Jerusalem’s residents than they did in 1967, before the creation of large-scale Israeli settlements in the annexed eastern sector of the city. The increase in the percentage has occurred despite the fact that 30,000 dwelling units have been built for almost 140,000 Israelis in East Jerusalem since 1967—more than 4 times the 7,000 units built in the Palestinian sector during the same period. ♦

CHRISTOPHER TESTIFIES ON TERRITORIES

On January 13–14, 1993 the Senate Foreign Relations Committee conducted confirmation hearings for Warren Christopher as Secretary of State. References to the occupied territories are excerpted below:

Sen. Jesse Helms [R-N.C.]: In January of 1992, the United States supported a UN resolution which referred to “occupied Palestinian territories, including Jerusalem.” This was the first time the United States has ever supported language referring to the territories in such a way, and U.S. policy has always held that the final status of the territories is to be determined by negotiations. In a letter to Secretary Baker, which I am submitting for the record, Senator Al Gore protested the characterization of the territories as, “Palestinian,” and went on to say—and I quote: “The United States should never again participate in the unfair condemnation of any nation, let alone an ally. Compromising the truth and our principles is wrong and diminishes us as a nation and harms the peace.” President Clinton . . . also called it a mistake. So the question posed is: Will you recommend that the U.S. oppose any resolution that

refers to the disputed territories as “occupied Palestinian territories”?

Mr. Christopher: Senator, from what you have read, and subject to analyzing it further, I certainly associate myself with the views of Governor Clinton and Senator Gore. As you read it out—and there’s always a certain risk because this is a technical area—but as you read it out, it does seem to me to be the correct position.

Sen. Helms: And the second part of the question asked of you is: Will the new administration oppose UN resolutions that condemn Israel’s response to violence without specifying or condemning the violence committed against Israel?

Mr. Christopher: Senator, I’ve always thought those needed to be balanced. That is, if the actions of Israel are going to be condemned, it was very important to describe the provocation or describe what was being responded to. So, in general terms, I certainly endorse what I understand to be the request. . . . ♦

GUARANTEES, *continued from page 1*

language borrowed from the agreement, and its release is known to have prompted surprise and displeasure in Israel.

According to informed sources, the agreement includes the following terms:

■ Washington will not deduct from the \$10 billion in guarantees the cost of completing in coming years more than 11,000 units in the West Bank and Gaza Strip. Associated roads, including, for example, the \$70 million highway linking Jerusalem with the Etzion Bloc south of Bethlehem, along with other infrastructure, can proceed without penalty. Any addition or expansion of settlement-related construction beyond this level will trigger unspecified reductions. But the current glut in Israel’s housing market resulting from overbuilding during the last two years and the slowdown in immigration makes any increase in these existing plans highly unlikely.

■ Settlement construction in the Golan Heights and in areas annexed to Jerusalem after 1967 will continue without penalty. Construction in annexed Jerusalem is proceeding apace, with approximately 6,000 units currently under construction and plans for the building of thousands more annually in coming years. In the Golan Heights, approximately 1,000 units are now under construction. And at a January meeting with Golan settlers, Rabin announced plans for the additional construction of 1,750 units along with a number of new factories.

■ Private construction in West Bank settlements, estimated to be 1,500 new units annually, can continue, but the government’s share of this construction will be deducted from guarantees beginning in FY1994. In making such a calculation, Washington will have to determine, among other things, whether it will consider West Bank lands seized by Israel and privatized through purchase by Israelis to be excluded from consideration as government-related investment. If it does exclude land costs from its estimates, Israel will have won de facto U.S. recognition of its policy of privatizing settlement in the territories, a central issue in Israeli-Palestinian negotiations.

■ No penalties will be imposed for annual appropriations for existing civilian expenditures. Settlement-related budgets for Israeli ministries concerned with education, justice, immigrant absorption, labor, trade and industry, and agriculture, including whatever subsidies are offered under their auspices, will not be deducted from future loan guarantees. As the settler population and the level of government services expand during the coming four years, many of these allocations are bound to increase. Whether the loan guarantee amount will be reduced by an amount equal to this “natural growth” is still unclear.

These terms suggest that Rabin will be able to preside over the greatest expansion of settlement construction in the history of the occupation without suffering penalties imposed by Washington. ♦

IN THEIR OWN EYES—SETTLERS CLAIM VICTORY

On the fifth anniversary of the intifada, the Council of Jewish Communities in Judea, Samaria, and Gaza (Yesha), the settlements' umbrella organization, issued a special report: "Five Years of Terror Versus Five Years on Construction and Productivity." An excerpt from the report, taken from a synopsis that appeared in the newspaper Ha'aretz on December 12, 1992, follows. The table below illustrates the explosive expansion of settlements closest to Jerusalem and Tel Aviv and the relative failure of the smaller settlements in the northern West Bank (Shomron) and Gaza Strip to attract settlers during an unprecedented period of growth. According to figures prepared by Yesha, the Israeli settler population in the West Bank and Gaza Strip has more than doubled to 127,000 from 62,000 during the last five years.

"The intifada stirred the sleepy Zionist reflex, which responded to violence and murder by marshalling forces to plant and to build.

"From this perspective, the intifada of the 1980s resembles the intifada of the 1930s, which paradoxically prompted the establishment of tens of settlements throughout the country, and which brought to fruition the Judaization of the Galilee and the Negev, and which was a factor of great consequence in the process of establishing the State of Israel.

"Harming Jewish settlement was one of the important objectives of the intifada. The declared objective was to stop Jewish settlement and to bring the Jewish population to feel as though they were under siege.

"They tried to produce in the West Bank and Gaza Strip a situation like that which prevailed in Lebanon. It was hoped that gang warfare conducted between the Jewish and Palestinian populations would separate the Jews of Judea, Samaria, and Gaza Strip from the protection of Israel and Israeli society.

"Today one can conclude that judged against these objectives the intifada has been a complete failure. Even in the years of intifada an unprecedented scale of Jewish settlement took place, expressed by the growth in population, by the development of economic infrastructure, and by the establishment of social structures, public institutions, and educational institutes." ♦

Population Growth in Selected Israeli Settlement Regions in the West Bank and Gaza Strip

Settlement Region	Number of Settlements	Population		Increase %
		Oct. 1987	Oct. 1992	
Ariel	1	5,300	13,026	145.8
Efrat	1	1,490	3,807	155.5
Elkana	1	1,560	3,331	113.5
Gaza Strip	17	2,400	4,905	104.4
Givat Zeev	1	3,400	7,100	108.8
Etzion Bloc	14	3,800	8,751	130.3
Ma'ale Adumim	1	11,100	16,757	51.0
Shomron	32	9,800	12,921	31.8

Source: Council of Jewish Communities in Judea, Samaria, and Gaza (Yesha)

RABIN MAINTAINS SUBSIDIES FOR SETTLEMENTS

On January 1 the Rabin government revised the year-old government program of supplementary local loans—a combination of loans and grants aimed at encouraging the purchase of houses in selected areas, including the West Bank and Gaza Strip. Eighty-five settlements in the West Bank, Gaza Strip, and East Jerusalem were on the Likud government's list of eligible communities. The Rabin government reduced the number of eligible locations in these areas by 10, reducing the total to 75.

Settlements now comprise about 40 percent of all locations eligible for government loans. The Rabin government reduced or eliminated (in 65 settlements) the grant portion available to settlements outside the area of greater Jerusalem and the Jordan Valley, offering subsidized loans at 4.5 percent in

place of the reduced or eliminated grants formerly available.

In a letter to Minister of Construction and Housing Benjamin Eliezer, Peace Now complained, "We are forced to conclude that no real change has begun in government policy and that your ministry will continue to encourage the flow of Israelis across the Green Line." ♦

GOVERNMENT LOANS IN SETTLEMENTS

Settlement	Likud		Labor	
	[loan]	[grant portion]	[loan]	[grant portion]
Efrat	\$20,625	\$12,290	\$20,625	\$10,200
Pisgat Ze'ev (Jerusalem)	33,125	10,200	33,125	0
Ma'ale Adumim	20,625	10,200	20,625	3,960
Elon Moreh	20,625	16,450	20,625	0

"... The 'whole Land of Israel' will never be the state of the Jewish people since another people also lives there... [Israel] sacrifices its might, its capital, and the blood of its sons on the altar of building settlements in the occupied territories, by developing a caste of professional armed settlers whose task is to intimidate the subjected Arab population."

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