

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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NEWS

Israel's redeployment in the West Bank city of Hebron will leave it in exclusive control of 20 percent of the city, including 450 settlers and 30,000 Palestinians.

The agreement also establishes a new timetable of three unspecified "further redeployments" by Israel in the West Bank over the next 18 months.

Clinton administration officials played a central role in fashioning the agreement. This higher U.S. diplomatic profile has also included more critical attention to Israel's settlement policies. (See story opposite.)

Israeli Prime Minister Benjamin Netanyahu's relations with his settler supporters are being tested by the Hebron agreement as well as his refusal to implement their settlement agenda. (See story opposite.)

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CLINTON ADMINISTRATION SHARPENS FOCUS ON SETTLEMENTS

The Clinton administration is directing more critical public attention toward Israel's settlement expansion policies than at any time since it came to power in 1992.

The most noteworthy example of this development was remarks made by President Bill Clinton at a December 16 White House news conference. Referring to Israel's decision to increase benefits to settlers, Clinton said, "It just stands to reason that anything that preempts the outcome [of the negotiations] . . . cannot be helpful in making peace. I don't think anything should be done that would be seen as preempting the outcome."

SETTLERS DEMAND MORE TANGIBLE SUPPORT FROM NETANYAHU

"The roots of the people of Israel are in the land of Beit El, Shilo, Betar, and Hebron. And not only will these roots not be torn out, they will be made deeper.

"Our first answer," continued Prime Minister Benjamin Netanyahu at a December 12 grave-side eulogy in the West Bank settlement of Beit El for a father and daughter killed by Palestinian gunfire, "is that we are here to stay. We will not be driven out, uprooted, or chased out of our land. We will be strong and our answer is to remain here and to continue in our land."

On November 26, Netanyahu made his first visit to West Bank settlements since his election. He visited the settle-

ments of Ariel and Eli, where, gazing out at the West Bank vista, he declared, "People haven't lived here for thousands of years. Look at these barren hills. Have we deprived anyone of anything? Barren land. You know what, if we hadn't come here it would have stayed barren for another 2,000 years."

Netanyahu is second to none in his rhetorical commitment to settlement throughout the Land of Israel. More so than any prime minister since Menachem Begin, he has made a reaffirmation of his commitment to settlement a core element of his public persona—to the consternation of the Palestinians

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TO OUR READERS

The long-awaited agreement on Israel's redeployment in Hebron—according to a plan not materially different from the one concluded between the Palestinian Authority and the previous Israeli government—is a positive development. It signifies a continuing Israeli and Palestinian commitment to move along the path of accommodation. But the agreement also offers troubling evidence of the centrality of Israel's dedication to the maintenance of even the most marginal of its settlements, exemplified by its

success in establishing extraordinary protections for Hebron's some 450 settlers.

The letter reproduced below offers eloquent testimony to the hazards created by settlement expansion. We can only hope that the authors' sober expression of concern will be heeded—not only in Jerusalem but in Washington as well.



December 14, 1996

H.E. Benjamin Netanyahu
Prime Minister
State of Israel

Dear Prime Minister:

The undersigned have been involved in negotiating on behalf of the United States in the Middle East peace process over the past twenty years. The policy of the administrations from both political parties that we have served has been premised on the conviction that a lasting solution to the Arab-Israeli conflict that ensures equity for all sides is in the interest of both the United States and our friends in the region.

We know that you are working hard to reach an agreement on the transfer of Hebron to the Palestinian Authority and congratulate you on continuing your efforts toward this important step. We recognize that this agreement has taken difficult and protracted negotiations, and your dedication and that of your Cabinet colleagues to bring about successful resolution of these issues merit our deepest respect. Certainly, there must be security for all citizens of Israel as a central requirement of this or any future agreement. Yet there must also be a negotiated accord among the parties on the division of lands in dispute.

We write because we are concerned that unilateral actions, such as the expansion of settlements, would be strongly counterproductive to the goal of a negotiated solution and, if carried forward, could halt progress made by the peace process over the last two decades. Such a tragic result would threaten the security of Israel, the Palestinians, friendly Arab states, and undermine U.S. interests in the Middle East.

We, therefore, urge you as Prime Minister of the State of Israel, just as we also urge all on the Arab side, not to take unilateral actions that would preclude a meaningful negotiated settlement and a comprehensive and lasting peace.

Sincerely,

James A. Baker, III
Former Secretary of State

Zbigniew Brzezinski
Former National Security Adviser

Frank C. Carlucci
Former National Security Adviser

Lawrence S. Eagleburger
Former Secretary of State

Richard Fairbanks
Former Middle East Peace Negotiator

Brent Scowcroft
Former National Security Adviser

Robert S. Strauss
Former Middle East Peace Negotiator

Cyrus R. Vance
Former Secretary of State

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SETTLEMENT DEVELOPMENTS TIMELINE

November 17, 1996 – January 17, 1997

November 17, 1996

Defense Minister Yitzhak Mordechai approves a \$37 million project that includes the construction of 1,200 units at the settlement of Emanuel, southwest of Nablus. One hundred fifty units are unfrozen immediately. The second stage will see 500 units constructed, followed by a third stage of 700 units.

November 24

Traffic jams are caused at Gaza's Netzarim junction by Palestinian vehicles to force a change in an Israeli decision of November 1994 to close the road to Palestinian vehicles. Settlers are confined to Netzarim during the action.

November 25

Israeli forces move additional troops and tanks to the Nahal Oz area, just outside the Gaza Strip.

November 26

Palestinian Authority (PA) Chairman Yasser Arafat meets for 90 minutes with a delegation of ten settlers. Discussion focuses on joint business development opportunities and Hebron. Yesha (Council of Jewish Communities in Judea, Samaria, and the Gaza Strip) denounces the meeting.

December 2

Prime Minister Benjamin Netanyahu approves construction of 350 units and occupation of 100 previously "frozen" units in Jordan Valley settlements during a meeting with their settlers.

December 5

Israeli government spokesman David Bar Ilan says that permits have been given to occupy 100 empty units at the West Bank settlement of Kedumim. He denies other reports that approval had been given to construct 700 new units, but explains that licenses had been requested for 100 new units.

December 8

The Jerusalem District Planning Commission approves the construction of 132 units on 14 dunams in East Jerusalem's Ras al-Amud neighborhood. Ministerial approval is required for construction to begin.

December 11

Two Israeli residents of the West Bank settlement of Beit El are killed in a drive-by shooting near the settlement.

December 13

The Netanyahu cabinet approves the restoration of unspecified levels of benefits and subsidies to settlers and to manufacturing, industrial, and commercial enterprises locating in settlements, which will now enjoy "A"-level national priority area

status. The Rabin government had earlier canceled or reduced some of these incentives.

December 18

Settlers from Beit El lay symbolic claim to a location east of their existing West Bank settlement on Artis Hill. The proposed new settlement—Maoz Tzur—is named after settlers killed on December 11.

December 24

Netanyahu promises to present any agreement on the army redeployment in Hebron to the cabinet before signing.

December 25

Netanyahu cabinet holds its first meeting on final status issues.

Netanyahu decides not to support the approval of construction of 6,500 planned units at Har Homa in East Jerusalem.

December 26

Settlers from Netzarim lay a cornerstone of Netzarim B adjacent to the existing settlement, where they plan to construct 160 units. No new construction had been approved by the government, however.

Arafat tells legislators that former Prime Minister Yitzhak Rabin assured him that the Hebron redeployment would lead eventually to the transfer of Hebron settlers to the nearby settlement of Kiryat Arba.

December 31

Israeli Finance Minister Dan Meridor announces that tens of millions of shekels are to be allocated for settlement expansion in the Golan Heights and Jordan Valley, including construction of 300 units in the Golan.

January 1, 1997

An off-duty Israeli soldier wounds six Palestinians in a shooting attack in Hebron.

January 2

Seven mobile homes are placed at Maoz Tzur.

January 5

The mobile homes are removed from Maoz Tzur as part of an understanding with Defense Minister Mordechai to enlarge the settlement of Beit El.

January 17

Israel redeploys its troops in the West Bank city of Hebron. The Israel Defense forces will continue to devote significant resources to protect the city's some 450 settlers. ♦

SHORT TAKES

The Council of the League of Arab States discussed in its extraordinary meeting on December 1 the settlements activities in the occupied Arab territories and the Israeli government's plans to expand such settlements which are considered an obvious violation, not only of the principles on which was started the peace process, but also to all international principles and resolutions. . . .

The Council also invites the international community and all states that offer financial and economic assistance to Israel, particularly the United States, governments of the European Union, and other international funds and banks to stop all such aid to Israel. Oftentimes such assistance is used by Israel to expand the settlements activities in the occupied Arab lands.

The League of Arab States, (unofficial translation in *Al-Abram*), December 1, 1996

[The Labor government did not have to] explain [the legality of the settlements] because the world believed in the sincerity of its intentions of reaching peace with the Palestinians. The Netanyahu government is forced to explain every building it constructs in the territories, because the world has not yet received from it any proof of its intentions of continuing the peace process, as it promised.

Ma'ariv, December 11, 1996

Israel's Central Bureau of Statistics reports that the number of Israeli settlers with the right to vote [all persons aged 18 and over] was 73,990 in the May 1996 elections, or 2 percent of all voters. This figure represents an increase of 26,990, or 57 percent of voters registered at the time of the 1992 elections, when the number was 47,000. For the 1988 elections, there were 28,000 eligible voters in the settlements.

Ha'aretz, May 29, 1996

We have prepared our deployment plans in every place. Also equipment. Besides the 400 police who will be stationed in Hebron there will be 500 men from the National Guard. . . . In my briefings of the forces I gave them orders regarding the settlers. The situation is not so complicated. Only the settlers are insisting on complicating it. Anyone can enter the Arab area. To visit. Make purchases. But we won't allow settlers to go around with weapons. When a settler enters armed, we will immediately advise the coordinating committee. We will ask that he be removed. As long as he doesn't threaten with his weapons and does not shoot, we won't shoot at him. But I will be there, with my finger on the trigger. If he threatens with his weapon we will shoot him.

Tarik Ziad, Palestinian Military Commander of Hebron Area, *Yediot Abaranot*, November 15, 1996

There are 175,000 Arabs in the city and 275 Jews in the city. It is very clear who should be moved . . . if you [Netanyahu]

believe the settlers and the Arabs can live next to one another with fences, you are wrong. Today, we see once again the settlers must be removed from here.

Palestinian Authority negotiator Saeb Erekat, after an Israeli soldier opened fire at Palestinians in Hebron.
Voice of Israel, January 1, 1997

A few weeks ago [Israeli Defense Minister Yitzhak] Mordechai took a walking tour from Beit Hadassah to the Avraham Avinu neighborhood [settlement areas in Hebron]. As he inspected the market, due to be reopened with implementation of the redeployment agreement, I shook his hand, welcomed him to Hebron and pointed out to him that the market, located on Jewish property, was stolen from us following the expulsion of the Jewish community in 1929. His response: "And how much land did we take from them?" Shocked at this answer, especially because in Hebron we didn't take any land from the Arabs, I responded, "But they murdered us and then stole our land." Mordechai retorted, "You're looking at this from an historical perspective; where does that historical perspective begin?" This is the Israeli Likud Minister of Defense, who we put into office.

David Wilder, a member of the Jewish community of Hebron, "Gush Katif," e-mail edition, December 27, 1996

The Cabinet noted the 49th anniversary of the passage of the UN resolution leading to the establishment of the State of Israel. Prime Minister Netanyahu said that it is not the UN resolution, but rather Zionism which founded the State of Israel. However, without the 100 years of settlement which preceded the resolution, Zionism would not have been realized; and without the War of Independence, the State of Israel would not have been established. The UN resolution added international recognition of the right of the Jewish people to establish a state in its land. The Arabs who rejected the resolution 49 years ago are now seeking to roll back the course of events.

From the communiqué of the weekly cabinet meeting of the Government of Israel, November 29, 1996

Jews living outside of Israel have raised \$40 million over the past three months to buy up land from Arabs in the Hebron, Golan Heights, Negev and Jerusalem areas.

Hundreds of properties have already been purchased from Arab owners in Hebron and East Jerusalem. The land purchases are being done with discretion to avoid involvement of political figures. Sources close to Deputy Housing Minister Rabbi Meir Porush have stated the Deputy Minister is aware of the transactions and has given the green light.

Yediot Abaranot, December 3, 1996

SHORT TAKES

Israel has confiscated more than 75,000 acres of Palestinian land in the West Bank and Gaza in the last three years, according to a report submitted by the Palestinian Authority [PA] Ministry of Information to PA Chairman Yasser Arafat. The report added that Israel has confiscated since 1967 almost 750,000 acres of the 1.5 million acres comprising the West Bank and Gaza Strip (74 percent in the West Bank and 26 percent in Gaza). The PA claims that in the 1993–1996 period Israel confiscated 47,975 acres in the West Bank for rock quarries; 3,000 acres for nature reserves; and 5,500 acres for the network of bypass roads to Israeli settlements.

Palestine Report, e-mail edition, December 13, 1996

Israel's General Security Service [Shabak] wrote a memo to Prime Minister Benjamin Netanyahu recommending that after a Hebron pullback deal is reached, he consider removing the estimated 450-member Hebron Jewish community due to fears of settler provocation which could lead to bloodshed. . . .

Netanyahu has repeatedly made it clear that he would not evacuate settlers, instead viewing the Hebron deal as a way of ensuring their safety.

Jerusalem Post, December 29, 1996

In the Palestinian Legal Council they speak angrily about a popular struggle, about the national committees to defend the land, about the development in Area C of the greatest threat of all posed by the settlements. Ministers of the PA even make militant declarations and promise legal aid to residents, as though the PA was an external actor. Not for quotation, members of the PA acknowledge that they have little chance to thwart Israel's ability to do as it pleases on lands outside of Area A, to expand existing settlements, [and] to pave more security roads. . . .

Amira Hess, *Ha'aretz*, December 3, 1996

We will monitor the addition of every house in the settlements. We will photograph construction from the air, by satellite, and from the ground. We will oppose every act on the government's part that encourages people to move to the territories.

A Clinton administration official, quoted in *Yediot Aharanot*, December 20, 1996

As you must have heard and seen in the media, Kfar Darom was actually attacked by an Arab mob, and worse, by the Palestinian police using weapons supplied to them by the previous government. The residents were besieged in their houses while snipers armed with semi-automatic weapons arranged themselves opposite the community, waiting for living targets to come within their sights. There are still a number of families living in trailer homes. As you can imagine, their situation was even more dangerous.

Netzarim is isolated at the best of times. At that point [the September 'mini-intifada'], it was completely under siege, since the junction leading to it is controlled by the Palestinians, and not by a joint patrol of Palestinians and Israel Defense Forces, as it should have been. The children of Netzarim—which is situated in the northern part of the Katif region—who go to school in Atzmona—which is in the southern part of Katif—arrived home after midnight, having spent the first half of the night with families in Atzmona, and the next day, they did not go to school at all.

The children of Rafiah Yam and Pe'at Sadeh who attend school outside the Katif region came home late at night, after being hosted at Kibbutz Sa'ad, which is near Katif, but inside the "green line."

All suppliers of goods were stuck at roadblocks and couldn't get in, while our agricultural produce could not be sent to market, not to mention the fact that private cars were prohibited from driving the roads. Only after many long hours, after proper authorization was obtained from the army, the regional council organized and began to transport people and guests (since it was just before the holiday) to and from the roadblocks, in buses with special protection.

During the holiday itself, we heard shooting throughout the region. Tanks, helicopters and aircraft overhead all gave us the feeling of being at all-over war, and again we paid with the lives of our soldiers. . . .

Excerpted from a letter by a resident of the Katif Bloc, Gush Katif, e-mail, December 29, 1996

U.S. GOVERNMENT POLICY ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES — 1967–1996

Israel's responsibilities in the territories it occupied in June 1967 are defined by the international consensus embodied in The Hague Convention of 1907 and the Geneva Convention of 1949. Paragraph 6 of Article 49 of the Fourth Geneva Convention on Protection of Civilian Persons in Time of War states, "The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies."

Successive Israeli governments, however, have denied the applicability of such constraints to their right to settle their own population in the occupied territories. The U.S. position on the status of Israeli settlements has undergone numerous revisions since 1967. Highlights of the evolution follow.

The Johnson Administration

Israel's settlement program was in its infancy during the presidency of Lyndon B. Johnson. Shortly before leaving office, Johnson declared,

"Arab governments must convince Israel and the world community that they have abandoned the idea of destroying Israel. But equally, Israel must persuade its Arab neighbors and the world community that Israel has no expansionist designs on their territory."

The Nixon Administration

"The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in [Jerusalem]. The United States considers that the part of Jerusalem that came under the control of Israel in the June war, like other areas occupied by Israel, is governing the rights and obligations of an occupying Power. Among the provisions of international law which bind Israel, as they would bind any occupier, are the provisions that the occupier has no right to make changes in laws or in administration other than those which are temporarily necessitated by his security interests, and that an occupier may not confiscate or destroy private property. The pattern of behavior authorized under the Geneva Convention and international law is clear: the occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation. I regret to say that the actions of Israel in the occupied portion of Jerusalem present a different picture, one which gives rise to understandable concern that the eventual disposition of East Jerusalem may be prejudiced, and that the private rights and activities of the population are already being affected and altered.

"My Government regrets and deplors this pattern of activity, and it has so informed the Government of Israel on numerous occasions since June 1967. We have consistently refused to recognize those measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem. . . ."

U.S. Permanent Representative to the United Nations
Charles Yost, UN Security Council, July 1, 1969

"As a matter of policy, we do not provide assistance to the Israeli Government for projects in the occupied territories.

"On the general question of constructing housing and other permanent civilian facilities in the occupied zone, including Jerusalem,

our policy is to call for strict observance of the Fourth Geneva Convention of 1949, to which Israel is a party. This Convention prohibits an occupying power from transferring parts of its own population into occupied territory. We interpret this to include undertaking construction of permanent facilities which have the intent of facilitating transfer of Israeli population into the occupied territories."

Department of State spokesperson
Press conference, June 9, 1971

Except for opposition to Israel's decision to annex East Jerusalem, the Nixon administration did not make specific reference to Israeli settlement activities until the issue was debated at the UN in 1971:

"We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and the spirit of this convention."

U.S. Permanent Representative to the United Nations
George Bush, UN Security Council debate on
Resolution 298, September 1971

The State Department's deputy legal adviser, George H. Aldrich, reaffirmed this position, which applied as well to annexed East Jerusalem, when he noted in April 1973,

"Israel, as occupant of the territories seized during the fighting in 1967, is bound by the Fourth Geneva Convention—that for the protection of civilians—but Israel refuses to apply the convention."

The Ford Administration

The Ford administration upheld the interpretation formulated in the Nixon years. During a Security Council debate on the situation in the occupied territories occasioned by the establishment of the first Israeli settlement in the West Bank's northern hills, U.S. Ambassador to the United Nations William Scranton told the Security Council on March 23, 1976,

"[S]ubstantial resettlement of the Israeli civilian population in occupied territories, including East Jerusalem, is illegal under the convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the locations of the borders of states of the Middle East. Indeed, the presence of these settlements is seen by my government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors."

The Carter Administration

President Jimmy Carter was more determined than were his predecessors to resolve the issue of Israel's occupation of the West Bank and Gaza Strip. Carter notes in his memoirs, *Keeping Faith*, talks with Prime Minister Menachem Begin in July 1977:

"I then explained to the Prime Minister how serious an obstacle to peace were the Israeli settlements being established within the occupied territories. . . . I reminded Begin that the position of the United States had always been that any settlements established on lands occupied by military force were in violation of international law."

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

“expansion” and “strengthening” of existing settlements.

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

U.S. characterization of settlements as “illegal” was reaffirmed by Secretary of State Cyrus Vance in testimony before Congress on March 21, 1980:

“U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process. . . .

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

Carter confirmed in an April 1980 interview that “our position on the settlements is very clear. We do not think they are legal.”

The Reagan Administration

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

“As to the West Bank and the settlement there, I disagree with the previous administration as they referred to them as illegal. They’re not illegal—not under U.N. resolutions that leave the West Bank open to all people, Arab and Israeli alike. . . .”

In Reagan’s view, Israeli settlement was not illegal, but merely “ill-advised” and “unnecessarily provocative.”

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

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

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

The Bush Administration

President George Bush reiterated that East Jerusalem was considered occupied territory. The Bush administration did not revert to the pre-Reagan administration characterization of Israeli settlement activities as illegal, but Secretary of State James Baker characterized

settlement as “de facto annexation.” For the first time, however, the U.S. agreed to the natural growth of the settlement population at an August 1992 meeting between President Bush and Prime Minister Yitzhak Rabin.

Secretary Baker in testimony before the Foreign Operations Subcommittee of the House Appropriations Committee on May 22, 1991, said, “Every time I have gone to Israel in connection with the peace process on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It’s the first thing that Arabs—Arab governments, the first thing the Palestinians in the territories—whose situation is really quite desperate—the first thing they raise with us when we talk to them. I don’t think that there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace. And nothing has made my job of trying to find Arab and Palestinian partners for Israel more difficult than being greeted by a new settlement every time I arrive. . . . I have about decided that we’re not going to get any movement on settlement activity before we—at least before we have an active peace process going, and it’s going to be just that much more difficult to get a peace process going if we can’t get any action on settlement activity. . . .”

When President Bush was asked about Baker’s criticism of Israel’s settlement policy, he told reporters, “Secretary Baker was speaking for this administration, and I strongly support what he said. . . . It would make a big contribution to peace if these settlements would stop. That’s what the secretary was trying to say . . . and I’m one hundred percent for him.”

The Clinton Administration

During the term of Israel’s Labor-led governments, the Clinton administration reiterated its defense of the policy supporting the “natural growth” of the settlement population. In the wake of the Oslo accords, U.S. opposition to settlements was muted:

“In the past, settlement activity has created a great deal of tension and it has been a complicating factor in the Middle East, and in relations between Israel and the Palestinians and others. We certainly believe that to be true.

“I think it’s also true that Israel and the Palestinians have decided to resolve this question, if they can, in the context of the final status talks. . . . So it’s up to them now to resolve that problem, but it has been a matter of tension and complication in the past, certainly.

Department of State spokesperson
State Department Daily Briefing, May 9, 1996

The election of Benjamin Netanyahu in May 1996 raised questions about U.S. policy.

Mr. Bob Schieffer: “. . . I take it that we oppose settlements on the West Bank. Is that still U.S. policy?”

Secretary Christopher: “I think we’ll have to adapt our policy to the current situation. That was our policy. There’s been no change in that policy. But I would want to keep open the situation of adapting our policy to the situation as it develops, as this new [Israeli] administration forms its government and begins to develop its own policies.”

Secretary of State Warren Christopher
on “Face the Nation,” June 2, 1996.

By November 1996, there were growing signs that U.S. opposition to settlement expansion was becoming more vocal and insistent.

are a “complicating factor” in Israeli-Palestinian negotiations.

The most important consequence of this increased public scrutiny is that it suggests the failure of Israeli Prime Minister Benjamin Netanyahu’s effort to continue expanding settlements without antagonizing Washington—an understanding first reached between Prime Minister Yitzhak Rabin and President George Bush in August 1992 and one which Netanyahu restated in his June 1996 meeting with President Clinton.

In raising the profile of its views toward the settlement policies of the Netanyahu government, the Clinton administration is responding to a number of factors:

■ *The pervasive atmosphere of distrust that exists between the Israeli government and the Palestinian Authority.* Demonstrative Israeli actions regarding settlements are viewed by the U.S. as a critical factor obstructing the forging of mutual confidence and undermining prospects to rehabilitate the political process. According to one U.S. official quoted in the *Jerusalem Post* on December 19, 1996, “Arafat fears that once there is a Hebron deal, Netanyahu will embark on settlement expansion. This would put the U.S. in a very difficult situation. . . . We need an avoidance of settlement activity, an avoidance of terrorism and maintenance of security, and a commitment to invigorate the peace process after Hebron by implementing Oslo.”

■ *The heightened attention that the PA is devoting to the issues of settlement expansion and land confiscation.* This scrutiny, as well as the increased profile that the Netanyahu government has awarded to the issue, has precipitated a higher degree of American attention than at any time since tensions over the provision of U.S. loan guarantees to Israel during the Bush administration.

The unusual, unsolicited U.S. response to a November 26 Netanyahu visit to West Bank settlements is a case in point. State Department spokesman Nicholas Burns noted, “I would say that it [settlement] is a very complicating factor.

“If you look at the potential impact on the peace process, this move today of calling for an expansion of settlements . . . is certainly not useful and not constructive.”

■ *An assessment that the Netanyahu government’s policies on settlements can be changed in the face of intensified U.S. expressions of concern.* On December 19, Israeli television reported that U.S. ambassador to Israel, Martin Indyk, in remarks a few days earlier at an unofficial function, warned an Israeli audience that construction at Ras al-Amud in East Jerusalem would bring Israeli-Palestinian relations to the verge of an explosion.

“The peace process,” Ambassador Indyk reportedly said, “is like riding a bike: You are only steady if you move forward. Regrettably, we are now standing still. . . . I am usually an optimist, but now I am very pessimistic with regard to the peace process.”

Indyk reportedly said he sees no way out; there is total and very fundamental distrust between Netanyahu and Arafat, and the settlements are the main reason for the suspiciousness and distrust: “I understand Arafat’s refusal to sign the Hebron agreement. He fears that once he does, the pressure on Israel will end. . . . From the Israeli angle, it is true that the Israeli government went the extra mile and that the prime minister would like to evacuate Hebron, but the settlements are the big obstacle preventing the process from moving on. . . .”

According to IDF Radio, Indyk’s comments mirrored a message to Netanyahu from Washington “urging him to refrain from approving settlement expansion plans as a political compensation to the right wing for the evacuation of Hebron. The U.S. message stated that such construction activity is incompatible with Netanyahu’s commitment to pursue the Oslo process, and that the prime minister should be consistent in his declarations.”

The Netanyahu government has informed settlement representatives that it has postponed approval for new construction until after the implementation of the Hebron redeployment. And it appears that a decision has been made to freeze plans for construction for Israelis in East Jerusalem’s Har Homa and Ras al-Amud areas.

■ *The increased attention awarded the settlement issue in the U.S.* At a December 5, 1996, conference, former Secretary of State James Baker was critical of the Clinton administration’s decision to “adapt its [the U.S.] well-known and long-held position that Israeli settlements on the West Bank are an obstacle to peace.” He also noted that the president’s national security adviser has referred to them simply only as a “complicating factor.”

Baker’s comments foreshadowed an extraordinary December 14 letter to Netanyahu, signed by a number of former National Security Council advisers and secretaries of state terming settlement expansion “strongly counterproductive” and calling upon the Israeli government “not to take unilateral actions that would preclude” peace. (See page 2.)

The Baker remarks and the subsequent letter were well-considered efforts to redirect a U.S. policy that the authors found inadequate. Clinton’s rebuke to Israel on December 16 was, perhaps, a response to this initiative.

On December 17, Netanyahu, described as “angry and nonplussed” by Clinton’s remarks, received a welcome letter of support from Congressman Benjamin A. Gilman (R-NY) and Senator Jesse Helms (R-NC). The authors, chairman of the respective foreign relations committees in the House of Representatives and Senate, did not refer to settlements or to the president’s comments directly. Their letter was, however, a clear response to recent U.S. criticism.

“We would not presume to advise you on specific steps to take, or to refrain from taking, in your pursuit of a just and lasting peace,” the letter noted. ♦

and to the chagrin of the international community.

This rhetorical commitment has been matched by considerable material support for settlement expansion. Yet for members of the settlement community and their political allies, Netanyahu is expected to do far more than merely continue the rate of growth and development that they enjoyed during the Rabin-Peres years. Netanyahu's refusal to meet their expectations for expedited approval for construction plans during his first months in power is, therefore, a source of deep disappointment for them, and perhaps for Netanyahu himself.

During his visit to Ariel, Netanyahu explained that the previous government declared a policy of "drying out" settlements, but in practice enabled the increase of the settler population by 50 percent. "We don't say that we will dry out [the settlements]," he explained. "We do what we believe in." Faced with such an explanation, settlers demanding a more expansive settlement policy could be forgiven for not seeing the point of Netanyahu's logic.

U.S. criticism of Netanyahu's visit to Ariel prompted some settlers to respond, "If Netanyahu is going to be criticized on settlement it might as well be for what he does rather than for what he says."

Yesha Submits Demands

The unsettled tone of Netanyahu's relations with settlers was on display at a November 7 meeting. Settler representatives had earlier submitted a long list of proposed settlement construction, amounting to thousands of new units in existing settlements.

At the meeting Netanyahu promised to attend personally to expediting settlement construction, particularly a plan for the addition of 3,500 units in settlements around Jerusalem, a plan that will complete the territorial link between Jerusalem and the settlement of Ma'ale Adumim. He committed himself to include settlements on the list of preferred development areas and to streamline the administrative procedures for approving construction in already existing settlements.

These commitments prompted settlement leaders to postpone for the second time in a month planned protests against the government's "freeze" on new construction.

"We raised a list of issues known to the prime minister," explained Benny Kashriel, mayor of Ma'ale Adumim. "Some of the problems result from bureaucracy and administrative bottlenecks and others from issues of principle. We are prepared to wait two or three weeks, when I assume we will know exactly if we are being given the run-around or if they intend to help us."

Later that same day, settlers left a meeting with Defense Minister Yitzhak Mordechai disappointed in his refusal to approve the scores of building plans for settlements that he inherited from the previous government. Mordechai's subsequent approval of a \$37 million, 1,200 unit, public/private development in the Emanuel settlement on November 18

failed to impress his settler critics. They view him, a recently retired general who catapulted to the top ranks of the Likud, as insufficiently committed to the Likud's core settlement beliefs.

According to a report in *Ma'ariv*, "many participants claimed that 'the man is not one of us, he has no business being in our camp.'" For some time, Yesha leaders have been full of complaints against Mordechai, but against the background of the IDF redeployment in Hebron, relations between them are coming to a head.

Yesha leaders, however, know that their real problem is not with Mordechai but with his boss—Benjamin Netanyahu. "He talks nicely, but on the ground, he is a disaster both in the short and long term," explained Aaron Tsur, head of the Katif Bloc (Gaza) settlement council. "There is no connection between ideology as he represents it before us and between what takes place on the ground. Both in the security and the settlement areas—here there is a complete freeze."

Settler Disaffection

Differences over Israel's requirements in the negotiations on the redeployment in Hebron have been added to continuing frustration over the government's intention not to commit to significant new settlement construction until after implementation of the redeployment from Hebron. Yet settlers, and the right in general, cannot easily mobilize to protest the policies of a Netanyahu government which they were instrumental in electing and which most still consider sympathetically.

"After all," explained Nisin Slomiansky, an important settler strategist who coordinated public protests against the Labor governments, "he is our prime minister. We want this government to continue. For us, there is no other government, but we believe in a policy [of settlement], not in a man."

The disaffection between Netanyahu and settler representatives has become so marked that Netanyahu is receiving little credit when he does implement their agenda. For example, Yesha leaders declared themselves unimpressed by the government's decision to extend development status to all settlements—one of their demands only a month earlier. A statement issued by Yesha claimed that most of the settler communities will not derive any benefit from the reinstatement of this development area status.

Part of the settlers' publicly critical attitudes can be attributed simply to the language of politics in Israel. The fact that settlers routinely threaten to open a public campaign against the government's presumed shortcomings regarding settlement expansion, while in fact refraining from precipitating the kind of conflict that characterized relations with the previous government, is instructive. Yet the disappointment and concern expressed by settlement leaders at the failure to improve upon Labor's settlement policies is real, but so far ineffective in moving the Likud government beyond a continuation of the policies of the previous government. ♦

