

EU-Settlements' Watch

1 February - 31 July 2002

EXECUTIVE SUMMARY

GENERAL BACKGROUND

The Settlements Watch is produced by the European Union Representative Offices in the Palestinian Territories and Consulate Generals in Jerusalem and agreed with the European Union Heads of Mission in Tel Aviv. It draws on official statements, reports from NGOs and the press (both Israeli and Palestinian) and local expertise aiming for the highest degree of accuracy possible.

A. There are more than 200 settlements in the occupied territories: 139-209 in the West Bank outside the municipal boundaries of Jerusalem and 16-20 settlements in Gaza. In East Jerusalem there are at least 12 settlements inside the municipal boundary.

According to data by the Israeli Central Bureau of Statistics published in September 2001 and to data by the Israeli NGO "Peace Now" approximately 215.000 settlers are living in the West Bank and 6.900 in the Gaza Strip. The total population of the settlements inside the municipal boundaries of Jerusalem is approximately 180.000.

B. The EU continues to oppose Israeli settlement activities in the Occupied Territories as being illegal under international law and damaging for the Peace Process as they prejudice the outcome of the Final Status Negotiations. The Fourth Geneva Convention prohibits the occupying power to transfer citizens from its own territory to the occupied territory. Furthermore the Hague Regulations prohibit the occupying power to undertake permanent changes in the occupied areas, unless these are due to military needs in the narrow sense of the term, or unless they are undertaken for the benefit of the local population. Also the Hague Regulations outlaw confiscation of private property and recognizes requisition of land only for the needs of the occupying army. Lastly, the Hague Regulations state that the occupying power must administer public property as a usufructuary.

C. Since the outbreak of the second 'Intifada' in September 2000, settlements have become a focal point of tension and violence. The Palestinian Authority has called repeatedly for a total freeze on the construction and expansion of settlements. The Sharm el-Sheikh fact-finding Committee (Mitchell Commission) stated in its report of 21 May 2001 that "a cessation of Palestinian-Israeli violence will be particularly hard to sustain unless the Government of Israel freezes all settlement construction activity" and recommended that "the Government of Israel should freeze all settlement activities, including 'natural growth' of existing settlements".

D. The Basic Guidelines of the Israeli Government under PM Sharon state, "During its term of office, the Government will not establish new settlements." According to the Israeli NGO "Peace Now" the government has been systematically violating these commitments and the government cannot begin implementation of Mitchell Committee Recommendation for a cease-fire without controlling the actions of settlers. According to the Guidelines "The Government will provide the ongoing necessities for the development of the settlements". State support for the settlements amounts to more than 2 Bill NIS in the budget plan 2003, according to findings by MK Raz.

E. In the Golan there are in total 35 settlements and the settler number is around 15.900.

TRENDS:

The following summarises the Watch Report from 1 February - 31 July 2002.

E. Events during the period under observation again confirm the trends registered in the last reports: Intensive construction within --existing settlements as well as the establishment of new "settlement outposts" -- continue unabated. According to an aerial survey done by "Peace Now", from June 29, 44 new "settlement sites" or "outposts" were established in the West Bank since the elections in Israel in February 2001. According to "Peace Now" the term outpost accorded to the settlement sites is a misnomer. „Peace Now“ considers these outposts for all intents and purposes, new settlements since they have an independent infrastructure and control new terrain. „Peace Now“ assumes that most of the outposts are inhabited. Most of the new outposts are situated 700 meters or more from existing settlements, and some as far as 2000 or more meter distant. The „Peace Now“ survey did not count military or quasi-military sites. Twenty of these outposts were established during the period under observation. Ten of the twenty are known with name and location: (Beit El East in Ramallah district, Double Clearing, Maale Zeevi, Migdal Oz West and Tekoa South East in Bethlehem district, Givat Salit in the Jordan Valley, Maon Farm in Hebron, Nahliel South Ramallah district, Einav West in Tulkarem district and Karnei Shomron in Nablus district). In July a petition was submitted by MK Mossi Raz, Peace Now and others to the Israeli High Court of Justice demanding the dismantling of the new settlement sites. The petitioners point out that since 1996, 93 new settlement sites have been established, 51 of them since February 2001. These sites were not established in accordance with the planning and construction statutes, are against Israeli law and are politically motivated.

F. Referring to figures obtained from the Israeli Central Bureau of Statistics the Israeli NGO "Peace Now" counts a total of 5054 housing units under construction in existing settlements in the West Bank and Gaza Strip. 3489 of them are governmental initiations and 1565 are private. Housing starts in existing settlements in the first quarter of 2002 amounted to 412 housing units: 170 governmental and 242 private. Intensive construction work is ongoing especially in settlements close to the Green Line as well as within the "Greater Jerusalem" area.

G. The Israeli Information Center for Human Rights in the Occupied Territories, B'Tselem, published in May 2002 a report revealing that while the built-up areas of the settlements constitute only 1.7% of the land in the West Bank, the municipal boundaries are over three times as large: 6.8%. Regional councils constitute an additional 35.1%. Thus, a total of 41.9% of the area in the West Bank is controlled by the settlements and defined as „closed military zones“.

According to B'Tselem the Israeli Government uses various legal and bureaucratic mechanisms to take control of land and to encourage Israeli citizens to move to settlements. These techniques include the de facto annexation of the settlements to Israel, the planning systems which invests significant resources to expand the settlements, and the granting of numerous economic incentives intended to raise the standard of living in the settlements.

H. Israeli Government tenders have been issued for the construction of 957 family housing units in the Israeli settlements in the West Bank, these tenders, relate for the most part, to the "greater Jerusalem" area. The Ministry of Housing and Construction published in May tenders for the construction of 76 land plots in Geva-Binyamin, 24 land plots and 315 apartments in the Givat Hazait neighborhood in Efrat, 244 apartments in Beitar Illit and 224 in Maale Adumim.

Furthermore, the "Armin" governmental urban development corporation issued a tender for 74 land plots in Har Adar. In addition to that, in April a tender was issued for the construction of 31 new housing units in Maale Adumim. Also in late April, for the first time, a permit was issued for the construction of 16 housing units in the extremely problematic settlement of Tel-Rumeida located in the heart of Hebron.

Despite the fact of the published tenders it is difficult to establish the exact numbers of tenders issued and to register whether these tenders have been newly initiated or been finalized based entirely or partly upon construction permits issued by previous governments. In addition to that, under Israeli law, tenders need not be published if the regional or local council concerned is using its own development agency to develop the activity in question. According to "Peace Now" building plans are to be carried out via development agencies of regional or local councils, which do not have to be tendered.

I. The Israeli government qualifies settlements as a high national priority; most of them are classified as "Area of National Priority - A or B". This restores additional financial entitlements and subsidies. According to the Israeli Information Center for Human Rights in the Occupied Territories, B'Tselem, these benefits are provided by six government ministries: the Ministry of Construction and Housing (generous loans for the purchase of apartments, part of which are converted to a grant); the Israel Lands Administration (significant price reductions in leasing land); the Ministry of Education (incentives for teachers, exemption from tuition fees in kindergartens, and free transportation to school); the Ministry of Industry and Trade (grants for investors, infrastructure for industrial zones, etc.); the Ministry of Labor and Social Affairs (incentives for social workers); and the Ministry of Finance (reduction in income tax for individuals and companies).

B'Tselem, gives example for the extraordinary financial entitlements and subsidies: in the year 2000 the Jewish local councils in the West Bank received grants from the governments averaging sixty-five percent more those received by their counterparts inside Israel. Also Settlement regional councils received grants averaging 165% more than their counterparts in Israel.

Following a bus ambush in Emmanuel, Defense Minister Binyamin Ben-Eliezar announced that the defense establishment will invest NIS 100 million on increased security measures

J. In the West Bank and the Gaza Strip there are several by-pass roads under construction and planning. The situation regarding by-pass roads has changed dramatically since the beginning of the unrest. In a "war situation" military roads do not need to go through the regular approval process and the construction is at the discretion of relatively low-level commanders. As one of the primary missions of IDF in the West Bank and Gaza is to protect Israelis (settlers), it is virtually impossible to distinguish between so-called "military roads" and settler roads. Generally, it seems that the amount of roads constructed by the military has been significantly higher than in previous periods.

K. Some settlements have become permanent hot spots in the past few months, with shooting attacks on and shelling from and around these settlements. Regular shooting incidents occurred at settlements located near densely populated Palestinian areas especially at Immanuel, Adora, Gush Katif and Kfar Darom and the settlements within the City of Hebron. In addition to these proximity related events, some settlements can be seen as the centre of ideologically related violence such as Itamar, Beracha and the settlements within the City of Hebron. In the context of the above-mentioned incidents, the IDF severely shelled Palestinian areas in the vicinity of several settlements with tanks and missiles and made repeated incursions and long-lasting

reoccupation in Palestinian ruled and controlled areas in the West Bank and the Gaza Strip. In several incidents armed Palestinians entered or tried to enter settlements and attacked settlers.

L. Taking into account Israeli security regulations settlers can move freely in the West Bank and in the Gaza Strip. Many settlers carry arms. In March 2002 the Interior Ministry made it easier for settlers to get permits for personal weapons. Under the new regulation, a person who has lived or worked in the occupied territories for at least three month will be eligible to carry a personal weapon.

Settlers are often escorted by IDF forces or by their own armed action groups in B and C areas of the West Bank and in the equivalent areas of the Gaza Strip. Almost throughout the West Bank it is forbidden for Palestinians to use the same roads as the settlers. In order to assure the free movement of the settlers and the continuity of Israeli controlled areas in the West Bank, areas inhabited by Palestinians are separated from each other by trenches, roads have been destroyed and military checkpoints impede the free movement of Palestinian traffic.

M. Settlers attacked Palestinians on several occasions, sometimes in response to attacks on settlers on West Bank roads. Palestinians were reported injured, killed or run over by settler attacks. Palestinian agricultural land and crops were demolished and burned. Hundreds of trees were uprooted; hundreds of dunums of agricultural land were set on fire. Palestinian actions against settlers have resulted in the killing and injuring of a number of settlers.

N. According to a study done by Peace Now on 3,200 households in 127 settlements more than 2/3 (68%) of the settlers would obey a democratic decision for withdrawal and only a small minority (6%) would resist such an order. Only 2% would resist with all means. An absolute majority (59%) of the settlers view financial compensation as the preferred solution. The vast majority (77%) of settlers chose to live in a settlement for reasons of „quality of life“.

O. In the period under observation work began on a security fence to be established to the east of the “green line” dividing Israel and the West Bank. The first stage of the fence will be 115 kilometres long and will cost around US \$ 1 million per kilometre. It appears that several settlements (Oranit, Alfe Menashe, Elqana, Sal’it, Rehan, Shaqeg etc.) will be de facto annexed to Israel and that some 80.000 dunums of land belonging to 23 Palestinian villages will be lost. 11 of the Palestinian villages, all in the north west of the West Bank, will find themselves located between the fence and the “green line”. Some 26.000 Palestinians reside in these villages - living off the agricultural land. The Palestinian side has accused Israel of erecting the fence to divide Palestinian territories into small cantons.

ANNEX : Golan Heights:

In the Golan there are a total of 35 settlements (incl. Druze villages). The number of Israeli settlers is around

15.900, according to official figures from Central Bureau of Statistics. Unofficially the number is less, since many Israeli settlers after building their house decide to live elsewhere.

According to several independent sources no new settlements or major new constructions have taken place during the first half of 2002.

However, private houses are being constructed in continuity of existing settlements primarily in settlements close to Lake Kinneret a.i. Ma'ale Gamla, Bnei Yehuda Moshav, Kanaf and Giv'at Yo'av.

Construction of the new settlement Metzuk Orvim has started, based on decision from 2001.

Golan Local Council has maintained a low profile during the period covered by this report.