



# *The Israeli Settlement Enterprise and its Impacts on the Two-State Solution*

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## ***Introduction***

In 2015, Israel is enjoying an unprecedented level of economic growth and faces very few threats to its security. Both of these points - especially the latter, are in large part due to the virtually unconditional military largesse Israel receives from the United States of America - which currently stands at over \$3 billion per year. There are talks of raising this figure higher for fiscal year 2018, to \$4.2 to \$4.5 billion per annum<sup>1</sup>.

However, despite the lack of serious threats to its security, Israel continues to exploit conflicts in the Middle East through security rhetoric aimed at shifting its geopolitical facts on the ground through settlement expansion, while continuing its suppression of Palestinians through a legally bankrupt system of occupation, Israeli land appropriation, the wanton destruction caused by episodic military interventions in the Gaza Strip, as well as draconian measures by Israeli Occupation Forces (IOF) committed against Palestinians. The following is telling of the situation: over 1,500 were killed and 11,000 injured in Gaza during the summer of 2014 and 10,000 remain displaced. Settlement expansion in Area C and East Jerusalem remain unabated. Overall, in the West Bank and Gaza, some 4,000,000 Palestinians still remain under the Israeli occupation<sup>2</sup>.

The grim portents of another Netanyahu government were sealed on March 18th 2015 when the Likud leader won another term as the Israeli PM. During his campaign for another term, Netanyahu exploited tensions toward the Palestinians in Israeli society through hawkish rhetoric: “Arab voters are coming out in their droves to the polls.” Moreover he said, “There will be no Palestinian state on my watch”<sup>3</sup>. Such proclamations clearly suggest Netanyahu is not a serious partner for peace, yet international condemnation was disappointingly tepid. Netanyahu’s rhetoric - which continues to push Palestinians to the periphery - should be seen as part of the wider Israeli nationalist narrative that says the land of “Judea and Samaria”, as well as a united Jerusalem, belongs to Israel, and that Palestinians have no legitimate claim to the land.

The Israeli government continues to appropriate Palestinian land at a disturbing rate, particularly through a silent process of settlement expansion. The signing of the Oslo Accords in 1993

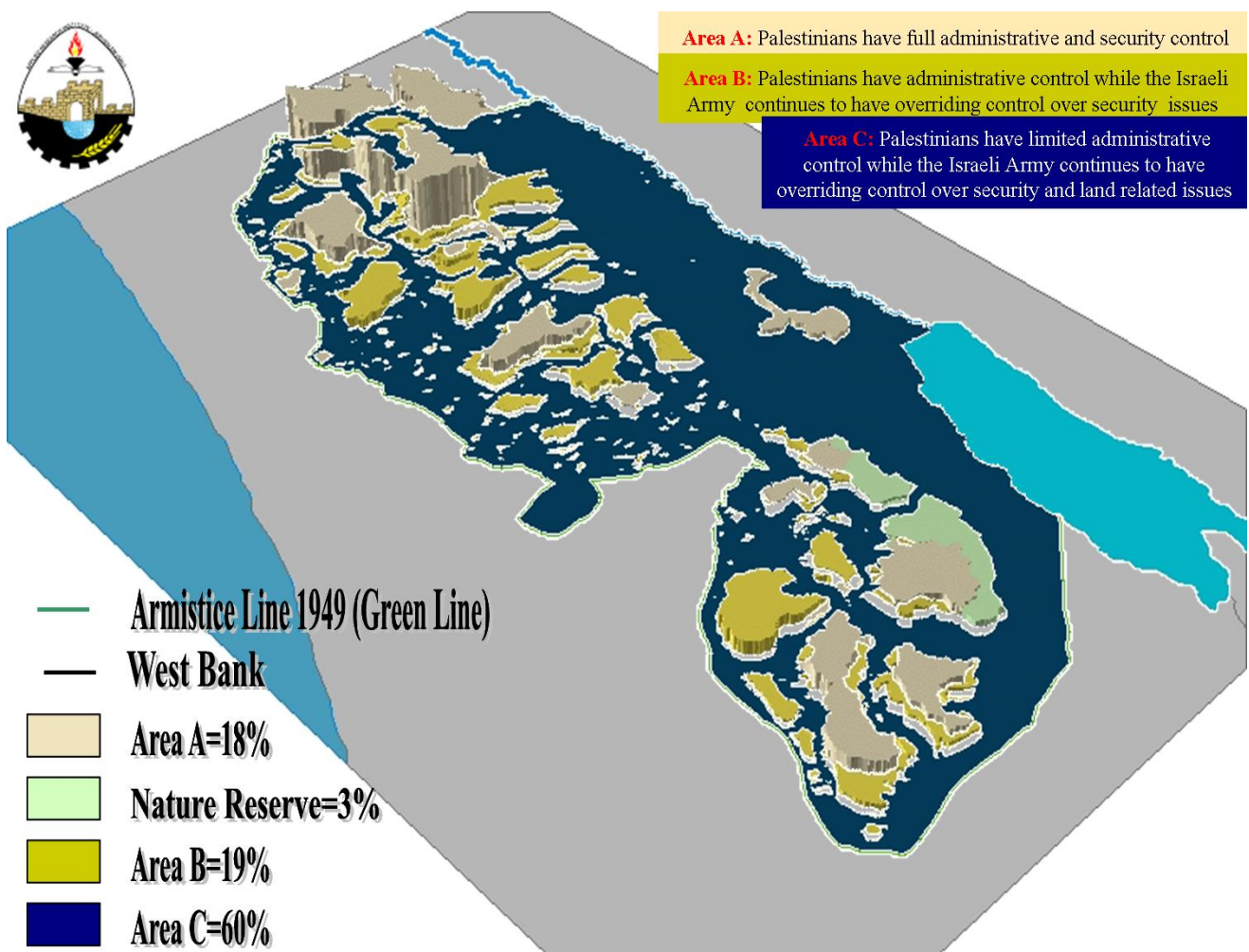
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<sup>1</sup> Shark, J (2015). U.S. Foreign Aid to Israel. Congressional Research Service.

<sup>2</sup> United Nations (2015). Fragmented Lives: Humanitarian Overview 2014.

<sup>3</sup> Tharoor, I, (2015). On Israeli election day, Netanyahu warns of Arab voting ‘in droves.’

established Areas A and B in the West Bank with the latter under Palestinian Authority (PA) control on the civic level while Israel retains full control of security; and the former being under full PA control. However, the majority of the West Bank continues to be under the exclusive control of Israel (designated as Area C), taking up 63% of the West Bank, as well as 87% of its nature reserves, and 90% of its forests. Moreover, the landscape is designed as islands of PA controlled or semi-PA controlled areas within a sea of Israeli controlled space; therefore Palestinians must navigate through Israeli controlled spaces in order to access other PA controlled areas. Under the Oslo Accords, by 1999 Israel should have transferred sovereignty to the PA and relinquished control of the West Bank; however, Area C has instead become the central stage in which Israel advances its political objectives of de-Palestinianizing the West Bank by expanding illegal settlements and further annexing Palestinian lands.



**Figure 1: Israeli Occupation Forces are in complete control of Area C, which constitutes 63% of the West Bank. Palestinians living inside Area C experience severe restrictions on their livelihoods. Israel undermines Palestinian's ability to survive in Area C so as to coerce them off the land to make room for settlement expansion.**

Through the settlement enterprise, Israel plans to annex 75% of Area C and 45% of the total area of the West Bank. Israel utilizes various land confiscation strategies through a legal guise of appropriating what it calls ‘state land’ for the purpose of extending illegal settlements, including, but not limited to: declaring areas of land closed military zones, firing zones, nature reserves and archeology-antiquity sites. Subsequently, Palestinian livelihoods are undermined and restricted and in many cases they are violently evicted following the rezoning process. After Palestinians are forcibly removed from the land, whether through suffocation of their economic livelihoods or through a direct eviction process, Israel declares the land as abandoned, and annexes it as ‘state land.’ This paves the way for the construction of illegal settler outposts – which often times creates corridors between settlements so as to set the foundation for further settlement expansion, – the continued annexation of land through bypass roads and construction of the segregation wall, and exacerbating settler violence against Palestinian communities.

### Significance of Area C:

Type	Area A \ dunum	Area B \ dunum	Area C \ dunum	Total	% of area C
Nature Reserve	52,300	42,600	607,730	<b>702,630</b>	<b>87</b>
Forest	7,000	9,000	59016	<b>65016</b>	<b>90.1</b>
Wells	223	87	287	<b>597</b>	<b>48</b>
Springs	70	122	112	<b>304</b>	<b>37</b>
Roads	2900 km	3100 km	5800 km	<b>11800 km</b>	<b>49.1</b>

Figure 2: Area C encapsulates the majority of nature reserves, forests, wells, springs and roads in the West Bank.

## *Construction of Settlements*

Settlement expansion - which is perhaps the most significant impediment to peace - is a strategy that Israel utilizes to expropriate land from the Palestinian people. In stark contrast to the restrictions placed on Palestinian freedom of movement, Israeli settlements continue to be a burgeoning enterprise, and they are growing at a rapid pace. The Israeli government does not make statistics on settler growth available, however satellite imagery shows that there are currently 196 Israeli settlements in addition to 232 settler outposts in the West Bank and East Jerusalem, which take up approximately 45% of the West Bank area.

Currently, there are upwards of 750,000 settlers residing in the West Bank and East Jerusalem. The number of settlers in the West Bank excluding East Jerusalem is between 425-462,000. These numbers were upheld by Uri Ariel, Israel's former Housing Minister and member of the Jewish Home Party, in 2014 when he stated, "'I think that in five years there will be 550,000 or 600,000 Jews in Judea and Samaria [the West Bank], rather than 400,000 (now)"<sup>4</sup>. He also estimated that there were between 300-350,000 Jewish settlers residing in East Jerusalem. Furthermore, the Israeli government released the recent election results which show that there were 274,000 voters from the settlements in the West Bank, excluding East Jerusalem. The percentage of individuals 17 years old and under in the religious settlements of the West Bank is 40% and 35% in the nonreligious settlements; therefore, these estimations coupled with the number of voters in the illegal settlements demonstrates that there are between 425,669 to 462,323 settlers in the West Bank.

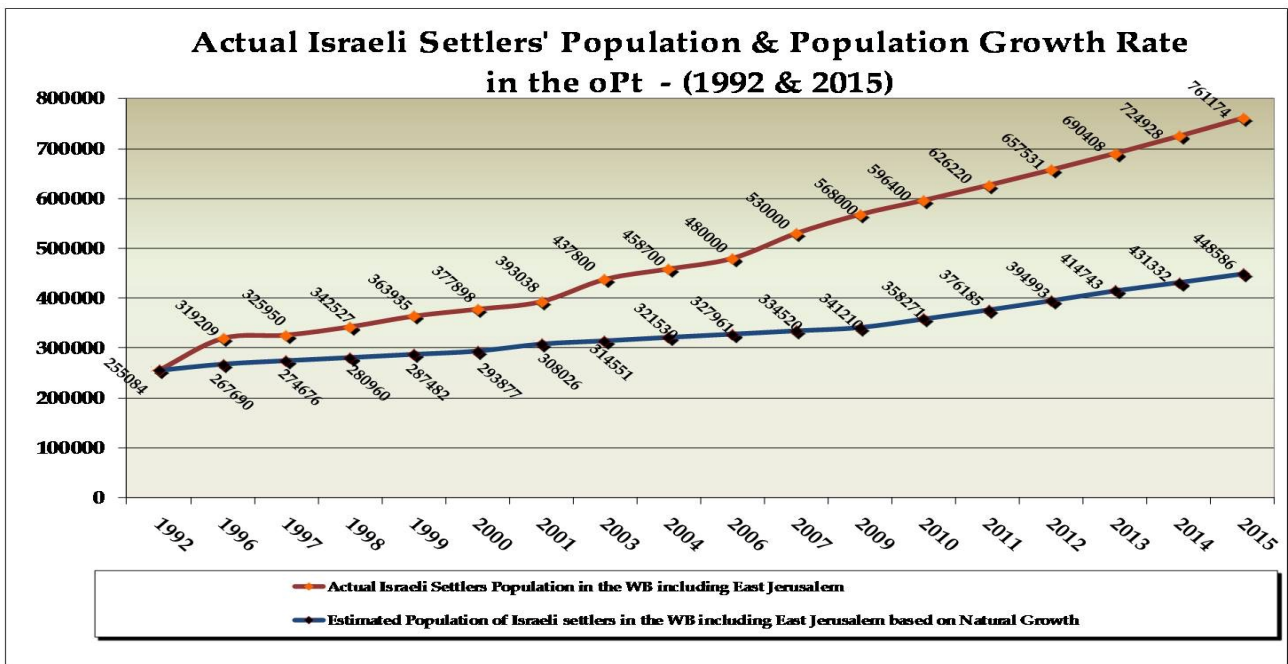


Figure 3: Illegal settlements across the West Bank continue to increase annually by 4% while the overall population growth in Israel is 1.6%.

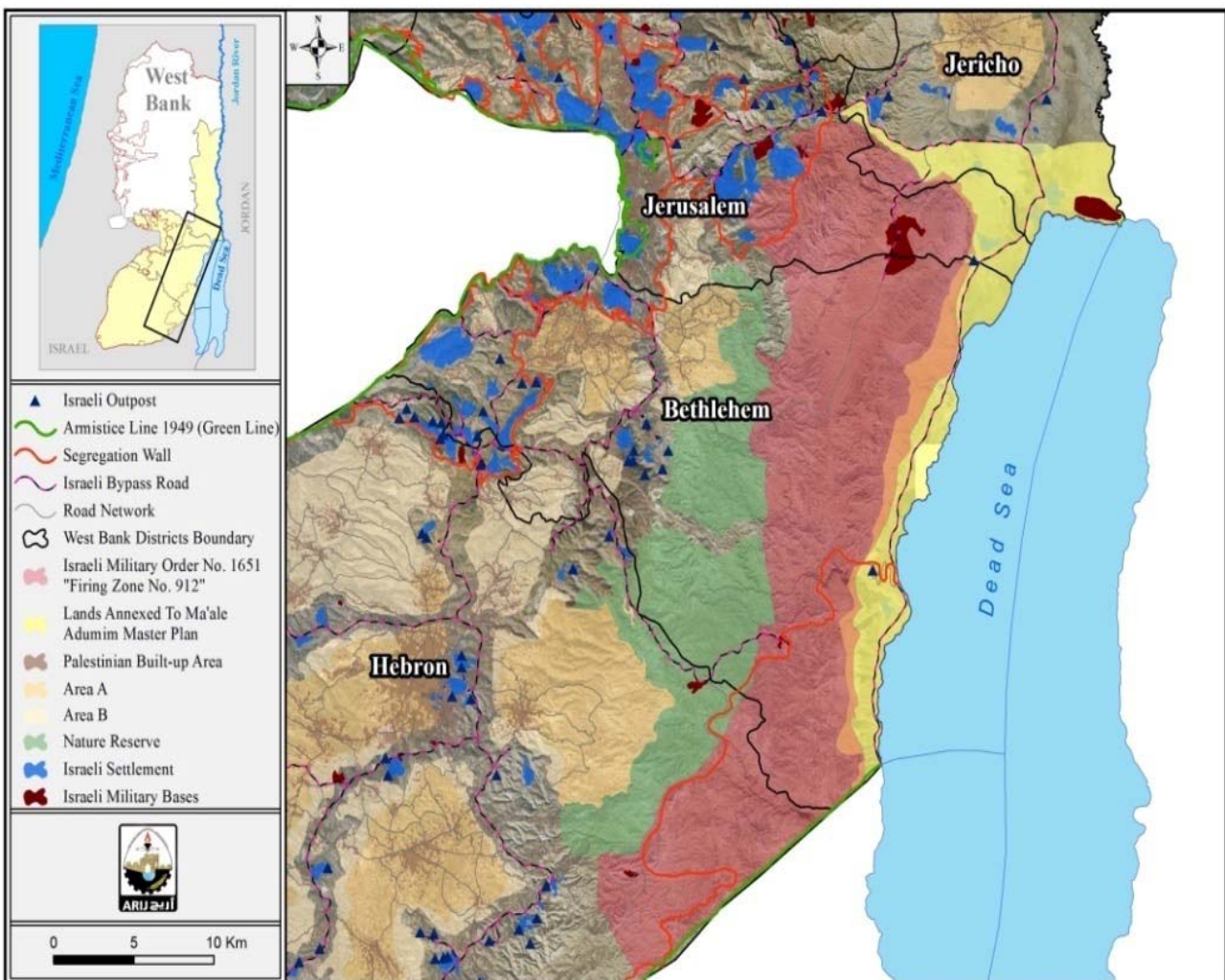
The annual growth rate for the settler population (excluding East Jerusalem) is more than two and a half times higher than that of the overall population in Israel: 4% and 1.6%, respectively<sup>5</sup>. These rates illustrate the Israeli government's pre-meditation to promote the settler enterprise and increase the population of illegal settlers in the West Bank. Furthermore, these settlements are largely connected with one another and Israel proper by 'Jewish only roads.' It is also noteworthy that the

4 Qtd in Reuters (2014). Israeli minister sees 50 percent more settlers in West Bank by 2019

5 B'tselem, (2015). Statistics on Settlements and Settler Population .

presence of settlements and settlers is contrary to Article 49 of the Fourth Geneva Convention which says that, “an occupier may not forcibly deport or transfer parts of its own civilian population or culture into the territory it occupies”<sup>6</sup>.

The expansion of Israeli settlements is synonymous with theft of Palestinian land, and often targets agricultural land and other areas rich in natural resources, making the settlement enterprise a lucrative one for the Israeli state. A prime example of this is the settlement of Ma’ale Adumim in East Jerusalem - Area C. The construction of Ma’ale Adumim plans to annex, and cut off Palestinian access to the Dead Sea - an area rich in resources such as salts and minerals (Figure 4).



**Figure 4: The planned extension of the Ma'ale Adumim settlement encapsulates resource-rich land around the Dead Sea and Jordan Valley. This settlement will prevent Palestinian access to the Dead Sea, resulting in a loss of \$1.3 billion annually.**

Moreover, by extending the illegal settlements and further restricting Palestinian movement - particularly their access to Jerusalem - Israel plans to extend the boundaries of Jerusalem and de-

<sup>6</sup> The Geneva Conventions, (1949). Article Four Relative to the Protection of Civilian Persons in Times of War .

Palestinianize the local population in the West Bank and East Jerusalem to consolidate Israel's larger plan of a "Greater Jerusalem". The Greater Jerusalem Plan necessitates annexing the three major settlement blocs that surround Jerusalem city – the Gush Etzion settlement bloc in Bethlehem and Hebron Governorates consisting of 11 illegal settlements, spanning an area of 69.8 km<sup>2</sup> and with a population of more than 60,000 Jewish settlers; Ma'ale Adumim settlement bloc in East Jerusalem with an area of 72.5 km<sup>2</sup> and with a population of over 50,000; and the Giv'at Zeev settlement bloc northwest of Jerusalem city with an area of 12 km<sup>2</sup> and a population of over 16,000<sup>7</sup> (Figure 5). According to the Greater Jerusalem Plan, Israel plans to extend these settlements and further the de-Palestinianization of its populations. The Palestinian communities within the boundaries of the "Greater Jerusalem Plan," such as Wallaja, Battir, Husan, Wadi Fukin, Nahhalin and Al Jab'a will be encircled by illegal settlements with a separation wall surrounding the village of Wallaja. There will be one road connecting Nahhalin to Husan to Battir with a single exit to the rest of the West Bank. This plan will further the de-Palestinianization of Jerusalem and the West Bank by ensuring Palestinians are unable to continue their livelihoods by making their access to Jerusalem increasingly difficult and time-consuming.

The only purpose of such an enterprise is to curtail Palestinian access to economic resources to the detriment of the Palestinian economy, but to the benefit of Israel. This is also the function of other facets of the Israeli occupation, even those unrelated to settlements, such as the inability of Palestinians to access Gaza offshore gas reserves. According to a study published in 2011 by the Palestinian Ministry of National Economy and in cooperation with ARIJ (Applied Research Institute – Jerusalem), it was estimated that "the total measurable cost of the Israeli occupation on the Palestinian economy in 2010 was USD 6.897 billion; a staggering 84.9% of the total Palestinian GDP in 2010"<sup>8</sup>. The restrictions imposed on Palestinian economic development almost equals the entire Palestinian economy. If it was not for the ongoing illegal occupation of Palestine, their economy would have doubled in size during this period<sup>9</sup>. For instance, Area C encapsulates the majority of Palestinian natural resources, but 70% of Area C is already included within regional councils of the illegal Israeli settlements which prohibit Palestinians from using or developing the land<sup>10</sup>.

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<sup>7</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (2015). Israel introduces another settlement in the so called "Gush Etzion Settlement Bloc".

<sup>8</sup> Palestinian Ministry of National Economy & ARIJ, (2011). The Economic Costs of the Israeli Occupation for the Occupied Palestinian Territories.

<sup>9</sup> Ibid.

<sup>10</sup> UN Habitat, (2015). Spatial Planning in Area C of the Israeli occupied West Bank of the Palestinian Territories.

Under the Prime Ministership of Benjamin Netanyahu, settlement expansion has, and will continue, to surge. During the period between 2014 & August 2015, the Israeli government issued 65 tenders to build 22 Israeli settlements in the Occupied Palestinian Territories (OPT). These tenders included the construction of 8546 units, as well as space for commercial areas and offices. Moreover, 56.2% of the units are to be built in East Jerusalem, & 21.4% in Bethlehem Governorate.

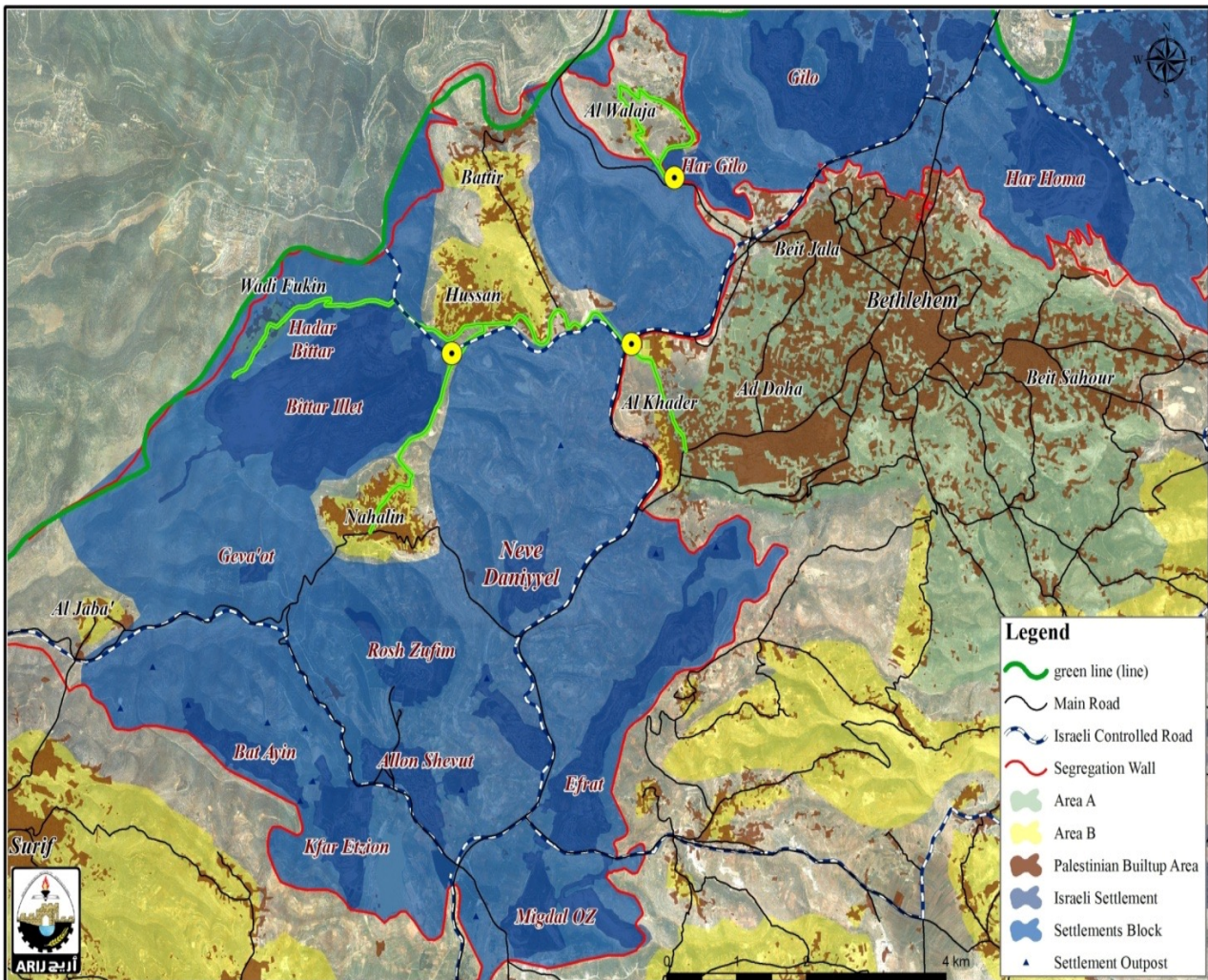


Figure 5: The “Greater Jerusalem Plan” will connect the three major settlement blocs around Jerusalem city, encircling Palestinian communities and restricting their access to Jerusalem. This plan furthers Israel’s larger goals of de-Palestinianizing “Greater Jerusalem” and depopulating Palestinian communities.

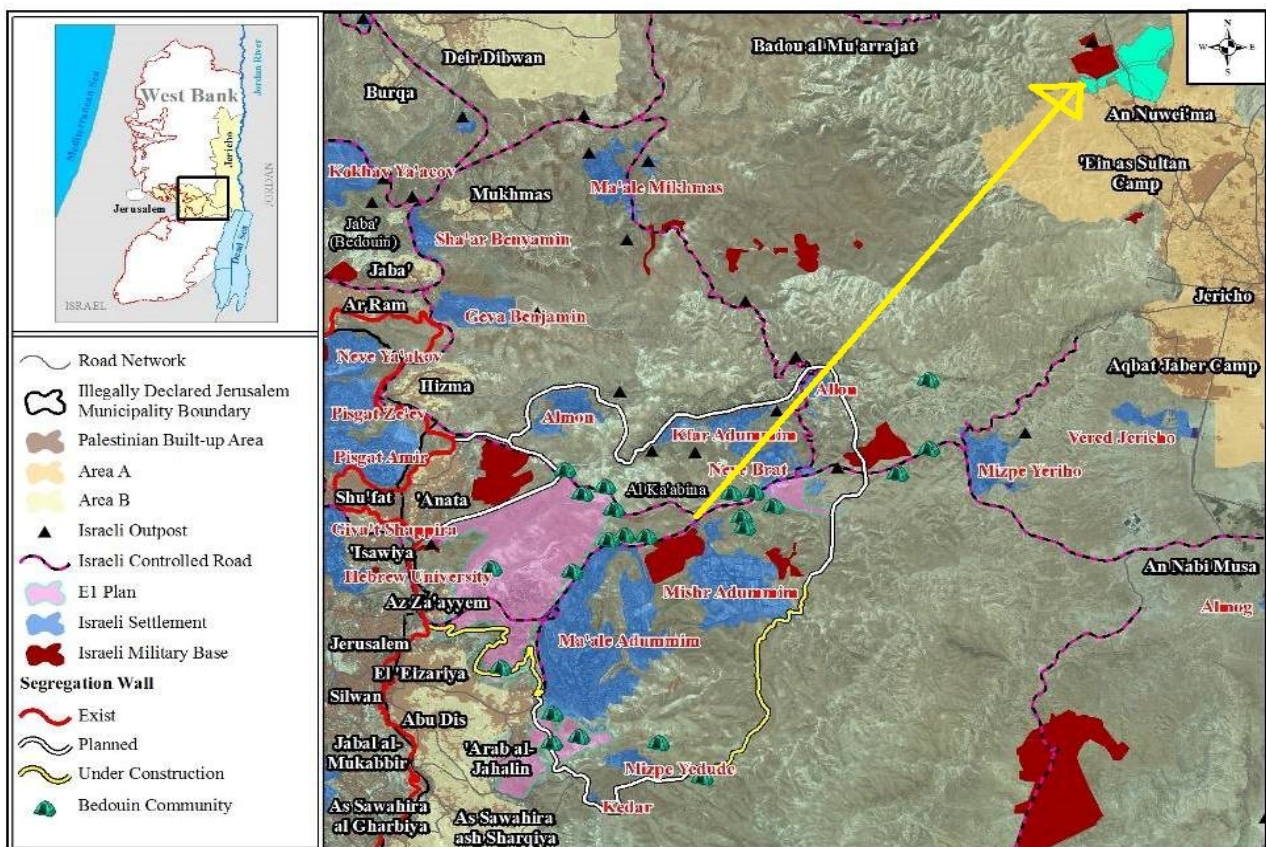
## ***Forced Displacement***

Although much of Israel’s land confiscation strategies are navigated through discriminatory legal channels aimed at de-Palestinianizing the Jerusalem area, expanding its boundaries and engulfing areas with the most valuable resources, all of these confiscation strategies involve direct violence and harassment of Palestinian communities resulting in forced displacement from their lands. This displacement can be caused by direct demolitions of Palestinian homes and structures that lack Israeli-issued building permits in Area C and East Jerusalem; the threat of settler violence on



Palestinian communities; and restrictions on movement in the OPT that hinder economic development. According to OCHA (the Office for the Coordination of Humanitarian Affairs of the United Nations), 2014 saw the highest number of people displaced since OCHA began tracking this indicator in 2008<sup>11</sup>.

For instance, the Bedouin communities who were displaced as refugees from Southern Israel in 1948 and are currently living in the hills to the East of Jerusalem and in central West Bank are being threatened with another forcible displacement due to Israel's "relocation" plan. This will affect 7500 Bedouins and herders from 46 communities. The plan is expected to transfer the Bedouin communities surrounding Ma'ale Adumim to the new Ramat Nuweima location plan (Figure 6) North of Jericho. Although Israel claims the transfer will allow communities to better access services such as water and electricity, the communities oppose the plan. Moreover, the new location will severely undermine their traditional livelihood systems and is located near a refuse dump site creating health concerns for the communities<sup>12</sup>. Importantly, the relocation plan directly coincides with Israel's plans of extending the Ma'ale Adumim settlement.



**Figure 6:** Bedouin communities near the Ma'ale Adumim settlement are being threatened with a forcible transfer to the Ramat Nuweima location plan. This transfer coincides with Israel's plans of expanding the Ma'ale Adumim settlement.

<sup>11</sup> United Nations, (2015). Fragmented Lives: Humanitarian Overview 2014.

<sup>12</sup> United Nations, (2014). Bedouin Communities At Risk of Forcible Transfer

Bedouin communities already experience a high level of violence in Area C, including the Israeli Civil Administration demolishing, dismantling, and seizing over 70 residential and other structures in 2014.<sup>13</sup> The relocation plan will contribute immensely to economic hardships in Bedouin and herding communities while creating space for the expansion of illegal settlements in East Jerusalem and the West Bank.

## *Israeli Settler Violence*

The issue of settlement expansion is inseparable from the high number of Israeli settler violations perpetrated against Palestinians. Since June 2014, more than 900 attacks were carried out by Israeli settlers against the indigenous Palestinians. 2014 in the West Bank saw the highest number of Palestinian casualties at the hands of Israelis in recent years. The types of wanton attacks carried out by settlers against Palestinians and their property tend to vary in severity; however, they all are unequivocally the direct result of the encroaching presence of settlements in the West Bank and East Jerusalem. Settler attacks range from crude graffiti on the walls of Palestinians homes, mosques, and churches, to the uprooting of more than 10,000 Palestinian olive trees since July 2014. However, settlers have also been responsible for crimes such as the murder of Palestinian civilians, and often operate with impunity. For example, the perpetrators of the Dawabsheh family massacre of three people this year—including an 18 month old child and a four year old boy who remains in critical condition—are yet to be reprimanded. Illegal settlers are commonly armed with M16s and represent a constant threat for Palestinian communities who receive no protection from the IOF and have little to no legal recourse when an attack occurs. From June 2014 to May 2015 there were at least 222 settler attacks against Palestinian civilians, 236 attacks against Palestinian religious and historical sites, and 160 attacks against Palestinian property (Figure 7). In August 2015 alone, there were over 70 settler attacks across the West Bank, most being carried out in the Jerusalem Governorate, approximately 30 attacks, and in the Nablus Governorate, experiencing up to 17 attacks<sup>14</sup>.

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<sup>13</sup> United Nations, (2015). *Fragmented Lives: Humanitarian Overview 2014*.

<sup>14</sup> *Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories*, (2015). Israeli Violations in the Occupied Palestinian Territories – August 2015.

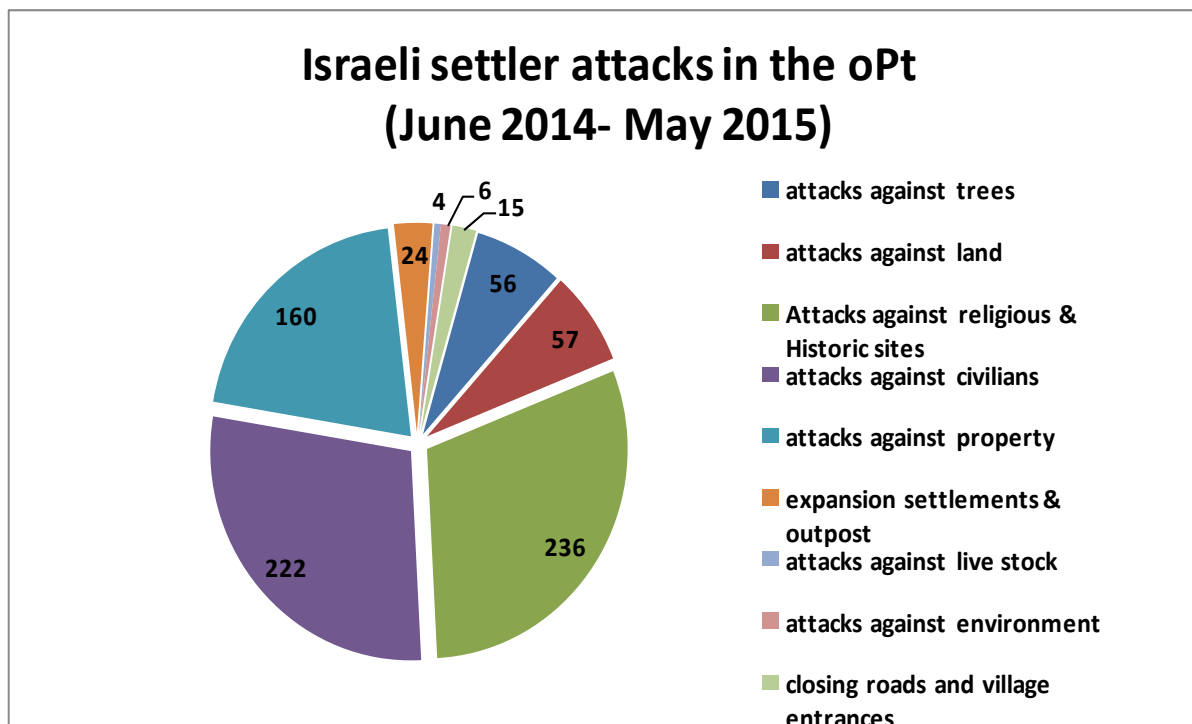


Figure 7: Israeli settler attacks from June 2014 to May 2015 in the West Bank and East Jerusalem

## *Israeli Settler Outposts*

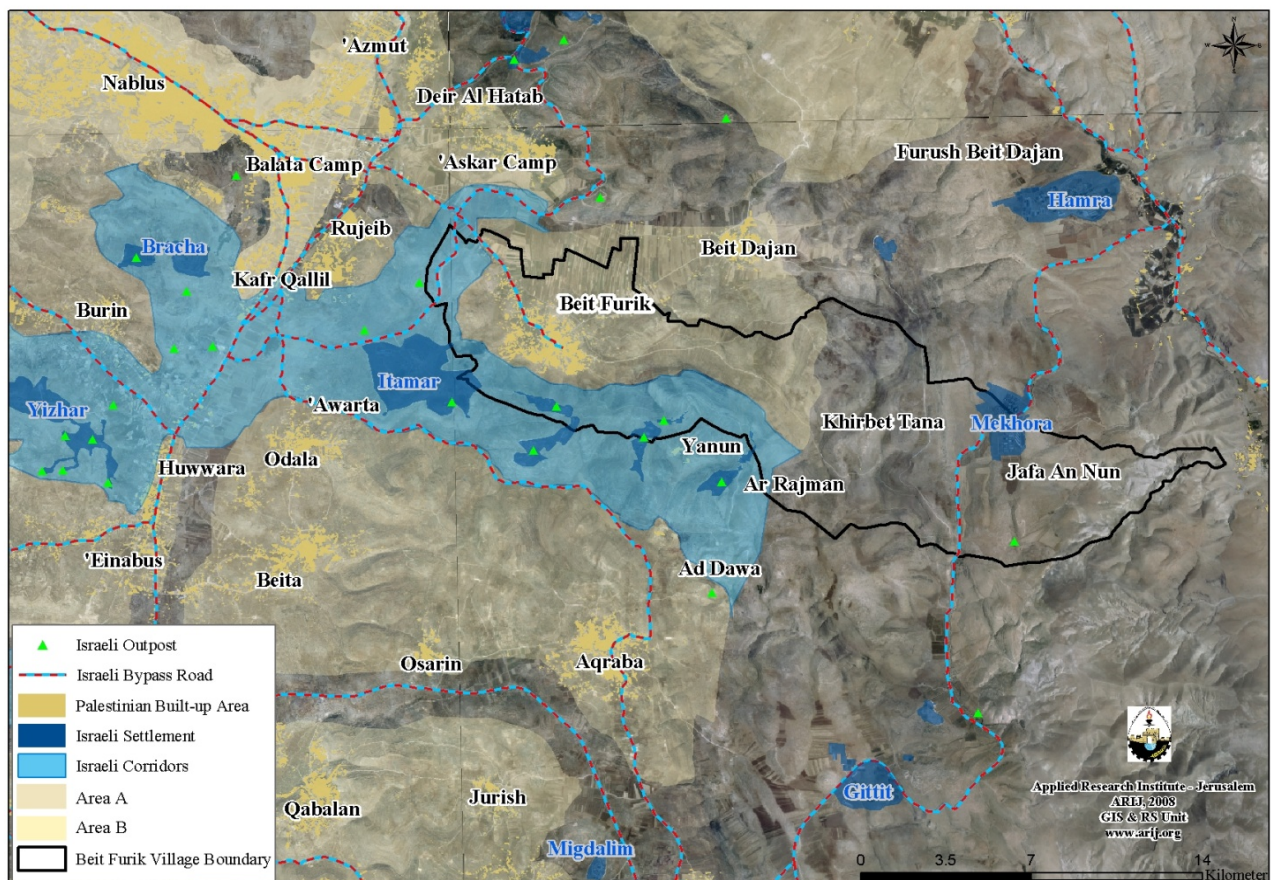
The phenomenon of settler outposts in the OPT begins with a small number of settlers occupying hilltops near parent settlements around the West Bank. Settlement outposts are built without official authorization but with support and assistance from government ministries. Usually, once a settler or group of settlers establishes a post on a hilltop, the IOF (Israeli Occupation Forces) will come to secure the area, while water and electricity is linked to the outpost. Currently, there are approximately 232 settler outposts in the OPT<sup>15</sup>. Additionally, there are 96 Israeli outpost corridors which are set up to connect the outposts with the larger settlement blocs and to create corridors to facilitate transportation between settlements.

The origins of outposts can be stemmed back to 1998 when former Prime Minister Ariel Sharon called upon settlers to “occupy hilltops.” When settlement outposts are established, they become permanent features of the land ready to be linked with other larger Israeli settlements. The settlement enterprise attracted the spotlight in 2005 after Talia Sasson, commissioned by Ariel Sharon, released her report outlining the legality of settlements in the OPT. The report was entitled: “Summary of the opinion concerning unauthorized outposts,” which concluded that over 125 of the

<sup>15</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities, (2015). Everything is possible for the benefit of the Israeli settlers.

settler outposts were illegal and were receiving indirect financial support from several government ministries despite knowledge of their illegality.

Outposts do not have the same status as government settlements, although they enjoy the protection of the IOF, as well as the same infrastructural privileges given to Israelis but not Palestinians - such as settler-only roads. The locations of outposts are not haphazardly chosen; they are in fact geo-strategically selected in locations around the larger settlements in order to link them together with the aim of facilitating greater annexation of land. A case in point is that of Itamar Settlement Southeast of Nablus (Figure 8).

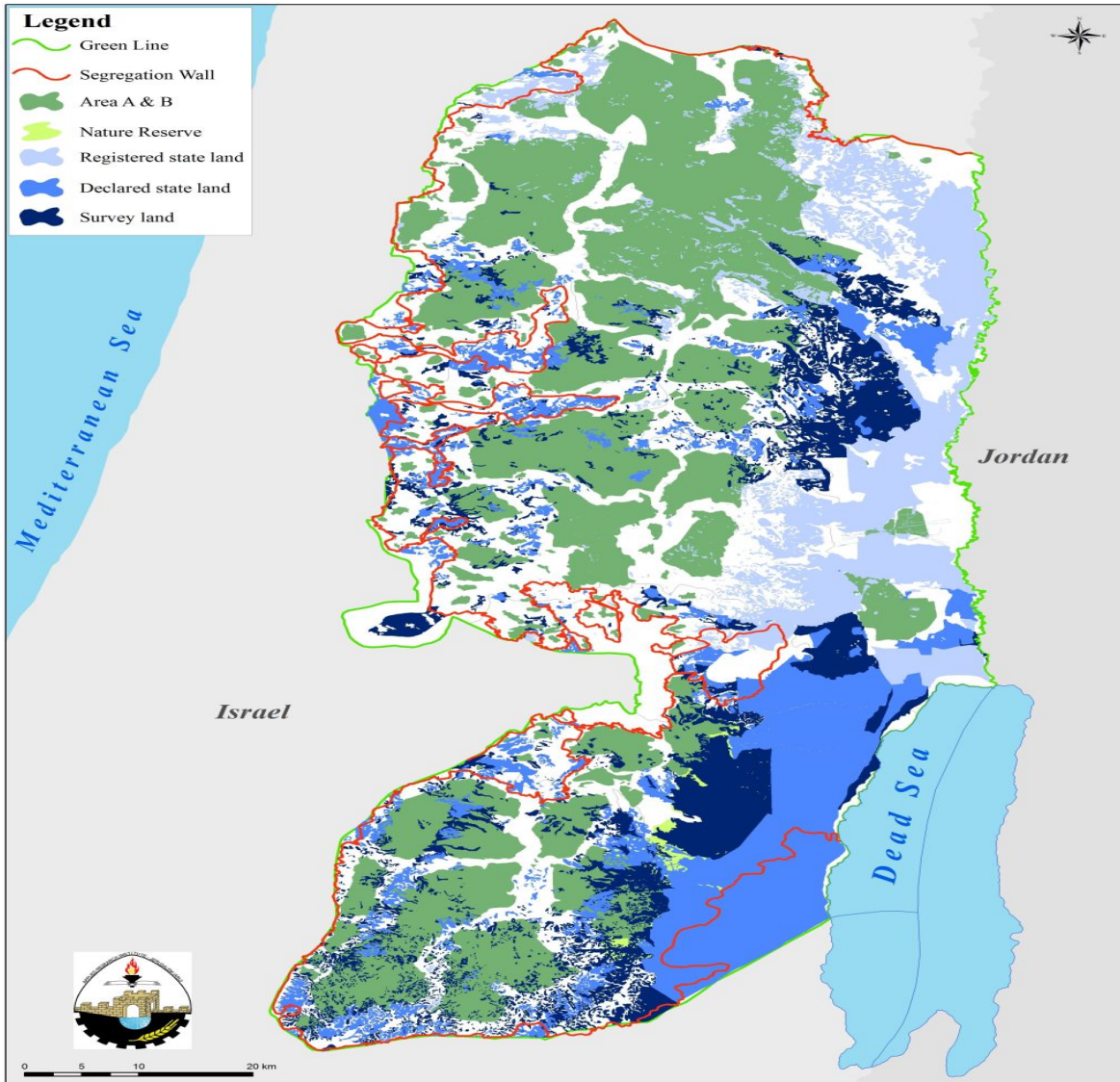


**Figure 8:** settler outposts (in green) strategically surround the Itamar settlement. Settler outposts are often established to provide links to larger permanent settlements.

## *The State Land Pretext*

Before the year 1967, 700,000 dunums - 12% of the West Bank - was designated as state land. After 1967, Israel declared 900,000 additional dunums as state land – 18% of the West Bank – and another 600,000 dunums as “survey land” pending declaration. Although Israel captured the West Bank from Jordan during the 1967 war, it was still bound under international law to abide by the

local Jordanian law put in place while Jordan administered the West Bank. The law said that the expropriation of land must be for the “public” benefit. The ‘public’ in the West Bank means the Palestinian people, and not the Israeli Jewish settlers, whose presence in the West Bank is in contradiction to international law.



**Figure 9: Israel’s use of designated “state land” is a central strategy utilized to enhance control over the West Bank, expand settlements and de-Palestinianize the local population.**

The Israeli authorities - in order to increase the level of land reserves available to Israel for building settlements - began rewriting the rules of the Ottoman Land Code, which was made to regulate ownership of land in the West Bank. Between the years 1979 and 2002, Israel took over 90,000 hectares of the OPT as state land. This figure is a 170% increase in the state lands of the West Bank prior to the Israeli occupation. Israel uses an assortment of ostensibly ‘legal,’ military and administrative rationale to curtail Palestinian access to, and development of their land. Israel firstly announced on 7th June 1967, that it had taken administrative control of the West Bank and Gaza

Strip, in the interests of security and public order. Israel then began a systematic process of issuing supposedly legal justifications for expropriation of Palestinian land.

The purpose of these strategies is simple: to bring as much of the land in the OPT as possible under Israel's control. Israel uses a variety of tactics to declare land in the OPT as state land, including, but not limited to: military orders, absentee property laws, military firing zones, and nature reserves. Israel expropriates land through a systematic process by firstly surveying the land it intends to expropriate, then declaring it 'state land,' and finally registering it as Israeli state land. Currently, survey land constitutes 195,000 dunums; declared state land, 844,000 dunums, and registered state land, 635,000 dunums. Israel illegally maintains settlements on 47% of privately owned Palestinian land. Finally, 41% of the West Bank has been designated as Israeli state land.

### ***Absentee Property Law***

The Absentee Property Law of 1950 defines an 'absentee' as "anyone who, on or after 29 November 1947 (the date of the United Nations General Assembly resolution to partition Palestine), had been: (a) a citizen of subject of one of the Arab countries at war with Israel; (b) in any of these countries, or in any part of Palestine outside the jurisdiction of the regulations; or (c) a citizen of Palestine who abandoned his or her normal place of residence"<sup>16</sup>. Any property of Palestinian residents or nationals of Arab countries that from 1947 were in an Arab country or any part that is outside the 'area of Israel' would be transferred to the Custodian of Absentee Property"<sup>17</sup>. Once land is taken over by the Custodian of Absentee Property it becomes the property of the Israeli state. This law denies the right of Palestinians to access residency or citizenship and alienates them from their properties while creating the contradictory status of "present absentees" – essentially serving to position Palestinians as Internally Displaced Peoples (IDPs). Furthermore, this law continues to be utilized as a strategy to confiscate Palestinian land in the West Bank and East Jerusalem for the purpose of expanding illegal settlements by transferring Palestinian land to the Custodian of Absentee Property.

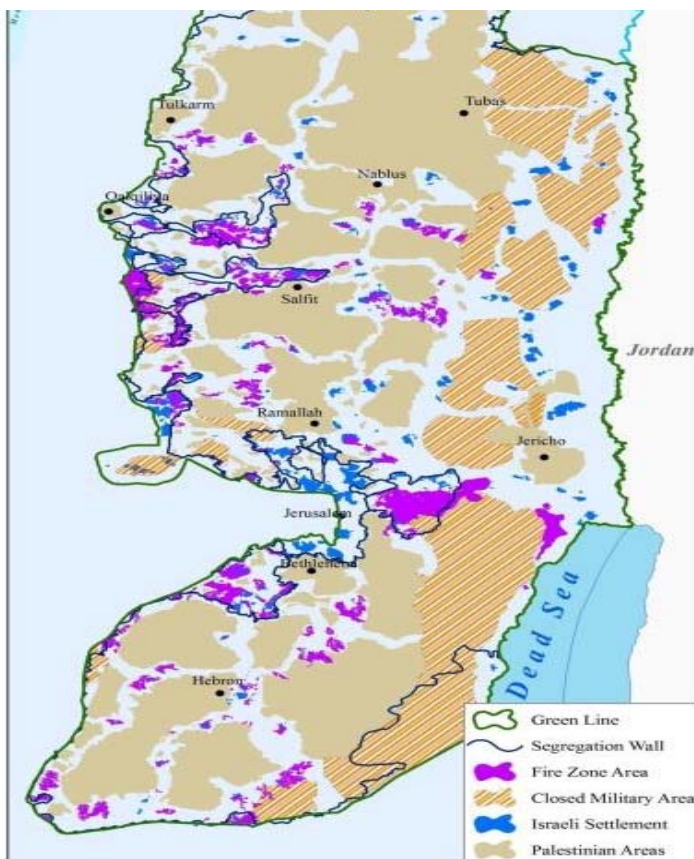
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<sup>16</sup> Foreman, Jeremy & Kedar, Alexandre, (2004). From Arab Land to 'Israel Lands': the legal dispossession of the Palestinians displaced by Israel in the wake of 1948. *Environment and Planning D: Society and Space*.

<sup>17</sup> Ir Amin, (2010). Absentees against Their Will – Property Expropriation in East Jerusalem under the Absentee Property Law.

## Closed Military Areas

Closed Military Areas are a strategy designed to confiscate Palestinian land under the guise of “security.” 999,185 dunums in the West Bank are classified as “closed military zones” or “firing zones” (see below section), constituting 17.6% of the total area of the West Bank<sup>18</sup>, which is nearly the same percentage of the total area of PA-controlled Area A where 70% of Palestinians live<sup>19</sup>. According to Israeli legislation, any military commander has the right to declare land a “closed area.” Although local residents of the land are allowed to retain ownership, they lose their rights to use or develop the land and no compensation is provided to offset the economic loss<sup>20</sup>. Moreover, Palestinians are rarely granted permission from Israeli authorities to access land within the closed military zones. In the OPT, where Ottoman laws are still applicable, land that is abandoned or not developed can be expropriated as state land.



**Figure 10: Closed military zones and “firing zones” constitute 17.6% of the total area of the West Bank. These zones represent another tactic Israel employs to annex land for the construction and expansion of illegal settlements.**

The IOF refusing the access of Palestinian communities and undermining any ability for communities to economically sustain themselves within the closed areas ensures that the land remains undeveloped, setting the conditions for its eventual absorption into declared state land for allocation of settler expansions.

In January 2015 the IOF issued the military order “S/1/99 (Amendment border No.6) (5885 -2015 (Firing Zone No. 912),” which expropriated 410, 672 dunums for a “Closed Military Zone” in the eastern part of the West Bank, bordering a nature reserve area of 166,538 dunums to the West and an area of 140,000 dunums to the East which was confiscated by Israeli authorities in

<sup>18</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (2015). Another tool to annex more Palestinian lands: Military order to confine +400,000 dunums as “Closed Military Area.”

<sup>19</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (2014). Ecstasy vs. Siesta, Israel Ecstatic v. International Community Siesta & the Two-State Solution RIP.

<sup>20</sup> Applied Research Institute Jerusalem, (2007). 40 Years of Israeli Occupation. Chapter 2: Status of Palestinian Territories and Palestinian Society under Israeli Occupation.

2009 and eventually annexed into the illegal settlement of Ma'ale Adumim<sup>21</sup>. The annexation of land in the eastern part of the West Bank also coincides with Israel's plans of extending the Ma'ale Adumim settlement into the Jordan Valley and the Dead Sea area.

## ***Firing Zones***

According to the UN, there are approximately 5000 Palestinians living within the firing zones in Area C of the OPT, primarily Bedouin and herding communities. Communities experience severe restrictions on their land use which undermines their sustainability, including constant threats of settler violence and daily harassment by IOF. 45% of demolitions on Palestinian homes and structures occur in firing zones, resulting in the displacement of thousands of Palestinians. However, the illegal Israeli settlement outposts within the zones rarely face demolitions. Additionally, Palestinians are prohibited from entering these zones unless authorized by Israeli security; however, such authorization is rarely granted<sup>22</sup>.

Until the 1990s, these zones were used for military training. But following the Oslo Accords, Israel transferred their training camps to Southern Israel and the usage of firing zones declined significantly. Currently, firing zones in the West Bank are largely abandoned. However, the IOF continue to restrict Palestinian access to the land<sup>23</sup>. Firing Zones are one strategy that prevents Palestinian access to the Jordan Valley and provides a route for extending settlements into the Dead Sea area. The firing zone to the eastern part of the West Bank is another "security" pretext to confiscate land and restrict Palestinian usage so as to create space for the expansion of illegal settlements in the OPT. The increasing frequency over the last few years of alleged military training in the Jordan Valley compliments Israel's larger goals of annexing the land around the Dead Sea. Indeed, already 56% of the Jordan Valley and Dead Sea area are designated as a closed military area<sup>24</sup>, 46% of which are declared as firing zones.<sup>25</sup>

Location	Firing Zone No.	No. of Pal. Localities	No. of Settlements	Area (Dunums)
Ramallah	203	11	2	32,591
Ramallah	208	8	0	9,725

<sup>21</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (2015). Another tool to annex more Palestinian lands: Military order to confine +400,000 dunks as "Closed Military Area."

<sup>22</sup> United Nations, (2012). The Humanitarian Impact of Israeli-Declared "Firing Zones" in the West Bank

<sup>23</sup> Haaretz, (2014). IDF Earmarking West Bank Firing Zones for Settler Expansion, Figures Show.

<sup>24</sup> United Nations, (2012). The Humanitarian Impact of Israeli-Declared "Firing Zones" in the West Bank

<sup>25</sup> B'Tselem, (2015). Facing Expulsion: Military forces 7 Palestinian communities in Jordan Valley to evacuate homes for maneuvers.



Hebron	309	3	0	8,263
Jordan Valley	900	4	1	73,077
Tubas	901	3	0	49,229
Jordan Valley	902	2	1	10,653
Jordan Valley	903	3	4	80,309
Nablus & J.V	904 a	5	4	42,497
Nablus & J.V	904	6	4	60,781
Ramallah & J.V	906	7	7	88,256
Jordan Valley	911	2	1	6,819
Jordan Valley	911 a	2	0	4,632
Hebron	918	2	3	32,712
Ramallah	929	5	1	58,711
Hebron	929 a	1	0	170
Hebron	930	1	1	168
Ramallah	934	7	1	14,745
Hebron	959	1	0	76
Jerusalem & J.V	aa	10	13	409,294
Ramallah	aaa	7	2	15,477
*****	<b>TOTAL</b>	<b>90</b>	<b>45</b>	<b>998,185</b>

Table clarifies the details of the firing zone in the West Bank (ARIJ Database)

## *Nature Reserves*

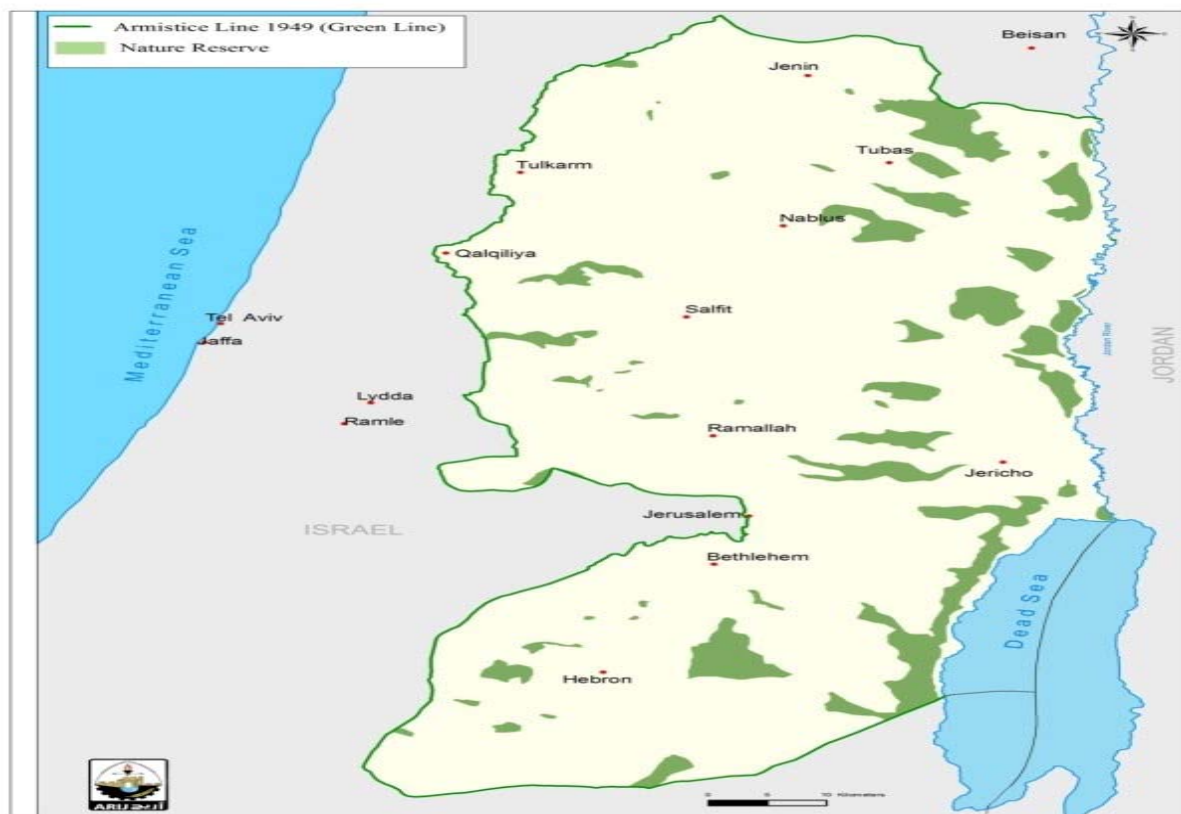
There are 48 nature reserves in the OPT, comprising 12.4% of the total area. 88% of nature reserves are within Area C with 12% located in Area A and B<sup>26</sup> (Figure 11). Declaring land a “nature reserve” or “forest reserve” is a common strategy to confiscate Palestinian land under the guise of environmental protection. Severe restrictions are placed on people living in these reserves, including the direct demolition of Palestinian homes and structures. Following the coercive depopulation of the Palestinian presence in these reserves, the Israeli government commonly absorbs the areas as ‘state land’ so as to further illegal settlement expansion.

For example, the Har Homa settlement south of Jerusalem city was expropriated for Israeli settlement construction under the pretext of nature conservation. The Abu Ghnaim Mountain for

<sup>26</sup> Eye on Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (2013). The re-classification of Nehal Shilo Nature Reserve for the favour of Beit Arye settlement.

many years was considered a “green zone” or “forest reserve” where development is strictly prohibited for the purpose of maintaining its ecological integrity. On June 6, 1991 Israel’s Minister of Finance, Isaac Moda’ee, expropriated land around the Abu Ghnaim Mountain following Jordanian law which allows the state to annex land for “public use,” despite much of the land being privately-owned by Palestinians. After years of court battles against the planned construction of the Har Homa settlement, in 1996 all cases challenging the settlement construction were dismissed<sup>27</sup>.

Furthermore, in 2007 Israeli authorities announced plans to expand the Har Homa settlement which included the construction of over 1000 housing units. However, much of the land designated for settler housing units belonged to residents of Beit Sahour. Therefore, Israel utilized the 1950 Absentee Property Law to absorb the land into Israeli “state land” without any compensation or legal proceedings for the owners of the land<sup>28</sup>. The declaration of Abu Ghnaim as a “forest reserve” coupled with the strategic use of the 1950 Absentee Property Law has expanded Har Homa into one of the largest settlements in the OPT.



**Figure 11: Declaring an area of land a ‘nature reserve’ is a common tactic by Israeli authorities to eventually convert it into ‘state land’ that can be used to expand illegal settlements.**

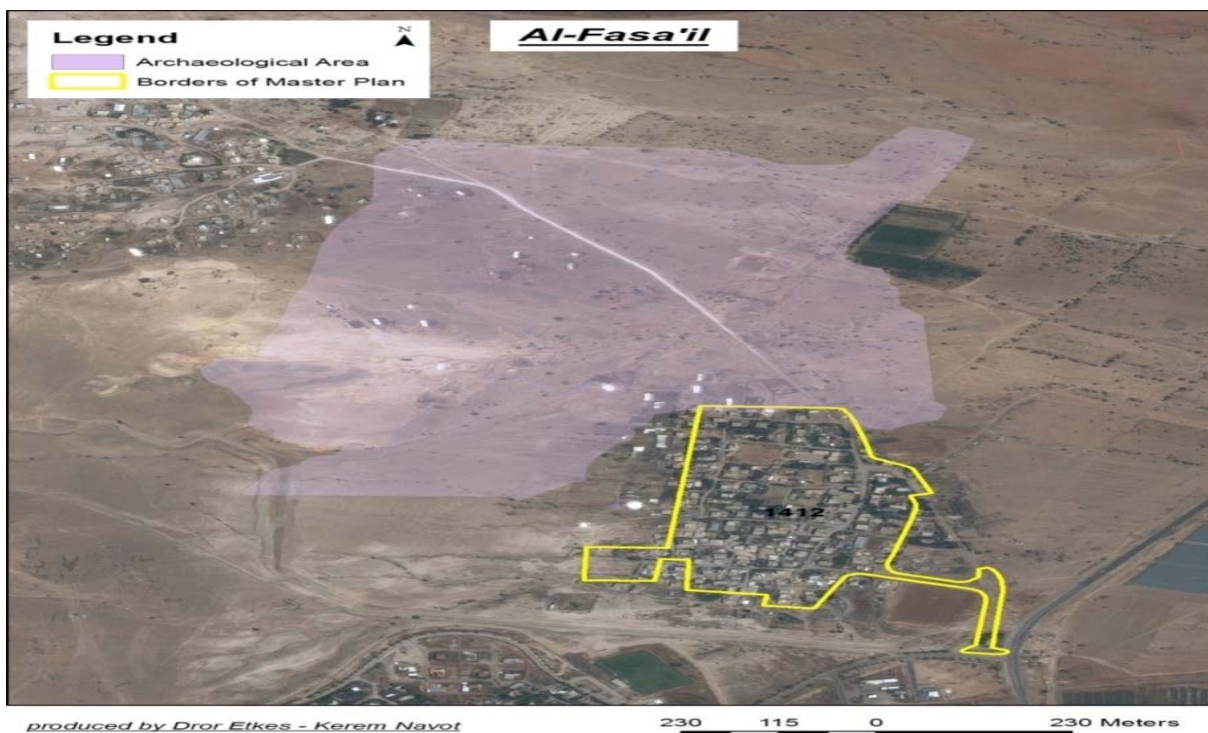
<sup>27</sup> Eye of Palestine: Monitoring Israeli Colonisation Activities in the Palestinian Territories, (1997). The Har Homa Settlement and the Uprooting of Abu Ghnaib Forest.

<sup>28</sup> Geoffrey Aronson, (2008). *Journal of Palestine Studies*. Settlement Monitor.

## *Archeology-Antiquity Pretext*

Declaring an area of land to be an archeological site also advances Israel's land confiscation plans in the West Bank. For instance, the Al-Fasa'il area is being engulfed by a master plan to expand an illegal settlement (Figure 12). All the communities in the archeological area in the Jordan Valley will be slated for demolition.

In the West Bank there are some 6,000 archeological sites. In order to prevent Palestinian construction on the land and dispossess current inhabitants, Israeli practice is to declare some of these sites as "recognized antiquities sites" under "The Antiquities Law"<sup>29</sup>. Under this law, the "Antiquities Authority" is obligated to demand the evacuation of Palestinian homes from archeological areas in order to "protect" antiquities and artifacts discovered. The declared area of excavation will usually be much larger than the archeological site, in order to maximize Israeli land grabbing potential. Since there is no set policy on construction within archeological sites, it is made impossible for Palestinians to repeal any decision by the Israeli authorities for them to evacuate their home as there is no legal tenet for Palestinians to refer to.



**Figure 12: Al-Fasa'il is being threatened by eviction due to their land being declared an archeological area that will eventually be converted for settlement expansion.**

<sup>29</sup> Mizrachi, Y. Sulimany, G. (2014). Archeology and Villages in the West Bank: Antiquities Sites and their Integration into Master Plans in Area C.

### *The case of Al-Fasa'il*

Al-Fasa'il is a village in the Jordan valley located just North of the Palestinian village of Jericho, with the Israeli settlements of Tomer to its South and Patzael to its North. Living in Al-Fasa'il and the greater Jordan valley are many Bedouin communities; many of whom have been forced into perpetual displacement to make space for new Israeli settlements since Israel took control of the West Bank in 1967. As has already been mentioned, Israel clearly recognizes the geo-strategic benefits of swallowing the Jordan Valley into its fiefdom of so-called 'state land.' The area in Northern Al-Fasa'il that Israel has decided to recognize as an archeological zone is 160 acres - most of the village rests on land recognized as Area B under the Oslo Accords, however, some of it imbricates with Area C, including the archeological site.

In 2013 Palestinians tried to discuss in the Israeli Civil Administration - the body tasked with administering Israel's ongoing occupation - a community master plan for Al-Fasa'il, which would cover approximately 180 acres, with 110 acres slated for housing projects. However, the plan was rejected because it ostensibly brought Israeli state land into its sphere, and included a recognized archeological site. Per contra, the Israeli Antiques Authority and archeological officer are conducting excavation at the archeological site in Al-Fasa'il, which is clearly not for the benefit of the indigenous Palestinians<sup>30</sup>. This represents the discriminatory planning regime in Area C that excludes Palestinians from self-determination to participate in development plans on their lands. UN Habitat recently stated that the planning regime in Area C fails to oblige by the Law of Occupation and culminates in discriminatory forms of planning, citing an array of issues including: "a mixture of outdated plans, a lack of transparency, technical approaches that are inappropriate to the situation, impositions of conditions that seek to accommodate and make permanent illegal constructions and practices of the occupation, implementation through a military culture and a punitive approach to enforcement and demolitions"<sup>31</sup>. However, development plans that benefit illegal settlers are rarely met with these challenges.

Rejecting the Palestinian master plan for Al-Fasa'il while declaring part of the area an antique site and carrying out extensive excavation is another Israeli method to empty the land of a Palestinian presence; in this case largely a Bedouin population to the North of the village. The declared Israeli

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<sup>30</sup> Mizrahi, Y. Sulimany, G. (2014). Archeology and Villages in the West Bank: Antiquities Sites and their Integration into Master Plans in Area C.

<sup>31</sup> UN Habitat (2015). Spatial Planning in Area C of the Israeli occupied West Bank of the Palestinian Territories.

antiquities site will curtail Palestinian development of the land to the North of the Jordan valley, while at the same time likely connecting this land with the Northern Israeli settlements of Patzael. In evacuating the Bedouin and Palestinian areas from East Jerusalem, Jericho and the Dead Sea, Israel is essentially able to cut off the road between Jerusalem and Jericho, which will further dissect the Palestinian territories, while simultaneously drawing a contiguous line between the illegal Israeli settlement of Patzael in the Jordan valley and Jerusalem.

## *Israel's Segregation Wall*

Israel's segregation wall - allegedly in place to protect the state of Israel from security threats - is not being built across, or near, the 1967 Green Line, but cuts into the West Bank, facilitating the ease of access - and theft - of Palestinian land and natural resources. The construction of the wall has resulted in the balkanization of Palestinian territories into Bantustans; communities who are unable to access one another and move freely throughout the OPT, as well as into zones of strict Israeli military control. According to Israel, the total length of the wall is slated to be approximately 771 kilometres.

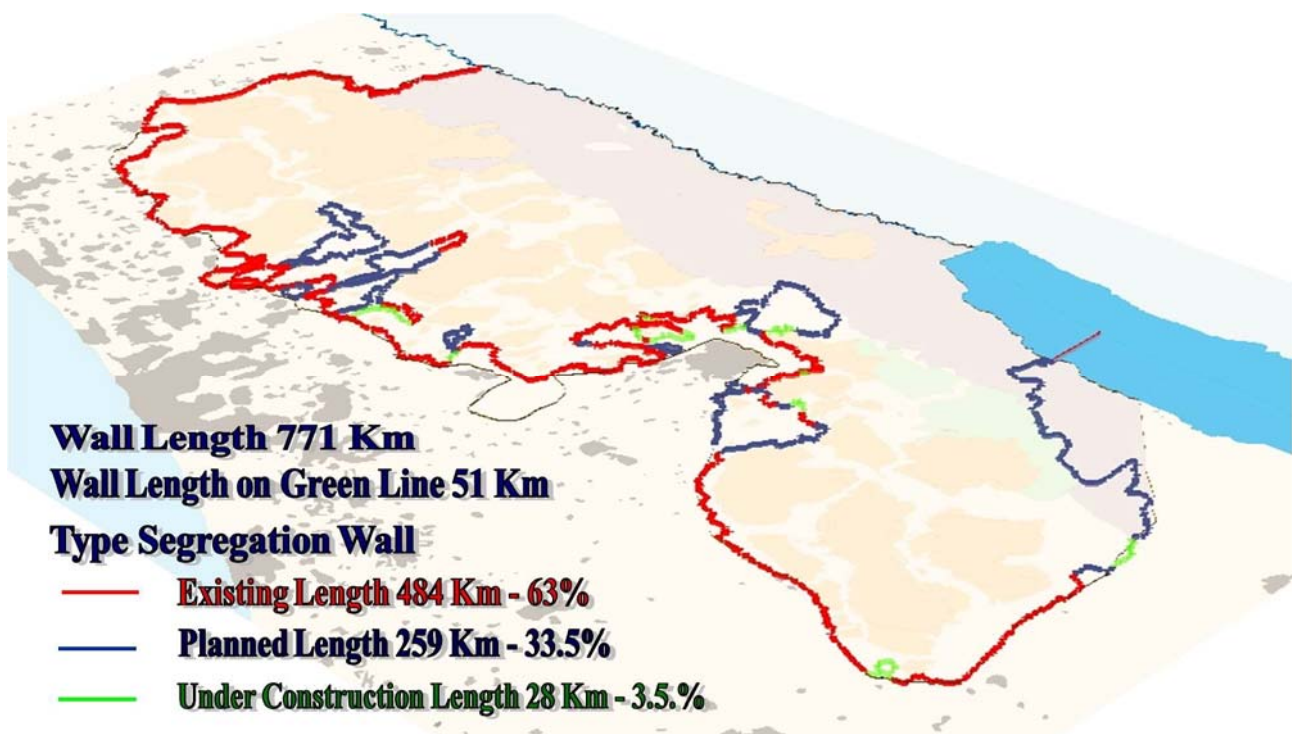


Figure 13: Status of the separation wall as of January 2015.

The wall continues to destroy Palestinian farmland and restrict access to water supplies. The wall currently isolates around 266,442 Palestinians by either entrapping them within the confines of the wall, between the wall and the Green Line, or threatening them with expulsion to make room for further expansion of the wall. For example, the Walaja village of Bethlehem threatens to be

surrounded on all sides by wall construction in the near future. Residents will be cut off from the Cremisan Valley which Israel has declared a nature reserve, displacing 58 people from their homes. Furthermore, residents of Walaja will be forced to enter-exit the area through a tunnel connecting them to the rest of the West Bank. This plan is designed to make it increasingly difficult for Palestinians to enter Jerusalem. Although half of Walaja falls within the unilaterally declared borders of Jerusalem with many residents holding Jerusalem permits, they will be forced to exit through the West Bank and re-enter Jerusalem through an alternative route (Figure 14). Other Palestinian communities, such as Battir, Husan and Nahhalin will similarly be cut off from direct access to Jerusalem.



**Figure 14: Planned route of the separation wall which will enclose the Walaja village while cutting off Palestinian access to Jerusalem in Battir, Husan, Nahhalin, Wadi Fukin and Al Jab'a (not shown). Palestinian communities will have to exit through a tunnel to the rest of the West Bank and will not be able to access Jerusalem directly as a result of Jewish-only roads. As many Palestinians in this area work in Jerusalem and hold Jerusalem permits, the separation wall will increase economic hardships and make it increasingly difficult for Palestinian communities to access Jerusalem.**

## *The by-pass roads*

Israel's labyrinth of illegal settlements, walls and fences, are complemented by a network of 'Jewish only' and military roads - used by settlers and the IOF. Israel has spent upwards of \$2 billion constructing these roads for the purpose of connecting settlements to one another, as well as Israel 'proper.' The roads in total are 870 km in length, with 150 meters of buffer zone separating them from neighboring Palestinian areas. At the moment, the roads take up 2.3% of the West Bank's space.

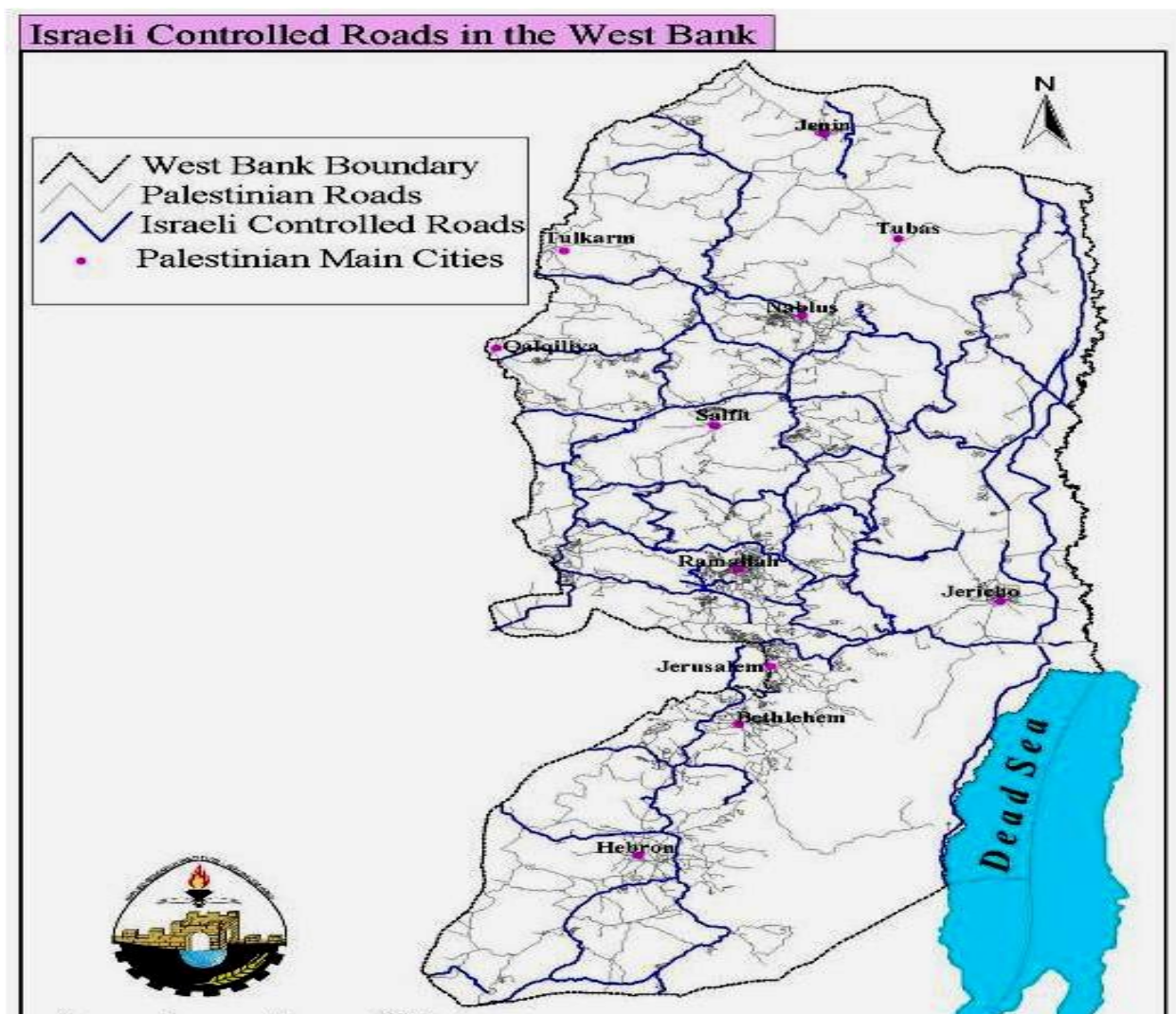


Figure 15: Jewish-only bypass roads are established to connect settlements to each other and to Israel "proper" while further annexing Palestinian land and restricting the movement of hundreds of thousands of Palestinians.

## *Conclusion*

Israel's land confiscation strategies have culminated in the unabated illegal appropriation of Palestinian land, restrictions on movement and access to livelihood, the forced and violent displacement of the Palestinian people and the exacerbation of settler violence in East Jerusalem and the West Bank. As Dr. Jad Isaac of ARIJ (Applied Research Institute – Jerusalem) recently

stated, Israel's plans in the West Bank reflect a "two states, one space solution," that leads to the further annexation of Palestinian land. Indeed, Israel's plan translates to 2.75 million Palestinians residing on 40% of the land in the West Bank with 750,000 illegal settlers occupying 45% of the land in the Palestinian territories. The Palestinian population is 4 times the population density of the settler population. If Gaza is added to the calculation, the Palestinian population is 7 times denser than settlers in the OPT. The systematic displacement of the Palestinian population coincides with Israel's larger plans of extending the borders of Jerusalem through a de-Palestinianization process and swallowing valuable resources across the West Bank.

For more than 24 years, Israelis and Palestinians have been negotiating both on the informal and formal level. The negotiations have failed due to various reasons. Most importantly, Israel has continued with illegal settlement expansion across the OPT which escalated during the peace process; these Israeli actions have effectively terminated any solution based on two states. Although the international community still supports a two states solution as the most effective route of resolving the conflict, the international reaction to Israel's illegal settlement expansions is limited to rhetorical condemnation. The complete lack of any direct actions against Israel ensures that illegal settlement expansions will continue to displace Palestinians and uproot their livelihoods and intrinsic human rights. Furthermore, the daily threats of settler violence is a serious concern in the OPT and East Jerusalem and necessitates international action that can protect Palestinians from harassment and attacks by Jewish settlers and the IOF.

Israel's insistence on bilateral agreements should be replaced by comprehensive multilateral negotiations under the UN umbrella with full support and mandate from the superpowers so as to ensure a durable peace treaty with a well-defined implementation time frame. The protection of Palestinians from increasingly violent attacks by illegal settlers should be a central concern for the international community and necessitates direct and immediate actions against Israel's settlement enterprise. Moreover, in order for any negotiations to produce agreements and results, *Israel must reverse the settlement enterprise in the West Bank and East Jerusalem.*