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Settlement Monitor

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# SETTLEMENT MONITOR

EDITED BY GEOFFREY ARONSON

*This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activities in the Gaza Strip and the West Bank, including East Jerusalem, and the Golan Heights. Unless otherwise stated, the items have been written by Geoffrey Aronson for this section or drawn from material written by him for Report on Israeli Settlement in the Occupied Territories (hereinafter Settlement Report), a Washington-based bimonthly newsletter published by the Foundation for Middle East Peace. JPS is grateful to the foundation for permission to draw on its material. Major documents relating to settlements appear in the Documents and Source Material section.*

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## **SHARON'S GAZA DISENGAGEMENT PLAN**

### **ISRAEL'S POLICY OF "CREATING FACTS" WINS OVER THE BUSH ADMINISTRATION**

*From Settlement Report, May-June 2004.*

The quest of Israeli prime minister Ariel Sharon for a diplomatic framework to modify, if not to end, Israel's continuing rule over the occupied territories has moved into high gear. The publication of Sharon's draft disengagement plan in April, accompanied by an exchange of letters between the Israeli leader and U.S. President George W. Bush, has refocused international attention on a new approach to address Israel's continuing occupation and the Palestinian rebellion that is now well into its third year.

Sharon has made an unprecedented decision to end Israel's military and civilian occupation of the Gaza Strip and to evacuate four small West Bank settlements.

"There is no one more familiar with the Gaza Strip than I am," Sharon told members of his Likud faction. "I have traveled its length not in a car but by foot. Over the long term I don't see that Jews can live there.

All of us would like that we could be in all parts of the Land of Israel, including myself. But all those who fool themselves that under current political conditions, someone in the world, including the United States, will support such a policy is dreaming, incorrect, and mistaken."

Sharon has mobilized a large majority of the Israeli public as well as elite political and military opinion in support of the option. Indeed, Defense Minister Shaul Mofaz has declared that civilian Israeli settlement in the Gaza Strip was a "historic mistake." Notwithstanding the surprising repudiation of the Sharon plan by members of his own party, Sharon's idea marks an important turning point in the history of Israeli occupation policy, and it will not be undone by the results of the Likud referendum.

The Sharon plan aims at managing rather than solving Israel's occupation of lands captured in June 1967. Israel's decision to proceed unilaterally returns diplomacy to a pre-Madrid era and represents a diplomatic coup against the Bush administration, which has been weakened by the unfolding debacle in Iraq and faces a difficult election in November. Confronted with Sharon's plan, which for the first time promises an evacuation

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of settlements, the White House in effect jettisoned its own “road map” as the centerpiece of Israeli-Palestinian diplomacy.

“Although the road map is an American plan,” explained Yuval Steinitz, the chair of the powerful Knesset Foreign Affairs and Defense Committee, “the president agreed to endorse another plan which is inconsistent with the road map.”

The international community has followed the American lead. Terje Roed-Larsen, UN special coordinator for the peace process, noted in an 23 April meeting of the Security Council that “no Israeli prime minister has previously had the boldness and the vision to say that he will remove settlers—as long called for by the international community—and initiate a plan for its implementation.”

Yet the international community remains wary of the limited, unilateral nature of Israel’s intentions. Chris Patten, commissioner of the European Union, writing in the *Jordan Times* on 26 April, noted, “It is not surprising that we have agreed with what has been for 37 years the consistent American position that settlements beyond the 1967 line are illegal and represent ‘obstacles to peace.’ We all know what will be the ingredients for a final settlement. They are there in the Mitchell Report and subsequent documents, including the Arab League peace initiative of 2002. They are there in the road map which has been endorsed by the international community. A settlement does not await some heavenly insight. . . .

“As the European Council has said again and again, a final settlement can only be achieved as a result of negotiations between Israel and the Palestinians, resulting in two viable sovereign and independent states based on the borders of 1967 (perhaps amended by agreement), living side by side in peace and security as laid out in the road map. This has been the main thread of European thinking from Venice in 1980 to Berlin in 1999 to Seville in 2002, right up to the latest European Council conclusions of last month.”

The unilateral aspect of Israel’s contemplated disengagement from the Gaza Strip reflects not only Sharon’s opposition to political dialogue with the Palestinian Authority over the nature and extent of Israel’s withdrawal. It also accommodates a Palestinian acknowledgment that it is preferable to accept rather than negotiate such an Israeli fait accompli and to exercise Palestinian sovereignty, in the spirit of the

Palestine National Council decision in 1974, on any part of Palestine from which Israel withdraws.

Although Sharon has described his plan as a “mortal blow” to Palestinian aspirations for a state, *Ha’Aretz* reports that a proposal for a joint memorandum of understanding among all Palestinian factions, issued by the leadership of Palestinian prisoners in Israeli jails, including *tanzim* leader Marwan Barghouti, describes Israel’s proposed evacuation of Gaza “as the most important achievement of the Palestinians in the intifada after ten years of Oslo did not move a single mobile home and during those years the settlements [population] doubled.”

### *The Disengagement Plan*

After a decade of Israeli-Palestinian agreements that routinely ran to scores if not hundreds of pages, the brevity of the original disengagement plan is notable (see Special Doc. C).

The plan’s central strategic objective is to remove Gaza’s 1.3 million Palestinians from the sphere of Israel’s internationally recognized responsibility by formally ending the military occupation of Gaza that commenced in June 1967, while continuing to exercise control over the entry and exit of people and goods. No similar objective is intended for the West Bank, even that part of the area from which Israel will re-deploy. Indeed, Israel will “evacuate” from the Gaza Strip, but merely “redeploy” in the West Bank.

In the case of the West Bank, the plan claims to create “territorial contiguity” in the region around Jenin, from which Israel will evacuate four settlements. This area will continue to be surrounded by Israeli-controlled checkpoints. Israel’s territorial objective for the remainder of the West Bank, in contrast, is defined as “transportation contiguity,” that is, connecting separate Palestinian enclaves by bridges, tunnels, and crossing points, all of which will continue to be controlled by Israeli forces.

The western security barrier now under construction will follow the route approved by the government. An eastern barrier has never been approved. According to Sharon, there will “not [be] a fence being built there today, unless we need to. Here and there we will block access points to the Jordan Valley.”

In the security realm, Israel intends to continue exercising exclusive control over Gaza’s “security envelope”—land and sea borders and preventing the construction

or operation of sea ports and airports—according to existing “arrangements” that are more restrictive than Oslo-era “agreements.” It also claims the right to initiate preemptive military operations and to limit Palestinian arms to those specified in existing (Oslo) agreements. Sharon is well aware that the contradiction implied by continuing Israeli control over Gaza’s frontiers puts his strategic objective at risk.

Israel is currently considering a wide range of options regarding the disposition of settlement assets. These include the repatriation or destruction of moveable assets and the destruction of all buildings and infrastructure or their transfer, intact, in return for compensation, to Palestinians or a third party.

#### ***The Bush Letter***

The 14 April letter from President Bush to Sharon (see Special Doc. B) signifies the extent to which U.S. policy has moved away from its earlier championship of negotiations and the road map as guides to Israeli-Palestinian diplomacy to a framework based on an Israeli-led approach excluding Palestinian, Arab, and international interlocutors from the decision-making core.

The Bush letter also marks a conceptual change in the U.S. approach. It outlines Washington’s preferences on the relationship between borders and Israeli settlements that are not materially different from the compromises discussed in the Camp David–Taba talks. But unlike these “previous efforts to negotiate a two-state solution,” Bush’s recent commitments were declared not in the context of final status negotiations between the parties, but in support of a unilateral, interim Israeli plan that may not materialize.

The letter violates the 1991 Letter of Assurances provided to the Palestinians by the first Bush administration on the eve of the October 1991 Madrid conference (see Special Doc. I.A in *JPS* 82). That letter affirmed that “the United States has opposed and will continue to oppose settlement activity in the territories occupied in 1967.”

The letter to Sharon departs from U.S. support for the international consensus that Israel’s borders are to be based upon the need to be “defensible.” To that condition, the Bush letter adds that Israel’s borders should be determined by another element—“the new realities on the ground”—namely settlements. Defensible borders may not require Israel to annex territory captured in

June 1967, but the inclusion of settlements within the borders of Israel does. Israel’s border, if based upon the Bush prescription, will be based not only on the new map created by dynamic Israeli settlement expansion but also on the territorial requirements necessary to defend it.

The letter’s description of the separation barrier as a temporary, security instrument without influence on an agreed-upon border marks the end of U.S. efforts to change or alter its course. These views recall eerily similar descriptions of settlement activity popular in official circles during the 1970s. Settlements, like the separation barrier, are “facts in the ground” that the Bush administration has now granted a central status in the determination of Israel’s final border.

#### ***The Sharon and Weisglass Letters***

Sharon, in his letter to Bush, claims that the disengagement plan is “independent” or if not “inconsistent” with the road map (see Special Doc. A). He promises to accelerate construction of the separation barrier and evidently views the Bush letter as a license to do so.

The Weisglass letter is more detailed (see Special Doc. D). It recounts a series of bilateral understandings relating to settlements and other issues, including a bilateral effort to agree on a settlement by settlement basis on a “better definition of the construction line of settlements.” The latter phrasing reportedly appeared in a letter from Weisglass in June 2003 outlining “understandings reached between Israel and the U.S. regarding the Jewish settlements in Judea, Samaria, and Gaza: . . . No new towns will be built, and construction will be frozen in existing towns except for building within existing construction lines—as opposed to the municipal border.” The United States never officially acknowledged such an agreement. In any case, the terms Weisglass outlined one year ago failed to limit Israel’s continuing expansion of existing settlements or the establishment and consolidation of new settlement “outposts.”

The significance of these new understandings is that it suggests an unprecedented U.S. willingness to become a direct agent in the approval of Israel’s policy of settlement expansion. Such intimate involvement and complicity in this policy marks another significant shift in U.S. policy, which once viewed all settlement activity as illegal and a violation of the Fourth Geneva Convention.

**SETTLEMENTS IN THE EVACUATION MIX**

*From Settlement Report, May-June 2004.*

The Gaza Strip has a complement of 20 Israeli settlements located in three main areas: in the northwest corner bordering Israel are Aley Sinai, Dugit, and Nisanit; in a north-south trajectory controlling the main Gaza route—Salah al-Din Street—are the isolated settlements of Kfar Darom, Morag, and Netzarim that enable the division of the Strip into three sections; and situated along the coast north of Rafah are settlements of the Katif bloc that serve as a physical barrier to the creation of Palestinian contiguity between Gaza City and Rafah.

Settlement planning areas comprise 54 km<sup>2</sup>, of which 11.7 km<sup>2</sup> represents built-up area. This infrastructure supports a population of approximately 7,000 Israelis residing in 1,500 dwelling units, representing a density of 665 people per km<sup>2</sup>. A well-developed, privately owned but state-subsidized agricultural infrastructure produces for Israeli and export markets. There is also an industrial production base centered at Erez in the northwest bloc of settlements.

The entire Gaza Strip covers 365 km<sup>2</sup>, of which 55 km<sup>2</sup> is Palestinian built-up area. The population density among Palestinians is 25,400 people per km<sup>2</sup>, rising to 50,478 per km<sup>2</sup> in the refugee camps.

The disengagement plan concerns only four West Bank settlements concentrated in the Jenin region: Ganim (population 170), Qadim (149), Sanur (33), and Homesh (198).

The existence and protection of these settlements has resulted in the Balkanization of Palestinian territory in the northern part of the West Bank and the interruption of normal transport, commerce, and many features of daily Palestinian life. Their evacuation does not represent the kind of conceptual and strategic thinking governing Israel's contemplated withdrawal from the Gaza Strip. The evacuation of these four settlements will have salutary effects on a local and perhaps regional level, but it will hardly represent a basis for sovereign Palestinian control in the West Bank.

**SETTLEMENT STATISTICS****MILLIONS SPENT TO BUILD HOMES IN TERRITORIES FROM 1990 TO 2003**

*The following article by Zvi Zrabiya appeared in the Israeli daily Ha'Aretz on 1 April 2004.*

The Housing and Construction Ministry transferred NIS 846 million [\$187 m.] to fund the construction of 2,568 housing units in the Gaza Strip and West Bank from 1990 and 2003, according to data provided by the Treasury on Thursday. The funds were used to provide mortgages for the unions constructing the housing units.

Regulations require that mortgages be repaid within four years of the day the aid was received. But according to Treasury data provided to Knesset Finance Committee member MK Haim Oron (Meretz), some NIS 300 million [\$66 m.] of the money has yet to be repaid to state coffers. In response, Oron appealed to the state comptroller, retired judge Elizer Goldberg, to investigate the matter.

According to the Treasury data, it appears that government aid provided in 1997-98 for constructing houses in the territories, via unions, was NIS 220,000 [\$48,500] for each housing unit. In 1999, government aid for each housing unit using this method stood at NIS 250,000 [\$55,200] per unit, and in 2002 the figure stood at NIS 240,000 [\$53,000] for each housing unit.

Each citizen who fails to repay a debt faces legal consequences and various penalties, said Oron, but different rules seem to apply in the territories. In the territories, loans need not be repaid, unions that have to pay back loans do not repay them, no one stands trial, and the Treasury even rewards the debt with a subsidized interest of 4 percent per year for a period of 25 years, Oron said. He added that hundreds of millions of shekels were transferred to settlements over the years, despite the fact that at present, the prime minister knows that some of them will be evacuated.

Oron said that it is very peculiar that only a few weeks ago, the Knesset Finance Committee approved a request from the Finance Ministry and Housing and Construction Ministry to transfer millions of additional shekels for the construction of housing units in the territories with government aid, despite the fact that the Treasury knows that the houses are standing empty.

Additional data shows that presently there are 1,822 housing units constructed using loans given by the state to the unions, but the houses have yet to be sold.

**SHARON'S "SETTLEMENT FREEZE" FACILITATES UNPRECEDENTED CONSTRUCTION**

*From Settlement Report, March-April 2004.*

Housing expansion in Israeli settlements continued at an unprecedented pace during 2003, increasing at a rate higher than anywhere in Israel. Compared to 2002, there was a 35 percent increase in housing starts in the settlements, excluding in East Jerusalem and the Golan Heights, at a time when Israel's national housing market continued to shrink. For example, housing starts in the Tel Aviv region declined by 23 percent in 2003, and in Jerusalem they fell by 15 percent.

There were 1,849 construction starts in West Bank and Gaza Strip settlements in 2003 compared to 1,369 during 2002. More than one out of every 15 dwellings begun in 2003 was located in West Bank or Gaza Strip settlements, according to a press release issued by Israel's Central Bureau of Statistics on 1 March. When settlement neighborhoods in East Jerusalem are included, the percentage increases to one in every 10. Construction starts nationally declined by 8 percent in 2003. Just 29,670 dwellings were begun last year, the lowest number since before the phenomenon of large-scale immigration from the Soviet Union began in 1989.

Most settlement expansion continues to occur in the larger settlements around Jerusalem and in those within easy commuting distance of the Mediterranean coast. Significant construction proceeds, however, in many settlements with populations of less than 5,000 that continue to grow at two to three times the national average.

#### SEWAGE AND SETTLEMENTS

*The following piece is excerpted from an article by Nati Gabai that originally appeared in Hebrew in Kol Ha'ir weekly magazine on 26 December 2003 under the title "Flow Problems." The full original was translated and edited by the Alternative Information Center (AIC) and published in the January–February 2004 issue of AIC's bimonthly magazine News from Within (NFW). The comments in brackets are NFW's editorial additions.*

The Binyamin district settlements are, once again, in the headlines. To give back or not to give back. Unilateral Move, Road Map, Sharon Plan, Olmert Plan—a definite headache. However, some problems seem to seep much deeper. The Binyamin district settlements suffer from a severe sewage problem that has been neglected for several years. Recently, the Ministry of Environment sent warnings to the head of the Binyamin

district Regional Settlement Council, Pinchas Wallerstein, regarding the settlements of Migron, Kochav HaShachar, Ofra, Ma'ale Michmash, Achia, Rimonim, and Eli. Reading the warnings, one discovers that these settlements do not have any sewage treatment system. If these problems won't be solved, Wallerstein might eventually have to defend himself against indictment in the court of law.

The Minister of Environment, Yehudit Naot, addressed Wallerstein and Bentzi Liberman, head of [the settlers'] Yesha Council, with a letter stating: "I see with great gravity that Jewish settlements cause critical harm to the environment. It would be unthinkable to ignore the environmental damage caused by the settlements, especially when discussing outposts which are of questionable legality."

The content of the warnings demonstrate how tough the situation is regarding the sewage system in the area. For example, the settlements of Migron, Achia, Rimonim, and Eli have only cesspits, which collect all the sewage from the settlements. According to the law, cesspits cannot be a permanent solution; their establishment is only authorized on a temporary basis. According to the Ministry of Environment, the settlements don't even bother to transfer the content of the cesspits to sewage treatment plants. The cesspits overflow and the sewage pours out into open areas. In the settlements of Kochav HaShachar, Ofra, and Ma'ale Michmash, the sewage flows directly into nearby wadis.

These environmental hazards are only one component of a critical problem that exists in many settlements in the occupied Palestinian territories. Gil Yaniv, assistant director of infrastructure in the Ministry of Environment, states: "The Jewish settlements in 'Judea and Samaria' [the Israeli term for the OPT] are ten percent of the population in the territories. According to estimates, the water consumption and sewage created by the Jewish settlements reach fifty percent of all consumption and sewage creation in the territories." What should be done with the enormous quantities of sewage created by the settlements? Seems to be, not much. "When the settlements were established, they were directed to build sewage treatment facilities," says Yaniv. "In the majority of cases, facilities were created, but they were known in advance to be too small. The settlements grew larger with time, but the sewage facilities didn't grow correspondingly. Some of the settlements don't even

possess sewage treatment facilities, and those that do don't serve the entire population." In many of the places, where they did build sewage treatment facilities serving the whole settlement, says Yaniv, the maintenance quality of the facilities is significantly substandard. The implications of the contamination created by the Jewish settlements and Arab population in the West Bank are very severe, and affect water quality over a large portion of the region. The sewage flows into the streams and finally arrives to the underground water sources, contaminating the Mountain Aquifer. "This situation," says Yaniv "should worry all who care about the Mountain Aquifer."

According to Yaniv, the Mountain Aquifer contains the highest water quality of all water resources in the country. The wa-

ter quality of the Mountain Aquifer is four times better than that of Lake Kinneret [the Sea of Galilee]. Yaniv fears that ongoing contamination of the Mountain Aquifer might lead to a situation similar to the Coastal Aquifer, where half the water is undrinkable.

An example of the damage this contamination is causing to the water quality was discovered a few weeks ago during drilling done by the Mekorot Water Company in the Jordan Valley. According to Talia Shusburger, chief engineer of the Ministry of Health for Jerusalem District, Ministry representatives sent to the drilling site found bacteriological contaminations allegedly caused by penetration of sewage from the Kochav HaShachar and Ma'ale Ephraim settlements, into the water reservoir.



**Israeli police and border police take positions to guard 50 Jewish settlers as they occupy a multistory building and smaller nearby house in the East Jerusalem neighborhood of Silwan on 31 March, evicting the Palestinian residents. (Oded Balilty/AP)**