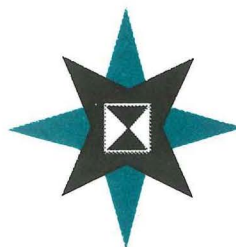


Israeli Settlements and the **Palestinian/** **Israeli** Conflict



A Report by Terry Rempel
for the Middle East Programs of the
American Friends Service Committee

**Israeli Settlements and the
Palestinian/Israeli Conflict
(Part I)**

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PREFACE

In May 1997, the Middle East Programs of the American Friends Service Committee (AFSC) commissioned Terry Rempel to travel to Israel and Palestine and prepare a report on Israeli settlement activities in the Occupied Palestinian Territories — including East Jerusalem, especially since the 1993 signing of the Declaration of Principles. Terry interviewed representatives from Palestinian and Israeli nongovernmental organizations (NGOs) and individual activists about their work on settlement issues.

This is the first part of Terry's two-part report. In it, Terry looks at the settlement policies of successive Israeli governments since 1967 and the effects of these policies on Palestinians living in the West Bank, including East Jerusalem, and the Gaza Strip. Terry's report also draws connections between the Israeli land-use policies put into place after the establishment of the state of Israel in 1948 and the post-1967 policies enacted in the Occupied Palestinian Territories.

The second part of Terry's report recommends ways that organizations/NGOs in the United States can support Palestinian and Israeli NGOs and individuals working for a just and lasting peace between Palestinians and Israelis.

For a copy of Part II, you can use the enclosed order form. Part II also is available on the web at www.afsc.org/ispal/settlemt.htm.

Unfortunately, the information in this report continues to be very relevant. A change in government in Israel — from Likud to Labor in 1999 — did not result in an end to settlement activity. In recent findings, Peace Now documents that since the Barak government came to power this past year, settlement activity has almost doubled over the last year of the Likud-led government.

Responses to this report are welcome and can be addressed to:

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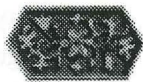
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ISRAELI SETTLEMENTS AND THE PALESTINIAN-ISRAELI CONFLICT

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PART I



Implications

Introduction

The commencement of construction in early 1997 of a new Jewish-only settlement on Jabal Abu Ghnaim (Har Homa) in occupied East Jerusalem placed the issue of settlements under the glare of the international media — at least for a short while. However, Israeli settlement activity in the Occupied Territories has been growing at a pace that outstrips activity prior to the initiation of the current peace process. This is one of the central paradoxes of the so-called Oslo process. The Oslo Accords¹ are based on the principle of “land for peace” as codified in United Nations Resolutions 242 and 338. Yet Israeli control over occupied Palestinian territory is being strengthened by the expansion and construction of settlements. This paradox is all the more poignant because of the apparent acquiescence of the United States, the co-sponsor of the process, to Israeli settlement activity.

The collapse of the already moribund negotiations between the Likud government of Israel and the Palestinian Authority (PA) following the February 1997 decision to approve construction of Har Homa clearly demonstrated the political impact of continued Israeli settlement on the peace process. The transfer of Israeli settlers to the Palestinian neighborhood of Ras Al-Amud in occupied East Jerusalem several months later initiated a similar crisis. While settlement activity continued at the same pace as under the Rabin/Peres Labor government, the distinct approach of the Netanyahu

administration, characterized by increased financial support for settlements, lifting of development restrictions, approval for some of the most controversial settlement projects, and an apparent general dislike of the Oslo process itself, has pushed the issue of Israeli settlements to the forefront of the political process.

The impact of Israeli settlement on the ground, which includes the destruction of valuable agricultural land, demolition of Palestinian homes, geographical isolation of Palestinian communities, violent harassment, and partial or total loss of livelihood, continues to be a touchstone for conflict. For these reasons, Palestinian and Israeli non-governmental organizations (NGOs) working actively on the issue of Israeli settlements in the Occupied Territories stress the urgent need for an immediate cessation of all Israeli settlement and settlement-related activity, including the confiscation of Palestinian land and construction of bypass roads serving the settlements. Israeli settlement in the Occupied Territories is incompatible with a just and peaceful resolution of the Israeli-Palestinian conflict. Furthermore, there is a long-standing consensus in the international community that the construction of Israeli settlements in the Occupied Territories is a violation of international law that cannot be abrogated by an agreement that does not afford the same protection as accorded under international law.

The body of this report examines current

and historical Israeli settlement practice as it relates, in both political and human dimensions, to a just and peaceful resolution of the Israeli-Palestinian conflict. The first section deals with the most recent Israeli settlement activity in the aftermath of the Oslo peace process, initiated in September 1993 with the signing of the Declaration of Principles by Israel and the Palestinian Liberation Organization (PLO). The following sections examine settlement activity prior to 1948 until the Oslo Accords. A special section reviews Israeli settlement in Jerusalem. Finally, the report examines some more specific aspects of the human impact of settlements. This approach highlights the historical antecedents of current Israeli settlement practice, including those elements common to the different periods of Israeli/Jewish settlement, the negative impact of settlements, and the urgent need for an immediate cessation of all settlement activity.

The focus of the report is on Israeli settlement policy as implemented on the ground. This is not to understate the importance of those dissenting Israeli voices and alternative views, including Israeli NGOs that support a cessation of settlement activity. A sampling of these views is included and informs the recommendations for action derived from this report.² A second study, which examines in detail historic alternative Jewish/Israeli views toward Israeli settlement practice, would evidence a continuity that finds expression in current Israeli NGOs and individuals opposed to Israeli settlement in the Occupied Territories. A further study of this nature, which is beyond the scope of this report, would significantly strengthen the recommendations for action based on the principle of partnership.

Israeli Settlement Since Oslo

Since 1993, both Labor and Likud administrations have exploited the ambiguity of the Oslo Accords concerning the status of Israeli

settlements during the interim period. They have done so in order to increase settlement activity in the Occupied Territories and strengthen Israeli control over significant portions of the Gaza Strip and the West Bank including East Jerusalem.³ While the Accords do not specifically prohibit settlement activity, they do prohibit the signatories from making unilateral changes that may prejudice the final status of the Occupied Territories.⁴ Under the Oslo Accords, the issue of Israeli settlements was postponed to the so-called permanent status negotiations.⁵ In this respect, the Accords are consistent with international law: they do not validate continued Israeli settlement activity. During the interim stage, the Accords granted Israel full control over Israeli settlements and all matters related to settlements including expropriated land.⁶ According to Israel, the responsibility of administering settlements during the interim stage may then be regarded as consistent with the Oslo process under which the status quo of settlements as of September 1993 is to be maintained until the parties determine, through negotiation, the final status of Israeli settlements.

Nevertheless, the Accords do not define nor specifically prohibit settlement activity. In fact, by granting Israel full control over settlements during the interim period, the Accords have bestowed a degree of legitimacy to Israeli settlement practice which is widely regarded as illegal.⁷ Of more immediate consequence for Palestinians in the Occupied Territories was the linkage in 1995 between the implementation of a staged Israeli withdrawal from parts of the West Bank and the construction of Israeli bypass roads, ostensibly for security, that provided the Israeli government with an additional means to confiscate land and strengthen settlements.⁸ In this respect, the status of Israeli settlements under the Accords is inherently contradictory and an apparent violation of international law.⁹ The Accords uphold the principle of land for peace and



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maintenance of the status quo vis-a-vis settlements during the interim stage, but they also give Israel license to take control of more land and thereby alter the status quo. International law, which in the case of settlements prohibits the transfer of population in or out of occupied territory, cannot be abrogated by an agreement that does not afford the same protection and rights. Yet, the United States, as co-sponsor of the process, regards the Oslo Accords as the sole legal reference and has attempted to block the effective application of international law through the United Nations.¹⁰ Under these conditions, Israel has been relatively free to strengthen its control over the Occupied Territories through settlement activity since the beginning of the Oslo process.

While the Oslo Accords were widely regarded as a break in the long history of the Palestinian-Israeli conflict, the objective and methods of Israeli settlement have remained largely unchanged since the Declaration of Principles was signed. Israel's view of settlements as a means to extend the borders of the state and transfer Palestinians outside Israeli-controlled territory remains unchanged.¹¹ According to the Oslo map, in which the borders were defined by pre-existing Israeli settlements, most settlements, with the exception of those in Jerusalem and inside Hebron, are located in Area C, which covers nearly

three quarters of the West Bank and remains under full Israeli territorial control. Palestinian cities, towns, and villages are located predominantly in Areas A and B which cover the remaining territory of the West Bank. Israeli settlements remain geographically connected while Palestinian cities, towns, and villages have been isolated into discontinuous pockets and surrounded by the territory of Area C.

In Gaza, the distinction is between Israeli settlement blocs, the area governed by the Palestinian Authority, and the yellow security zones. East Jerusalem, which will be totally surrounded by Israeli settlements with the completion of Har Homa in the south of the expanded borders of the city on Jabal Abu Ghnaim, is not part of the Oslo map, although Jerusalem is an issue for the final status negotiations. Continued settlement expansion demarcates the prospective boundaries of Israeli sovereignty in the Occupied Territories while limiting the territorial scope of a Palestinian entity. "The only way to prevent such a [Palestinian] state," according to Yehiel Leiter of the Council of Jewish Communities in Judea, Samaria [West Bank], and Gaza, "is to ensure that there is no contiguity between the major Palestinian population centers."¹² The Allon Plus Plan released by former Prime Minister Netanyahu in May 1997, under which Israel would maintain control over 55 percent of the

TABLE I Growth of Selected Political Settlements²⁶ (1.12.94 to 31.12.94 and 31.12.94 to 31.12.96)

SETTLEMENT	POPULATION 1/12/94	POPULATION 31/12/94	% INCREASE	POPULATION 31/12/96	% INCREASE
Neztarim	20	164	720	206	20
Nisanit	60	323	438	486	34
Beitar	1,700	4,880	187	7,611	36
Etz Ephraim	100	237	137	353	36
Ateret	100	230	130	226	-2
Bnei Atzmon	200	455	127	431	-6
Revava	50	108	116	223	52
Avnei Hevetz	100	214	114	321	33
Masuah	100	210	110	166	-27
Mitzpe Shalem	100	200	100	208	4

West Bank, demonstrates the significance of settlements in defining Israeli borders even under the Oslo process.¹³ The absence of Jerusalem from the Oslo map, as mentioned, is another case in point.

Israeli settlement has flourished since Oslo under both Labor and Likud administrations. The different approaches to settlement in the Occupied Territories by Labor and Likud should not be confused with their common commitment to the basic objective of settlement nor the basic methods used to acquire control of land for settlement.¹⁴ Since Oslo, land for settlement in the Occupied Territories continues to be confiscated for "public" purpose, security, and through "legal" transfer, in addition to expropriation for bypass roads as a condition for the implementation of the 1995 agreement.¹⁵ Israeli settlement under Labor after 1992 was guided by the so-called Sheeves plan, approved in December 1992. The plan supports selective settlement in the Occupied Territories similar to the original 1967 Allon plan.¹⁶ The Sheeves plan, however, integrated settlement into the planning map that outlined development priorities inside the state of Israel. Hodgkins notes that this plan allowed the government "to claim they had cut off direct government benefits to the settlements, while channeling the money via grants to private development initiatives."¹⁷ The settlement

TABLE II Government Cash Transfers and Investments in Settlements - 1993³⁰

CASH TRANSFERS	MILLIONS US \$
Local government authorities	57
Income tax reductions	25
Services (maintenance, etc.)	10
Rent Subsidies	4
Investment	
Housing, roads, purchase of unsold units	220
Equipment used by settlements	40
Local gov't councils and institutions	32
Loans and grants	37

TABLE III Government Investment in Settlements by Ministry³¹

MINISTRY	MILLIONS US \$
Housing	277
Interior	62
Commerce and Industry	30
Treasury	25
Agriculture	23.5
Water Authority	6
Education	5
Tourism	1.5
Religion	1

"freeze" instituted under former Prime Minister Yitzhak Rabin in 1992 in exchange for U.S. housing loan guarantees, the cessation of public construction in settlements, and the fact that a significant portion of the settlement units completed under Labor were initiated by the previous Likud government headed by Yitzhak Shamir, do not indicate a significant or meaningful change in policy or practice toward settlements. The so-called settlement freeze excluded settlements in Jerusalem and its West Bank environs, those regarded as security settlements (along the Green Line and in the Jordan Valley), and some 10,000 units in advanced stages of construction.¹⁸ These settlements have traditionally been the settlements with the greatest growth potential and include the majority of the settler population. "Natural expansion" of existing settlements also was exempt.¹⁹

The minimal impact of the Labor settlement freeze is evident in the significant growth of settlements after 1992. More than 100 settlements increased in population during the four years of Labor government.²⁰ Between 1992 and 1996, the number of Israeli settlers increased by 48 percent in the West Bank and 62 percent in the Gaza Strip.²¹ In the first nine months after the Declaration of Principles was signed in Washington, D.C., 140 settler families moved into the Gaza settlements, increasing their population in that period by about 20

percent.²² Other settlements in the Jerusalem area, which featured strongly in Labor's plan for the Occupied Territories, grew at a rate equal to or greater than Gaza settlement in 1993. The settlements of Efrat and Betar near Bethlehem grew by 34 percent and 56 percent respectively.²³ To the north of Jerusalem, the Benjamin region grew by 25 percent while Ma'ale Adumim expanded by 18 percent.²⁴ In fact, the Israeli settlement population actually increased in "political" settlements (included in the freeze), with the population in some political settlements increasing by more than 700 percent.²⁵

Since the 1990s, when settlements began to expand rapidly with the influx of Soviet Jews to Israel, the settler population has increased at four times the rate of growth of the Jewish population in Israel. The cessation of public construction in settlements is another misleading indicator of the Labor government's commitment to settlements. Even in the absence of government construction in the settlements, an average of 1,200 housing units per year were constructed by private contractors in Israeli settlements during the Labor administration.²⁷ This growth falls well within the growth range of settlements during the Likud period in the 1980s when between 1,000 and 2,000 housing units were constructed per year in the settlements.²⁸ The Ministry of Housing is responsible for dispensing bids for private contractors and therefore can push or encourage the construction of new units.²⁹ While settlement units during the Labor administration were constructed with private financing, the government subsidies masked the continued and substantial government investment in settlements. Tables II and III outline government subsidies according to type and by government ministry for settlements in 1993.

During its first year in office, the Rabin government reduced the number of settlements eligible for government loans from 85 to 75.³² Overall, however, annual government spending

on settlements increased during the Labor administration to New Israeli Shekels (NIS) 1.4 billion (4.76 billion U.S. dollars) compared to NIS 500 million (1.7 billion U.S. dollars) under the previous Likud government (1988-92).³³ According to settler sources, this included NIS 450 million (1.53 billion U.S.) for bypass roads, NIS 80 million (272 million U.S.) for security, NIS 70 million (238 million U.S.) for damages to settlers as a result of the implementation of the Accords, NIS 11 million (37.4 million U.S.) for health clinics, and NIS 600 million (2.04 billion U.S.) for the completion of 6,000 settlement units.³⁴

The massive changes on the ground, beyond the increase in settlement units and the settler population, underscore the intensified commitment of the Labor administration to settlements in the Occupied Territories. Between September 1993 and September 1995, more than 72,000 dunums (four dunums are equal to one acre) of land from the West Bank and Gaza were confiscated by the Labor government.³⁵ Approximately 16,000 dunums, or about 23 percent, were confiscated for direct settlement.³⁶ In the same time period, some 46,500 fruit-bearing trees were uprooted in the territories in order to clear land for settlement bypass roads, new construction, or future settlement development.³⁷ From September 1993 to January 1995, more than 11,000 dunums of land were confiscated for the construction of bypass roads.³⁸ Between 1992 and 1995, 539 Palestinian homes in the West Bank were demolished, ostensibly due to lack of proper building permits, or zoning or security violations.³⁹ Shehadeh notes that the increased use of planning and development restrictions against Palestinians in the Occupied Territories may be due to the fact that most open areas already have been claimed as "state" land and therefore the Israeli government is looking for other methods to enhance settlement.⁴⁰ While Palestinians faced increasing development restrictions, a 1994 plan by the

TABLE IV 1998/99 Settlement Plan for the West Bank⁵⁴

SETTLEMENT1998	PLANNED UNITS1999	PLANNED UNITS
Alfei Menashe	1,000	400
Ariel	500	200
Ofarim	400	400
Karnei Shomron	300	200
Betar	1,000	1,000
Givat Benyamin	400	500
Ma'aleh Adumim	820	1,836
Total	4,420	2,715

Israeli Defense Force (IDF) called for the increased fortification of settlements. The IDF Central Command decided that every settlement should be fenced with a lighted patrol road, electronically opened gate at the entrance, and provided with state-of-the-art communications systems. Each settlement also was to have an emergency generator, a security vehicle, and an emergency vehicle.⁴¹

Before its defeat in the May 1996 elections, the Labor government released its 1995 to 1998 plan for settlement construction, which consisted of the following: 1) 15,000 units in East Jerusalem neighborhoods beyond the 1967 borders, including Pisgat Ze'ev, Neve Ya'acov, Gilo, and Har Homa; 2) 13,000 units in the nearby urban region including Ma'ale Adumim, Givat Ze'ev, Beitar, Givon, Har Adar, and Efrat; and, 3) 3,000 units in other West Bank locations.⁴² With the release of this plan, Israeli commentators predicted that, if the approved settlement housing is implemented, the settler population could actually double by the close of the interim period in 1998.⁴³

The election of the Likud party in May 1996 brought a much stronger ideological commitment to Israeli settlement in the Occupied Territories.⁴⁴ The Government Guidelines outline Likud's basic approach to Israeli settlement. Section VI, paragraph 1, reads:

Settlement in the Negev, the Galilee, the Golan Heights, the Jordan Valley, and in Judea and Samaria and Gaza is of national

importance to Israel's defense and an expression of Zionist fulfillment. The Government will alter the settlement policy, act to consolidate and develop the settlement enterprise in these areas, and allocate the resources necessary for this.⁴⁵

Likud Minister of the Knesset (MK) and former Finance Minister Dan Meridor restated a central tenet of Israeli settlement practice when, shortly after winning election in 1996, he declared that, "Settlement is one of the things that determines the map of the country. Therefore, if we stop settlement in one place or another it means we have surrendered that place."⁴⁶ National Infrastructure Minister Ariel Sharon put it more crudely when he stated that "only bulldozers will draw the borders."⁴⁷

After one year in government, 19,000 residential units, some of which were inherited from Labor, were under various stages of approval, construction, or already on the market for sale.⁴⁸ The government also granted final approval for new settlement in Jerusalem, including the construction of a massive new settlement — Har Homa — in the southern annexed area of occupied East Jerusalem.⁴⁹ Har Homa will require the destruction of the last forested nature preserve in East Jerusalem and close the ring of Israeli settlements around the city, thereby geographically severing Palestinian population centers in the West Bank from occupied Palestinian East Jerusalem. Govern-

TABLE V Settlement Budget 1997⁵⁷

ITEM	COSG (NIS)
a. Construction of Har Homa settlement	1,080,000,000
b. Ministry of Construction and Housing Security in East Jerusalem	7,924,000
c. Ministry of Agriculture	144,970,000
d. Ministry of Trade and Industry	69,000,000
e. Ministry of National Infrastructure Bypass roads	60,000,000
f. Ministry of Tourism	6,000,000

TABLE VI **Government Incentives for Settlement 1997⁵⁹**

a. HOUSING	Status A	Status B
i. Grant plus a soft loan of equal amount for new apartment purchases	\$8,600	\$5,700
ii. Percent of state subsidy of development costs associated with construction of multi-family housing.	100%	75%
iii. Percent subsidy for participants in the 'build your own house' program	50%	25%
iv. Percent subsidy of development costs for new housing in existing neighbourhoods	75%	50%
b. EDUCATION		
i. Percent subsidy for pre-school fees	90%	same
ii. Minimum annual state subsidy per child for school means	\$142	same
iii. Percent subsidy of the cost of final high school exams	85%	same
iv. also includes additional hours and computers for all schools and gas masks for all students		
c. SUBSIDIES FOR TEACHERS <i>(excludes 50 settlements around Jerusalem and Green Line)</i>		
i. Percent state subsidy of tuition for further study	75%	same
ii. Percent state subsidy of travel to and from school	100%	same
iii. Percent state subsidy for rental housing	4	same
d. SUBSIDIES FOR SOCIAL WORKERS		
i. Percent subsidy for travel	100%	75%
ii. Years seniority granted	4	3
e. TAXES		
i. Percent income tax reduction	5 to 10%	
ii. Percent subsidy of the cost of new hot houses for vegetables and flowers	40%	35%
iii. Percent state subsidies for citrus orchards and plantations and for new development in B locations	25%	

ment plans estimate the total construction cost of this new settlement alone at NIS 1 billion (3.4 billion U.S.).⁵⁰ Settlement plans devised by National Infrastructure Minister Ariel Sharon call for 17 new settlements along the Green Line to "protect the land from being taken over by Palestinians and Bedouin."⁵¹ According to Ra'anana Gissen, Sharon's spokesperson, the settlements are necessary to "seize the land and create facts on the ground" before final status negotiations.⁵² The plan includes 3,000 new residential units and would expand the population by some 15,000 settlers. Construction plans for new units in the West Bank for 1998-99 by the Ministry of Building and Construction headed by former Prime Minister Netanyahu include some 7,135 units, with more than half being constructed in the first year.⁵³ More than three quarters of these units will be constructed in the Greater Jerusalem area while the remainder will be within the triangle of Ramallah, Qalqilyah, and Nablus.

The plan also calls for the sale of land of some 1,320 new units in the Greater Jerusalem settlement of Givat Ze'ev.

Israeli settlement received an additional boost with new government incentives. Within several months of taking office, the Likud cabinet voted unanimously to cancel restrictions on building and development in settlements in the West Bank and Gaza Strip.⁵⁵ According to the Israeli organization Peace Now, the 1997 government outlay for settlements was more than NIS 1.5 billion (5.1 billion U.S.).⁵⁶

According to Peace Now spokesperson Mossi Raz, the 1998 proposed budget allocation for settlements is about 20 percent higher than the 1997 budget.⁵⁸ In addition, the Likud government increased the number of settlements included under National Priority Development status "A" to a total of 110. The settlement incentives available under Status "A" and, to a lesser extent, Status "B" include subsidized mortgages, reduced income taxes, greater

government financing for education and social services, and special government investment in business and industry in the Occupied Territories. These are listed in Table VI.

Under Rabin, the number of settlements receiving Status "A" had been reduced to 75. Overall, mortgages under the Likud administration are being utilized at a higher rate for settlement housing as opposed to housing in Israel.⁶⁰ New immigrants to Israel looking for housing in settlements have utilized mortgages at a rate 84 percent higher than in 1996 while first-time home buyers looking for apartments in settlements utilized mortgages at a rate 45 percent higher than in 1996.⁶¹ The package of incentives instituted by the Netanyahu government appears to be behind the 56 percent increase in residential unit sales in settlements during the first seven months of 1997 as compared to the same period in 1996.⁶² The government also has spent approximately \$80 million dollars on settler security including special electronic fences with warning devices, security lighting, bypass roads, special units on call in 80 percent of the settlements, bullet-proofing for buses, internal paging systems, and the purchase of security vehicles.⁶³

The change in government did not slow down the massive changes on the ground in the

TABLE VII Average Growth of Israeli Settlements by Size 1995/96⁷²

SIZE	# OF SETTLEMENTS	% OF GROWTH
0 - 100	11	***
101 - 500	78	6.8
501 - 1000	23	0
1001 - 5000	20	6.6
5001 - 10,000	6	14.9
over 10,000	2	3.3

***Insufficient figures for 1995 to calculate average estimate.

Occupied Territories outside the construction and expansion of settlements. In the first eight months of 1997, some 17,000 trees were uprooted by the Israeli military and settlers.⁶⁴ The monthly average for this period approximates the monthly average of trees uprooted since the Oslo process began in 1993. Plans for new highways to connect major Israeli settlements to the road system inside Israel that had been shelved by Labor have been reactivated.⁶⁵ This will require the confiscation of additional land which includes land for both the highway and a 50 to 100 meter "security" strip on either side of the road. The "security" strips greatly increase the number of trees that will be uprooted and homes targeted for demolition. Between May 1996 and September 1997, 245 Palestinian homes in the West Bank were demolished by the Likud government.⁶⁶ According to a report in the Hebrew-language newspaper *Yediot Aharnot*, Israeli legal authorities declare additional land in the Occupied Territories, in the range of tens of thousands of dunums, to be "state" land.⁶⁷ This change in classification would permit the government, according to its own legal process, to use the land for settlement construction and expansion.

In early 1997, the Likud government also carried out the expulsion of hundreds of Bedouin living near the large West Bank settlement of Ma'ale Adumim. The Bedouin whose encampments were bulldozed were transferred to a site near the Jerusalem garbage dump that an environmental impact assessment commissioned by Israeli lawyer Linda Brayer declared unfit for human habitation. In addition, Palestinians continue to be expelled from their agricultural land near the Green Line at depths of up to 12 kilometers in what appears to be an attempt to create a Palestinian-free zone and is consistent with Ariel Sharon's plan for 17 new settlements along the border.⁶⁸

This change on the ground, along with the Israeli government's more open political

support of settlement activity, appears to have accomplished its intended effect of attracting greater numbers of settlers to the Occupied Territories. In 1996, the settler population, according to the Israel Central Bureau of Statistics, increased by approximately 9 percent with the majority of the increase due to migration.⁶⁹ Natural increase accounted for 38 percent of the growth in settlement population.⁷⁰ More than 36 settlements registered a population increase of more than 10 percent with some political settlements showing a population increase between 30 and 54 percent.⁷¹ Settlements with a population between 5,000 and 10,000, many of which are located in the Greater Jerusalem area and along the Green Line, grew at an average of 15 percent in 1996.

Growth rates in the settlements for 1997 should present a clearer picture of the impact of the Likud settlement program. Recent estimates in vacancy rates in the settlements, however, strongly suggest that the primary purpose of Israel's continued settlement construction and expansion is to maintain control over the Occupied Territories and demarcate the borders of an enlarged state rather than provide needed housing for Jewish citizens of Israel. Peace Now estimates that there is an overall 12 percent vacancy rate in the settlements.⁷³ U.S. government estimates, determined by satellite survey, for the first quarter of 1997 stood at 26 percent vacancy rates in the West Bank settlements and 56 percent in the Gaza Strip.⁷⁴

Israeli Settlement — The Historical Record

Current Israeli settlement is rooted in past settlement practice which pre-dates the creation of the state of Israel in 1948. While the means to establish Jewish and later Jewish-Israeli settlements have adapted to the changing political environment, the use of settlement for

the political purpose of acquiring control of territory and thereby demarcating the sovereign borders of a Jewish state in Palestine has remained consistent to the present time.⁷⁵ According to a paper on Jewish settlement issued by the Israel Information Center, "Zionists recognized the importance of settling the Land for national revival" as early as the Second Zionist Congress in 1898.⁷⁶ The words of one early Jewish immigrant to Palestine reflect this connection between settlement and "national revival" or the creation of a national entity with sovereign borders:

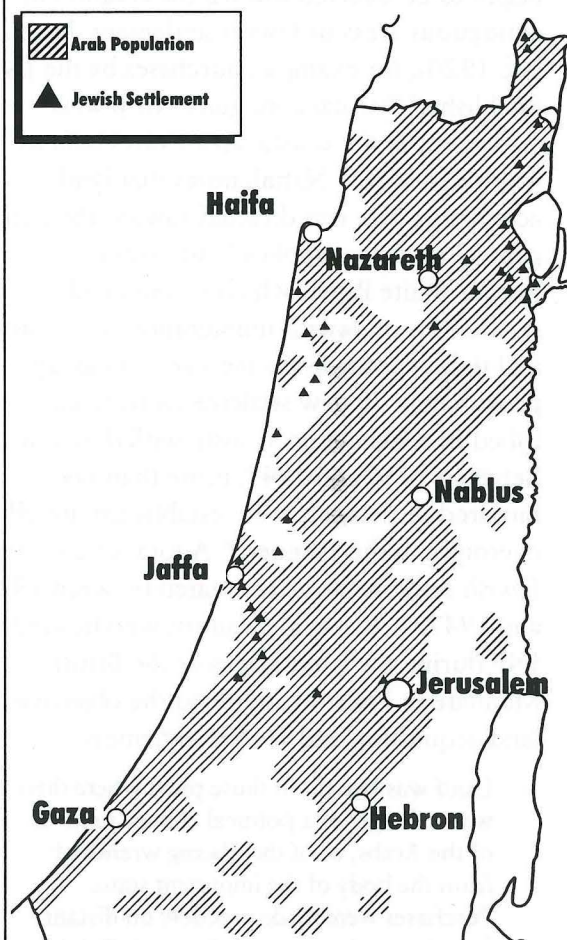
The final purposes...are to take possession in due course of Palestine and to restore to the Jews...political independence...The means to achieve this purpose could be the establishment of colonies of farmers in Palestine....⁷⁷

Reviewing the Palestinian refugee problem, Israeli historian Benny Morris writes that for Zionist leaders, the creation of settlements in 1948-49 "ultimately meant sovereignty."⁷⁸ David Ben Gurion, soon to become Israel's first prime minister, believed that Jewish settlement, particularly in the villages and towns where Palestinians were displaced or expelled, was critical for winning the 1948 war.⁷⁹ The failure to establish Israeli settlements along the borders of the state, on the other hand, created a "breach" by which the state boundaries could be altered through Palestinian presence on the land.⁸⁰ These sentiments would later be repeated with respect to the territories occupied in 1967. Kellerman describes these views toward settlements as constituting a two-fold "settlement doctrine" in which the boundaries of Jewish collectivity in Palestine are determined by Jewish settlements while deserting a single settlement could lead to the collapse of the Jewish collectivity.⁸¹ This settlement doctrine has been the pillar of Israeli settlement policy from the early *Yishuv* through the creation of the state of Israel, the 1967 occupation of the West Bank, including East Jerusa-

lem, and the Gaza Strip, and the current peace process.⁸²

The acquisition of land for Jewish and later Jewish-Israeli settlement was accomplished by a number of different methods that catered to the changing dynamics of land ownership and political power in Palestine. These methods included acquisition by purchase, by virtue of conquest in war, and through a variety of "legal" procedures instituted under Ottoman, British, Jordanian, and, finally, Israeli legal codes. During the early stages of settlement, Jewish immigrants attempted to acquire land through private purchase and under the aus-

Distribution of Palestinian and Jewish Population in 1917 and 1947



From *Facts and Figures About the Palestinians*. The Center for Policy Analysis on Palestine, 8-9.

pices of different public Jewish institutions, such as the Jewish Colonization Association (JCA), the Palestine Land Development Company (PLDC), the Palestine Jewish Colonization Association (PJCA), the American Zion Commonwealth Company, and the Jewish National Fund (JNF). Prominent individuals like Baron Maurice de Hirsch and Baron Benjamin de Rothschild purchased large tracts of land that were later transferred to public institutions. By 1912 there were 37 Jewish settlements in Palestine located on more than 400,000 dunums of land.⁸³

The importance of large-scale Jewish settlement increased with the growing conflict in Palestine. By 1920 Jewish settlement covered 650,000 dunums of land.⁸⁴ Land acquisition began to be directed toward the creation of contiguous areas of Jewish settlement. In the late 1920s, for example, purchases by the JNF established "virtual contiguity" of Jewish settlement in the coastal area from Haifa to south Rehovot.⁸⁵ Naftali notes that land acquisition also was directed toward the critical control of water supplies.⁸⁶ In response to the British White Paper, which recommended restrictions on Jewish immigration to Palestine and tighter controls on the sale of land, approximately 50 new settlements were established in areas not previously settled by Jews.⁸⁷ Between 1936 and 1947, more than one hundred settlements were established literally overnight in this manner.⁸⁸ A total of 217 new Jewish settlements were created between 1925 and 1947.⁸⁹ Abraham Granott, who headed the JNF during the latter stages of the British Mandate in Palestine, outlined the objective of land acquisition and Jewish settlement:

Land was bought in those parts where there was a danger of a political change in favor of the Arabs, or of their being wrenched from the body of the imminent state. Purchases were made precisely on distant frontiers to the east and the north [...] those who were responsible for defining [the state's] boundaries were impelled by

realities to include the lands bought by the Jews, together with the settlements thereon.⁹⁰

In order to facilitate the consolidation of settlements and the demarcation of the borders of a future Jewish state, land acquired by the JNF and other public institutions was declared the inalienable property of the Jewish people. The guidelines of the JNF and the Jewish Agency, for example, forbade the sale of national land to non-Jews.⁹¹ Moreover, as Lehn notes in his detailed study of the JNF, "[...] leases of Israel-land to non-Jews appear to be exceptional in one way or another, not typical, and relatively few in number."⁹² The key feature of land acquired for Jewish settlement, therefore, was the direct relationship between ownership and Jewish national sovereignty. By 1930, PJCA had acquired 454,840 dunums of land or about 1.7 percent of Palestine.⁹³ By 1948, Jewish-owned property accounted for 6.6 percent of the lands of Palestine.⁹⁴

The creation of the State of Israel in 1948 in 77.9 percent of Palestine⁹⁵ was linked to the displacement of more than 700,000 Palestinians from their land. They were displaced from at least 13 towns, 420 villages, and 98 tribes to territories outside the area of Palestine that became the state of Israel resolved, at least for the immediate future, the problem of acquiring significant land reserves for Jewish settlement in order to demarcate the borders of a Jewish state in Palestine as called for in the Balfour Declaration and codified in UN General Assembly Resolution 181.⁹⁶ Throughout the British Mandate, Jewish purchase of land in Palestine became increasingly difficult, if not impossible, due to Arab opposition to the partition of Palestine and the creation of a Jewish state. Nevertheless, the boundaries delineated by Resolution 181 were largely — but not completely — determined by the existence of Jewish settlements.⁹⁷

The land of displaced Palestinian refugees accounted for more than 80 percent of the land

TABLE VIII Distribution of Land in Palestine after the 1948 War¹⁰⁶

Palestinian Land whose inhabitants stayed in Israel	7%	1,465 sq. km
Land of 1948 Palestinian refugees	85%	17,178 sq. km
Total Land Area of Israel	100%	20,325 sq. km

of Palestine that became the State of Israel.⁹⁸ These lands proved to be crucial to the viability of the new state. "Israel greatly benefitted from Arab property which came under its control," states Shlomo Gazit, a former director of the IDF Military Intelligence. "[It] formed an important element in the infrastructure that enabled absorption of massive Jewish immigration after the 1948 War of Independence."⁹⁹ Between May 1948 and April 1949, 110,000 of the 190,000 new Jewish immigrants to the state of Israel were settled in the homes of displaced Palestinians.¹⁰⁰ By 1951 a quarter of the Israeli population was housed in homes of displaced Palestinians.¹⁰¹ Ruedy notes that without the "uncalculated millions" of Palestinian units of movable and immovable property, the "burgeoning Israel would have collapsed."¹⁰²

While the creation of a sovereign state in more than three quarters of Palestine fulfilled, at least partially, the Zionist dream of a Jewish state, it did not significantly alter the drive to establish settlements on Palestinian-owned land. In a study of Jewish settlement, Kellerman writes,

The establishment of the State of Israel in 1948 created a completely new condition for the implementation of Zionist objectives. As for territory, the desire for sovereignty was satisfied over a major chunk of British Palestine. This sovereignty could, theoretically, have solved the need to acquire territory. [...] As it turned out [...] the acquisition processes through lawmaking and the presence processes through settlement activity were intensified...¹⁰³

Settlements continued to play an important role in defining the boundaries of Jewish control within the new state and with the

borders of the territories that had come under Jordanian control as recognized in the 1949 armistice lines. Israeli Prime Minister Ben Gurion refused to recognize the 1949 armistice lines as the *de jure* borders of the new state. "We have decided to *evade* (and I use this term deliberately) this question," stated Ben Gurion. "We have left the matter open for future developments."¹⁰⁴

In order to ensure that large areas of territory owned by Palestinians who had fled or were expelled during the war would remain under Israeli control and free for settlement, the Israeli government decided in June 1948 to deny Palestinian refugees the right to return to their land and homes inside Israel. This included some 17,178 square kilometers out of a total area of 20,325 square kilometers.¹⁰⁵

The voices of some Zionists who supported various measures that would allow the Palestinian refugees to return to their land, although some 369 villages had been destroyed between 1948 and 1950, were drowned out by many others opposed to return due to demographic and security concerns.¹⁰⁷ Some leading Israeli figures even viewed the displacement of Palestinians and the sudden windfall of territory as an act of divine sanction. Referring to the displacement of more than 700,000 Palestinians as a miracle, JNF Chairman Granott remarked: "mistakes may be corrected, but not miracles."¹⁰⁸ Immediate and long-term measures to prevent the return of Palestinians to their land and homes inside Israel were contained in a plan developed by Joseph Weitz of the JNF and accepted by Ben Gurion.¹⁰⁹ Palestinian villages were destroyed.¹¹⁰ Those Palestinians who remained inside the borders of Israel were prevented from cultivating, sowing,

and harvesting their fields. Jews were settled in the Palestinian towns and villages that were not destroyed during the war or by government order after the war. Finally, the Israeli government implemented a series of legal measures to transfer control of Palestinian land to the state.¹¹¹ Meanwhile, Israeli settlement was facilitated by the adoption of the Law of Return under which every Jew was granted the right to settle in the state of Israel.¹¹² The property of Palestinian refugees was brought under government control by virtue of the Abandoned Areas Ordinance¹¹³ adopted by the Provisional Government in 1948 and later transferred to government ownership through the adoption of the Absentees Property Law in 1950.¹¹⁴ Approximately 30,000 Palestinians displaced during the war but who remained inside the borders of Israel — known as “present absentees” — also were denied the right to return to their land.¹¹⁵

New methods of acquiring land for Israeli settlement included the confiscation of land for “public purpose” and “security” and the expulsion of landowners.¹¹⁶ “Untitled” land or land where ownership was questioned by the government was declared “state land.” Approximately half of the land of Palestinians who remained inside the borders of the state of Israel in 1948 has been confiscated by the government.¹¹⁷ This amounts to about 3.5 percent of the total area of Israel. At the end of the war, the largest concentrations of the 160,000 Palestinians who remained inside the borders of Israel resided in the Negev and the Galilee regions. In the south, entire Bedouin communities were expelled from their land in the Negev and relocated in seven government-constructed towns while others were transferred outside the borders of the state. According to a Foreign Ministry report cited by Morris, some 17,000 Bedouin were expelled between 1949 and 1953.¹¹⁸ Commenting on Israel’s policy toward the Palestinian minority, Yitzhak Oded, an authority on land policy in

Israel, stated that among other reasons, the purpose of transfer and expulsion of the Bedouin was to “provide land for Jewish settlement and development projects.”¹¹⁹

Thousands of Palestinians also were expelled from their land along the “frontier” of the new Jewish state between November 1948 and 1951 as the government attempted to create a 5- to 15-kilometer deep zone that was, according to Ben Gurion, clean (*naki*) and empty (*reik*) of Palestinians.¹²⁰ In 1956, for example, the late Prime Minister and General Yitzhak Rabin expelled between 2,000 and 5,000 Palestinians from the Galilee north into Syria.¹²¹ Many of the files that detail the extent of these practices remain closed. However, as Segev notes, the titles of these files confirm the inclusion of these practices in government policy.¹²² In the files of the Ministry of Minorities, for example, the index lists files under “Expulsion of Inhabitants,” “Transfer of Inhabitants,” “Concentration of Arab Residents,” and “Demolition of Arab Houses.”¹²³ At the same time, new Israeli settlements were established along the border. Most of the settlements in the “32 settlements” plan, for example, were located in areas along the “frontier” with Jordan, Egypt, and Lebanon, and all but five were located on conquered land outside the boundaries delineated by Resolution 181. Of the 120,000 dunums allocated for the 32 settlements, 23,000 dunums were Jewish-owned land while the remainder was Palestinian private and *waqf* land.¹²⁴

In the north, the government began to direct and encourage settlement in the Galilee in order to create a Jewish demographic majority and deny Palestinian citizens of Israel access to the land. While Palestinians constituted 63 percent of the total population of the Galilee in 1948, by 1961 the government settlement plan had increased the Jewish population of the Galilee to 58 percent.¹²⁵ Jews were settled between Palestinian villages and towns in order to bifurcate the Palestinian

population and restrict their territorial expansion by compressing them into smaller and smaller pockets. According to Yosef Nahmani, a senior executive of the JNF, it was "essential to break up this concentration [of Arabs in the Galilee] through [Jewish] settlement."¹²⁶ Other planning procedures denied official recognition to more than a hundred Palestinian villages known as "unrecognized villages." The denial of official status meant that the villages were (and are) unable to receive basic services, approval of development plans, or government funding. In this way, the villagers are "encouraged" to relocate or voluntarily transfer to pockets designated by the government as Palestinian areas.

While the demographic balance of Jews and Palestinians fluctuated in the Galilee, the Jewish population continued to comprise more than 50 percent of the total population. Nevertheless, government development policy was informed by the perception of a Palestinian majority in the Galilee. A 1975 government publication, for example, noted that the Galilee had a "special problem" because "the Jewish population is out-numbered by the non-Jewish population..."¹²⁷ A year later, the government initiated a new round of land confiscations to provide land for Israeli settlement. In the words of Ariel Sharon, the new plan was devised to "spray the Galilee with Jews."¹²⁸ The impact of this policy is evident today in the Misgav council region where 7,000 Jewish residents currently have access to 183,000 dunums of land reserves while the 200,000 Palestinians in the area have access to 200,000 dunums, all of which is densely populated or farmed resulting in a ratio of 25 dunums per Jew as compared to 1 dunum per Palestinian.¹²⁹

When the Galilee settlements were built, however, the JNF maintained that the settlements, established on land confiscated from Palestinians, would "serve Arabs and Jews alike; industrial enterprises will create employment for all the inhabitants, while the new roads

skirting the Arab villages will also contribute to their development."¹³⁰ In reality, Palestinian citizens of Israel continue to face well-documented discrimination at all levels of planning and development, as evidenced in the Misgav council region. A 1990 study by al-Haj and Rosenfeld, for example, reported that Palestinian municipalities receive around 2 percent of the total budget allocated to local government while Palestinians constitute more than 16 percent of the total population of Israel.¹³¹ Ninety-nine percent of public housing programs do not include Palestinian citizens of Israel.¹³² The new Trans-Israel Road (Highway 6), which was planned without consulting Palestinian citizens of the area, skirts around Israeli settlements but will have a harsh impact on Palestinian farmers of the Galilee, wipe out the "unrecognized village" of Sarkiss, and require the confiscation of thousands of dunums of Palestinian land from the villages of Arabah and Sakhnin in the Beit Netufa valley.¹³³

Between 1948 and 1950, 161 new Jewish-Israeli settlements were established on Palestinian absentee property.¹³⁴ By 1967, a total of 346 new settlements had been established in the territory that became the state of Israel.¹³⁵ Two and a half decades after the creation of the state, the amount of arable land owned by Palestinian villages had been reduced from 9,120 dunums per village to 2,000 dunums.¹³⁶ A 1988 study revealed that that 58 percent of all Palestinians in Israel and 75 percent of landowning Palestinian Israelis reported having lands expropriated.¹³⁷ At the same time, the state of Israel had acquired control of more than 90 percent of the land that fell within its borders as defined by the 1949 Armistice Agreement.

The 1967 war and the Israeli occupation of the Gaza Strip and the West Bank, including East Jerusalem, presented Israel with new opportunities and problems concerning settlement. Would Israeli sovereignty be extended

beyond the land owned by Jews before the 1948 war? Jews had owned some 30,000 dunums or roughly half of one percent of total West Bank land, including several hundred buildings thereon.¹³⁸ The establishment of new settlements and transfer of Israeli citizens into the Occupied Territories was complicated by the large Palestinian population and the lack of Israeli-owned land for settlement development.¹³⁹ It was not long before official and "unofficial" Israeli settlements were established in the West Bank, particularly in East Jerusalem and the Gaza Strip. While earlier settlement focused on reestablishing settlements such as Kfar Etzion south of Bethlehem and Beit Ha'arava near the Dead Sea that had been destroyed during the 1948 war, initial government efforts under Labor administrations at settlement, relative to the pace of settlement some ten years later, were modest. They reflected the absence of consensus within the ruling party about the future status of the territories, with the exception of East Jerusalem, between those who advocated maximalist versus minimalist settlement. Nevertheless, the reestablishment of Jewish communities in the pre-1948 settlements was accompanied by new settlements in Jerusalem and its West Bank environs, the Jordan Valley, and along the Green Line. At the same time, "unofficial" settlements were being established unilaterally by nationalist religious settler groups. These settlements, like those in Hebron, were later approved by the government.

As new settlements sprang up throughout the Occupied Territories, the boundaries of *de facto* Israeli sovereignty gradually spread into the West Bank and the Gaza Strip. Israel's legal code was applied to the settlements while Palestinians were "administered" by a military/civil administration and a long list of military orders. The settlements around East Jerusalem began to form an Israeli *cordon sanitaire* around the city, effectively severing the city from its natural hinterland in the West Bank.

Settlements along the Green Line formed a security perimeter just outside the eastern borders of Israel, while the progressive growth of these settlements slowly began to "erase" the clear political and demographic border between Israel and the West Bank as the settlements spilled over the Green Line.¹⁴⁰ In the Jordan Valley, settlements began to form a "security belt" running the length of the Valley, a second eastern security perimeter.¹⁴¹ This settlement activity closely followed the territorial plans for the West Bank as outlined by the late Israeli Deputy Prime Minister Yigal Allon.¹⁴² The Rabin Plan of 1975 expanded the area of Israeli settlement to include a larger settlement belt around Jerusalem and the expansion of settlement in the Jordan Valley.¹⁴³ As had happened earlier in the Galilee and the Negev, the settlements gradually began, in the words of Ariel Sharon, "to blur the unequivocally Palestinian character of the area."¹⁴⁴ In 1973, the Labor party, while adhering to the principle of exchanging land for peace, adopted the position that Israel would not withdraw to the pre-1967 borders.¹⁴⁵ Eleven settlements had been established in the Occupied Territories with a total population of some 2,000 people.¹⁴⁶ By the time the Labor party was defeated a decade after the 1967 occupation, some 60,000 Israelis had been transferred into settlements in the West Bank and Gaza, with all but 7,000 located in the new settlements in occupied East Jerusalem.¹⁴⁷ A total of 20 settlements had been established in the territories. Six settlements had been established in the Gaza Strip. As of 1992, Labor governments had established 29.9 percent of current settlements in the Occupied Territories.¹⁴⁸

Settlement activity in the Occupied Territories picked up speed following the election of the Likud party in the late 1970s. Nationalist religious settler organizations that had never attracted the full support of the Labor administrations found greater support for their highly ideological brand of settlement. Labor had

traditionally placed more emphasis on the security value of settlements, although Rabin and others later questioned the value of settlements for Israeli security.¹⁴⁹

During the first four years of Likud rule, 35 new settlements were established in the territories. The nationalist religious camp, however, was unable to attract significant numbers of Israelis to the territories solely for ideological reasons. The government began to construct so-called "suburban" settlements in the area of "Greater Jerusalem" and along the Green Line in order to attract a greater number of Jewish settlers to the Occupied Territories. These settlements, based on privatism and materialistic symbols, were located within easy commuting distance of Jerusalem or Tel Aviv.¹⁵⁰ Reduced housing costs, subsidized mortgages, and other benefits including reduced income taxes served to draw Israeli citizens into the new suburban settlements. Between 1977 and 1978, all but one of 19 new settlements were suburban or "community" settlements.¹⁵¹

During the 1980s, government spending on settlements reached an approximate annual rate of \$300 million.¹⁵² The new settlement, which spilled out beyond the security zones devised under Labor, reflected the planning and development policy of the 1983-86 World Zionist Organization Master Plan that considered settlements as a means "to achieve the incorporation (of the West Bank) into the (Israeli) national system."¹⁵³ Between 1984 and 1985, 29 new settlements were established while settlements in Gaza grew from five to eleven.¹⁵⁴ Shafir characterizes the change in settlement from Labor through Likud as "a transition from Allon's military frontier to a combination of a messianic frontier and a suburban frontier."¹⁵⁵ Under Likud administration, settlement construction accounted for 68.55 percent of all current settlements in the territories.¹⁵⁶ At the end of 1984, there were some 35,000 Israeli settlers in the West Bank and Gaza Strip.¹⁵⁷ Settlement expansion during the national-unity

government (1984-1988) accounted for 13.91 percent of all current settlements.¹⁵⁸ The settler population nearly doubled during this period. By the time Labor returned to power in 1992, the settlement population in the West Bank and Gaza, excluding East Jerusalem, had grown to more than 100,000.¹⁵⁹

The methods of Israeli settlement were not unlike methods used before 1967 — namely, acquisition through purchase, conquest during war, and a variety of "legal" procedures. Both government and quasi-government institutions like the JNF through its subsidiary Hemnutah, Ltd., engaged in the acquisition of land across the Green Line through purchase. The Israeli government approved private purchase in 1979. While it is difficult to ascertain the total amount of land acquired through purchase due to the secrecy of the transactions, it is generally thought that purchased land accounts for 3 to 10 percent of Israeli government land acquisitions in the Occupied Territories.¹⁶⁰

The secrecy of land sales to Jews predates the creation of the state of Israel. In part, the secrecy stems from the political nature of any land transaction between Jews and Palestinians in the context of the ongoing conflict. Palestinians who sell their land to Jews are commonly regarded as collaborators. More often, though, the secrecy of land sales is related to the suspect legal nature of the transaction. The use of forged documents, powers of attorney, and intimidation is not uncommon. In other cases, land that often is held in joint title is sold by only one owner without the knowledge or approval of others holding title to the land.¹⁶¹ Other tactics used to acquire land for settlement have included the demolition of homes, the destruction of crops, and offering extremely inflated purchase prices to induce land transactions. According to the Dayan plan instituted after 1967, Palestinian landowners were offered \$3,000 to \$5,000 each and then "relocated" to South America.¹⁶² The renewal of this plan was recently revealed by the Israeli newspaper

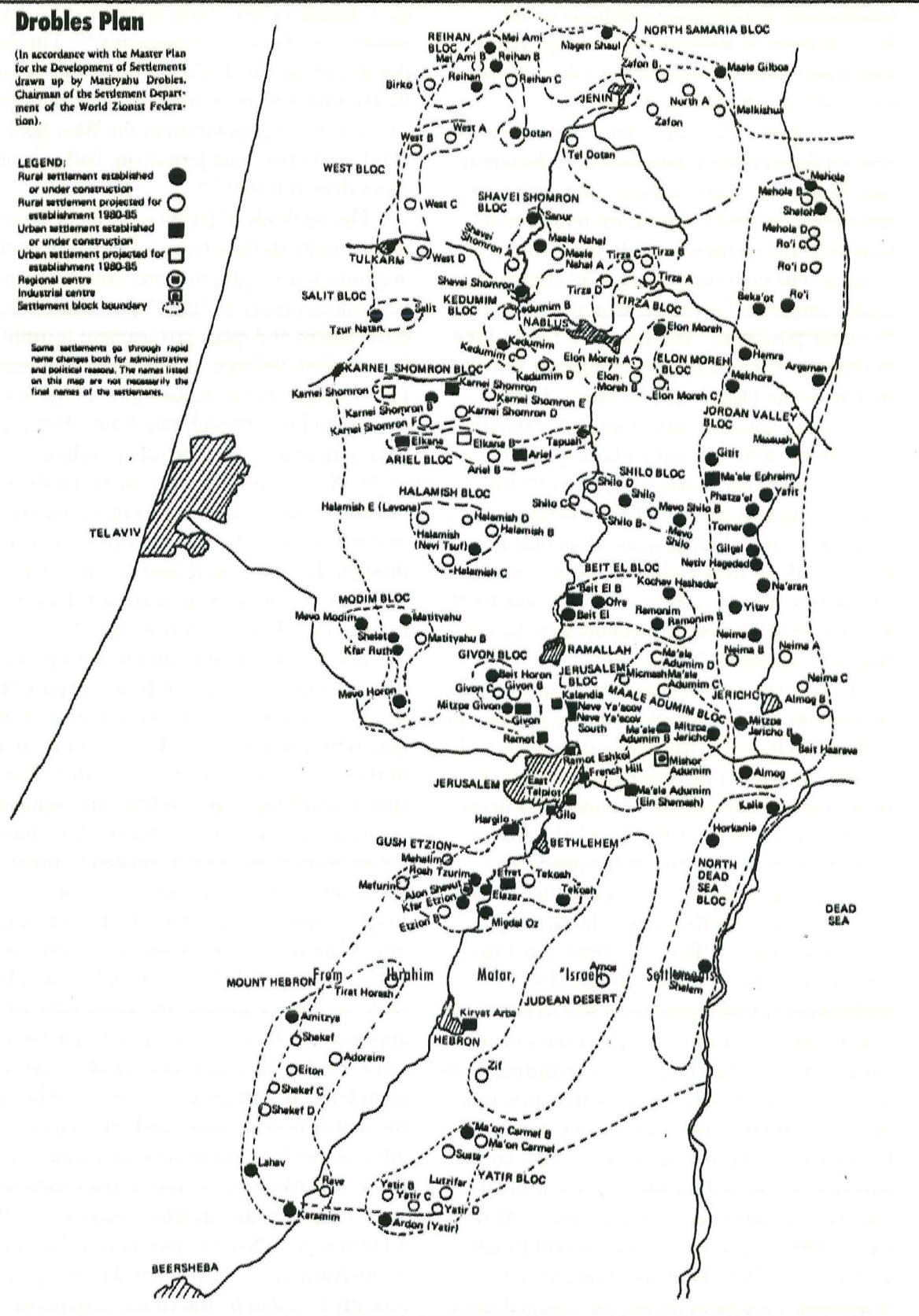
Drobles Plan

(In accordance with the Master Plan for the Development of Settlements drawn up by Mattityahu Drobles, Chairman of the Settlement Department of the World Zionist Federation).

LEGEND:

- Rural settlement established or under construction ●
- Rural settlement projected for establishment 1980-85 ○
- Urban settlement established or under construction ■
- Urban settlement projected for establishment 1980-85 □
- Regional centre ●
- Industrial centre ●
- Settlement block boundary —

Some settlements go through rapid name changes both for administrative and political reasons. The names listed on this map are not necessarily the final names of the settlements.



Yediot Aharonot in an article entitled "Land Dealers Flee to South America." According to the article, Palestinians willing to sell their land are provided with new homes and identities in South America.¹⁶³

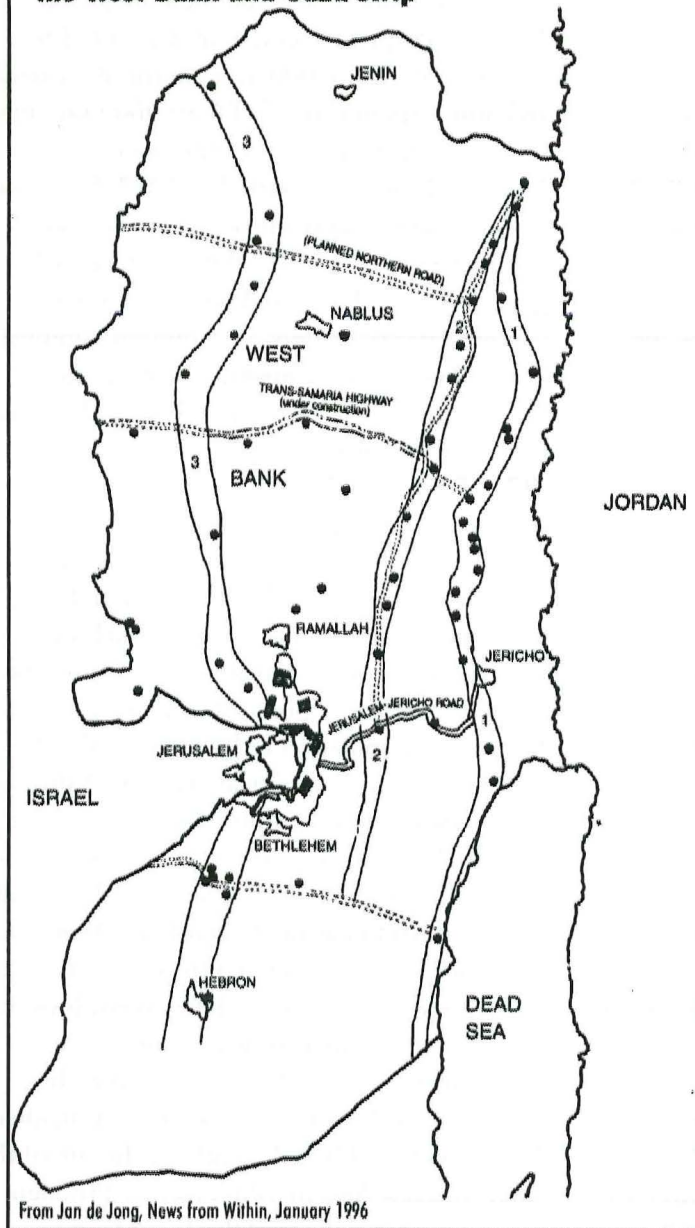
To facilitate the "legal" process of land acquisition, the Israeli government conducted surveys to assess the ownership of West Bank lands so it could ascertain the "appropriate" method of expropriation. Until 1967, only 30 percent of the land had been registered.¹⁶⁴ Upon completion of a survey in 1980 by the Israeli Land Registry, the government announced that the state would assume control of all *miri* land (as classified under Ottoman land law) based on the claim that this land was in fact state land (Military Order 1091).¹⁶⁵ A total of 1.5 million dunums of land, or 26 percent of the West Bank, was deemed eligible for designation as state land.¹⁶⁶ Until that time, settlements had been established on land confiscated for security or military purposes. The burden of proof for private ownership fell on the landowner. If land had not been registered prior to 1968, the landowner found himself in the position of not having the appropriate legal documentation and therefore unable to prove his title to the land. The law, according to Israeli lawyer Linda Brayer, "represents a legal script aimed especially at depriving Palestinians of their land."¹⁶⁷

Israeli Military Orders provided further avenues under which land in the Occupied Territories was acquired for Israeli settlement.¹⁶⁸ Large tracts of land were acquired by expropriation for "public" purpose and "security." Between 1968 and 1980, for example, more than a million dunums of land in the Jordan Valley were closed or expropriated for military purposes.¹⁶⁹ This large-scale confiscation was aided by the fact that only 10,000 of the Valley's 85,000 Palestinian residents remained after the 1967 war.¹⁷⁰ Approximately 25 to 30 percent of the population that fled during the war were engaged in agricultural

activities. The Israeli military took over the thousands of dunums left behind.¹⁷¹ Property that was classified as abandoned under the Absentee Property regulations accounted for approximately 106,000 acres in the West Bank and 500 acres in Gaza.¹⁷² Of 10,900 buildings on this land, the Israeli Commissioner of Absentee Property reported in 1977 that some 9,400 buildings were entrusted to the relatives of absentees.¹⁷³ As of 1979 when the Israeli government had acquired control of 66.8 percent (approximately 3.65 million dunums) of the West Bank, acquisition of state land accounted for 12.2 percent (444,000 dunums) of all land acquisitions, while 26.8 percent (976,000 dunums) of the land was acquired because ownership was "unclear."¹⁷⁴

The Israeli government also used expulsion to settle the Occupied Territories after 1967, although the political climate in which the international community and some segments of the Israeli public opposed transfer of the Palestinian population reduced the scale of expulsions and the political viability of this policy. Nevertheless, expulsion or transfer of the local population was used in limited fashion after 1967. In the Latrun salient northwest of Jerusalem and near the Green Line (Armistice Line), for example, the 10,000 Palestinian residents of the villages of Bayt Nuba, Imwas, and Yalu were expelled in 1967 and their homes levelled by bulldozers. The Jewish National Fund, with assistance from Canadian Jewry, later established a park on the site of the three villages. Also in 1967, former President Haim Hertzog, who was the first Military Governor of the West Bank, transferred 200,000 Palestinians across the Allenby Bridge and into Jordan.¹⁷⁵ After the conclusion of the war, expulsion continued in a limited fashion. Various sources note that in the first ten years up to 1977, some 1,100 Palestinians were expelled from the territories.¹⁷⁶ In the 1990s, former Prime Minister Rabin continued this practice with the deportation of several hun-

Israeli and Palestinian Roads in the West Bank and Gaza Strip



policy in the Galilee, new settlement plans were developed to ring Palestinian centers in the Occupied Territories in order to prevent their expansion and contiguity. According to the 1981 Drobles plan,

The disposition of the settlements must be carried out not only around the settlements of the minorities [i.e. Palestinians] but also in between them, this in accordance with the settlement policy adopted in the Galilee and in others parts of the country.¹⁷⁷ in the West Bank and Gaza Strip," *Journal of Palestine Studies* (Autumn 1981) The change in settlement location from a compact and contiguous pattern to one of scattered settlement within heavily populated Palestinian areas mirrored the change in settlement between the pre-state period and settlement inside Israel after 1948. The implementation of this settlement policy was clearly illustrated and codified in the Oslo Accords under which Palestinian villages and cities are isolated and surrounded by Israeli settlements and bypass roads located in Area C, which constitutes 70 percent of the West Bank. Assessing the impact of the Drobles plan in 1980, Harris wrote: "In the long-term the Arab community would be cut into isolated blocks, separated from one another. [...] On a West Bank segmented in this fashion it would be difficult to imagine any genuine self-government beyond the municipal level as a practical possibility."¹⁷⁸

dred alleged Hamas activists from the Occupied Territories.

As with the situation after 1948 inside Israel, once control over the land for settlement had been established, it was consolidated by fragmenting existing Palestinian demographic centers in order to prevent any territorial challenge to Israeli sovereignty over the land. In a move consistent with previous settlement

At the same time that Israeli settlements were being established throughout the Occupied Territories, successive Israeli governments began to construct the infrastructure that would provide linkages between settlements (i.e., contiguous settlement) and with Israeli cities and towns on the other side of the Green Line while isolating Palestinian villages and towns.¹⁷⁹ More than 90 percent of land confiscations in

the West Bank, according to a report on bypass roads by the Palestinian Society for the Protection of Human Rights and the Environment (LAW), facilitate the construction of roads and installation of sewage and electrical systems for Israeli settlements.¹⁸⁰

Planning and development procedures, furthermore, have consolidated Israeli settlement by restricting Palestinian development to areas within already established village and municipal boundaries. Meanwhile, homes, other structures, and farmland close to existing or planned settlements and roads have been systematically destroyed.¹⁸¹ This policy — restricting development to encourage “voluntary transfer” of Palestinians as a means of acquiring control of the land — was originally suggested to the Israeli government by the Shabak (General Security Service) to deal with the “Palestinian problem” inside Israel after 1948.¹⁸² Since the late 1970s, the Israeli Civil Administration has routinely denied building permits to Palestinians living in areas outside the Israeli-recognized municipal centers in the territories. As a result, many families have been forced to risk building without permits or live in overcrowded housing conditions.

After decades of settlement in the Occupied Territories, however, Israel has continued to face a crisis in international legitimacy regarding its status in the territories.¹⁸³ Unlike the situation in 1948, when the displacement of most Palestinians from the territory that became the state of Israel gave Israel large tracts of land for settlement and a demographic Jewish majority, Israel was and remains at a demographic disadvantage in the Occupied Territories.¹⁸⁴ Nearly three decades after occupying the West Bank and Gaza, Jewish settlers constitute less than 13 percent of the population of the territories. If one excludes the settlements in the expanded municipal borders of East Jerusalem, Jewish settlers comprise only 6 percent of the population of the territories. Moreover, the borders of the

state of Israel, though deliberately left undefined by Ben Gurion, were largely determined *de facto* by the pre-1948 settlement process and the lines drawn by the 1949 Armistice agreement. However, they were in fact legitimized (but with significant alterations) under the framework of international law, namely UN Resolution 181. This resolution called for the partition of Palestine and the creation of a Jewish state alongside an Arab state. With regard to the territories occupied in 1967, however, the benchmark for legitimacy from the international community was codified in UN Resolution 242, and later, 338, which called for a withdrawal from the territories occupied in 1967. This formula was not wholly acceptable to successive Israeli governments and was inconsistent with established settlement doctrine. More importantly, it was not reconcilable with past settlement practice.¹⁸⁵ Under Oslo, Israeli settlement practice appears to indicate that settlement doctrine remains embedded within Israeli policy while settlement practice points toward a strengthening of Israeli control over the Occupied Territories rather than withdrawal.

Israeli Settlement in Jerusalem

The objective and methods employed to settle Jerusalem were not unlike those used in the territory of Palestine that became the state of Israel in May 1948, nor those used in the other Occupied Territories after 1967. There also is a greater consensus between Labor and Likud concerning the necessity of settlement in Jerusalem. Opposition to settlement by the Israeli public is less evident in Jerusalem. However, voices have raised questions about the nature and extent of settlement in the city. The issue of settlement in Jerusalem often is solely situated within the context of the Israeli occupation of East Jerusalem in 1967. Yet, it is important to discuss Israeli settlement within the broader historical context prior to 1967 due to Palestinian presence and land ownership

in West Jerusalem and the similar processes used to acquire control of the land and extend the borders of Israeli sovereignty around both parts of the city.

According to Mandate figures for 1946, the total population of Jerusalem was 164,440, of whom 99,320 were Jews and 65,120 were "non-Jews" [sic].¹⁸⁶ Estimates of the Palestinian population of West Jerusalem range from 30,000 to 45,000.¹⁸⁷ If one includes the residents of the Palestinian villages west of the New City (which were later incorporated into the West Jerusalem municipality) and accounts for population growth from the date of the last estimate in 1947, the size of the 1948 Palestinian population in West Jerusalem is estimated to have been 60,000 to 80,000.¹⁸⁸ Amiran states that no more than 2,000 Jews resided in the Old City in 1947, from which it can be deduced that the Jewish population of the New City was approximately 97,000.¹⁸⁹ It is estimated that in West Jerusalem, 40 percent of the property was owned by Palestinians, 26.12 percent by Jews, while the remainder belonged to Muslim and Christian religious communities and the government of Palestine.¹⁹⁰

In the Palestinian villages that were annexed to West Jerusalem, namely Lifta and Sheikh Badr, Deir Yassin, Ein Karem, and El-Malha, Palestinians owned approximately 90 percent of the land, or about 27,000 dunums.¹⁹¹

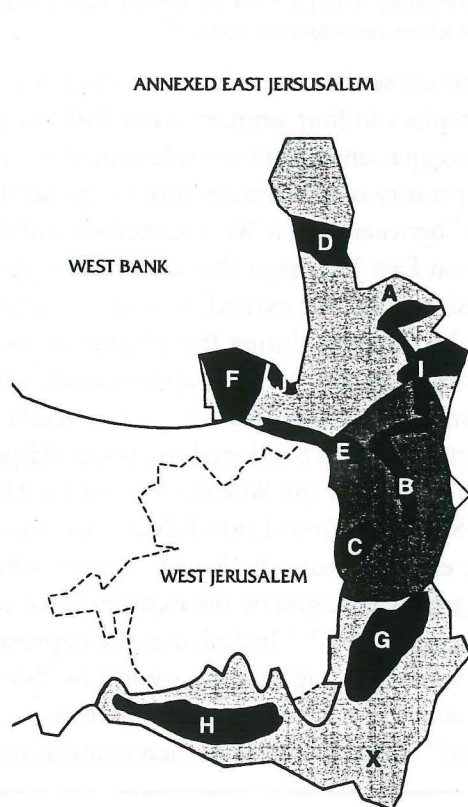
Most of the property in West Jerusalem that facilitated large-scale Israeli settlement in the city was acquired by virtue of conquest in war. As early as February 1948, Ben Gurion ordered the Haganah to conquer Palestinian districts and settle Jews in the abandoned Palestinian neighborhoods, including the more controversial decision to settle the village of Deir Yassin.¹⁹² Like many other towns and villages in Palestine, West Jerusalem was virtually emptied of its Palestinian residents and then settled by Jewish immigrants.¹⁹³ In the first three weeks after its establishment in April

1948, the Jerusalem Committee housed 2,400 Jews in former Palestinian areas of the city.¹⁹⁴ The Housing Department of the District Commissioner's Office placed 3,906 Jewish families, consisting of 15,800 persons, in 5,655 rooms between September 1948 and August 1949.¹⁹⁵

By the end of May 1948, most of the former Palestinian neighborhoods of West Jerusalem had been partially if not completely settled by Jews. The importance of Jewish settlement in defining the political borders of Jerusalem was revealed by then Israeli Colonel Moshe Dayan, who ordered that the southern neighborhoods of Talpiyot, Ramat Rachel, and Abu Tor be settled with immigrants in order to prevent a "breach," thus undermining Israel's territorial claims during negotiations over borders.¹⁹⁶ In a matter of months, West Jerusalem had been transformed from a mixed-urban setting into one where the Jewish presence (and Palestinian absence) was virtually absolute.¹⁹⁷ Only 750 individuals of the entire non-Jewish [sic] population remained in West Jerusalem and, of those, 550 were Greeks who continued to live in their houses in the German and Greek colonies.¹⁹⁸ The remaining 200 comprised, if one takes the median population estimate for Palestinian residents of West Jerusalem and the western villages, less than 0.33 percent of the original Palestinian population of the city. The displacement of Palestinian residents, particularly in terms of land where Jews increased their territorial claim nine-fold including the Palestinian villages that were incorporated into the city, significantly strengthened Jewish settlement in Jerusalem.

As with property and land elsewhere in Israel owned by displaced Palestinians, it was later "legally" transferred to the state, consistent with the government's June 1948 decision not to take back Palestinian residents (now refugees) of the city. During the initial stages of the 1948 war, the Committee for Arab Property, nominated by the Haganah High Com-

1967 Settlements in East Jerusalem



SOURCE: I. Matar (revised 1-96)

From Matar, *Jewish Settlements, Palestinian Rights, and Peace*

First Wave in 1968 - 1,200 acres seized

- B. Mount Scopus (Hadassah Hospital and Hebrew University expanded from pre-1967 enclave).
- C. Jewish and Moghrabi Quarters (expanded to four times 1948 size, 2,300 Jewish settlers in 1994).
- D. Attarot Industrial park (400 acre tract for Israeli industries).
- E. French Hill, Ramot Eshkol, Ma'aleh Dafna, and Mt. Scopus (first Israeli housing colonies in East Jerusalem, population of 20,300 settlers in 1994).

Second Wave in 1970 - 3,100 acres seized

- A. Neve Yaacov (19,300 Israeli settlers in 1994).
- F. Ramot (most developed of existing colonies, with a population of 37,900 in 1994).
- G. East Talpilot (built on private Palestinian land and in former UN zone, 18,000 settlers in 1994).
- H. Gilo (30,200 settlers in 1994).

Third Wave in 1980 - 1,100 acres seized

- I. Pisgat Ze'ev (30,900 Jewish colonizers in 1994. Construction expanding to increase Jewish settlers to 50,000 by 1995).

Fourth Wave in 1991 - 470 acres seized

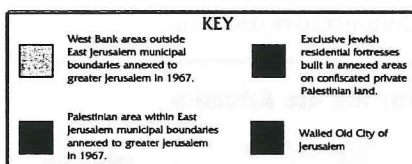
- X. 9,000 apartments approved in April 1995 for Har-Homa a new Jewish settlement.

Fifth Wave in 1992 - 500 acres seized

- J. Ramat Shu'fat, (2,100 units to be completed by the end of 1995. Expected 15,000 Jewish settlers).

Sixth Wave in 1995 - 150 acres seized

For adding 7,000 units to the existing settlements of Pisgat Ze'ev and Ramot.



mand, assumed responsibility for some 10,000 homes, not to mention businesses and movable property, left behind by Palestinian residents of the city.¹⁹⁹ In June 1948, the Provisional Government passed the Abandoned Areas Ordinance that authorized the creation of regulations for "the expropriation and confiscation of movable and immovable property, within any abandoned area."²⁰⁰ Several weeks later, Ben Gurion appointed the first Custodian of Abandoned Property to administer the movable and immovable property that had fallen into Israeli hands during the war, including some 65,000 urban housing and business properties.²⁰¹ The "legal" means to transfer ownership of the property from its Palestinian owners to the state of Israel came with the

adoption of the Absentees' Property Law in March 1950.²⁰² At most, 1,000 dunums of West Jerusalem land, or about 0.05 percent, remained in Palestinian hands after 1948.²⁰³

Since 1967, East Jerusalem has been the primary focus of Israeli settlement. Today there are 15 settlements made up of more than 67,000 government-subsidized housing units. These settlements are located within the 1967 expanded borders of East Jerusalem on 29,000 dunums of expropriated land that the 1968 Israeli Jerusalem Master Plan noted was mostly privately owned by Palestinians.²⁰⁴

Matar places the value of the expropriated land on which the settlements were built at more than \$1 billion.²⁰⁵ The current population of East Jerusalem settlements is close to

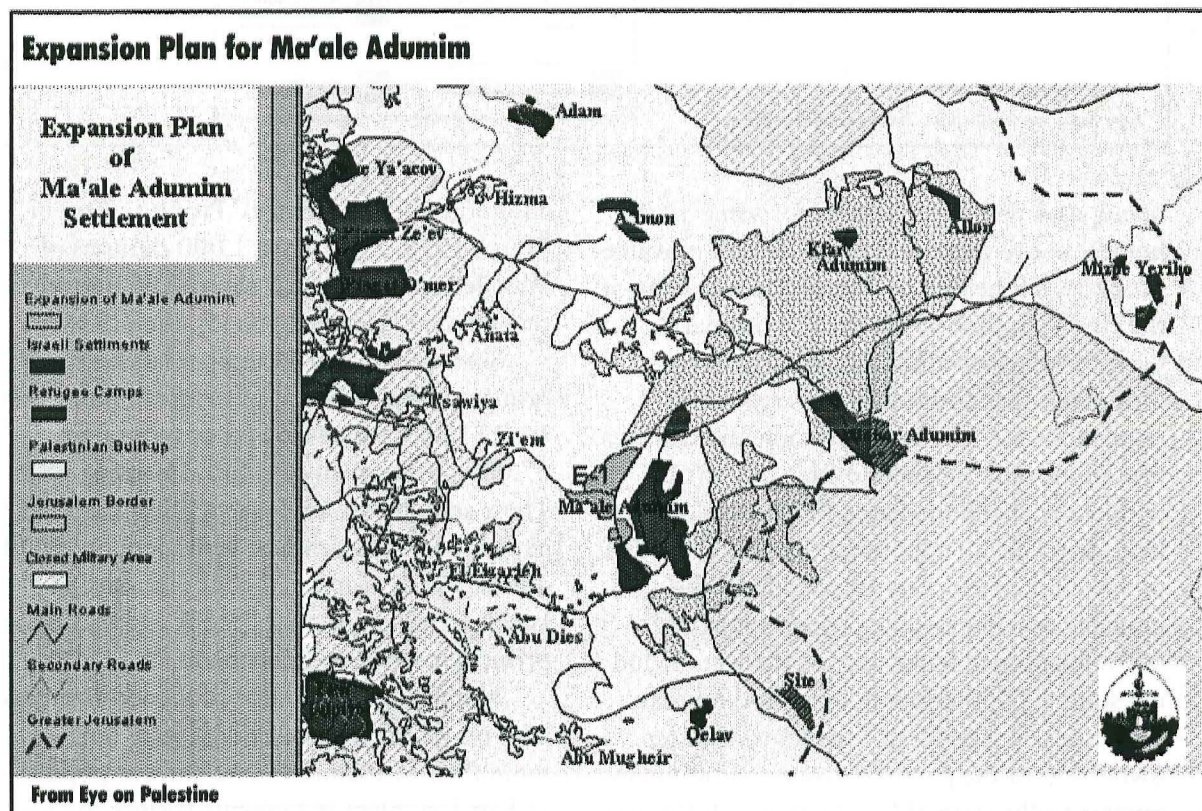
200,000 — an increase of 25 percent, or 50,000, since 1992.²⁰⁶ Israeli settlements in East Jerusalem account for 76 percent of the growth of the Jewish population in the city in the past three decades.²⁰⁷ In 1995, 55 percent of the city's population lived in areas added to Jerusalem in 1967, and 48 percent of this population was Jewish.²⁰⁸ Currently there are more Israeli settlers inside the expanded municipal borders of East Jerusalem (not including Greater Jerusalem) than in the West Bank and Gaza Strip combined.²⁰⁹

In Jerusalem, settlements have served the same purpose and have been established by means similar to those used throughout the other Occupied Territories. The *Local Town Planning Scheme for Jerusalem – 1978*, outlines the objective of Israeli settlement in East Jerusalem:

Every area of the city that is not settled by Jews is in danger of being detached from Israel and transferred to Arab control. Therefore the administrative decision

regarding the areas of municipal jurisdiction must be translated into practice by building in all parts of that area, beginning with its remotest sections.²¹⁰

Israeli settlement in East Jerusalem has thus taken place in four primary areas. Following the occupation of East Jerusalem in 1967, the first priority of settlements was to “mend the gash” between Israeli West Jerusalem and the areas in East Jerusalem that remained under Jewish control but existed as isolated enclaves (i.e., Mt. Scopus) during the 19-year division of the city.²¹¹ In the Old City, approximately 650 Palestinians were expelled from the Maghrabi Quarter that was bulldozed to create a large plaza in front of the Western Wall of the Haram Ash-Sharif.²¹² Some 4,000 Palestinians also were expelled from the Jewish Quarter which was greatly enlarged by the expropriation of 29 dunums in 1968.²¹³ Included in the expropriation were 1,048 apartments owned by Palestinians and 437 workshops or commercial stores.²¹⁴ Settlements were then strategically



placed in rings within the expanded borders of East Jerusalem and in the metropolitan area of the city in the West Bank in order to physically isolate Palestinian East Jerusalem from its natural West Bank hinterland. More recently, settlements have been established in the heart of Palestinian neighborhoods both in and outside the Old City.

While the occupation of East Jerusalem in the 1967 war enabled Israel to gain control of the territory and greatly expand the borders of the eastern part of the city to include a total of 70,000 dunums (the Jordanian municipality consisted of 7,000 dunums), expropriation has been by far the most effective means used by Israel to acquire land for settlement in East Jerusalem. Shortly after the occupation of the city, former Jerusalem Mayor Teddy Kollek stated that, "If there isn't [state land], then the state will have to decide on land confiscations or purchase to build [Jewish housing in East Jerusalem]." ²¹⁵ This principle was embodied in the 1968 *Jerusalem Master Plan*:

The effective development of the city will apparently require the expropriation of substantial areas, or the application of special laws which will require development in the formats and at the times that will be determined by the city's public planners. ²¹⁶

According to Israeli government figures, there have been six major expropriations in East Jerusalem since 1967. In a recent legal case challenging land expropriation in the city, the state acknowledged that "the purpose of the expropriations was to create land reserves for replanning of extensive sections of Jerusalem [i.e., settlements]..." ²¹⁷ In the largest expropriation in August of 1970, which consisted of half of all land expropriated since 1967, ten square kilometers out of a total of 12.28 square kilometers was owned by Palestinians while the rest was classified as Jewish- and Jordanian-owned land. ²¹⁸ The latest expropriation occurred in May of 1991 for the construction of Har Homa settlement. ²¹⁹

Expansion of settlements in the "Greater Jerusalem" area also required large-scale expropriation of Palestinian-owned land. The Israeli concept of Greater Jerusalem includes some 40 settlements in the West Bank, including major settlements such as Ma'ale Adumim, Givat Ze'ev, and Efrat, and covers between 15 and 20 percent of the total area of the West Bank. ²²⁰

In the midst of planning for the construction of Jewish settlements in this area, the Israel Lands Administration (ILA) discovered that only 400 dunums could be classified as state land. ²²¹ The settlements in the Greater Jerusalem area are some of the largest Israeli settlements in the Occupied Territories. In 1996 the Greater Jerusalem area settlements accounted for more than one-third of the West Bank settler population of 150,000. ²²²

Ma'ale Adumim is the largest with a population of nearly 20,000 settlers followed by Givat Ze'ev with 8,000 settlers and Efrat with 5,700 settlers. Givat Ze'ev and Efrat grew by 12 and 8 percent, respectively, in 1996, which is equal to or above the average 1996 growth rate of the settler population. ²²³ Some 50 percent of all current settlement construction in the West Bank, however, is at Ma'ale Adumim. ²²⁴ The 1998-99 settlement plan of the Ministry of Construction and Housing calls for the construction of an additional 6,876 new units in the Greater Jerusalem area. ²²⁵ Given the high number of proposed units for ultra-orthodox families, an increase in 30,000 settlers in the Greater Jerusalem area would appear to be a conservative estimate for the population growth due to these new units. New plans for Ma'ale Adumim released by the Ministry of Trade and Industry in 1997 call for the construction of a new industrial park to fill in the area between the settlement and settlements in East Jerusalem. ²²⁶ Master Plan no. 4751 outlines a scheme to dig a tunnel beneath Mt. Scopus in order to connect Ma'ale Adumim into the road circuit developed for

East Jerusalem settlements and into the city.²²⁷

The Greater Jerusalem area has been targeted for annexation to Israel. However, Israeli planners face the problem that if the present borders are moved into the West Bank, the demographic balance would be significantly altered due to the large Palestinian population living in the East Jerusalem hinterland. The Israeli "solution" to this demographic "problem"²²⁸ may be found in the National Blueprint of the Interior Ministry, which estimates a decrease of 7,500 Palestinians in this area by the year 2020.²²⁹ Given the high Palestinian birthrate and steady annual population increase, the blueprint, according to a report in the Israeli newspaper *Kol Ha'ir*, "would seem to signal a massive, albeit gradual, population transfer."²³⁰

As with the change in settlement policy under the Likud in 1977, which saw the development of settlements around and within Palestinian areas in the West Bank, the Jerusalem municipality, in cooperation with the Likud governments of former prime ministers Yitzhak Shamir and Benjamin Netanyahu, has more intensively sought to construct Jewish settlements in the heart of existing Palestinian neighborhoods. MK Benny Elon (Molodet), summarizes the Israeli rationale for settlement in these neighborhoods:

The problem is that the Jews all live on the periphery. There are [almost] no Jews in the true, historic core of Jerusalem — the Old City and the adjacent neighborhoods, including A-Tur, Silwan and Wadi Joz. There is a danger that what the Arabs call al-Kuds will become a Palestinian city because of the distribution of the population.²³¹

Elon, who helped arrange the acquisition of the house and gardens that belonged to the Armenian Archbishop Shaha Ajamian on the Mount of Olives in 1997, is active in coordinating the purchase and occupation of Palestinian property in East Jerusalem.²³² Areas targeted for Israeli settlement in Palestinian East Jerusa-

lem are Beit Orot, Ras el-Amud, Silwan, Kerem al-Husseini, Abu Dis, Mamounia, the Muslim Quarter and Saint John's Hospice in the Christian Quarter. In Ras al-Amud, for example, approval of the town planning scheme for Palestinian residents of the neighborhood was linked by current Interior Minister Eli Suissa (then head of the Jerusalem Planning Committee) to approval of plans for an Israeli settlement in the center of Ras al-Amud on land purchased by the American Dr. Irving Moskowitz.²³³ In September 1997, four settler families moved into buildings "purchased" by Moskowitz, initiating another crisis in the political process.²³⁴ The Israeli government and the settlers eventually negotiated a deal in which the settler families were replaced by Yeshiva students, thereby giving the appearance to the international community of Israeli concession while consolidating Israeli presence in the Palestinian East Jerusalem neighborhood. Within the Old City there now are more than 50 Jewish settlements outside the enlarged Jewish Quarter.²³⁵

However, it was not only the construction of settlements in the eastern part of the city that made Israeli settlement in Jerusalem appear so successful. The demographic problem as described by Israeli planners was partially alleviated by denying the right of return to Palestinians absent from the city for the first Israeli census conducted after the occupation in 1967.²³⁶ More recently, the Israeli Ministry of the Interior has withdrawn ID cards from Palestinian East Jerusalem residents as part of a policy to decrease the Palestinian population of Jerusalem.²³⁷ At the same time, the impact of large-scale settlement projects was consolidated by discriminatory planning and development policy such as building restrictions, the absence of zoning plans, and a significantly lower investment in infrastructure in Palestinian areas of the city that restricted the potential growth of the Palestinian population in East Jerusalem. According to Amir Cheshin, the former advisor

on Arab Affairs to former Jerusalem Mayor Teddy Kollek, the demographic balance between Palestinians and Jews in Jerusalem is preserved by the planning and building laws which place "obstacles" in the planning and development process for Palestinians.²³⁸ Moreover, the planned growth of Israeli settlements is acknowledged to be determined not necessarily by Jewish housing needs but by the actual growth rate of the Palestinian population in the city.²³⁹

Within municipal boundaries of Jerusalem, only 13.5 percent of the land has been zoned for Palestinian housing and infrastructure, but much of this area is already built up.²⁴⁰ Palestinian building, furthermore, is restricted by the absence of town-planning schemes, long delays in preparing town-planning schemes, denial of building permits, low housing density ratios compared to Israeli settlements, and a reduction of the area in which existing Palestinian neighborhoods can expand. Under the Partial Regional Master Plan 1/82 for the Jerusalem District, the projected Palestinian population for the year 2002 is estimated at 272,000. This actually was less than the 275,000 Palestinians residing in the area at the time that the plan was drawn up.²⁴¹ Not a single housing unit for Palestinians has been built with public funds on the 33 percent of East Jerusalem land expropriated since 1967.²⁴² While Palestinian homes and structures built without a license are routinely destroyed, former municipal planner Sarah Kaminker discovered that building violations in West Jerusalem that involved more floor space — and usually involved commercial properties — were routinely approved retroactively. Kaminker could not find one case of retroactive approval in East Jerusalem.²⁴³ In August 1997, 19 Palestinian homes were demolished in East Jerusalem, the highest number of homes demolished in a month since Israeli authorities demolished the Moghrabi Quarter in 1967.²⁴⁴ According to the 1986 *Development Plan for the Arab Sector*, Palestin-

ian areas of high visibility, particularly to tourists, are accorded the highest priority in development.²⁴⁵

A large settler population also has been attracted to settlements in Jerusalem because of economic incentives in addition to the convenient and accessible location of the settlements due to the construction of bypass roads and tunnels. Since 1981, 83 percent of all government investment in the Occupied Territories has been directed to the bedroom communities near Jerusalem and Tel Aviv.²⁴⁶ In Jerusalem, a new four-room apartment costs around \$350,000.²⁴⁷ In Givat Ze'ev, a settlement in the metropolitan region of Jerusalem, a free-standing four-room cottage is \$150,000 and is only 12 minutes from downtown Jerusalem.²⁴⁸ Historically, Jerusalem has lacked a strong industrial base and has therefore relied on a strong service industry. In order to "pull" more Jewish Israelis to Jerusalem, successive governments have attempted to develop industry in Jerusalem and preserve the character of the city for the tourist industry. Much of the terrain of the city is unsuitable for industrial development. However, expropriation and Israeli development of the Greater Jerusalem area have created opportunities for industrial development. This investment is encouraged by government subsidies. For example, the industrial area of Ma'ale Adumim in 1995 enjoyed the highest level of state subsidy. Floor space runs around \$3.50 to \$5.00 per square meter, whereas similar space runs around \$8 to \$25 per square meter in Jerusalem.²⁴⁹

As an example of its continuing commitment to settlement in Jerusalem, the Jerusalem City Council on April 1, 1997, allocated \$90,000 to plan a new Jewish settlement of 280 units in the annexed portion of Abu Dis.²⁵⁰ Six months earlier, the municipality approved \$160,000 for further study of the "Eastern Gate" settlement construction plan that includes the area between Ma'ale Adumim and the expanded borders of East Jerusalem.²⁵¹

These projects are consistent with plans by the government to increase the Jewish population of East Jerusalem to 80 percent and expand the borders of Greater Jerusalem.²⁵² Interior Minister Suissa's acknowledged strategy of reducing the number of Palestinians in East Jerusalem is part of this overall plan to alter the demographic shape of Jerusalem.²⁵³ After years of neglect, the Israeli municipality recently announced the investment of approximately \$40 million in East Jerusalem.²⁵⁴ In an interview on Jerusalem Day (1997) Mayor Ehud Olmert explained his support for the investment: "I said from my first day in office that we have to meet the legitimate needs of the Arabs. It's incumbent upon us to do this." However, Olmert continued, "Jerusalem is not going to be the city which absorbs Arab immigration from all over the world. But it is going to absorb Jewish immigration from all over the world. [...] we must build for Jewish immigrants from all over the world."²⁵⁵ The mayor's commitment to the Palestinian population of East Jerusalem should also be judged in the context of comments delivered in 1990 when Olmert was in the Likud cabinet in charge of Israel's Palestinian population: "Ninety-nine percent of the Israelis [Israeli Jews] are saying in the secret of their hearts: if it was possible to pulverize [or dust] them [Israel's Arabs] out of here, it would be preferable."²⁵⁶ Olmert's characterization of Israeli public opinion is questionable but the comment is nonetheless revealing of Olmert's attitude toward the Palestinian population. According to Danny Seideman, an Israeli lawyer and expert on Jerusalem, the investment only "scratches at the edges" of the problem and it is not clear that the plan will be implemented. "Under the assumption that every penny of this will be expended in the next year," states Seideman, "that means that the government investment per capita will go down from 1-to-6 to 1-to-4, so one is not talking about affirmative action by any means but a one-time attempt to narrow

the gap..."²⁵⁷ The equity of the Israeli government investment in Palestinian neighborhoods in East Jerusalem also can be judged against its 1997 allocation of more than \$300 million for the construction of one Israeli settlement — Har Homa — in East Jerusalem.

Har Homa is being constructed on a hill known as Jabal Abu Ghnaim within the 1967 expanded borders of East Jerusalem. Prior to the beginning of construction in March 1997, some 60,000 pine trees, partially planted by the Jordanians before 1967 and later by Israelis, were uprooted.²⁵⁸ Until the 1991 confiscation order issued by the Likud government of Yitzhak Shamir, the area, which had been part of the Bethlehem district prior to the 1967 Israeli occupation, was considered a "green" area, which prevented its development. According to a report by the Applied Research Institute in Jerusalem, the area is an "ecological reserve in an area characterized by a deteriorating environment and increasing desertification."²⁵⁹ While a 1962 Israeli law known as the Forest Ordinance classifies pine trees as protected trees, the construction of Har Homa to date has required the massive destruction of the pine-covered hill. Construction of the settlement, however, had been delayed for six years while Palestinian landowners and nearby communities contested the new settlement in the Israeli court system. Even though the land was confiscated for public purpose, the settlement development plan calls for 6,500 units with an estimated population of 30,000 to 40,000 Israeli Jews and will not benefit the local Palestinian public. Har Homa will deprive the Palestinian communities of Bethlehem, Beit Jala, and Beit Sahour of some of the last remaining areas to accommodate natural growth and will effectively close the ring of Israeli settlements around East Jerusalem.

Impact Assessment of Settlements

The continued expansion and construction of Israeli settlements in the Occupied Territo-

ries is at odds with a peaceful and just resolution of the Israeli-Palestinian conflict. This is evident both in the negative political impact of settlements and in the severe repercussions Israeli settlement has had on Palestinians living in the territories. There are no comprehensive studies that examine in detail the social, economic, environmental, and psychological impact of Israeli settlement in all of the Occupied Territories since 1967. However, a cursory review of several indicators, specialized reports, and anecdotal evidence leaves little doubt that the impact has been and continues to be severe, not only in terms of daily life, but also with regard to the future.²⁶⁰ For those who visit the Occupied Territories, the visual impact alone is sufficient evidence of the damage created by Israeli settlement activity. The Oslo Accords have unfortunately exacerbated an already grave situation on the ground. They stipulated that settlements would remain in place in one largely contiguous block of territory (Area C in the West Bank, all of Jerusalem, and the northern, central, and southern blocks of Gaza connected by roadways) increasingly connected with Israel, under whose rule settlements have expanded. While the impact of settlements on the current political process is well covered by frequent analysis, this final section of the report attempts to highlight both the current and potential impact of Israeli settlements in the Occupied Territories on the lives of Palestinians and the chances for a peaceful resolution of the conflict.

Overall, one of the most striking features of Israeli settlement for the past three decades is the demographic reconfiguration of the territories and the dramatic shift in resource distribution. Since 1967, Israel has acquired control of 70 percent of the West Bank, 40 percent of the Gaza Strip, and 86.5 percent of East Jerusalem.²⁶¹ According to Matar, 95 percent of land seized for the construction of Israeli settlements was privately owned by Palestinians, while only 5 percent could be classified as public.²⁶² From

September 1993, when the Oslo Agreement (Declaration of Principles) was signed, to September 1996, more than 121,000 dunums of land have been confiscated, including 26,597 dunums of land for direct settlement.²⁶³ In the territories occupied in 1967, there are approximately 180 Israeli settlements with a population of more than 350,000 settlers.²⁶⁴ While Israel transferred its own citizens into the Occupied Territories, Palestinians living in areas targeted for current and future settlement expansion or settlement-related activity (i.e., bypass roads, etc.) have been displaced from their land and from their homes. The destruction of agricultural land, demolition of homes, and restrictions (discrimination) in planning and development have increasingly forced Palestinians into controlled, noncontiguous territorial pockets beyond which they cannot expand. At the outset of the current peace process, an Israeli Civil Administration report revealed that the 398 Palestinian communities in the West Bank have access to 273,240 dunums — less than 5 percent of the West Bank.²⁶⁵ In terms of overall land usage, the 144,000 settlers in the West Bank have access to 3,850 square kilometers or about 1,000 settlers per 27.5 square kilometers while the 1.1 million Palestinians in the West Bank have access to 1,950 square kilometers, or about 1,000 Palestinians per 1.77 square kilometers.²⁶⁶ In 1993, the Gaza settlement population made up one half of one percent of the total population of the Gaza Strip. Per capita, Gaza settlers had 73 times more land to live on than Palestinians living in built-up areas outside the Strip's refugee camps and 699 times more land per capita than each refugee camp resident.²⁶⁷ In East Jerusalem, 180,000 Palestinians have access to approximately 9,450 dunums of land, while 200,000 Israeli settlers have access to 60,550 dunums.

More than 5,900 Palestinian homes have been demolished in the Occupied Territories, excluding East Jerusalem, since 1967.²⁶⁸

Approximately 2,500 homes have been demolished in East Jerusalem.²⁶⁹ Thousands of additional homes throughout the entire Occupied Territories are currently targeted for demolition. The location of these homes is primarily in Area C, which remains under full Israeli control. However, there are reported cases of demolitions in Area B, and often near Israeli settlements, bypass roads, or the Green Line, which suggests that the political motive behind the demolitions is to clear land for future settlement development. After completing a partial mapping of the demolished homes, a recent study outlined six apparent reasons for house demolition.²⁷⁰ These include:

1. stopping natural growth of areas built up by Palestinians in West Bank towns and villages;
2. clearing ground for the establishment of new colonies [settlement] and expansion of existing ones;
3. reserving land for colony infrastructure including roads, industries and recreational centers;
4. reserving West Bank land for transnational highways or regional roads between Israel and Jordan;
5. cleansing the Jordan Valley and Eastern Slopes of its non-Jewish inhabitants to make way for a master plan expansion as indicated in the Allon Plus Plan;
6. altering the "Green Line" so that West Bank lands close to the border and with a small Palestinian population can be easily annexed to Israel.

In many cases, more than one home from the same extended family has been targeted for demolition.²⁷¹ Approximately 90 percent of Palestinians in Gaza and the West Bank consider themselves to be living in crowded conditions, due in part to house demolitions and the restrictions placed on Palestinian development.²⁷² A 1994 report by the Jerusalem Media and Communications Center reported that

13,500 families were rendered homeless in 1992 due to Israeli policies in the Occupied Territories.²⁷³ Since the beginning of 1997, the Israeli Civil Administration has bulldozed encampments and served eviction notices to nearly 1,000 Bedouin families in the West Bank.²⁷⁴

Israeli settlements interfere with the basic right of Palestinians to adequate shelter. As Israeli settlements continue to expand, will housing conditions for Palestinians continue to deteriorate? Will Palestinian families continue to be deprived of the right to live in their own homes? How long can the limited territorial pockets to which Palestinians have been confined continue to support a population with an estimated growth of 5 percent per annum?²⁷⁵ In 1974, then Prime Minister Yitzhak Rabin spoke about creating "in the course of the next 10-to-20 years conditions which would attract natural and voluntary migration of the refugees from the Gaza Strip and the West Bank back to Jordan..."²⁷⁶ Will future generations of Palestinians from the West Bank, East Jerusalem, and Gaza be forced in ever-larger numbers to emigrate to find adequate shelter? Even if some Palestinian refugees are permitted to return to the Occupied Territories, will there be enough space to absorb more than a token return under present territorial arrangements?²⁷⁷

The subdivision of the territories into Areas A, B, and C, along with the military closure of Jerusalem since March 1993, has further obstructed trade, transportation, and communication for Palestinians. The confiscation of land for the construction of settlements and bypass roads to serve settlements has resulted in the loss of large amounts of agricultural land as well as several large stone quarries.²⁷⁸ Current bypass roads exceed 276 kilometers in length while planned roads would add an additional 452 kilometers.²⁷⁹ If the requisite land for a buffer zone is included, these roads will require a total confiscation and destruction of 27,300 acres of land.²⁸⁰ In order to secure Jewish travel

along these roads, only Israeli enterprises, including service-oriented businesses, will be allowed.²⁸¹ A year after the construction of bypass roads was linked to the withdrawal of Israeli forces from parts of the West Bank in 1995, the Israeli government had confiscated land for bypass roads at a rate more than seven times greater than the previous two-year period. Up to 1996, more than 80,000 dunums of land had been confiscated for the construction of bypass roads.²⁸²

Between September 1993, when the Oslo Accord was signed, and December 1996, 83,935 olive trees were uprooted by settlers and the Civil Administration.²⁸³ Since the beginning of the intifada, more than 200,000 fruit-bearing trees have been uprooted by the Israeli military and settlers.²⁸⁴ In the West Bank, Palestinians have access to only 19 percent of the water from the underground aquifers, while 75 percent of the Jordan River waters are diverted to Israel before it reaches the West Bank.²⁸⁵ In Gaza, Israel is pumping 6 million cubic meters of water, or about 1,000 cubic meters per settler as opposed to 172 cubic meters per Gazan.²⁸⁶ At the same time, raw sewage continues to be pumped from settlements into the natural environment of the territories. Thousands of Palestinian farmers have been displaced due to settlement construction. In Beit Dajan, for example, the expropriation of 80 percent of the village's prime arable land has rendered 90 percent of the 200 Palestinian inhabitants partially or completely landless.²⁸⁷ In April 1997, villagers of Beit Dajan received evacuation notices that will force them out of their homes.²⁸⁸ The construction of the Hebron-Halhoul bypass road resulted in a Palestinian farmer losing land on which 12,000 heads of cabbage worth \$9,000 were planted.²⁸⁹ The Israeli Defence Force offered the family less than \$100 in compensation. Previous road construction destroyed \$9,000 of the family's grape vines.²⁹⁰

Israeli settlements interfere with the basic

right to an adequate standard of living for Palestinians in the Occupied Territories. The confiscation of land and construction of settlements, two major elements of the Israeli occupation, hamper and prevent effective and efficient development of the Palestinian economy, engendering a process characterized by Sara Roy as "de-development." Between 1992 and 1995, for example, GNP per capita fell from \$500 to \$390.²⁹¹ Unemployment in the West Bank and Gaza hovers around 40 percent, with the per-capita gross GDP at \$2,175 in the West Bank and \$1,131 in Gaza.²⁹² With continued land confiscation, what will happen to the Palestinian economy, where agriculture still accounts for about 30 to 35 percent of Palestinian GDP and that, for many Palestinians, plays a supplementary role in the household economy?²⁹³

Can Palestinians build a self-sufficient economy when they are confined to discontinuous territorial zones that can be isolated by military closure? Is it possible to build a self-sufficient economy when key resources like water, land, fruit-bearing trees, or rock quarries are either inaccessible or destroyed? With unemployment already hovering around 40 percent, where will the future labor force find work? More than 46 percent of the West Bank and Gaza population is under the age of 15.²⁹⁴ Will it be possible to economically absorb Palestinian refugees? A study by the International Labor Organization projected a shortage of 90,000 jobs based on the return of 500,000 refugees by the year 2000.²⁹⁵ Will the environmental impact of Israeli settlement hamper the development of a healthy economy and healthy labor force? What is the economic cost of confiscated land (both its market value and productive capacity), damaged crops, and demolished homes? Can an economic value be attached to the psychological impact of settlement?

Under the Oslo Accords, Palestinian communities have been more severely isolated than

at any time since the beginning of the occupation. The isolation is most severe between Jerusalem and the West Bank/Gaza Strip and between the Gaza Strip and the West Bank. Within the West Bank, Palestinian communities are surrounded by Area C, which remains under Israeli territorial control and is increasingly hemmed in by the rampant growth of bypass roads serving the settlements. At times, families are isolated. Travel to East Jerusalem, including for religious purposes, is all but impossible for most Palestinians of the West Bank and Gaza on most days of the year.

Individually, the number of acts of aggression by small but potent segments of the settler population against Palestinians rose in 1996 and included physical assault, murder, attacks on property, seizing of lands near settlements, blocking roads, and terrorizing Palestinian citizens.²⁹⁶ Several case studies from the 1996 LAW Annual Report illustrate the impact of these settlers on the Palestinian population. On September 24, a young Palestinian laborer suffered waist, chest, and knee fractures after a Jewish settler in a car tried to run him and three co-workers down. In Jericho, which was transferred to Palestinian control under the Cairo agreement, a group of 13 Jewish settlers arrived at a restaurant on October 25, 1996, with their own food and mattresses and attempted to hold prayers in order to seize the property. On November 2, 1996, settlers from Kiryat Arba attempted to burn down a nearby Palestinian home with a firebomb while the family was sleeping.²⁹⁷ The quantitative social impact of settler violence on the emotional and mental well-being of Palestinian individuals — particularly children — as well as families requires more documentation. The psychological impact also requires more study, but anecdotal evidence suggests its impact is no less severe:

... after soldiers have taken position around the house, an officer would approach the head of family to inform him that he has a

two-hour grace period to get all belongings and furniture out. Distraught family members would then rush to get some of their valuables out. A crying wife would beg an empathetic army officer to spare the home the family so laboriously built brick by brick and spent all their life savings on, but to no avail, because "we are only carrying out orders." As the deadline approaches, and all hope of saving the home fades, a child, returning from school and not knowing what is going on, would make a last dash into the home before it becomes a pile of debris in order to get his favorite toy or storybook.²⁹⁸

Israeli settlements interfere with the right to health, both psychologically and physically, of Palestinian individuals and communities in the Occupied Territories. The settlements also affect relations with Israel. Palestinian and Israeli commentators raise concerns about the potential for political instability caused by the settlements.²⁹⁹ In an essay on settlements and boundaries, David Newman, an Israeli professor of political geography, states, "The existence of enclaves, safe passages, bypass roads, territorial corridors, 'cross citizenship' and the like are the instant recipe for instability and short-term disaster."³⁰⁰ How will this affect the development of a healthy society? Will this further impair efforts toward a peaceful and just resolution not only at the political level but between people at the grassroots?

Jerusalem is, to a large extent, a microcosm that illustrates the larger impact of Israeli settlement. Israeli settlements in East Jerusalem confine and restrict Palestinian growth in the city to limited and noncontiguous areas, not unlike the result of settlement construction in the West Bank. Combined with severe planning restrictions, the Palestinian population is facing a 21,000-unit housing shortage, according to former municipal planner Sarah Kaminker.³⁰¹ Coupled with significantly higher birth rates among Palestinian families, these planning and development "restrictions" have forced thou-

sands of Palestinians to relocate outside the municipal boundaries of the city, which then subjects them to losing their right to live in the city.³⁰² A survey about housing conditions in East Jerusalem revealed that Palestinian Jerusalemites suffer from severe overcrowding. In addition, 10 percent of the survey sample live in tents due to house demolitions and another 25 percent suffer psychological problems related to house demolitions.³⁰³

Settlements in Jerusalem and the surrounding areas also isolate East Jerusalem from its natural hinterland in the West Bank. The expansion of settlements in the Greater Jerusalem area eventually will prevent territorial contiguity between the northern and southern West Bank. According to a recent report, the development of Ma'ale Adumim, on 4,000 dunums will effectively close Wadi Nar road, which at present is the only route around Jerusalem for Palestinians.³⁰⁴ Recent attempts to construct settlements in the heart of Palestinian neighborhoods, if successful, may eventually force Palestinians out of their neighborhoods.³⁰⁵ Meanwhile, Mayor Olmert appears to be more concerned about an approximate 3 percent increase in proportion of the number of Palestinians in the city compared to Jews, which is forecast to be a decade away. Responding to a recent study by the Jerusalem Institute for Israel Studies, which projected a Palestinian population of 31 percent in the city by the year 2010, Olmert stated, "There is a danger that the changing proportions of Jews and Arabs in this city will add to the already strained relations between the two groups, and that worries me."³⁰⁶

Israeli settlements physically sever the basic attachment of Palestinians to Jerusalem and mask the diverse character of the city. The fact that, despite immense expenditures in settlement construction and severe restrictions on Palestinian growth, the percentage of the Jewish population in the city as a whole has declined by 3.3 percent since 1967 is a mea-

sure of how Jerusalem might develop under natural rather than engineered conditions.³⁰⁷ With the rapid expansion of settlements in the Jerusalem area, will the city lose its historic Arab character? How long will it be before there is no space left inside the city for the growth of the Palestinian population of the city? What will happen to the West Bank economically, socially, politically, and religiously if it is totally cut off from Jerusalem and if settlement development through Ma'ale Adumim and beyond further divides the West Bank into a northern and southern sector? Will the Palestinian presence in the city be no more than a museum piece for tourists to the Holy Land?

Conclusion

The current expansion of settlements, their historical growth, and the impact of Israeli settlements, both politically and from a human perspective, form a solid basis for the demand by both Israeli and Palestinian NGOs active on the issue of settlements for an immediate cessation of all settlement activity. Rather than preparing for withdrawal from the territories in exchange for peace under the Oslo framework, settlement practice suggests that both Labor and Likud governments are solidifying their control over the Occupied Territories in an attempt to predetermine the outcome of any negotiation process concerning the final status of the Gaza Strip and the West Bank, including East Jerusalem. The failure of the Oslo peace process with regard to settlements points to the importance of international law as a basic framework of principles from which to work toward a peaceful resolution of the Palestinian-Israeli conflict.

This report has not given a great deal of attention to U.S. policy. However, the impact of Israeli settlements, and the ineffectiveness of the U.S. approach to date, particularly during Oslo, points to the need for a clear change in direction in U.S. policy toward one that is more

clearly rooted in the application of the principles of international law with equal respect for both parties.

The continuation of settlement expansion, even under Oslo, illustrates how deeply embedded settlement is within the historical and current Labor and Likud political movements. While labels often are not helpful in the resolution of highly political and emotional conflicts, understanding the basic nature of Israeli settlement will be of great assistance in continued grassroots efforts. Some questions to consider include the following: Is settlement more of an economic issue than an ideological issue? If not, is settlement inherently colonialist? Is the central doctrine that was established by early Jewish settlement still relevant to the state of Israel today? Is it possible to separate Jewish ownership of land from national sovereignty? Is settlement central to political Zionism? Can Israeli settlement and a just peace co-exist?

Finally, the division and isolation caused by settlements points to the need for joint efforts, between Palestinians, Israelis, and internationals in seeking an end to the settlement of occupied territory. More concrete recommendations for action can be obtained from the American Friends Service Committee.

Notes

¹The Oslo Accords refers to the Declaration of Principles (1993), the Agreement on the Gaza Strip and Jericho (1994), and the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip (1995).

²These recommendations are published separately and can be obtained from the American Friends Service Committee.

³What Israel achieved with Oslo under Labor is not so different from what Likud under Begin envisioned during the Camp David process as the status for Palestinians. Shehadeh, writing about Camp

David autonomy provisions, could well be writing about the Oslo Accords. "The Israeli government views obligations under Camp David Accords as the 'withdrawal' but not the 'abolition' of the military government. The Military Command, in that view, continues to be the direct source of Authority for any 'self-governing administrative council' in the Area." (Raja Shehadeh, *The Law and the Land, Settlements and Land Issues Under Israeli Military Occupation*. Jerusalem: PASSIA, 1993, 98.) Writing about the Oslo Accords, Aronson states, "Israel would redeploy from the territories, but the military government would not be abolished and sovereignty under international law would continue to be vested in it. More significantly, the code of military orders that had hitherto formed the basis of the legal systems of the West Bank and Gaza Strip, and that established the legislative veneer for land confiscations, settlement activities, and the separate status of Israeli settlers, was to remain in force." (Geoffrey Aronson, *Settlements and the Israeli-Palestinian Negotiations, An Overview*. Washington, D.C.: Institute for Palestine Studies, 1996, 17.)

⁴According to the Taba Agreement (Oslo II) in 1995, the parties agreed to avoid taking "any step that will change the status quo of the West Bank and the Gaza Strip pending the outcome of permanent status negotiations." Article XXXI: 6 and 7. (Cited in *A Comprehensive Survey of Israeli Settlements in the Gaza Strip*. Gaza City: Palestinian Centre for Human Rights, 1997, 53.) Also, Agreement on the Gaza Strip and Jericho (1994) Article XXIII (Final Clauses) (7): "The Gaza Strip and the Jericho Area shall continue to be an integral part of the West Bank and the Gaza Strip, and their status shall not be changed for the period of this Agreement."

⁵Other permanent status issues include Jerusalem, borders, refugees, and water.

⁶Taba Agreement or Oslo II (September 1995) Annex III, Article 16, Government and Absentee Land and Immovables (3): "The Palestinian side shall respect the legal rights of Israel related to Government and Absentee land located in areas under the territorial jurisdiction of the Council." "This important clause," notes Aronson, "establishes continuing Israeli control over all state and absentee lands in Areas A and B. According to well-informed Palestinian sources, Palestinians have thus recognized Israel's legal right to control up to 90 percent of lands in Area B." (Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 19.) Also, Annex III,

Article 22, Land Registration (3) "The Palestinian side shall respect the legal rights of Israel."

⁷Agreement on the Gaza Strip and Jericho (1994) Article V (Jurisdiction) (3) a: "Israel has authority over the Settlements, the Military Installation Area, Israelis, external security, internal security and public order of Settlements, the Military Installation Area and Israelis ..."

⁸In 1994, former Prime Minister Rabin began linking the construction of bypass roads for the settlements with the continuation of the peace process, although the system of bypass roads was long regarded as a Likud-initiated plan. For more detail on the bypass roads, see *By-Pass Road Construction in the West Bank, The End of the Dream of Palestinian Sovereignty*. Jerusalem: Land and Water Establishment for Studies and Legal Services, February 1996.

⁹Article 49 of the 1949 Geneva Conventions states: "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." Also see the Hague Convention of 1907, Articles 46, 55, and 56. According to the study by the Palestinian Centre for Human Rights, the Fourth Geneva Convention remains applicable "until a comparable or higher standard of protection can be guaranteed either by an agreement coming into force which contains such guarantees, by an agreement which effectively ends the occupation and puts in place a system of national civil government, or until the population surrenders." (*A Comprehensive Study of Israeli Settlements in the Gaza Strip*, 51.) For another recent study on settlements and international law, see Yuval Ginbar, *Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects*. Jerusalem: B'Tselem, 1997.

¹⁰There is a large degree of ambiguity within U.S. policy toward Israeli settlements. While official U.S. policy is consistent with international law — under which Israeli settlements are illegal — the language used to describe settlements has increasingly been softened in the past several decades. The Clinton administration often refers to settlements as "unproductive," while the occupied territory on which settlements are established is called "disputed" territory. More recently, U.S. Secretary of State Madeleine Albright referred to settlements as "legal" during an interview on the NBC *Today* program (October 1, 1997). Albright went on to say that "it's

very important not to take actions that are viewed by the other side as creating more difficulties." The State Department clarified Albright's comments by stating that the Secretary was not speaking legally, only rather in the technical context of the Oslo Accords. Since 1993, the United States has annually subtracted several hundred million dollars from its housing loan guarantees to Israel as a penalty for Israeli expenditures in settlements. However, a large portion of the deductions has been refunneled to Israel in the form of other grants in aid. In any case, the United States now considers the Oslo Accords as the sole reference point for any discussion on settlements. For more on U.S. policy on settlements, see Geoffrey Aronson, *Settlements and the Israeli-Palestinian Negotiations*, Internet Edition (Washington, 1996), and Donald Neff, "Settlement in US Policy," *Journal of Palestine Studies*, vol. xxiii, no. 3 (Spring 1994): 53-69. Also see Jody Boudreault, Emma Naughton, and Yasser Salaam, eds., *US Official Statements: Israeli Settlements/The Fourth Geneva Convention*. Washington, D.C.: Institute for Palestine Studies, 1992. More recent U.S. statements on settlements can be found in *Report on Israeli Settlement in the Occupied Territories*, November-December 1997 (hereinafter referred to as *RISOT*, Foundation for Middle East Peace, edited by Geoffrey Aronson).

¹¹If the Israeli government's view toward settlements had changed (i.e., implementation of a cessation of settlement activity through the interim period and permanent status negotiations) the Accords might have elicited greater progress toward a just and peaceful resolution.

¹²*Jerusalem Post*, July 16, 1996, cited in *Settlers Against Palestinians*, by the *Palestine-Israel Journal of Politics, Economics and Culture*, Jerusalem, 1996, 10-11.

¹³The Allon Plus Plan demarcates continued Israeli control of Greater Jerusalem, the Jordan Valley, a security belt east of the pre-1967 armistice line, and Gush Etzion and illustrates the importance of settlements in unilaterally defining borders. This plan would encompass the majority of West Bank settlements and a significant proportion of land while fragmenting the remaining area into some nine Palestinian zones. The security belts along the Jordan Valley and the Green Line are envisioned to be 20 to 25 kilometers and 10 kilometers wide, respectively. The plan deprives Palestinians of most of their agricultural land, the fertile, water-rich Jordan Valley,

and natural grazing areas. (*Jerusalem Post*, Internet edition, June 5, 1997; *Jerusalem Post*, Internet edition, May 30, 1997; and, Leslie Susser, "On the Edge," *The Jerusalem Report*, April 17, 1997.) Numerous government plans for the Occupied Territories have been released since 1967. These include the Allon Plan (upon which the Allon Plus Plan is based), the Dayan Plan, the Rabin Plan, and the Sheeves Plan. Numerous unofficial plans by former and current government officials also have been released during the past three decades.

¹⁴Aronson refers to the difference between Labor and Likud settlement as a change in "style" rather than "substance." (Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 8.) Kellerman makes several distinctions with regard to Likud and Labor settlement and land acquisition. The former views territory as "an absolute value, and the need for its attainment and possession as superior to any other objective." The latter perceives territory as "a major value, but its geographical extent and the pace of its acquisition have had to be conditioned by the status and progress made for the achievement of the two other central objectives, population and mode of life." (Aharon Kellerman, *Society and Settlement, Jewish Land of Israel in the Twentieth Century*. New York: State University of New York Press, 1993, 38-39.)

¹⁵In practice, "public purpose" means the Jewish Israeli public and not the Palestinian public in the Occupied Territories. The local law under which Israel confiscates land is of questionable legality as it violates clear principles of international law.

¹⁶"Allon Plan," *Settlements and Peace: The Problem of Jewish Colonization in Palestine*. The Center for Policy Analysis on Palestine, July 1995, p. 10.

¹⁷Allyson B. Hodgkins, *The Judaization of Jerusalem*. Jerusalem: PASSIA, 1996, 12.

¹⁸The settlement "freeze" was contained in the 1992 Labor platform which stated that "new settlements will not be established [for one year] and existing settlements will not be thickened, except for those in Greater Jerusalem and in the Jordan Valley." (Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 7.) All planning or consideration of new master plans for settlements was frozen by Military Order 1325 in January 1993, but extensive plans for settlements were already in place. The order also ended government payment for basic

infrastructure costs such as water, sewers, roads, electricity, and telephones, although units already approved were exempt. This subsidy averaged approximately \$15,000 per settlement unit. (RISOT, May 1993.)

¹⁹The Clinton Administration does not consider "natural expansion" of settlements as constituting settlement activity. See statements of then U.S. Assistant Secretary of State for Near Eastern and South Asian Affairs, Edward Djerjian, before the U.S. House Foreign Affairs Subcommittee on the Middle East, March 9, 1993, in RISOT, May 1993.

²⁰*A Comprehensive Survey of Israeli Settlements in the Gaza Strip*, 10.

²¹Peace Now, *Building in Settlements during the Period of Labor-Meretz Government*, Report No. 8, July 1996.

²²RISOT, September 1994.

²³RISOT, May 1994.

²⁴*Ibid.*

²⁵Political settlements, as defined by Labor, are settlements established by Likud with an ideological rather than security rational. They usually are small in size and located in areas that are densely populated by Palestinians and isolated from other Jewish settlements.

²⁶Israel Central Bureau of Statistics, cited in *Building in Settlements during the Period of Labor-Meretz Government*, Report No. 8, and *Changes in the Settlements Since the Establishment of the Likud Government* (1996), Report No. 9.

²⁷Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 8.

²⁸*Ibid.*

²⁹RISOT, March 1995.

³⁰RISOT, January 1994.

³¹*Ibid.*

³²RISOT, March 1993. The revised loan program also reduced or eliminated the grant portion available to settlements outside the area of greater Jerusalem and the Jordan Valley in 65 settlements. A subsidized loan at 4.5 percent was offered in place of the reduced or eliminated grants. *Ibid.*

³³There were approximately 3.4 shekels per U.S.

dollar at this time. (From the settler journal *Nekuda* as reported in the Palestinian *Al-Nahar*, May 22, 1996, cited in *A Comprehensive Survey of Israeli Settlements in the Gaza Strip*, 12.)

³⁴*Ibid.*

³⁵*Statistical Study About Land Confiscation, Settlements and Tree-Uprooting since the Declaration of Principles in Oslo up to September 1st — 1996.* Jerusalem: Arab Studies Society, 1996.

³⁶*Ibid.*

³⁷*Ibid.*

³⁸*Ibid.*

³⁹*Behind the Policy of House Demolition: Why Here and Now? Eye on Palestine* (www.planet.edu/~arij). Bethlehem: Applied Research Institute in Jerusalem, September 1997.

⁴⁰RISOT, July 1993. This view would be consistent with Israeli practice inside Israel after 1948. After acquiring control of more than 90 percent of the land, the state has used planning and development schemes to further constrict and confine the development of Israel's Palestinian citizens.

⁴¹*Yediot Aharonot*, November 11, 1994, cited in Yifat Susskind, "Political Settlement or Settlement Plan, Israeli Policy Since Oslo," 20.

⁴²Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 10.

⁴³Shlomo Gazit, *Yediot Aharonot*, January 22, 1995, cited *Ibid.*, 9.

⁴⁴The Israeli organization Peace Now notes three differences in the Likud's settlement policy. These include: 1) Abolition of inter-ministerial committee for approval of settlement construction. Authority now returns to the office of the Defence Minister. 2) Release for sale of 3,000 units "frozen" by the Labor government. Peace Now claims this translates into an additional 15,000 settlers. 3) Transfer of budgets for settlements. (*Changes in the Settlements Since the Establishment of the Likud Government [1996]*, Report No. 9, 1997.)

⁴⁵Guidelines of the Government of Israel (Internet: www.likud.org/govt/guidelines.html).

⁴⁶*Yediot Aharonot*, July 19, 1996, cited in RISOT, September 1996.

⁴⁷The Palestinian Society for the Protection of Human Rights and the Environment, *Annual Report of Law, Human Rights Violations in Palestine*, 1996. Jerusalem, 1996, 16.

⁴⁸*A Comprehensive Survey of Israeli Settlements in the Gaza Strip*, 1. This included a release of some of the 3,000 settlement units frozen under Labor.

⁴⁹For more details of Har Homa and its implications, see section on Jerusalem below.

⁵⁰Peace Now, *Changes in the Settlements Since the Establishment of the Likud Government* (1996).

⁵¹Hagar Lahav, "Sharon Plan to reinforce Green Line with 17 New Settlements," *Ha'aretz* (English edition), September 15, 1997.

⁵²*Ibid.*

⁵³Ziv Maor, "Government plan calls for Har Homa development," *Ha'aretz* (English edition), November 4, 1997.

⁵⁴*Ibid.*

⁵⁵*A Comprehensive Survey of Israeli Settlements in the Gaza Strip*, 13. Cabinet decision of August 2, 1996.

⁵⁶Peace Now, *Changes in the Settlements Since the Establishment of the Likud Government* (1996).

⁵⁷Peace Now, *Changes in the Settlements Since the Establishment of the Likud Government* (1996). The itemized outlays break down as follows: (a) NIS 330,000,000 for expropriation; NIS 750,000,000 for development and subsidies for apartments; NIS 193,516,000 from 1997 budget of Israel Lands Administration for expropriation; NIS 30,000,000 from the Ministry of Construction and Housing for site development. (b) NIS 48,500,000 for purchase of apartments from Ministry of Construction and Housing; NIS 174,540,000 for completion of development for construction from 1990-92. (c) Encouraging new settlement in (i) the Golan, NIS 25,241,000; (ii) the Jordan Valley, NIS 24,759,000; (iii) the West Bank, NIS 26,903,000; (iv) Gush Katif and Hebron, NIS 18,385,000; (v) central activities, NIS 42,983,000; (vi) reserves for new settlement, NIS 5,699,000.

⁵⁸According to the Peace Now analysis in a report by the Associated Press, this includes \$85 million in tax breaks, \$76 million for expropriation compensation, \$56 million to encourage Israeli farmers to locate in

the territories, \$36 million for settlement infrastructure and housing development, \$14 million for grants to settlers for the purchase of homes, and \$29 million for bypass roads. (Jack Katzenell, "Netanyahu to Boost Settlement Funds," AP, October 28, 1997.)

⁵⁹RISOT, November-December 1997.

⁶⁰RISOT, November-December 1997. Settlements close to Jerusalem accounted for 16 percent of approved mortgages; those along the Green Line comprised 23 percent; 29 percent originated in settlements such as Ma'ale Ephraim, Avnei Hefetz, and Betar Ilit; 31 percent originated in settlements such as Efrat, Ariel Emmanuel, and Karnei Shomron. (Ziv Maor, "Apartment Sales in territories up 56 percent," *Ha'aretz* [English edition], September 10, 1997.)

⁶¹*Ibid.*

⁶²*Ibid.*

⁶³*Jerusalem Post*, Internet Edition, May 29, 1997.

⁶⁴"Over Two Hundred Thousand Fruit-Bearing Trees Uprooted by the Israeli Occupation in the Last Decade," Alert No. 4, *Al-Haq* (August 27, 1997). According to data compiled by Al-Haq, 50 percent of the trees were uprooted by soldiers, 44 percent by settlers with the remainder by soldiers and settlers together.

⁶⁵This includes a six-mile, four-lane highway to connect the road from Ben Gurion airport near Tel Aviv to Atarot north of Jerusalem and passing through Givat Ze'ev. Approximate cost is \$33 million. A second 12-mile road will connect Ariel settlement with Tel Aviv traveling through Elkana settlement and connecting with the new trans-Israel highway inside Israel. Cost is estimated at \$25 million. Another \$10 million will be spent to repair and widen the highway which runs along the Jordan Valley. "Report on New Israeli Highways Linking Israel to the West Bank and Israel to the Golan Heights." (Press Release, Americans for Peace Now, July 31, 1996.)

⁶⁶*Behind the Policy of House Demolitions: Why Here and Now?*

⁶⁷*Yediot Aharanot*, August 21, 1997, cited in RISOT, November-December 1997.

⁶⁸Cliff Kindy, "Hebron District Map," Press Release, Christian Peacemaker Teams, March 24, 1997.

Based on interviews with the Hebron Land Defense Committee.

⁶⁹Peace Now, *Changes in the Settlements Since the Establishment of the Likud Government* (1996). RISOT, November-December 1997.

⁷⁰*Ibid.*

⁷¹Peace Now, *Changes in the Settlements Since the Establishment of the Likud Government* (1996).

⁷²*Ibid.*

⁷³*Jerusalem Post*, Internet edition, May 21, 1997. This translates into roughly 31,061 units of 41,000 in the West Bank and 1,100 units of 2,300 in Gaza. According to the Israel Central Bureau of Statistics, there is a higher vacancy rate in settlements than inside Israel, where the vacancy rate stands at 5 percent. (*Palestine Report*, March 21, 1997.) Due to a housing glut in the territories in 1993, the government of Israel spent \$3.3 billion to purchase homes for which no buyers could be found. (RISOT, January 1993.)

⁷⁴*Ibid.*

⁷⁵The borders established by Jewish-Israeli settlement in Palestine can be viewed in terms of their economic, social, and cultural/religious aspects. Soja's report, however, focuses primarily on political borders as they are seen to legitimate control over a defined territory. Soja notes, "The political organization of space is the highest and 'ultimate' authority (i.e., the sovereign state) which determines the territory to be allocated to individuals, groups, and institutions." (E.W. Soja. *The Political Organization of Space*. Washington, 1971, cited in Baruch Kimmerling, *A Conceptual Framework for the Analysis of Behavior in a Territorial Conflict: The Generalization of the Israeli Case*. Jerusalem: The Leonard Davis Institute for International Relations, 1979, 8.)

⁷⁶*Jewish Settlement in the Land of Israel*. Jerusalem: Israel Information Center. (Israeli Ministry of Foreign Affairs, Website on Centenary of Zionism).

⁷⁷David Vital, *The Origins of Zionism*. Oxford, 1975, 4, cited in Walter Lehn, *The Jewish National Fund*. London: Routledge & Kegan Paul, 1988, 13.

⁷⁸Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949*. Cambridge: Cambridge University Press, 180.

⁷⁹*Ibid.*, 181.

⁸⁰Z. Zur, *The Settlement and the State Boundaries* [in Hebrew]. Tel Aviv: Hakibbutz Hameuhad, 1980, 41, cited in Kellerman, *Society and Settlement*, 41.

⁸¹Kellerman, *Society and Settlement*, 52.

⁸²The obvious exception to this doctrine is the withdrawal from the settlements in the Sinai. However, the political dynamics of settlement with respect to the Sinai are different than those in the current state of Israel and the occupied Palestinian territories.

⁸³Ibrahim Matar, *Jewish Settlements, Palestinian Rights, and Peace*. Information Paper No. 4. Washington, D.C.: The Center for Policy Analysis on Palestine, 1996, 1. Shehadeh places Jewish settlement on 420,000 dunums of land in 1914. (Shehadeh, *The Law of the Land*, 34.)

⁸⁴*Ibid.*

⁸⁵Naftali Greenwood, *The Redeemers of the Land*. Jerusalem: Israel Ministry of Foreign Affairs website on the Centenary of Zionism.

⁸⁶*Ibid.*

⁸⁷*Ibid.*

⁸⁸*Ibid.* On October 15, 1946, for example, 11 settlements were established overnight in the Negev. A paper published by the Israel Ministry of Foreign Affairs gives this description: "Convoys of hundreds of volunteers, prefabricated huts, and fortifications would arrive at the designated site at daybreak. By nightfall the settlement was complete, surrounded by a protective fence and dominated by a watchtower from which to scan the surrounding area for signs of hostility."

⁸⁹Matar, *Jewish Settlements, Palestinian Rights, and Peace*, 1.

⁹⁰A. Granott, *Agrarian Land Reform and the Record of Israel*. London: Eyre & Spottiswoode, 1956, 37.

⁹¹For a detailed study of the operating guidelines of the JNF, see Lehn, *The Jewish National Fund*.

⁹²Lehn, *The Jewish National Fund*, 116. Also see David Kretzmer, *The Legal Status of the Arabs in Israel*. Boulder: Westview Press, 1988, 62. According to the constitution of the Jewish Agency, "Land is to be acquired as Jewish property...[to] be held as the inalienable property of the Jewish people...and in all

works or undertakings...it shall be deemed to be a matter of principle that Jewish labor shall be employed." (Article 3(d),(e), as cited by Uri Davis, "Jinsiyya versus Muwatana: The Question of Citizenship and the State in the Middle East: The Cases of Israel, Jordan and Palestine," *Arab Studies Quarterly*, vol. 17, nos. 1&2. [Winter, Spring 1995], 29.)

⁹³Hope Simpson Report, I, 49, cited in John Reudy, "Dynamics of Land Alienation," *The Transformation of Palestine, Essays on the Origin and Development of the Arab-Israeli Conflict*, Ibrahim Abu-Lughod, ed. Evanston: Northwestern University Press, 1971, 125.

⁹⁴A. Granott, *Agrarian Land Reform and the Record of Israel*, cited in Sabri Jiryis, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," *Journal of Palestine Studies*, no. 3 (1973): 82. The total land ownership by Jews breaks down into the following: JNF — 933,000 dunums; PJCA — 435,000 dunums; private — 366,000. It should also be noted that 195,000 dunums of state land (Reudy, "Dynamics of Land Alienation," 134) was held under Jewish tenancy. (Kretzmer, *The Legal Status of the Arabs in Israel*, 69. Also see Morris, *The Birth of the Palestinian Refugee Problem*, 170.) According to Shehadeh, this included 22 percent of all fertile land. (Shehadeh, *The Law of the Land*, 36.)

⁹⁵UN Resolution 181 (the "Partition Resolution") had earmarked 60 percent of Palestine for the Jewish State.

⁹⁶Zionist leaders frequently referred to the Palestinian population and the land on which they lived as one of the most serious "problems" confronting the Jewish State. Reviewing his concerns about the demographic balance prior to the displacement of 700,000 Palestinians, Ben Gurion remarked: "There can be no stable and strong Jewish state so long as it has a Jewish majority of only 60 percent." (David Ben Gurion, *The War Diary, 1948-1949*, vol. I, Gershon Rivlin and Elhannan Orren, eds. Tel Aviv: Israel Defense Ministry Press, 1982, 22-3 cited in Morris, *The Birth of the Palestinian Refugee Problem*, 28.) Even after the displacement of the majority of Palestinians outside the boundaries of the new state, many in the Zionist leadership and a substantial portion of the Israeli public viewed Palestinians inside the borders as one of the main problems facing the new state. This view was reflected in the numerous proposals

and discussions with regard to transfer of the population outside the borders of the state. (For an overview of transfer, see Nur Masalha, *A Land without a People, Israel, Transfer and the Palestinians, 1949-96*. London: Faber and Faber Limited, 1997.) The Palestinian refugees comprised more than 80 percent of the total Palestinian population of Palestine. Abu Sitta calculates the displaced population at 805,000 based on an upgrade of the population listed in Village Statistics of 1945 to 1948. (Based on Morris, *The Birth of the Palestinian Refugee Problem* and W. Khalidi, *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*. Washington, D.C.: Institute for Palestine Studies, 1992, plus Beer Sheva Sub-District added in for the first time. Salman H. Abu-Sitta, *The Feasibility of Return*, ICJ and CIMEL paper, June 1997 [Website of Palestinian Refugee ResearchNer].)

⁹⁷The Etzion bloc of settlements, some settlements in the Galilee, and others north and east of Jerusalem were left outside the borders of the proposed Jewish state by plans such as the Partition Plan.

⁹⁸CCP Refugee Office estimate cited in Don Peretz, *Israel and the Palestine Arabs*. Washington, D.C.: The Middle East Institute, 1959, 143.

⁹⁹Shlomo Gazit, *The Palestinian Refugee Problem*. Tel Aviv: Jaffee Center for Strategic Studies, 1994, 14-15, cited in Elia Zureik, *Palestinian Refugees and the Peace Process*. Washington, D.C.: Institute for Palestine Studies, 1996 (Institute for Palestine Studies Website). Also see Peretz, *Israel and the Palestine Arabs*, 143.

¹⁰⁰Morris, *The Birth of the Palestinian Refugee Problem*, 195.

¹⁰¹Donna E. Arzt and Karen Zughaib, "Return to Negotiated Lands: The Likelihood and Legality of a Population Transfer Between Israel and a Future Palestinian State," *New York University Journal of International Law and Politics*, vol. 24, no. 4 (Summer 1992): 1424.

¹⁰²Reudy, "Dynamics of Land Alienation," 136. In the summer of 1948, for example, harvesting the fields of displaced Palestinians resulted in a yield of 6,000 to 7,000 tons of grain and earned the Israeli treasury more than IL 100,000 (IL stands for Israeli lira, the currency system used before the New Israeli Shekel was issued. One IL equaled approximately 20

cents of a U.S. dollar). Israel State Archives, Agriculture Ministry Papers, aleph/19/gimel (part 1), "Report [of the Arab Property Department] for the Month of June 1948," by Y. Gvirtz, received at the Agriculture Ministry on July 7, 1948, cited in Morris, *The Birth of the Palestinian Refugee Problem*, 172.

¹⁰³Kellerman, *Society and Settlement*, 63.

¹⁰⁴Yehuda Zvi Blum, "The Juridical Status of Jerusalem," *Jerusalem - Aspects of Law*, Discussion Paper No. 3, 2nd Rev. Ed., Ora Ahimeir, ed. Jerusalem: The Hebrew University of Jerusalem, 1973, xxv.

¹⁰⁵Abu Sitta, *The Feasibility of Return*. Official Israeli data lists Palestinian ownership at 3,250 square kilometers, while the 1951 UN Conciliation Commission found 4,574 square kilometers of cultivatable land out of a total of 16,324 square kilometers of Palestinian land. (Eyal Benvenisti and Eyal Zamir, "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," *American Journal of International Law*, vol. 89, no. 2 [April 1995]: 298.) The difference in figures relates to different interpretations of the Ottoman Land Law and definition of "state" land. (For a comprehensive analysis of Palestinian losses in 1948, see Sami Hadawi, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988.)

¹⁰⁶*Ibid.*

¹⁰⁷For a list and map of the villages, see Benny Morris, *The Birth of the Palestinian Refugee Problem*.

¹⁰⁸Granott, *Agrarian Reform and the Record of Israel*, 103. Chaim Weizmann, the first President of the state of Israel, viewed the displacement of Palestinians as a "miraculous simplification of the problem." (Simha Flapan, *The Birth of Israel: Myths and Realities*, 84.) Granott, however, later doubted the legality on Arab land in response to plans for Jewish settlement in areas beyond the territory earmarked for a Jewish state under the Partition plan. (Morris, *The Birth of the Palestinian Refugee Problem*, 183.)

¹⁰⁹The plan also called for assisting Arab countries in absorbing refugees but this aspect of the plan was not accepted by Ben Gurion. (Muhammad Abu Samra, "The Issue of the Refugees in 1948-1949," *International Problems, Society and Politics*, 31, no. 1: 50-64 [Hebrew], cited in Zureik, *Palestinian*

Refugees and the Peace Process.) According to Ezra Danin, another prominent Zionist figure, Palestinians displaced from their homes and land needed to be "confronted with *fait accompli*" to prevent their return. This included the destruction of homes, expropriation of property, and settlement of Jews in these areas. (Yosef Weitz Papers [Institute for the Study of Settlement, Rehovot], Danin to Weitz, 18 May 1948, cited in Morris, *The Birth of the Palestinian Refugee Problem*, 135.)

¹¹⁰Morris notes that the majority of Jewish settlements and officials supported the destruction of Palestinian villages. However, a small number of officials disagreed with the policy. Agriculture Minister Aharon Zisling, for example, believed that the destruction of the villages "will not reduce the number of Arabs who will return to the Land of Israel. It will [only] increase the number of [our] enemies." (Kibbutz Meuhad Archives, Aharon Zisling Papers, 9/9/3, Cabinet meeting, 16 June 1948, cited in Morris, *The Birth of the Palestinian Refugee Problem*, 163.) Others considered the destruction unnecessary and a waste of resources that could be used for the settlement of Jewish immigrants.

¹¹¹Halabi notes 16 laws used by the Israeli government for land confiscation and seizure. They include the Basic Law of 1960: The Law of Israel Lands. According to Article I, the ownership of Israel's lands is not transferrable through selling or any other way. (Usama Halabi, "The Impact of the Jewishness of the State of Israel on the Status and Rights of Arab Citizens of Israel," *The Palestinians in Israel: Is Israel the State of All Its Citizens and 'Absentees'?* Haifa: Galilee Center for Social Research, 1993, 17-18.) For more on these laws, see Sabri Jiryis, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," *Journal of Palestine Studies*, no. 3 (1973): 82-104; Kretzmer, *The Legal Status of the Arabs in Israel*; and Lehn, *The Jewish National Fund*.

¹¹²For analysis of the Law of Return, see Kretzmer, *The Legal Status of the Arabs in Israel*.

¹¹³*Laws of the State of Israel*, Authorized Trans. from the Hebrew, vol. 1, Ordinances 5708-1948, 25-26.

¹¹⁴*Laws of the State of Israel*, Authorized Trans. from the Hebrew, vol. 4, 5710-1949/50, 68-82. Ben Gurion rejected a plan to outright sell the land to the Jewish National Fund (JNF) fearing that the

government would be accused of confiscating the property illegally under international law. The law basically enabled the government to claim "legal" transfer of Palestinian property to the state. As dividends from the sale of the property by the Custodian of Absentee Property (less administrative and legal expenses) were to be held by the Custodian in fund — until such time as the state of emergency, under which the law was declared operational, came to an end — the Israeli government could claim that it was not violating international law by confiscating property in occupied territories. In addition, Article 30 empowered the Custodian to declare persons and property absentee without revealing supporting documentation. According to Article 17, even if a person or property was later discovered not to be absentee, the land transfer would remain provided that the transfer had occurred in "good faith." Granott labeled the law a "legal fiction." (Granott, *Agrarian Reform and the Record of Israel*, 102.)

¹¹⁵Penny Maddrell, *The Bedouin of the Negev*. London: The Minority Rights Group, Report No. 81, 1990, 7, cited in Masalha, *A Land without a People*, xiii. Jiryis, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," 94. See also the case of Bir'im and Ikrit in Baruch Kimmerling, "Sovereignty, Ownership and 'Presence' in the Jewish-Arab Territorial Conflict, The Case of Bir'im and Ikrit," *Comparative Political Studies*, vol. 10, no. 2 (July 1977): 155-173. According to the editors of *News from Within*, the number of present absentees was 81,000 out of 160,000 Palestinians who remained within the borders of the state of Israel. (*News from Within*, vol. 13, no. 6 [June 1997]: 18.)

¹¹⁶While not defined as such under Israeli law, in practice, land confiscation for security and public purpose has meant security for Israeli Jews while the public that has benefited from land confiscation has almost always been the Jewish public.

¹¹⁷Abu Sitta, *The Feasibility of Return*.

¹¹⁸Benny Morris, *Israel's Border Wars, 1949-1956*. Oxford: Clarendon Press, 1993, 157, cited in Masalha, *A Land without a People*, 11. The Israeli government is still in the process of "transferring" the remaining Bedouin population out of the Negev. At present, some 10,000 Bedouin homes are slated for demolition. According to a spokesperson for the Infrastructure Ministry's Authority for Advancement of the Bedouin, "Moving them to towns is part of

the process of social advancement." (Sue Fishkoff, "Shifting Sands," *The Jerusalem Post Magazine*, May 16, 1997.)

¹¹⁹Yitzhak Oded, "Bedouin Lands Threatened by Takeover," *New Outlook* 7, no. 9 (November-December 1964): 45, cited in Masalha, *A Land without a People*, 137.

¹²⁰These terms were used by Ben Gurion in a cabinet meeting on September 26, 1948. (Morris, *The Birth of the Palestinian Refugee Problem*, 218.) In the Galilee, Palestinians were prevented from returning to the villages of al-Ghabisiya, Amqa, Faradiya, Kafr Inan, Saffuriya, al-Majdal, Kafr Bir'im, al-Mansura, Mi'ar, Kuwaikat, al-Birwa, al-Damun, and al-Ruwais. (Jiryis, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," 94.) See also the case of Bir'im and Ikrit in Baruch Kimmerling, "Sovereignty, Ownership and 'Presence' in the Jewish-Arab Territorial Conflict, The Case of Bir'im and Ikrit."

¹²¹Masalha, *A Land without a People*, 33.

¹²²Tom Segev, 1949: *The First Israelis*. New York: The Free Press, 1986, 64.

¹²³*Ibid.*

¹²⁴Morris, *The Birth of the Palestinian Refugee Problem*, 185.

¹²⁵Janet Abu-Lughod, "Israeli Settlements in Occupied Arab Lands: Conquest to Colony," *Journal of Palestine Studies*, vol. xi, no. 2 (Winter 1982): 35.

¹²⁶Yosef Weitz, *Yosef Nahmani: Ish Hagalil* [Yosef Nahmani: Man of the Galilee]. Ramat Gan: Massada, 1969, 118-119, cited in Masalha, *A Land without a People*, 4.

¹²⁷*Ibid.*, 36.

¹²⁸Shoukri Abed, *MERIP*, no. 83 (1979): 24, cited in Abu-Lughod, "Israeli Settlements in Occupied Arab Lands: Conquest to Colony." This new round of confiscations led to a general strike and demonstrations by the Palestinian-Israeli community on March 30, 1976, subsequently commemorated as Land Day. Six demonstrators were killed by Israeli soldiers.

¹²⁹"Land Redemption' in the Galilee," presented at a press conference by HaNitztoz A Sharara Publishing House to mark the publication of their book, *Misgav and Carmiel: Judaization in the Guise*

of Co-existence (1997) [Arabic] in *News from Within*, vol. xiii, no. 6 (June 1997): 25-26.

¹³⁰Lehn, *The Jewish National Fund*, 146.

¹³¹Majid al-Haj and Henry Rosenfeld, *Arab Local Government in Israel*. Boulder: Westview Press, 1990.

¹³²Masalha, *A Land without a People*, 159.

¹³³"Land Redemption' in the Galilee," 26.

¹³⁴Matar, *Jewish Settlements, Palestinian Rights, and Peace*, 2.

¹³⁵*Ibid.*

¹³⁶David Gilmour, *Dispossessed: The Ordeal of the Palestinians*. London: Sphere Books, 1982, 108.

¹³⁷Sammy Smootha, *Arabs and Jews in Israel* (vol. 2): *Change and Continuity in Mutual Intolerance*. Boulder: Westview Press, 1992, 157-58, cited in Masalha, *A Land without a People*, 137.

¹³⁸Approximately half of this land was owned by the Jewish National Fund. This consisted of land between Beit Ummar and Nahhalin north of Hebron along with a smaller tract of land near Qalandiya north of Jerusalem and smaller ones in and near East Jerusalem. The latter two areas were included in the expanded borders of East Jerusalem in 1967. (Lehn, *The Jewish National Fund*, 165. Also, Benvenisti and Zamir, "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," 297-298.) Israel has not released the "abandoned" property of Jews in the West Bank and Gaza. Some of the property has been used for settlement while other parts remain under Israeli administration for the benefit and use of the state of Israel. For more details, see *American Journal of International Law*, vol. 89, no.2, (April 1995): 310-314.

¹³⁹Approximately 300,000 Palestinians became refugees in 1967.

¹⁴⁰On "erasing" the Green Line see the "Seven Stars Plan" of Ariel Sharon. (Assaf Adiv and Michal Schwartz, *Sharon's Star Wars: Israel's Seven Star Settlement Plan*. Jerusalem: Hanitztoz A-Sharara Publishing House, 1992.)

¹⁴¹This area accounted for 20 to 40 percent of the Occupied Territories.

¹⁴²A brief description of the Allon plan is found in

Aronson, *Settlements and the Israeli-Palestinian Negotiations*.

¹⁴³Kellerman, *Society and Settlement*, 89.

¹⁴⁴Uzi Benziman, *Sharon: An Israeli Caesar*. London: Robson Books, 1987, 119, cited in Masalha, *A Land without a People*, 96.

¹⁴⁵William Wilson Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980*. New York: Research Studies Press, A Division of John Wiley and Sons, 1980, 126, cited in Abu-Lughod, "Israeli Settlements in Occupied Arab Lands: Conquest to Colony," 33.

¹⁴⁶Up to 1972, ten settlements had been established with two more in 1973-74. Kellerman, *Society and Settlement*, 89.

¹⁴⁷Geoffrey Aronson, *Israel, Palestinians, and the Intifada: Creating Facts on the West Bank*. Washington, D.C.: Institute for Palestine Studies, 1990, 70, cited in *A Comprehensive Survey of Israeli Settlements in the Gaza Strip*, 8.

¹⁴⁸Table No. (16) — The number and ration of settlements according to administrative boundaries established by successive Israeli governments. (*Survey of Israeli Settlements in the West Bank and Gaza Strip*. Ramallah: Palestinian Geographic Center, 1995, 36.) Up to 1974, only 12 settlements with a total population of 2,000 settlers had been established.

¹⁴⁹According to Rabin, "Settlements, especially in the densely populated areas that I used to call the political settlements, were not established from any security point of view. Their whole purpose was political, to make any solution almost impossible. That was the idea of the Likud." (*Jerusalem Post*, October 6, 1993, cited in *RISOT*, January 1994.) Several months later, Rabin restated this view toward settlements in broader terms. "The IDF protects settlers in their settlements one hundred times more than those settlements protect the state of Israel." (*Israel Radio*, December 8, 1993, cited in *RISOT*, January 1994.) General Haim Bar-Lev, a former Israeli Chief of Staff, considered some settlement to be at odds with Israeli security. In 1978, just after the defeat of Labor, Bar-Lev rejected "the notion that there is any security value in the fact that a few dozen Jewish families live in some settlement-outpost in a broad area entirely populated by Arab villagers.... These settlements are

detrimental to security." *Ha'aretz* (14 March 1978) quoted in Aronson, *Israel, Palestinians and the Intifada: Creating Facts on the West Bank*, 111, cited in Arzt and Zughaib, "Return to the Negotiated Lands: The Likelihood and Legality of a Population Transfer Between Israel and a Future Palestinian State," 1486.

¹⁵⁰Kellerman, *Society and Settlement*, 92.

¹⁵¹*Ibid.*, 93. Kellerman defines community settlements by the following characteristics: 1) 50 to 500 families, though some are targeted for 1,000 families; 2) homogeneously structured; 3) individual rather than collective decision-making; 4) economic freedom, privately owned industrial or service firms; 5) partial or full introduction of status symbols including single family dwellings and private yards; and 6) lacking agricultural base — primarily commuting settlements. *Ibid.*, 95-96.

¹⁵²Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 6.

¹⁵³Shehadeh, *The Law of the Land*, 79.

¹⁵⁴Kellerman, *Society and Settlement*, 94.

¹⁵⁵Gershon Shafir, "Zionism and Colonialism: A Comparative Approach," *Israel in Comparative Perspective, Challenging the Conventional Wisdom*. Michael N. Barnett, ed. New York: State University of New York Press, 1996, 238.

¹⁵⁶Table No. (16) — The number and ratio of settlements according to administrative boundaries established by successive Israeli governments. *Survey of Israeli Settlements in the West Bank and Gaza Strip*, 36.

¹⁵⁷Aronson, *Settlements and the Israeli-Palestinian Negotiations*.

¹⁵⁸*Survey of Israeli Settlements in the West Bank and Gaza Strip*, 36.

¹⁵⁹Approximately 112,000 settlers lived in the West Bank and Gaza in 1992. (Aronson, *Settlements and the Israeli-Palestinian Negotiations*.)

¹⁶⁰Zeev Schiff (3 percent), cited in Lehn, *The Jewish National Fund*, 181. Recently, it was revealed that a secret organization in Gaza named Daroma headed by Jewish settler Menahem Bet-Halahmi from Neve Dekalim settlement purchased dozens of acres of land from Palestinians during the 1990s. (*Edmonton Journal*, June 27, 1997, A15.)

¹⁶¹Shehadeh, *The Law of the Land*, 126. Also see, *Fraud, Intimidation, Oppression: The Continued Theft of Palestinian Land* (Jerusalem, 1995). Also, Benvenisti and Zamir, "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," 315. It is also due to the fact that under Jordanian law, the sale of land to Jews was considered a capital offence. Law no. 30 (1973), "Prohibiting Sale of Immovable Property to the Enemy" cited in Lehn, *The Jewish National Fund*, 176.

¹⁶²*Ma'ariv*, June 2, 1985, 2. Mordechai Nisan, *Hamedinah Hayehudit Vehabe'ayah Ha'arvit*, 2nd Ed. [The Jewish State and the Arab Problem]. Jerusalem: Hadar, 1986, 119 and 200, cited in Masalha, *A Land without a People*, 94.

¹⁶³*Yediot Aharonot*, May 23, 1997, cited in *News from Within*, vol. xiii, no. 6 (June 1997): 22.

¹⁶⁴Land registration was frozen in 1968 under Israeli Military Order 291. For an overview of the relevant military orders see Shehadeh, *The Law of the Land*.

¹⁶⁵According to Shehadeh, under the Ottoman Land Code (Article 3), "all lands owned by the Sultan, comprising arable fields, meadows, summer and winter pasturing grounds, woodland and like," were termed *miri*. Shehadeh points out, however, that given the large amount of land the Israeli government classified as state land, it also considered *matrouk* (Article 5, "lands used for public purposes [...] and lands falling between several villages and used by all as a common pasture") and *mawat* (Article 103, "vacant land such as mountains, rocky places, stony fields...and grazing ground which is not in possession of anyone by title deed, nor assigned *ab antiquo* to the use of inhabitants of a town or village, and lies at such a distance from towns and villages from which a human voice cannot be heard at the nearest inhabited place") as state land. (Shehadeh, *The Law of the Land*, 16.)

¹⁶⁶Aronson, *Israel, Palestinians, and the Intifada*, 144. Palestinian settlement expert Khalil Tufakji estimates that 1.7 million dunums have been confiscated as state land. Unpublished summary by Khalil Tufakji, cited in *A Comprehensive Survey of Israeli Settlement in the Gaza Strip*, 29.

¹⁶⁷*Al-Quds*, February 14, 1996.

¹⁶⁸For an overview of the relevant military orders, see Shehadeh, *The Law of the Land*.

¹⁶⁹*Settlers Against Palestinians*, 4.

¹⁷⁰Abu-Lughod, "Israeli Settlements in Occupied Arab Lands: Conquest to Colony," 20.

¹⁷¹Eliyahu Kanovsky, *The Economic Impact of the Six-Day War*. New York: Praeger, 197, 148, cited in Abdul-ilah Abu-Ayyash, "Israeli Regional Planning Policy in the Occupied Territories," *Journal of Palestine Studies*, vol. V, nos. 3 & 4 (Spring/Summer, 1976): 96.

¹⁷²Exact data on absentee property is not available. The estimates cited are from Aryeh Shalev, *Autonomy — Problems and Possible Solutions* (1979), in Hebrew, 118-19, cited in Benvenisti and Zamir, "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," 307.

¹⁷³*Judea and Samaria Headquarters, Report of the Tenth Year of Government* (1977), In Hebrew, 94, cited in *Ibid*.

¹⁷⁴The breakdown was as follows: 25.5 percent of the land was acquired by declaring it a closed military area; 7.5 percent was acquired under Absentee regulations, while the remainder was acquired through expropriation for security and public reasons and purchase. (*The Financial Times*, October 29, 1979, cited in Lehn, *The Jewish National Fund*, 183.) In 1983, Benvenisti, who emphasized that his analysis was not yet complete, stated that 60.3 percent of the West Bank had been seized by Israel. (Interview, January 26, 1983, cited in *Ibid.*, 364.) The figure of 12.2 percent for state land seems high considering the Palestine government's land analysis in 1943 which claimed that state land accounted for only 5.86 percent of all lands in Palestine, or 1,542,680 dunums. (*A Survey of Palestine*, 1945-46, Jerusalem, vol. 1, pp. 255-6, cited in Hadawi, *Palestinian Rights and Losses in 1948*, 108.) According to Hadawi, this figure coincides with the figures in category 16 (1,542,680 dunums) which appear as "public" lands and "Roads, etc." in the summary statement of *Village Statistics*, 1945 (p.3) for the whole country except the Beersheba sub-district (p. 267). Figures released by the Palestinian Ministry of Information state that Israel has confiscated approximately 2,000,000 dunums of land including 250,000 dunums of state land, 450,000 dunums of absentee property, 150,000 dunums for public interest, and 1,200,000 dunums for natural parks. (PNA Ministry of Information, 1997.)

¹⁷⁵Masalha, *A Land without a People*, 84ff.

¹⁷⁶The *Financial Times* of December 9, 1977 lists 1,180 deportees. Lesch cites a figure of 1,156 by the end of 1978. (Ann M. Lesch, "Israeli Deportation of Palestinians from the West Bank and the Gaza Strip, 1967-1978," part I, *Journal of Palestine Studies*, vol. viii, no. 2 [Winter 1970]: 103, Table I.) Including 350 members of two Bedouin tribes driven out of the Jordan Valley in 1967 and 1969, Masalha places the figure at 1,500. (Masalha, *A Land without a People*, 115.) In 1992, the Israeli newspaper *Yediot Aharonot* (December 18, 4) cited a figure of 1,342 deportees. However, Israeli journalist Danny Rubinstein suggests that the figure may reach as many as 2,000 if Palestinians who left Israel in exchange for a reduced prison term are included. (*Davar*, February 19, 1988, 16.)

¹⁷⁷Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 6. The plan further states that, "The purpose of settling the areas between and around the centres occupied by the minorities [Palestinians] is to reduce to the minimum the danger of an additional Arab state being established in these territories." (Matar, *Jewish Settlements, Palestinian Rights, and Peace*, 4.)

¹⁷⁸Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980*, 115, cited in Abu-Lughod, "Israeli Settlements in Occupied Arab Lands," 43.

¹⁷⁹According to Ayyash, one of the central goals of spatial planning and regional integration in Israel is "the creation of a hierarchy of central places in which all settlements are interconnected by an efficient system of transportation and communication networks..." (Abu-Ayyash, "Israeli Regional Planning Policy in the Occupied Territories," 89.)

¹⁸⁰*By-pass Road Construction in the West Bank, The End of the Dream of Palestinian Sovereignty*, 3.

¹⁸¹Lustick describes this practice of keeping Palestinians confined to their towns and villages and "out of sight" as one designed to make Israelis "more quickly [come] to feel at home in the area and to sense no difference between one side of the Green Line and the other." (Ian Lustick, *Unsettled States, Disputed Lands, Britain and Ireland, France and Algeria, Israel and the West Bank, Gaza*. Ithaca, N.Y.: Cornell University Press, 1993, 34.)

¹⁸²Masalha, *A Land without a People*, 147.

¹⁸³The role of domestic legitimacy is beyond the

scope of this report. A good starting point to examine the views of the Israeli public and political elite toward the Occupied Territories is Lustick's *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank, Gaza*.

¹⁸⁴Joseph Weitz, who advocated the transfer of the Palestinian population in 1948, viewed with alarm the impact of the strong Palestinian demographic presence in the Occupied Territories on the future of Jewish settlement. "In the Six-Day War only one great miracle took place: a tremendous territorial victory; but the majority of the [Palestinian] population remained 'stuck' to their places, which can cause the destruction of the foundations of our state." (Joseph Weitz, deputy chair of the JNF board, writing in *Davar*, September 29, 1967, cited in Lehn, *The Jewish National Fund*, 357.) Weitz has since drawn up a plan for a two-state solution, although he still considers Israel's policy toward the Palestinian inhabitants of land from the 1940s onward as correct. For Weitz's plan, see "Two States of Mind," *Jerusalem Post*, International Edition, March 15, 1997, 8 and 14.

¹⁸⁵Israel has argued that under UN Resolution 242 it is required to withdraw from territories (meaning less than full withdrawal) rather than *the* territories occupied in 1967.

¹⁸⁶U.O. Schmelz, "The Evolution of Jerusalem's Population," Table I, *Urban Geography of Jerusalem, A Companion Volume to the Atlas of Jerusalem*. David H.K. Amiran, Arie Shachar, and Israel Kimhi, eds. Jerusalem: The Hebrew University of Jerusalem, 1973, 54. The actual demographic balance, however, between Jews and Palestinians living in the western part of the city is contentious due to the exclusion of Palestinian villages and inclusion of new Jewish neighborhoods outside the municipality, along with the over-recording of illegal Jewish immigrants who subsequently left the city. (Michael Dumper, *Demographic and Border Issues Affecting the Future of Jerusalem*. Department of Politics, University of Exeter, 1996. Unpublished manuscript.) Within the larger Jerusalem area, there existed a virtual parity in the Jewish-Arab demographic balance. The proposed UN international zone included a population of approximately 105,000 Arabs and 100,000 Jews. (Michael Hudson, "The Transformation of Jerusalem 1917-1987 AD." *Jerusalem in History*, K.J. Asali, ed. New York: Scorpion, 1988, 258.)

¹⁸⁷Respectively, Meron Benvenisti, *Jerusalem: The Torn City*. Minneapolis: Israel Typeset, Ltd., and the University of Minneapolis, 1976, 43-44. Rev. Charles T. Bridgeman to the UN Trusteeship Council on January 13, 1950 (UN Doc.A/1286). Henry Cattán, *Jerusalem*. London: Croom Helm, 1981, 45. It is not clear if Bridgeman's estimate includes foreign residents of West Jerusalem.

¹⁸⁸Schmelz estimates the size of the population of the Arab villages to be 9,300. (Schmelz, "The Evolution of Jerusalem's Population," 56.) For additional information on the Arab villages, see Khalidi, *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*; Ibrahim Matar, "To Whom Does Jerusalem Belong?" *Jerusalem*. Washington, D.C.: Center for Policy Analysis on Palestine, 1993, 7-17. Cattán cites an estimate of 50,000 to 60,000, (*Jerusalem*, 45.) The largest figure, based on population projections is from Janet Abu-Lughod, "The Demographic Transformation of Palestine," 159.

¹⁸⁹David H.K. Amiran, "The Development of Jerusalem, 1860-1970," *Urban Geography of Jerusalem, A Companion Volume to the Atlas of Jerusalem*, 38. This includes Jews who lived outside the Old City but east of the 1949 Armistice line.

¹⁹⁰According to Sami Hadawi, a former Palestine Government official of the Department of Land Settlement, Christian communities owned 13.86 percent of West Jerusalem, the Mandate and Municipal Governments owned 2.90 percent, while roads and railways occupied 17.12 percent. (Sami Hadawi, *Palestine, Loss of a Heritage*. San Antonio, Texas: Naylor Company, 1963, 141.) In an area of approximately 19,331 dunums, Arab-owned property amounted to approximately 7,000 dunums, while Jewish-owned property amounted to 5,000 dunums.

¹⁹¹Matar, "To Whom Does Jerusalem Belong," 9.

¹⁹²Morris, *Birth of the Palestinian Refugee Problem*, 52, 193. Arnon Golan, *The New Settlement Map of the Area Abandoned within the State of Israel During Israel's War of Independence and After (1948-1950)*. Ph.D. Dissertation. Jerusalem: Hebrew University, 1993, 5. Strengthening Jewish presence in Jerusalem also was included as one of the goals of the new state's four-year development plan that Ben Gurion announced to the Knesset on March 8, 1949. The plan called for the "energetic development of

Jerusalem." (Ruth Kark, "Planning, Housing, and Land Policy 1948-1952: The Formation of Concepts and Governmental Frameworks," *Israel: The First Decade of Independence*, S. Ilan Troen and Noah Lucas, eds. Albany, N.Y.: State University of New York Press, 1995, 465.)

¹⁹³For a description of the depopulation of Arab neighborhoods in West Jerusalem, see Morris' *The Birth of the Palestinian Refugee Problem*, 49-53. Also, Larry Collins and Dominique Lapierre, *O Jerusalem*. London: The History Book Club, 1972.

¹⁹⁴*Ibid.*, 29.

¹⁹⁵Joseph, *The Faithful City, The Siege of Jerusalem 1948*. New York: Simon and Schuster, 1960, 326-27.

¹⁹⁶Israel State Archives, Foreign Ministry, 2431/2, Dayan to Eytan, the Foreign Ministry, March 15, 1949 cited in Morris, *The Birth of the Palestinian Refugee Problem*, 193.

¹⁹⁷*Ibid.* For a description of the change in one such neighborhood, Romema, see Collins and Lapierre, *O Jerusalem*, 142-43.

¹⁹⁸Golan, *The New Settlement Map*, 27.

¹⁹⁹Cattán, *Jerusalem*, 61. See also, *The Jerusalem Times* (March 8, 1996): 8-9; *The Jerusalem Post*, International Edition (1995): 32; Khader Shkirat, (Land and Water Establishment), interview by the author, June 24, 1996.

²⁰⁰See footnote 111.

²⁰¹Peretz, *Israel and the Palestinian Arabs*, 162.

²⁰²See footnote 112. Arnon Golan, "The Transfer to Jewish Control of Abandoned Arab Lands During the War of Independence," *Israel: The First Decade of Independence*, 424.

²⁰³Hadawi, *Palestinian Rights and Losses in 1948*, 180.

²⁰⁴1968 *Jerusalem Master Plan*, vol. 1, 34, cited in Eitan Felner, *A Policy of Discrimination, Land Expropriation, Planning and Building in East Jerusalem*. Jerusalem: B'Tselem, 1997, 58.

²⁰⁵Matar, *Jewish Settlements, Palestinian Rights and Peace*, 9.

²⁰⁶RISOT, July 1996. Khalil Tufakji with Myles Crawford, "The Changing Face of Jerusalem,"

Biladi, April 28, 1995.

²⁰⁷Aronson, *Settlements and the Israeli-Palestinian Negotiations*, 12.

²⁰⁸*Statistical Yearbook of Jerusalem* 1996, cited in *Jerusalem Post*, May 27, 1997.

²⁰⁹There are approximately 200,000 settlers in East Jerusalem and 156,000 settlers in the West Bank and Gaza Strip.

²¹⁰Felner, *A Policy of Discrimination*, 16.

²¹¹*Local Town Planning Scheme for Jerusalem — 1978: Explanatory Remarks for Discussion by the District Planning and Building Committee* (in Hebrew) (by Yosef Schweid, in charge of the Town Planning Scheme), Jerusalem Municipality, Municipal Planning Department, 7-8, cited in Felner, *A Policy of Discrimination*, 50.

²¹²Tibawi, *The Islamic Pious Foundation in Jerusalem: Origins, History and Usurpation by Israel*. London, 1985, 35; R. Khatib, "The Judaization of Jerusalem and its Demographic Transformation," *Jerusalem: The Key to World Peace*, London, 1980, 114, cited in Michael Dumper, "Israeli Settlement in the Old City of Jerusalem," *Journal of Palestine Studies*, vol. xxi, no. 4 (Summer 1992): 37. Masalha, *A Land without a People*, gives a figure of 1,000, p. 81.

²¹³Aronson, *Israel, Palestinians and the Intifada*, 19. G. Dib and F. Jabber, *Israel's Violation of Human Rights in the Occupied Territories: A Documented Report*. Beirut, 1970, 176, estimate that more than 6,000 Palestinians were expelled. (Cited in Dumper, "Israeli Settlement in the Old City," 38.) Benvenisti estimates that by 1948, Jewish ownership accounted for less than 20 percent of the Jewish Quarter. (Benvenisti, *Jerusalem, The Torn City*, 239.)

²¹⁴Dib and Jabber, *Israel's Violation of Human Rights in the Occupied Territories*, 176, cited in Dumper, "Israeli Settlement in the Old City," 38.

²¹⁵Minutes of and Decisions Taken at Meeting No. 34 The City Council Held in the Assembly Room on 13th of August 1967.

²¹⁶1968 *Jerusalem Master Plan*, vol. 1, 34, cited in Felner, *A Policy of Discrimination*, 58.

²¹⁷HCJ 5091/91. *Nusseibeh et al v. Finance Minister et al*, respondents responsive affidavit, par. 17, cited in Felner, *A Policy of Discrimination*, 63.

²¹⁸*Official Gazette* (in Hebrew) 1656 (1970), 2808, cited in Felner, *A Policy of Discrimination*, Table No. 6, 56.

²¹⁹This expropriation consisted of 1.85 sq. km. *Official Gazette* (in Hebrew) 3877 (1991), 2479, cited in Felner, *A Policy of Discrimination*, Table No. 6, 56.

²²⁰Interview with Khalil Tufakji, May 16, 1997. In 1993, an Israeli planning commission was appointed for this region. According to *Ha'aretz* correspondent Nadav Shargai, the decision "marked the first time an Israeli body will be making planning decisions about areas of the West Bank over which it has no statutory authority." *RISOT*, March 1993.

²²¹Benvenisti, *Jerusalem, The Torn City*, 289.

²²²*RISOT*, July 1996.

²²³*Settlement Watch Report*, #9.

²²⁴*Palestine Report*, March 7, 1997.

²²⁵Maor, "Government plan calls for Har Homa development."

²²⁶*RISOT*, November-December 1997.

²²⁷*Israeli Human Rights Violations Against Palestinians in Occupied East Jerusalem: Unprecedented Campaigns of House Demolitions and Forced Eviction Since 1967*. Jerusalem: Palestine Human Rights Information Center, January-September 1997.

²²⁸According to Israel Kimhi, former director of the Planning Policy Section of the Jerusalem Municipality, "A cornerstone of the planning of Jerusalem is the demographic question." (*Population of Jerusalem and Region: Growth and Forecasts*. [Introduction by I. Kimhi]. See also, *Forecast of Changes in the Population Distribution as Part of a National Planning Scheme* (in Hebrew), Ministry of the Interior, Jerusalem, 1975; and *Preliminary Examination of the Implications of Establishing Settlements in the Jerusalem Region* (in Hebrew), Building and Housing Ministry, Rural Building Administration, Jerusalem, 1975.) Kimhi and fellow Israeli planners considered the high Palestinian growth rate as a "demographic problem" and thus in 1973 the Israeli government adopted the policy that called for a maintenance of a "demographic balance" of Jews and Arabs as it stood at the end of 1972, or 73.5 percent Jews and 26.5 percent

Palestinians. The term "demographic balance," however, is misleading as the purpose of building settlements actually was to increase the Jewish population in Jerusalem. (Kimhi, Hyman and Claude, *Jerusalem 1967-75: A Socio-Economic Survey* (in Hebrew). The Hebrew University of Jerusalem: The Institute for Urban and Regional Studies, 1976, 6. Interministerial Committee to Examine the Rate of Development for Jerusalem, *Recommendations for a Coordinated and Consolidated Rate of Development* (in Hebrew). Jerusalem: August, 1973, 3. Binyamin Hyman and Gadi Izreich, *Population of Jerusalem and Region, Growth and Forecasts* (in Hebrew). Jerusalem Municipality: Municipal Planning Department, Planning Policy Section, July 1977, 5. All cited in Felner, *A Policy of Discrimination*, 45-6.)

²²⁹*Living in Jerusalem: An Assessment of Planning Policy, Housing and Living Conditions in Light of the Palestinians' Right to Adequate Housing*. A Report by the Palestine Housing Rights Movement in coordination with Habitat International Coalition, May 1996, 11.

²³⁰*Kol Ha'ir*, March 24, 1995, cited in *Ibid*.

²³¹*Jerusalem Post*, Internet edition, June 5, 1997.

²³²Nadav Shragai, "Benny Elon MK organizing property deals in East Jerusalem," *Ha'aretz*, English edition. September 17, 1997.

²³³IrShalem, *Ras al-Amud: Current Situation*.

²³⁴The nature of the land transaction is less than clear. See, for example, Danny Rubinstein, "Anatomy of a Land Deal," *Ha'aretz*, English edition. September 26, 1997.

²³⁵Settlement Tour of the Old City with Mahmud Salamat, April 30, 1997. For more on Jewish settlements in the Old City, see Dumper, "Israeli Settlement in the Old City of Jerusalem."

²³⁶Approximately 66,000 Palestinians were recorded in the census and were accorded the status of Permanent Residents. Palestinians not recorded in the census were denied the right to live in the city.

²³⁷See, *Article 74*, issue no. 18 (December 1996); Ingrid Jaradat Gassner and Lea Tsemel, *The Trap is Closing on Palestinian Jerusalemites, Israel's Demographic Policies in East Jerusalem from the 1967 Annexation to the Eve of the Final Status Negotiations* (1996). Jerusalem: Alternative

Information Center, 1996; Yael Stein, *The Quiet Deportation, Revocation of Residency of East Jerusalem Palestinians*. Jerusalem: B'Tselem, 1997.

²³⁸"Jerusalem as an Economic Bridge to the Autonomous Areas and the Arab World," *60 Years of Industry in Israel*, Advertising Supplement, *Kol Ha'ir*, December 9, 1994 (translated by B'tselem), cited in *A Policy of Discrimination*, 71.

²³⁹*Population of Jerusalem and Region: Growth and Forecasts*, 33, cited in Felner, *A Policy of Discrimination*, 47.

²⁴⁰Khalil Tufakji with Myles Crawford, "The Changing Face of Jerusalem," *Biladi*, April 28, 1995.

²⁴¹Rami S. Abdulhadi, "Land Use Planning in the Occupied Territories," *Journal of Palestine Studies*, vol. xix, no. 4, 52.

²⁴²Felner, *A Policy of Discrimination*, 61.

²⁴³Khalil Tufakji with Miles Crawford, "The Changing Face of Jerusalem." A real estate agent for a "Build Your Own Home" scheme in Pisgat Ze'ev claimed that in a building zoned for three apartments a fourth could be added without a building permit and would be approved retroactively. (Settlement Tour, Allyson Hodgkins, May 3, 1997.) In a city engineers report, it was revealed that in 1992 there were 2,019 cases of illegal building in West Jerusalem compared to 226 in East Jerusalem. In 1993 the figures were 1,509 and 361, respectively.

²⁴⁴"Israeli Human Rights Violations Against Palestinians in Occupied East Jerusalem."

²⁴⁵*Development Plan for the Arab Sector*. Jerusalem, 1986, 12 (Translated by B'Tselem). B'Tselem notes that very little has been done in this sphere despite the development plan.

²⁴⁶Howard M. Sachar, *A History of Israel*, 154, cited in Hodgkins, *The Judaization of Jerusalem*, 48.

²⁴⁷*Jerusalem Post*, March 4, 1997.

²⁴⁸Interview with Allyson Hodgkins.

²⁴⁹*Yerushalim*, July 21, 1995, cited in *RISOT*, September 1995.

²⁵⁰*RISOT*, May 1997.

²⁵¹*RISOT*, November, 1996.

²⁵²Figures cited by Interior Minister Suissa. Of course, neither of these are new planning concepts as noted by development plans cited above. In fact, Israeli authorities had hoped to increase the Jewish population in Jerusalem after 1967 to 80 or 90 percent. However, the Jewish population grew less than planned while the Palestinian growth rate was higher than expected. (*Plan for the Geographic Distribution of an Israeli Population of Five Million* [in Hebrew], Planning Division of the Interior Ministry and the Economic Planning Authority of the Finance Ministry, vol. 2, Jerusalem, 1972, 30. *Population of Jerusalem and Region: Growth and Forecasts* [in Hebrew], Municipal Planning Department, Jerusalem Municipality, 1977, 4, cited in Felner, *A Policy of Discrimination*, 45.)

²⁵³*Palestine Report*, April 25, 1997. Increasing the Jewish population of the city to 80 percent is not a new idea. It was first discussed following the occupation of East Jerusalem; however, "the Jewish population grew less than planned, and the city's non-Jewish population grew more than predicted." B'Tselem, *The Truth About the "Unification of Jerusalem."* Jerusalem: B'Tselem, 1997.

²⁵⁴Of the total NIS 130 million, 17 million is to come from the municipal budget, 53 million from the Ministry of Finance, and 60 million from "reordering of priorities in the government ministries." Interview with Danny Seideman, May 8, 1997.

²⁵⁵*Jerusalem Post*, Internet edition, June 4, 1997.

²⁵⁶Uzi Benziman and Atallah Mansour, *Dayarei Mishne* [Subtenants]. Jerusalem: 1992, 95, cited in Masalha, *A Land without a People*, 166.

²⁵⁷Nevertheless, Seideman does note that the investment, if only a one-time "shot in the arm," is significant. (Interview with Danny Seideman, May 8, 1997.)

²⁵⁸Information based on detailed overview by the Applied Research Institute in Jerusalem.

²⁵⁹*Ibid.*

²⁶⁰For an economic study on Gaza, see Sara Roy, *The Gaza Strip: The Political Economy of De-Development*. Washington, D.C.: Institute for Palestine Studies, 1995. The Applied Research Institute in Jerusalem has carried out extensive environmental studies of the West Bank and Jerusalem. For psychological studies of the impact of

occupation and settlement, note the work done by the Gaza Community Mental Health Program, Center for Mental Health. For an economic assessment of Israeli settlement in 1948 and after, see Atef Kibursi, *Palestinian Losses in 1948: The Quest for Precision*. Information Paper No. 6. Washington, D.C.: The Center for Policy Analysis on Palestine, 1996.

²⁶¹Khader Abusway, Rose-Marie Barbeau, and Muhammed el-Hasan, *Signed, Sealed, Delivered: Israeli Settlement and the Peace Process*. Jerusalem: Jerusalem Media and Communications Center, 1997, 1. A 1991 PHRIC report estimates that 65 percent of the West Bank and 42 percent of Gaza have been seized by Israel. "Israeli Settlement and Its Consequences - 1991," (*From the Field*, June 1991.) Khalil Tufakji states that 73 percent of land is controlled by Israel. (*Settlements: Objectives and Results*, Arab Studies Society, May 1996 cited in *Settlers Against Palestinians*, 4.) During the November 1992 round of negotiations in Washington, D.C., Israel claimed that 61.5 percent of the land of the West Bank is owned by Palestinians, 30.5 percent is "state land" administered by Israel as the *de facto* sovereign, and 8 percent belongs to Israeli settlements. (*RISOT*, January 1993.)

²⁶²Matar, *Jewish Settlements, Palestinian Rights, and Peace*, 10. Matar points out that in land allotted to 30 settlements in the Jordan Valley, 90 percent was privately owned while 9 percent was public. In 30 settlements in the West Bank highlands, 97 percent was privately owned while 3 percent was public, and in nine settlements in enlarged East Jerusalem, 98 percent of the land allotted to the settlements was private while only 2 percent was public.

²⁶³*Statistical Study about Land Confiscation, Settlements and Tree-Uprooting*. The Society for the Protection of Human Rights and the Environment states that 294,964 dunums were confiscated under the Labor government of Rabin/Peres alone, but no sources are provided for the information. See *Palestinians in Wonderland, A Report on the Human Rights Violations of the Labor and Likud Governments During the Oslo Process and the Tragic Violence that Ensued*. Jerusalem: The Palestinian Society for the Protection of Human Rights and the Environment, 1996.

²⁶⁴Different sources provide different counts on the number of settlements depending on the definition

of a settlement. For example, one source may count a small military outpost as a settlement while a second source excludes it.

²⁶⁵RISOT, January 1993.

²⁶⁶*Palestinians in Wonderland.*

²⁶⁷Roy, *The Gaza Strip: The Political Economy of De-Development*, 178.

²⁶⁸Report by the Mandela Institute, May 1997, cited in "Thirty Years of Israeli Occupation." Palestine Ministry of Information, September 1997.

²⁶⁹Report by the Mandela Institute, May 1997, cited in "Thirty Years of Israeli Occupation."

²⁷⁰*Behind the Policy of House Demolition: Why Here and Now?*

²⁷¹In Beit Dajan in the Jordan Valley, for example, seven structures belonging to different members of the Bisharaat family were destroyed on August 26, 1996. ("Ethnic Cleansing Through House Demolitions," 39.)

²⁷²Palestinian Central Bureau of Statistics, *The Demographic Survey of the West Bank and Gaza Strip*, 1995. Based on the standard of three or more persons per room as constituting an overcrowded condition, a 1992 survey by the Institute for Applied Social Science in Norway reported a 28 percent overall rate of overcrowding with the rate reaching 40 percent in Gaza and 20 percent in East Jerusalem. (Marianne Heiberg, et al., *Palestinian Society in Gaza, West Bank and Arab Jerusalem: A Survey of Living Conditions*, FAFO-Report 115. Oslo: FAFO, 1992, cited in Zureik, *Palestinian Refugees and the Peace Process*, 21.)

²⁷³*Israeli Obstacles to Economic Development in the Occupied Palestinian Territories* (Jerusalem, 1994) cited in Zureik, *Palestinian Refugees and the Peace Process*, 24.

²⁷⁴*Biladi*, April 25, 1997.

²⁷⁵PASSIA Diary 1997, 195.

²⁷⁶Francis Ofner, Sketching Rabin Plan for Peace," *The Christian Science Monitor*, June 3, 1974, dispatch from Tel Aviv, cited in Masalha, *A Land without a People*, 177.

²⁷⁷According to 1995 UNRWA figures, there are approximately two million refugees living in Jordan,

Lebanon, and Syria, and just over 1.2 million refugees living in the West Bank and Gaza. (PASSIA Diary, 1997, 197.) The U.S. Census Bureau estimated that there are 6.45 million Palestinians living in 16 Middle Eastern and North African countries which, added to the half-million Palestinians living outside this region, brings the total Palestinian population worldwide to more than seven million. (Adlakha, Arjun, Kevin L. Kinsella, and Marwan Khawajah, *Demography and the Palestinian Population with Special Emphasis on the Occupied Palestinian Territory*. San Francisco: 1995, 8, Tables 1 and 8, cited in Zureik, *Palestinian Refugees and the Peace Process*, 8.) According to figures compiled from the Palestinian Central Bureau of Statistics, the Planning and Research Centre *Population Handbook*, and *Palestinian Refugees: Their Problem and Future* (Washington, 1995), PASSIA (1997) estimates the global population of Palestinians to be 7.7 million.

²⁷⁸"Wadi Al-Teen Quarry and the Systematic Expropriation of Palestinian Natural Resources," ARIJ: Eye on Palestine (www.arij.org).

²⁷⁹*Behind the Policy of House Demolition: Why Here and Now?*

²⁸⁰*Ibid.*

²⁸¹*Kol Ha'ir*, June 25, 1993, cited in Mansour, Awad, and Sharif Jaradat, *Clever Concealment: Jewish Settlement in the Occupied Territories Under the Rabin Government: August 1992 - September 1993*. Jerusalem: Palestine Human Rights Information Center, February 1994, 9.

²⁸²*Al Haya al Jadida*, July 7, 1996, cited in *A Comprehensive Survey of Israeli Settlement in the Gaza Strip*, 10. This includes confiscations roughly one month into the Likud administration.

²⁸³*Statistical Study about Land Confiscation, Settlements and Tree-Uprooting.*

²⁸⁴"Over Two Hundred Thousand Fruit-Bearing Trees Uprooted by the Israeli Occupation in the Last Decade," Alert No. 4, Al-Haq.

²⁸⁵Jerusalem Media and Communication Center, *Water*, 1994, cited in PASSIA Diary 1997.

²⁸⁶Matar, *Jewish Settlements, Palestinian Rights and Peace*, 12.

²⁸⁷*Ibid.*, 11.

²⁸⁸*The Jerusalem Times*, April 25, 1997.

²⁸⁹As of February 1996, for example, construction of the Hebron-Halhoul bypass road (12 kilometers by 60 meters) has resulted in the expropriation of 5,000 dunums of agricultural land and the demolition of seven homes with up to 90 additional homes at risk of demolition.

²⁹⁰Case Studies, Impact of Home Demolition, Christian Peacemaker Teams, 1997. *Bypass Road Construction in the West Bank, The End of the Dream of Palestinian Sovereignty*: 8.

²⁹¹Toby Ash, "Struggling to Survive Inside the Fence," *The Guardian*, July 3, 1996, 16, cited in Masalha, *A Land Without a People*, 228.

²⁹²Stanley Fischer, Dani Rodrik, and Elias Tuma, eds., *The Economics of Middle East Peace*. Cambridge, 1994.

²⁹³Dr. Simcha Bahiri and Samir Huleileh with Daneil Gavron, *Peace Pays, Palestinians, Israelis and the Regional Economy*. Jerusalem, 1993: 15; *Palestine Economic Pulse*, No. 1, January 1996, cited in PASSIA Diary 1997, 200; Development Brief No. 32, March 1994, The World Bank.

²⁹⁴Palestinian Central Bureau of Statistics, *The Demographic Survey of the West Bank and Gaza Strip*, 1995.

²⁹⁵*Report of the Situation of Workers of the Occupied Territories*, Appendix of Report of the Director General, 81st Session, Brussels, 1994, cited in Zureik, *Palestinian Refugees and the Peace Process*, 24.

²⁹⁶*Annual Report of LAW*, 1996.

²⁹⁷Cases documented by LAW, *Annual Report of LAW*, 1996.

²⁹⁸Khalid Amayreh, "Mission Brutality," *Middle East International*, June 13, 1997, 22.

²⁹⁹*Settlers Against Palestinians*, 17.

³⁰⁰David Newman, "Settlements and Boundaries, A Mutually Enforcing Relationship," *Palestine-Israel Journal of Politics, Economics and Culture*. vol. III, no. 2, 59. Joseph Alpher, another Israeli who devised a plan for an Israeli withdrawal from 89 percent of the territories, noted that the mixing of populations causes friction and is a security liability. (Abusway, et al, *Signed, Sealed, Delivered: Israeli Settlement and the Peace Process*, 8.)

³⁰¹Sarah Kaminker, "The Politics of Planning"; B'Tselem, *The Truth about the "Unification of Jerusalem"*; and Tufakji with Crawford, "The Changing Face of Jerusalem."

³⁰²*Living in Jerusalem*, 38.

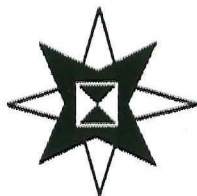
³⁰³*Ibid.*, 39-40.

³⁰⁴*Palestine Report*, March 21, 1997.

³⁰⁵However, it is a measure of the relative success or failure of this process of defining borders of Jerusalem through settlements that Israel has adopted the policy of closure of the territories in an attempt to bolster its drive to define Israeli-controlled borders around a greatly expanded Jerusalem.

³⁰⁶*Jerusalem Post*, May 27, 1997.

³⁰⁷*Statistical Yearbook of Jerusalem*, 1994-1995.



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