

ABSTRACT

AUTHOR: Colonel Tony J. Sarver

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The issue of Israeli settlements in the Occupied Territories (West Bank, Gaza, and East Jerusalem) has long been a subject of dispute between the United States and Israel. Their continued existence presents a major challenge to bringing peace to Israel with its Arab neighbors. Moreover, many perceptions of this issue in the United States are uninformed and lead to continued U.S. support of an expanding settlement enterprise that is clearly at odds with U.S. national interests in the Middle East. Indeed, the continually expanding settlements in the West Bank are also against the long-term security interests of the state of Israel. With these thoughts in mind, why do both the United States and Israel continue to support them? This article will explore the historical background of the settlements; the reason this issue is so important, the policies of the United States and Israel; the current situation of the settlements; and finally some possible solutions and recommendations for potential U.S. foreign policy changes.

Israel's Settlements in the West Bank: Should the United States Care?

Introduction:

The issue of Israeli settlements in the Occupied Territories (West Bank, Gaza, and East Jerusalem) have long been a subject of dispute between the United States and Israel. Their continued existence presents a major challenge to bringing peace to Israel with its Arab neighbors. This paper will explore the historical background of the settlements; the reason this issue is so important, the policies of the United States and Israel; the current situation of the settlements; and finally some possible solutions and recommendations for potential U.S. foreign policy changes.

Commonly Held Perceptions in the United States:

Most people in the United States receive their news via the internet and the major media outlets (CNN, Fox, ABC, CBS, NBC, major newspapers, etc.). More in-depth study of topics is typically reserved for academics and those people particularly interested in certain topics. Because of a pro-Israel bias in the American mainstream media (Mearsheimer and Walt, 2006, p.19), it should come as no surprise that most Americans possess pro-Israel views, and by pro-Israel, this means pro-Israeli right (Wilder, 2009, Interview).

The most common perceptions of the Israeli-Palestinian conflict within the United States focus on the small size of Israel in comparison with the large land areas and populations of the world's Arab and Muslim countries, as opposed to the larger size of Israel in comparison to the areas allotted to the Palestinian

people. This inevitably leads to David and Goliath comparisons, with Israel being cast in the role of David and the Palestinians (or Arabs) in the role of Goliath.

Other commonly held perceptions are the belief that Israel is the only democracy in the Middle East and the best ally of the United States in the region; that Israel is a peace-loving country which seeks nothing but to live in peace with its neighbors; that a second Holocaust is inevitable if Israel does not do all it can to defend itself; that Palestinians kill Israelis because of a fanatical hatred of Jews – and because the Qur'an tells them to do so; Palestinians are taught to hate Jews from childhood; Palestinians don't kill Jews because of the military occupation, proven by the fact that they often target civilians in Israel instead of military targets inside the occupied territories; and that Arabs cannot be trusted. If Arabs cannot be trusted, concluding a peace treaty with the Palestinians would only put Tel Aviv in closer missile range (Frisch, 2009, Interview). Many of these perceptions have kernels of truth in them; others are simply propaganda.

Without discussing each perception (which would require a full-length paper in itself), I will attempt to pierce through the cloud of media distortion and explain what is really occurring in the region.

Why Is This Issue So Important?

The unsolved Palestinian question is the root of the West's problems in the Middle East (Kreisky, 1985, p.30). The amount of hatred generated amongst Arabs and Muslims against the United States derives, in part from the U.S. government's unconditional support for Israel (Mubarak, 2004). In fact, Osama bin Laden successfully used this issue (among others) to attract recruits to his Al

Qaeda organization in an attempt to chastise the United States (911 Commission Report, 2004, p.50). This issue made it much easier for bin Laden to win new members for his terrorist organization. Moreover, this doesn't only apply to organizations such as Al Qaeda, but also to Hamas. A Palestinian in an Israeli prison said that he had joined Hamas because of a bad experience at an Israeli checkpoint. He was handcuffed for six hours, although he had done nothing wrong (Harel and Isacharoff, 2004, p.137). Thomas Friedman stated it well when he said that "the Palestinian problem is in the genes of every Arab. The West's problem is that it does not understand this" (Friedman, 2006).

With the United States currently involved in two wars in the Middle East, working diligently to solve this issue could only help the United States achieve its interests there. In fact, the Iraq Study Group recently said that "the United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict" (Iraq Study Group, 2006). Moreover, most of the United States' terrorism problem can be traced to its close alliance with Israel (Mearsheimer and Walt, 2006, p.5). Dennis Ross, the Chief U.S. Negotiator during the 2000 Camp David Summit stated the following:

Solving, or at least making the effort to defuse, the Arab-Israeli conflict would make our problems in the Middle East disappear. It would not suddenly end terror as a phenomenon. But it would remove a cause that remains more evocative than any other in the region, and it would undo or mitigate one of the greatest sources of resentment that is easily exploited by the radical Islamists. For that reason alone, the United States must deal with the conflict, even while it presses Arab regimes to assume their responsibilities on peacemaking and reforming (Ross, 2004, p.783).

Finally, although President Barack Obama has offered to improve the United States' relations with Iran, he was rebuffed by Iran's Supreme Leader,

Ayatollah Ali Khamenei. In a televised speech in Iran, Khamenei said that he will watch and wait to see a corresponding change in U.S. foreign policy, notably its relations with Israel and the Palestinians, and then Iran may reciprocate President Obama's offer (Al Jazeera, 2009).

As for the reason the Israeli settlements are so important in the Palestinian-Israeli conflict, I will show how the existence of the settlements and their infrastructure in the West Bank constitute the core of the Israeli occupation.

Historical Background

The state of Israel without the West Bank excludes the areas most important to religiously observant Jews. To these people, the areas between Hebron (where Abraham, Isaac, and Jacob are buried) and Nablus (the first capital of the ancient Kingdom of Israel – known as “Shechem” in Hebrew) are the most important geographical locations in the historic land of Israel. The areas of Israel along the coast, on the other hand, never belonged to the ancient Israelites, and therefore the Jewish religious connection to those areas is not nearly as strong (Frisch, Interview, 2009).

As further emphasis behind the desire to maintain a Jewish presence in the West Bank (referred to as Judea and Samaria by many Israelis), the Jews cite no less a source than God Almighty. In Genesis 17:8, God tells Abraham, “I will give unto thee, and to thy seed after thee, the land wherein thou art a stranger, all the land of Canaan, for an everlasting possession; and I will be their God” (Holy Bible, King James Version). Furthermore, most Israelis believe that they are entitled to the ancient homeland of the Israelites precisely because it was

inhabited by their ancestors thousands of years ago (Dupuy, 1978, p.123). The problem with these arguments is that Palestinians can cite the same biblical source for their political purposes. Whereas Jews believe that the quote above refers to Abraham's descendents (or "seed") through Isaac, Muslims believe that it was through Abraham's first-born son Ishmael, through which both Jewish and Muslim traditions credit as being the father of the northern Arab people (Greenspahn, 1987, p.4551). Moreover, in the Qur'an, Allah ("God" in Arabic) tells the Muslims a translation of the following: "Say (O Muslims): We believe in Allah and that which is revealed unto us and that which was revealed unto Abraham, and Ishmael, and Isaac . . ." (Qu'ran, Meaning of the Glorious). In addition, Palestinians can point to 2,000 years of continuous residence on their land, and modern documents such as property deeds and tax records from the Ottoman period onwards.

The issue of settlements between Israel and the Palestinians date back to the 1880s, when Jewish immigrants from Eastern Europe formed ten settlements in Palestine in what was then part of the Ottoman Empire. This was followed by another seven settlements in the 1890s. These immigrants had traveled to Israel in the "First Aliya" (or ascent), and these settlements were located mainly in low-lying areas containing few Palestinian inhabitants. Throughout this time, all of these settlements were purchased from the local inhabitants (Dowty, 2005, p.34) or absentee landlords. Even at that early date, however, some of the Jewish immigrants understood that their future relations with the Palestinians would not be bright. Eliezer Ben-Yehuda, one of the chief proponents in encouraging the

use of Hebrew for the Jewish immigrants to Palestine wrote in his diary upon his arrival in the port of Jaffa in 1881 a sense of foreboding:

I must confess that this, my first meeting with our cousins Ishmael, was not a joyous meeting for me. A depressing feeling of fear, as though before a fortified wall, suddenly filled my soul. I felt that they see themselves as citizens of the land that was the land of my fathers, and that I, the son of these fathers, I come to this land as a stranger, as a foreigner (Ibid, p.41).

After two decades of settlements, Jews constituted no more than 10% of the total population of Palestine (Ibid, p.35). A pogrom in Russia following the first Russian Revolution in 1905 led directly to the emigration of an additional 34,000 Jewish settlers to Palestine. This became known as the "Second Aliya" (Ibid, p.38). By 1935, Jewish settlement to Palestine had become such a successful enterprise for the Jews that the Grand Mufti of Jerusalem, Hajj Amin al-Husseini, issued a fatwa against any Palestinians who voluntarily sold their property to Jews. This, however, had little effect. By 1939, there were a total of 218 Jewish settlements in Palestine (Bregman, 2002, p.5).

While the Jewish emigration to Palestine was ongoing, there were significant discussions amongst Jewish leaders as to what should be done with the existing native Palestinian population. The forcible transference of Palestinians from Palestine to other nearby geographical locations was a constant theme in many of these discussions. In 1895, Theodor Hertzl (the founder of modern Zionism) wrote that "[w]e must expropriate gently the private property on the state assigned to us. We shall try to spirit the penniless population across the border. . ." (Mulhall, 1995, p.49). In 1930, Menachem Ussishkin, the then-President of the Jewish National Fund, said to a group of

journalists in Jerusalem that “[w]e must continually raise the demand that our land be returned to our possession If there are other inhabitants there, they must be transferred to some other place (Morris, 2001, p.141).

Other discussions by key Jewish leaders focused on the nature of peace agreements between the Jews with the native Palestinian population. In 1937, the first prime minister of the State of Israel, David Ben-Gurion, said that “[w]e do not seek an agreement with the [Palestinian] Arabs in order to secure the peace. . . . Peace for us is a means, and not an end. The end is the fulfillment of Zionism in its maximum scope. Only for this reason do we need peace, and do we need an agreement.” (Teveth, 1985, p.168). Believing that peace between an expanding Jewish population and the Palestinians to be impossible, Vladimir Jabotinsky, one of the first to recommend the use of force to curb Palestinian nationalism, wrote in the *Ha’aretz Daily* in 1923 that

Settlement can thus develop under the protection of a force that is not dependent on the local population, behind an IRON WALL which they will be powerless to break down.a voluntary agreement is just not possible. As long as the Arabs preserve a gleam of hope that they will succeed in getting rid of us, nothing in the world can cause them to relinquish this hope, precisely because they are not a rubble but a living people. And a living people will be ready to yield on such fateful issues only when they give up all hope of getting rid of the Alien Settlers (Mulhall, 1995, p.90).

Finally, immediately prior to the Israeli War of Independence, in what was one of the first demographic formulas for a viable, strong Jewish state, David Ben-Gurion, on December 30, 1947 testified to the Central Committee of the Histadrut that

In the area allocated to the Jewish State (by the United Nations) there are not more than 520,000 Jews and about 350,000 non-Jews, mostly Arabs. Together with the Jews of Jerusalem, the total population of the Jewish

State at the time of its establishment, will be about one million, including almost 40% non-Jews. Such a [population] composition does not provide a stable basis for a Jewish State. This [demographic] fact must be viewed in all its clarity and acuteness. With such a [population] composition, there cannot even be absolute certainty that control will remain in the hands of the Jewish majority There can be no stable and strong Jewish state so long as it has a Jewish majority of only 60%." (Masalha, 1992, p.176).

Moreover, he also declared that "[o]nly a state with at least 80% Jews is a viable and stable state" (Pappe, 2007, p.48). These arguments clearly demonstrate that there was an existing civilian population in Palestine during the early periods of Jewish immigration to Palestine, proving that the oft-quoted maxim of "a land without a people waiting for a people without a land" was simply not true.

Moreover, key Jewish leaders understood this. These statements also indicated the logic for alienating the land from Palestinians and creating a Jewish majority through combined immigration and land expropriation policies.

Land for a New Nation. The Zionists, through their extensive settlement enterprise in Palestine during the early 20th Century had already carved out a significant chunk of Palestine for their new country by the time it was granted recognition by the United Nations and the United States. But, as David Ben-Gurion remarked in 1947 (the year prior to the Israeli War of Independence), there were still too many Palestinians in it ("almost 40% non-Jews"). Ten years before this, in 1937, Ben-Gurion had written to his son, telling him that "[t]he Arabs will have to go, but one needs an opportune moment for making it happen, such as a war" (Pappe, 2007, p.23).

According to the Hagana Archives, the Jewish National Fund began conducting an inventory in the 1930s of the Arab villages located throughout

Palestine (known as the “Village Files”). Ben-Zion Lura, a Jewish National Fund employee, had recommended this because “[t]his would greatly help the redemption of the land” (Ibid, 2007, p.17). By 1940, the Villages Files included information about every village in Palestine, including road networks, water availability, political leaders, and the names of men between the ages of sixteen to fifty (Ibid, 2007, p.19). Using the Village Files (updated in 1947), employees of the Jewish National Fund created lists of wanted people from each village and passed these lists to Jewish soldiers, who, upon occupying villages, would arrest the people on the lists and typically shoot them (Ibid, 2007, p.21). Because of the success of these “search and arrest” operations, Yigael Yadin (Chief of Operations during the 1948 War) remarked in November 1947 “that the Palestine Arabs had nobody to organize them properly” (Sacher, 1952, p.217). Moreover, Palestinians were simply too weak to defeat or even adequately defend themselves against the Jewish forces during the prelude to the 1948 War (Morris, 2004, p.33).

Initially based on retaliation against Palestinian attacks during 1947, the Zionist policy was transformed in March, 1948 to an offensive strategy, known as Plan Dalet (Pappe, 2007, p.xiii). This plan included the following guidelines for attacking civilian population centers:

Mounting operations against enemy population centers located inside or near our defensive system in order to prevent them from being used as bases by an active armed force. These operations can be divided into the following categories: Destruction of villages (setting fire to, blowing up, and planting mines in the debris), especially those population centers which are difficult to control continuously. Mounting search and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the

armed force must be destroyed and the population must be expelled outside the borders of the state (Khalidi, 1987, p.861).

Plan Dalet was executed in March, 1948 (two months prior to the end of the British Mandate) and within six months, almost 800,000 Palestinians had been expelled from their villages (Pappe, 2007, p.xiii). The typical means of expelling Palestinians from a village entailed attacking a village on three sides, so that the residents could flee through the open fourth side (Ibid, 2007, p.133). This, plus a few well-publicized massacres, had the desired effect of emptying most of the remaining Palestinian villages of their inhabitants.

Following the massacre at the Palestinian village of Deir Yassin, on 9 April 1948, in which over 100 Palestinian civilians (including 30 babies) were murdered by members of Jewish Irgun and Stern groups (Morris, 2003, p.238), the Arab League decided to intervene militarily after the British Mandate ended on 15 May 1948 (Pappe, 2007, p.40). In the meantime, the Zionist leadership publicly announced an exaggerated casualty count at Deir Yassin to warn Palestinians about remaining in their homes any longer (Ibid, 2007, p.91).

During this phase in the war (prior to the Arab Army interventions), about 250,000 Palestinians had been evicted from their villages (Ibid, 2007, p.40). Also during this time, the Zionist leadership determined that their future state's borders should include the most remote Jewish settlements, with all land in between them being Jewish (Ibid, 2007, p.42). With an agreement between the Jewish Agency and King Abdullah of Transjordan allowing him to keep the West Bank for Transjordan (Ibid, 2007, p.43), the Arab Legion returned to Transjordan by 14 May 1948, leaving the Palestinians without the defense of the then strongest

army in the Arab world (Glubb, 1957, p.89). Commenting about this, General Sir John Bagot Glubb, the Commander of the Arab Legion during the 1948 war noted that “[t]he fighting in Palestine in the summer of 1948 was a curious imitation of a war, artificially limited by political considerations” (Ibid, 1957, p.89).

Occurring from November 1947 to July 1949 (Morris, 2004, p.6), the reasons for the Palestinian exodus from their homes has been the subject of much controversy. The Israeli story is that Palestinians fled either voluntarily or because of orders from leaders of other Arab countries. The Arab story is that the Palestinians were forcibly expelled by the Jewish forces as part of a grand plan (Ibid, 2004, p.2). The truth, as typical, is somewhere in between, although it is much closer to the Arab than the Israeli story. Out of a total of 392 Palestinian villages and cities from which their inhabitants fled, only six were emptied because of orders from Arab leaders. 221 Palestinian villages were emptied as a direct result of Jewish military assaults; 51 more were expelled by Jewish forces (not through direct assaults, but by other means); 54 were drained because of the influence of a nearby Palestinian village’s fall; 43 others were cleared simply because of Palestinian fear; and 14 were evacuated as a result of a whispering campaign by the Jewish forces (Ibid, 2004, p.xvi). In his autobiography, General Glubb concluded the following:

It must not be forgotten that the whole problem of embittered refugees was the result of the ruthless expulsion of all Arabs by the Israelis in 1948. The story which Jewish publicity at first persuaded the world to accept, that the Arab refugees left voluntarily, is not true. Voluntary emigrants do not leave their homes with only the clothes they stand up in. People who have decided to move house do not do so in such a hurry that they lose other members of the family – husband losing sight of his wife, or parents of their children. The fact is that the majority left in panic flight, to escape

massacres (at least, so they thought). They were in fact helped on their way by the occasional massacre – not of very many at a time, but just enough to keep them running. Others were encouraged to move by blows or by indecent acts. The public in Israel had forgotten that they drove out these refugees with savage harshness, and were now genuinely indignant and aggrieved that the refugees should want to infiltrate back to their homes (Glubb, 1957, p.251).

The 1948 War of Independence ended with Israel signing separate armistice agreements with Egypt, Transjordan, Lebanon, and Syria. Israel had achieved a great victory, having established its new borders on 78% of Mandatory Palestine (not including Transjordan after its independence in 1946) along what is now known as the “Green Line”. Transjordan remained in control of the West Bank and East Jerusalem, and Egypt remained in control of the Gaza Strip. East Jerusalem, the West Bank and the Gaza Strip would then remain outside of Israel’s control until Israel’s victory in the 1967 Six Day War. On the other hand, returning to the importance of settlements in the overall Israeli strategy, David Ben-Gurion wrote in his *Memoirs* that “Israel is ours in the Twentieth Century not because we fought wars over it, but because we settled it” (Ben-Gurion, 1970, p.26).

Israeli Settlements During Labor Party Rule: from 1967 – 1977. Although there was no Israeli settlement-building outside the state of Israel between 1948 and 1967 (due to Jordan’s annexation of the West Bank and Egypt’s occupation of the Gaza Strip), this changed quickly after the Israeli victory in the 1967 Six Day War. After the war, Israel occupied the West Bank, Gaza Strip and the Golan Heights. Moreover, just two weeks after the 1967 war concluded, Israel annexed East Jerusalem (Harris, 1980, p.35). These events presented to Israel

some unique opportunities: to reposition Israel's forward defensive lines to more easily defended topographical locations and to implement ancient historic rights (although this opportunity would not be fully capitalized upon until after the Likud election victory in 1977). Israeli politicians soon realized that the best way to execute both of these opportunities would be through the establishment of Jewish settlements into the West Bank and Gaza Strip (Ibid, 1980, p.1).

What eventually became known as the "Allon Plan" (named after Yigal Allon, the Minister of Labor at the time) was actually never officially adopted. Regardless, its tenets were acted upon by the Israeli government and it set the objectives for Israel's settlement enterprise until 1977 (Ibid, 1980, p.36). The Allon Plan assumed that the 1949 border (the Green Line) was indefensible, and that "Israel must retain direct rule over parts of the occupied territories which conferred clear strategic advantages . . . and immediately implement a comprehensive policy of Jewish colonization" (Ibid, 1980, p.36). He viewed Jewish colonization of the occupied territories as the best means of preventing political concessions in those areas (Ibid, 1980, p.40). Avoiding major Palestinian population centers, the Allon Plan focused primarily on establishing Jewish settlements in the Jordan Valley running the length of the West Bank of the West Bank's border with Jordan (Ibid, 1980, p.105). This would become "a strip twelve to fifteen kilometers wide running south to the Dead Sea which, with the inclusion of the mountains to the west, would form a defensive wall against any assault from the east" (Ibid, 1980, p.38).

Although the plan was to avoid building settlements near Palestinian population centers, this did occur a few times between 1967 and 1977, but this was accomplished primarily as a response to a new religious-nationalistic, Jewish settler movement, called Gush Emunim (Bloc of the Faithful). Although the Labor Party Prime Ministers of this period publicly opposed the building of settlements in densely populated Palestinian areas, Gush Emunim was able to gain wide public acceptance of its efforts to “create facts on the ground” (Ibid, 1980, p.116). This public acceptance could clearly be seen in a statement made by the-then Minister of Defense, Moshe Dayan. In April 1973, he declared that “those who believe that Israel’s control of Judea and Samaria is temporary should stop teaching the Bible” (Eban, 1978, p.494).

Gush Emunim wanted to establish Jewish settlements throughout the West Bank and to prevent the possibility of it ever being returned to the Palestinians (Ross, 2004, p.26). Although the first attempts by Gush Emunim to establish settlements in the West Bank without government approval were defeated by the Israeli Defense Forces (IDF), after 1975, they had several successes (Harris, 1980, p.136). By 1977, the number of Jewish settlers in the occupied territories totaled about 4,000 (Ibid, 1980, p.183).

Israeli Settlements After 1977. Following the 1977 Likud Party victory over the Labor Party, the Israeli government executed a major shift in its ideology. No longer would organizations such as Gush Emunim have to act prior to government approval. They now had a government that shared their ideology, which was based on “peace for peace”, not “land for peace” (Ross, 2004, p.26).

They believed that land was not the issue, but “acceptance of Israel by the Arab world” (Ibid, 2004, p.26).

Menachem Begin’s first order of business upon winning the 1977 election (even before his official appointment as Prime Minister) was to visit the illegal Jewish settlement of Qaddum (declared illegal by the previous Labor Government) to emphasize his intended change in Israeli settlement policy (Dasgupta, 1983, p.44). The settlement policy changed from one of focusing on security through the establishment of settlements in the mostly uninhabited Jordan Rift (Allon Plan) to establishing settlements in densely populated Palestinian areas (Schiff, 1985, p.66). The Likud policy for settlements was devised by Mattityahu Drobles (the Likud representative at the World Zionist Organization), and was adopted in 1978. Known as the Drobles Plan, it stated the following:

There should be no shadow of a doubt as to our intention of staying in Judea and Samaria. A tight chain of settlements along the mountain ridge from Nablus to Hebron will serve as a reliable defense facing Israel’s eastern front. Such a buffer zone based on settlements will also give security to the settlements and settlers in the Jordan Valley. The two areas that will thereby be created on the eastern and western sides of the mountain range have to be densely settled in order to reduce the dangerous possibility of the establishment of an additional Arab country in the region (Shlomo, 2003, p.267).

The last sentence is the key to the Drobles Plan. The chief purpose of this plan was to prevent the emergence of a new Arab country in the region. Moreover, Moshe Dayan clearly understood the importance of settlements in the occupied territories. He said that the critical importance of the settlers is "not because they can ensure security better than the army, but because without them we cannot

keep the army in those territories. Without them the IDF would be a foreign army ruling a foreign population" (Aronson, 2001).

Immediately after Egyptian President Anwar Sadat's visit to Jerusalem and the Camp David Accords in 1977 and 1978, the Israeli Government worked fast to change the situation on the ground in the West Bank in order to prevent any future withdrawal from the West Bank (Shlomo, 2003, p.270). By 1983, the number of settlers in the West Bank had increased from 5,000 in 1977 to 27,000, thanks largely to the efforts of Ariel Sharon, then Minister of Agriculture (Ibid, 2003, p.270).

In 1980, as the Israeli government was working to increase settlements in the occupied territories, and after returning the Sinai Peninsula to Egypt (as part of the Camp David Accords), there was a housing shortage throughout Israel. The Likud government devised a way to solve both problems at the same time, through the subsidization of housing in the occupied territories (Witten, 1985, p.202). In addition to solving these problems, this also increased the number of potential settlers immensely, because the majority of the Israeli public was not ideologically motivated (Shlomo, 2003, p.202).

In 1992, after the Labor Party defeated the Likud Party in the general elections, Yitzhak Rabin became Prime Minister. Under the Labor Government, the Israeli policy on settlements changed again, to a freeze in the construction and expansion of existing settlements (Ibid, 2003, p.283). In spite of this change in official policy, however, settlements continued to increase. In fact, by the time of Rabin's assassination in 1995, the number of settlers in the occupied

territories had increased to approximately 150,000 (Ibid, 2003, p.284). The results of the Likud policy over the years, under the supervision of Ariel Sharon in various government ministerial positions (even taking into consideration the announced policy change during the Labor government rule from 1992 to 1995), eventually resulted in over 200,000 settlers in the West Bank by the summer of 2001 (Ibid, 2003, p.270).

When Ariel Sharon became Prime Minister in 2001, he realized that there was a rising demographic threat to Israel as a Jewish state. Projections at the time revealed that, if nothing were done, Palestinians in historic Palestine would outnumber Jews by 2010. It was in light of this information that Sharon made the decision to withdraw the settlers from the Gaza Strip in 2005. By withdrawing the settlers and the soldiers from the Gaza Strip and isolating it from Israel, Sharon was able to subtract the large number of Gazans from any future demographic comparisons between Jews and Palestinians, especially after declaring that the Israeli occupation over Gaza was over (Hilal, 2007, p.14). Another reason for the unilateral disengagement from Gaza was to stall any political process that could potentially lead to the creation of a Palestinian state. One of Sharon's advisors, Dov Weissglas, told *Ha'aretz* that

The disengagement plan supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians. The political process is the establishment of a Palestinian state with all the security risks that entails. The political process is the evacuation of settlements, it's the return of refugees, and it's the partition of Jerusalem. And all that has now been frozen (*Ha'aretz*, 8 October 2004).

Alongside the plan to unilaterally disengage from the Gaza Strip was the 2002 Israeli government plan to create a physical barrier to separate the West Bank from Israel. The government stated that the barrier “is intended to reduce the entry of terrorists from Judea and Samaria to carry out terror attacks in Israel” (BIMKOM, 2005, p.9). However only 20 percent of the barrier was planned to run along the Green Line. This left the rest of the separation barrier being inside the West Bank, actually putting 244,000 Palestinians (including the Palestinians living in East Jerusalem) who live outside the Green Line inside the barrier with Israel (Ibid, 2005, p.5). Although the government of Israel did not say that the separation barrier was intended to protect settlements inside the West Bank, a government decision in 2003 stated that “additional and immediate security components will be instituted to protect Israeli communities in Judea and Samaria against existing threats during the course of building the barrier in the ‘seam zone’” (Ibid, 2005, p.9). In fact, in 2006, Ehud Olmert (the leader of the Kadima Party and the next Prime Minister) remarked during the last day of the Herzliya Conference in 2006 that

In order to ensure the existence of a Jewish national homeland, we will not be able to continue ruling over the territories in which the majority of the Palestinian population lives. We must create a clear boundary as soon as possible, one which will reflect the demographic reality on the ground. Israel will maintain control over the security zones, the Jewish settlement blocs, and those places which have supreme national importance to the Jewish people, first and foremost a united Israel under Israeli sovereignty (Ghanem, 2007, p.55).

Legality of the Settlements. Although the government of Israel only considers the outposts to be illegal, international law, notably the 4th Geneva Convention considers all of the settlements to be illegal. In Article 49 of the 4th

Geneva Convention, it states that “[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies” (4th Geneva Convention, 1949). There are also various United Nations Security Council (UNSC) Resolutions concerning the Jewish settlements in the occupied territories. UNSC Resolution 446 affirmed that

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem. . . . The policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East (United Nations, 1979).

Finally, the Roadmap of 30 April 2003, designed by the Quartet (United Nations, European Union, United States, and Russia), committed Israel to “immediately dismantle all settlement outposts erected since March 2001” and to “freeze all settlement activity, including natural growth of settlements” (BBC News, 2003).

Current Situation in the West Bank:

Because Israel removed all of its settlements from the Gaza Strip in 2005, the remainder of this research will concentrate on the West Bank. The West Bank consists of only about 20% of historical Palestine, so when Americans and Israelis complain about a lack of willingness for Palestinian negotiators to sacrifice more, they are neglecting to mention that the Palestinians have already sacrificed a great deal, by agreeing to focus peace negotiations solely on the future of the areas Israel had occupied in 1967 – not on the entire historical land of Palestine.

Results of the Oslo Accords. During the Oslo Accords in 1994, Israel and the Palestine Liberation Organization (PLO) agreed that the West Bank would be divided up into three administrative areas: Areas A, B and C. As amended by the Wye Agreement in 1998 and the Sharm Memorandum in 1999, Area A, which includes the major Palestinian cities, covers approximately 18 percent of the West Bank. Area B, which includes the built-up areas of small Palestinian towns, constitutes about 22% of the West Bank. Finally, Area C, which includes Jewish settlements, the main roads, the Jordan Valley, military bases, nature reserves, and many of the agricultural lands belonging to the Palestinian built-up areas of Areas A and B, constitutes about 60% of the West Bank (BIMKOM, 2008, p.16).

Under the Oslo agreement, Area A fell under Palestinian Authority control, Area B fell under joint Israeli/Palestinian control, and Area C was under full Israeli control (Ibid, 2008, p.16). This situation still exists today, for the most part, although the IDF reserves the right to enter any area at any time for security purposes. The IDF routinely enters Palestinian cities at night to conduct arrests (Reynolds, 2009, Interview).

Impacts of the Israeli Occupation on Palestinians. The Israeli Occupation greatly affects the daily lives of Palestinians living in the West Bank. Among these are killings, arrests, land confiscation, house demolitions, difficulty in getting building or travel permits, checkpoints and other closures, Israeli bypass roads, the Security Barrier, abuse by violent settlers, and neglect or abuse by the Israeli Defense Forces.

Killings. Since the start of the 2nd Intifada in September 2000 to 31 September 2008, over 4,000 Palestinians have been killed by the IDF (including over 900 minors under 18). Over 2,000 of these Palestinians were killed while they were not participating in hostilities (B'Tselem, 2009). Most telling is that the great majority of the soldiers who committed these crimes went unpunished – typically with no indictments (Yesh Din, 2008, p.17).

Arrests. Following killings, over 700,000 Palestinians (about 1/5 of the population) have been under Israeli detention – most of them classified by the Israeli government as political prisoners since the beginning of the occupation in 1967, (United Nations, 2006). Although the number of Palestinians under Israeli detention changes daily, as of 31 October 2008, there were over 8,000 being detained in “administrative detention”, which means detention with no charges (PASSIA, 2009, p.345).

Land Confiscation and House Demolitions. In addition to detentions, between September 2000 and February 2009, the Israeli government confiscated over 258,000 dunums of Palestinian land (one dunum equals ¼ of an acre) and razed over 80,000 dunums of Palestinian land (MIFTAH, 2009). Moreover, although the Israeli government has yet to dismantle a single illegal Israeli outpost, they have demolished over 3,800 Palestinian homes since 1987 (B'Tselem, 2009): 43 in 2007 for military purposes and 39 for being built without a permit (PASSIA, 2009, p.346). The situation of building without a permit exists primarily because the Israeli Civil Administration (responsible for the approval of building and travel permits for Palestinians in the West Bank) requires

Palestinians to submit extremely extensive and complicated applications, and then routinely denies them. In order to have a place to live, Palestinians typically build houses for their families, with or without a permit (B'Tselem, 2009).

Abuse by Violent Settlers. Settler abuse of Palestinians occurs frequently in the West Bank, although most of these occur in Hebron, where an ideological Jewish community co-exists with a large Palestinian population (Feurstein, Interview, 2009). These settler abuses consist of assaults; throwing stones, garbage, feces, and other objects; destroying shops; breaking windows; stealing; and cutting down trees (B'Tselem, 2002). In fact, in Hebron's city center, violence by settlers against Palestinians occurs on a daily basis. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported over 290 cases of settler abuse against Palestinians for the first 10 months of 2008, which was higher than all of 2007 and 2006, a worrying trend. Moreover, since 2006, about one half of all violence committed against Palestinians by settlers have been against women, children, and people over 70 years old (United Nations OCHA, 2008). What makes this even worse is that most instances of settler violence are never reported, due to Palestinian fears of reprisals by settlers or the IDF (B'Tselem Annual Report, 2007, p.37). Yesh Din (an Israeli Human Rights organization) conducted an investigation and determined that 90 percent of the cases filed by Palestinians against violent settlers in 2005 were closed without indictments (Ibid, 2007, p.38). This is not new. In 1994, for example, when the settler Dr. Baruch Goldstein killed over 30 Muslims at prayer in the Ibrahimi Mosque in Hebron, the Israeli governmental reaction was to

impose a curfew on Hebron's Palestinian community, while there were no restrictions on the local settler community (Feurstein, Interview, 2009). Moreover, the head of the International Observer Force in Hebron (TIPH), Ian Christian, reported that "[t]he settlers go out almost every night and harm whoever lives near them, break windows and cause damage. . ." (Regular, 2004).

Neglect or Abuse by Israeli Defense Forces (IDF). In 2004, the High Court of Israel declared that "[p]rotecting the safety and property of the local residents is among the most basic obligations imposed on the military commander in the field" (B'Tselem, 2007, p.41). More important however, is that as the occupying power (under Article 43 of the Hague Regulations), the IDF is required to enforce the law and protect all civilians in the occupied territories, not just the Israeli citizens (Yesh Din, 2006, p.16). That said, the IDF is charged by the Israeli government primarily with protecting Israeli citizens in the West Bank, so any protection of Palestinians in the West Bank comes after that (Etkes and Friedman, 2006).

In practice, Palestinians and settlers fall under two separate judicial systems. Settlers, as Israeli citizens, come under Israeli law. Therefore, Israeli police are responsible for enforcing the law with them. Palestinians, on the other hand, fall under the jurisdiction of the Israeli military, so the IDF is responsible for enforcing the law on them (El Ajou, Interview, 2009). A problem arises in the West Bank, however, because the Israeli police are not normally present at the scene of a crime, but the IDF is (Levental, Interview, 2009).

To protect settlers in the West Bank, the IDF executes a separation policy, which has “extensively and mortally infringed the human rights of tens of thousands of Palestinians in almost every aspect of their lives” (B’Tselem, 2007, p.67). This separation policy, when enacted, results in the following: unreasonable searches and evictions of Palestinians from their homes, restrictions from using certain streets if they live near settlers, and prohibition on opening shops near settlers (Ibid, 2007, p.68). It makes no difference if this creates severe hardships to the affected Palestinians. Moreover, a lack of enforcement of the law against violent settlers tends to act as an effective deterrent against Palestinians coming near settlers, and therefore assists the IDF with their separation policy (Feurstein, Interview, 2009). Additionally, some Israeli soldiers have reported that they are sometimes actually ordered by their commanders not to enforce the law on violent settlers (Levental, 2008).

In addition to neglecting to enforce the law on violent settlers, soldiers occasionally even join in assaults against Palestinians (Breaking the Silence, 2009) or simply assault them at checkpoints (Ben-Ari, 2004, 2008, p.26). In most cases, there are no investigations – even when it results in the death of a Palestinian (Yesh Din, 2008, p.91). If a Palestinian calmly submits, then the soldier gets away with his or her actions cleanly. This is the normal situation. If a Palestinian responds violently, it justifies an even more violent Israeli response (Levental, 2008). Finally, after a thorough investigation into the IDF’s actions in the West Bank, the conclusion reached by Yesh Din – Volunteers for Human Rights, is that “[t]he attitude of IDF soldiers and commanders regarding their

obligation to protect Palestinian civilians and their property against violence by Israeli civilians appears to be apathetic and dismissive” (Yesh Din, 2008, p.54). This conclusion is virtually the same as that derived by attorney Talia Sasson, who informed Prime Minister Sharon in 2005 that the IDF doesn’t enforce the law, has little knowledge of law enforcement procedures in the West Bank, and has no interest in functioning like police (Sasson, 2005).

More recently, the actions of the IDF in Gaza shed even more light on the attitudes of the soldiers of the IDF with regard to Palestinians in the Occupied Territories. Graduates of the Military Academy at Oranim College in Israel recently provided testimonies to new Israeli soldiers studying at the Academy concerning their experiences during “Operation Cast Lead” in Gaza. Many of these testimonies tell a different story than that given by the Israeli Government. One Israeli Gaza veteran told the recruits that his commander ordered soldiers to the roof of a building in Gaza specifically to kill an old Palestinian woman crossing the street. He concluded his story by stating that “[i]t was cold blooded murder”. Another Gaza veteran said that he witnessed the killing of a Palestinian woman and her two children after they had been ordered out of their house by the IDF. As a result of the damning testimonies by Gaza veterans at this seminar, Israeli Minister of Defense Ehud Barak told reporters that "I still say we have the most moral army in the world. Of course there may be exceptions but I have absolutely no doubt this will be inspected on a case-by-case basis" (BBC News, 2009).

Settlements. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), there are 149 Jewish settlements scattered throughout the West Bank and East Jerusalem (Palestinian Central Bureau of Statistics, 2007). In addition to this, there are over 100 outposts considered illegal by the Israeli government (Feurstein, 2009, Interview). As of January, 2008, the settler population in the West Bank and East Jerusalem reached 530,000 people (ARIJ, 2008, Map) living alongside 2.4 million Palestinians (United Nations - OCHA, 2007).

Most important however, is that the settler population is continuing to grow at the rate of about 5.8% per year (United Nations - OCHA, 2007, p.8). In fact, as of July 2008, construction was ongoing in 604 buildings in West Bank settlements and tenders for 2,481 new housing units were issued (FMEP, 2008). In this same time, only 5.5% of Palestinian requests for building permits in Area C were approved by the Israeli Civil Administration (ARIJ, 2008). Moreover, according to the Israeli pacifist organization, Peace Now, 80.25% of the settlements and outposts are located either fully or partially on private Palestinian land (Peace Now, 2009).

Military Off-Limits Areas. Israel maintains 48 military bases in the West Bank (14 in the Jordan Valley), including Jerusalem. These military bases, in addition to training areas and other military regions include over 21 percent of the West Bank – and, most importantly, all of these areas are off-limits to Palestinians, for building and even for transit through them. Most of this area is immediately adjacent to Jordan, which gives Israel a large buffer zone between

the West Bank and Jordan (United Nations – OCHA, 2007, p.42), but, to the Palestinians living in the West Bank, it also ensures their complete encirclement by Israelis. When discussing the permanence of this situation with regard to future peace negotiations with the Palestinians, Ehud Olmert, during an interview on Israeli TV aired on 7 February 2006, said that “[w]e shall keep the Jordan Valley, we can’t abandon control over Israel’s eastern borders . . .” (Ghanem, 2007, p.52).

Nature Reserves. The Israeli government has established extensive nature reserves throughout the West Bank, with most of them being located in the Jordan Valley. Once an area has been designated as a nature reserve (8.7 percent of the West Bank), all Palestinian traffic through it is severely restricted, along with no grazing or development. In fact, if a Palestinian farmer or shepherd gets caught crossing an Israeli nature reserve, he risks fines for trespassing (United Nations - OCHA, 2007, p.44). Although nature reserves overlap with Israeli military areas, nature reserves plus the military areas, plus Israeli settlements constitute about 40% of the West Bank (Reynolds, Interview, 2009).

Security Barrier. The Security Barrier, also known as the Security Fence, Separation Wall, Annexation Wall, and even the Apartheid Wall separates East Jerusalem and the three major settlement blocks from the West Bank (United Nations – OCHA, 2007, p.48). The area inside the Security Barrier, once completed, will, to all intents and purposes, annex about 12% of the West Bank (Israeli Ministry of Defense, 2007). As for the effect of the Security Barrier, it will,

when finished, encircle 69 Israeli settlements (United Nations – OCHA, 2007, p.48). This will encapsulate 88 percent of all Israeli settlers in the West Bank, over 414,000 (PLO Negotiation Affairs Department, 2008), but it will also include about 244,000 Palestinians (BIMKOM, 2005, p.5). Moreover, over 80% of the Security Barrier is inside the West Bank, rather than along the Green Line (Israeli Ministry of Defense, 2007).

The Security Barrier consists of a combination of 8 meter high concrete walls (primarily around East Jerusalem), trenches, fences, razor wire and military-only roads. To the east of the Security Barrier, Israel maintains a buffer zone of 30 – 100 meters wide. The Security Barrier's route goes through some of the most fertile lands in the West Bank, which has greatly damaged Palestinian agricultural activities (PASSIA, 2009, p.357).

Accessing the area between the Security Fence and the Green Line (known as the "Seam Zone") requires a permit from the Israeli Civil Administration, an organization under the direction of the Ministry of Defense, responsible for the administrative control of Palestinians in the West Bank (World Bank, 2007). Even those Palestinians who currently live in the Seam Zone must get a permit to remain there (Ibid, 2007). Permits are very difficult for a Palestinian to get, as the Israeli Civil Administration is dominated by Israeli settlers (Schlomka, Interview, 2009).

The question of the Security Barrier's legality was the subject of an opinion by the International Court of Justice (ICJ) on 20 July 2004. The ICJ decreed that the Security Barrier, along with its gate and permit regime, violated international

law. The ICJ called on the government of Israel to cease all construction of the Barrier and to dismantle the parts that were already completed. To this day, Israel has not complied, and continues to build it (United Nations – OCHA, 2007, p.45).

Settler Roads. The Israeli government has created, and is still in the process of developing, a separate road network in the West Bank primarily for Israeli citizens and settlers (B'Tselem, 2007, p.20). These roads were primarily the result of planning by Ariel Sharon during the early 1990s. His proposal (which was accepted and executed) was to pave roads going east to west in the West Bank through strategic areas, and to build settlements along the road to secure them (Shlomo, 2003, p.269). These bypass roads (completely separate from Palestinian roads in most cases) would allow settlers to travel throughout the West Bank and to Israel without having to travel through Palestinian cities (Ibid, 2003, p.284).

Today, some of these roads provide easy access from the West Bank to Israel and others form an internal network within the West Bank, linking settlements to each another (B'Tselem, 2007, p.20). Palestinian use of these roads is either banned or restricted, in which case a hard-to-get permit is required from the Civil Administration. These by-pass roads also include a 50-75 meter buffer zone on each side. No Palestinian construction is allowed in the buffer zones (ARIJ, 2008). Currently, Palestinians are either restricted or completely prohibited from driving on about 311 kilometers of West Bank Roads (B'Tselem, 2007, p.20).

Palestinians are free to drive on minor one-lane roads, often unpaved. These roads are found only in Areas A and B, with Palestinian movement in Area C (60 percent of the West Bank) being prohibited (Ibid, 2007, p.20). These roads are for the most part not straight, but winding, to go around the settler roads and other obstacles (Schlomka, Interview, 2009). For a trip from Bethlehem to Ramallah, for example, it takes an Israeli using settler roads about 20 minutes. A Palestinian, on the other hand, requires at least two hours – if the Israeli soldiers at the checkpoints are in a good mood (Halaseh, Interview, 2009). The main impacts of the settler roads on Palestinians in the West Bank are that they prevent Palestinians from using the roads that go directly from one Palestinian city to another and that they actually create barriers to Palestinians who try to cross them. These settler roads and the off-limits military areas have fragmented the West Bank into several separate Palestinian enclaves, isolated from one another (United Nations - OCHA, 2007, p.57).

Closures. To ensure that Palestinians do not travel on settler roads, the Israeli government has created numerous road closures and obstacles. These consist of road blocks, fully manned and partially manned checkpoints, fences, cement blocks, earth walls, trenches, earth mounds, barbed wire, and iron gates (ARIJ, 2008). The United Nations Office for the Coordination of Humanitarian Affairs reports that the number of road closures and obstacles in the West Bank has increased from 566 in September 2007 to 609 in May 2008. These closures do not include checkpoints on the Green Line, which are clearly reasonable from a security point of view (PASSIA, 2009, p.358). The effect of these closures is to

block Palestinian access to main roads within the West Bank and force them to go through manned checkpoints (B'Tselem, 2007, p.12). The closures, taken in combination with the settler roads, give the settlers and other Israelis a series of easily accessible corridors to assure easy travel throughout the West Bank, while it constitutes tremendous obstacles to any Palestinians wanting to travel from one city to another (Reynolds, Interview, 2009).

Fragmentation of the West Bank. Taken together, the settlements, settler roads, and other Israeli infrastructure have fragmented the West Bank into three isolated cantons or “Bantustans”, which, in turn have been fragmented into almost seventy isolated enclaves (Farsoun, 2006, p.351). This is basically what Prime Minister Ehud Barak offered to Yasir Arafat during the 2000 Camp David Accords (Pappe, 2007, p.40). What this means is that if a future state of Palestine is created while maintaining the current Israeli settlement infrastructure and military off-limits areas in the West Bank, the result will be much like the island nation of Indonesia, but without water separating the different parts of the country.

Checkpoints. Permanently and partially manned checkpoints are operated by the IDF to control and restrict Palestinian movement in the West Bank (B'Tselem, 2007, p.12). To the Palestinians, the checkpoints are a symbol of the Israeli occupation and serve as a constant reminder of their humiliation and lack of freedom (Ben-Ari, 2004, p.2). As of July 2008, there were about 103 permanently manned checkpoints. Notably, only 40 of these were last before Israel checkpoints. That said, even the last before Israel checkpoints were

primarily located several kilometers inside the West Bank (B'Tselem, 2008). In addition to these checkpoints, the IDF also regularly sets up "flying" checkpoints, which are checkpoints set up on a random basis (Halaseh, Interview, 2009). During July, 2007 alone, researchers for the United Nations counted between 100 and 120 flying checkpoints each week in the West Bank. The long delays and unpredictability of these flying checkpoints makes it difficult for Palestinians to plan their personal travel in the West Bank (United Nations - OCHA, 2007, p.68). Although many Palestinians understand the need for the Israeli government to maintain checkpoints along the Green Line, they don't approve of the checkpoints within the West Bank. On a hot, summer day at the Kalandia Checkpoint (just outside East Jerusalem), one Palestinian who was waiting in line told some Hebrew University researchers that

If the role of the soldier and the checkpoint is to prevent a suicide bomber to go and commit suicide then I accept the checkpoint. But if the role is to bring hate to the heart of the Palestinian that lives here and to add another black point to the heart of the Palestinians then the checkpoint is a danger to the [Israeli] state, no (Ben-Ari, 2004, p.7)?

Most of the West Bank checkpoints are on the roads between Palestinian villages (B'Tselem, 2007, p.13). If a Palestinian wants to travel from one Palestinian enclave to another, he has to go through checkpoints or through tunnels which go under settler roads (Reynolds, Interview, 2009). If tunnels or some other means of bypassing checkpoints are unavailable, Palestinians have to get travel permits for just about all travel outside their greater municipal area (PASSIA, 2009, p.346). Finally, to maintain the

separation between Israeli settlers and Palestinians, the Israeli government is upgrading and even constructing new Palestinian roads. The end result of this is two separate, parallel road networks, one for Israelis and one for Palestinians (United Nations - OCHA, 2007, p.72).

Israeli Policy on Settlements

Although there is a new coalition government in Israel, the policies of Prime Minister Sharon and Olmert remain in effect. During the December 2003 Herzliya Conference, Prime Minister Sharon conceded that Israel would freeze settlement growth, dismantle illegal outposts, begin to implement the “Roadmap” and eventually remove roadblocks inside the West Bank. He also explained his Disengagement Plan, saying that it was intended for security, not political purposes. In his explanation of the Disengagement Plan, Sharon said that the IDF would be redeployed along new security lines and that there would be a change in the location of settlements in the West Bank, which would further separate Israelis from Palestinians, to “reduce friction between us and the Palestinians” (Israeli News Agency, 2003).

As for the policy on Jerusalem (which impacts on the settlers and Palestinians living in East Jerusalem), Prime Minister Sharon’s opening statement before the United Nations on 15 September 2003 was very clear: “I arrived here from Jerusalem, the capital of the Jewish people for over 3,000 years, and the undivided and eternal capital of the State of Israel” (Prime Minister’s Office, 2005). This statement, and the strong, ideological beliefs behind it, will make a two-state solution very difficult to achieve, because one of

the primary demands of the Palestinians is to make East Jerusalem the capital of the future state of Palestine (Khatib, Interview, 2009).

As for specific settlements, Prime Minister Ehud Olmert declared that Israel would eventually annex the three largest settlement blocs to Israel. These are Ma'ale Adumim, Ariel, and Gush Etzion (Israel Insider, 2006). Although this runs counter to U.S. policy, it remains the policy of the state of Israel. Currently, there exists a largely vacant area between the settlement of Ma'ale Adumim and Jerusalem, called E-1. Roni Bar-On, the spokesperson for the Kadima Party (the political party of Ehud Olmert and Tzipi Livni) declared that "our intention is to continue to build in the area [E-1] without upsetting the daughter of our capital [Washington]. There will be territorial contiguity." Moreover, Ruby Rivlin, the spokesperson for the Likud Party (the party of Benjamin Netanyahu) said that Israeli possession of the E-1 area is vital to prevent Ma'ale Adumim from being isolated as was Mount Scopus after the 1948 war (FMEP, 2006).

Another important Israeli Policy constitutes one of separation ("apartheid" in Afrikaans). In 2006, Prime Minister Olmert clearly demonstrated that his intent was to separate the Israelis from the Palestinians. In an interview with The Jerusalem Post, he declared that by 2010, he intended to impose "Israel's permanent borders, whereby we will completely separate from the majority of the Palestinian population" (Yates, 2006). With the Security Barrier, separate road networks for settlers and Palestinians and numerous checkpoints and obstacles throughout the West Bank, this is happening now. Many Palestinians do not

believe that there is just a danger of Israel moving toward becoming an apartheid state, but that it already exists (Shalev, Interview, 2009).

In addition to separating Israelis from Palestinians, the government of Israel also separates Israelis of Palestinian descent from Palestinians who live in the Occupied Territories. A recent Supreme Court case concerning the Nationality Law was recently completed. The Nationality Law, voted upon by the Knesset on 31 July 2003, prevents the spouse of an Israeli citizen from moving to Israel if he/she lives in the Occupied Territories or in a hostile Arab country (Al Haq, 2004, p.212). Other than keeping the law unchanged, lawyers for the Israeli Ministry of Justice announced in mid-March 2009 that “[t]he State of Israel is at war with the Palestinian people, people against people, collective against collective”. This statement means that every Palestinian, whether a terrorist, a police officer, a refugee living in Lebanon, a Palestinian citizen of Israel, or a Palestinian child, is an enemy of Israel (Avnery, 2009).

Means of Separation

Using security as the announced reason, Israel’s separation policy, if it continues, will eventually make it almost possible for Israelis to drive from one end of the West Bank to the other without seeing any Palestinians – except from a safe distance (Personal Observation, 2009). “The lively Palestinian traffic that once characterized . . . Route 60, which runs along the north-south axis of the West Bank, is now conducted primarily along narrow roads linking one village to another” (B’Tselem, 2007, p.11). The Palestinians, if the trends continue, will be

marginalized in Israeli society, much like the native Indians in the United States and Canada.

The means of separation include the separate road networks inside the West Bank for Israelis and Palestinians, the Security Barrier, the requirement for Palestinians to have permits to travel outside their cities and villages, and in separate schools for Jewish and Palestinian children. Even within Israel proper, Israeli children of Arab descent (Christian and Muslim alike) attend different schools than Jewish children. This situation does not change until college, in which there are integrated classes in Israeli universities (Schlomka, Interview, 2009) but some Arab students are tracked into separate classes because of their supposedly deficient Hebrew language skills. However most Palestinians who are Israeli citizens are not accepted in Israeli universities and attend separate colleges or vocational institutes instead (Zuhur, Interview, 2009). Finally through expanded settlements, continuing confiscation of Palestinian land, and the practice of denying building permits for Palestinians in Area C (the 60 percent of land in the West Bank under full Israeli control), the Israeli government is completing the enclosure of all the Palestinian A and B Areas, linking them with each other with Palestinian-only roads (Shalev, Interview, 2009).

Disconnect Between Official Israeli Policies and Action

Israel's stated policies and its commitments to the United States do not reflect what is actually occurring in several areas. The most egregious of these disconnects is that regardless of which political party was in power, settlements have continued to expand – even during the Oslo Process. In fact, the number of

settlers has nearly doubled since the Oslo Process (Peace Now, 2008). Moreover, in spite of the 2005 Sasson Report, which documented over 100 illegal outposts in the West Bank, and Prime Minister Olmert's promise to remove them, not a single one was dismantled (Peace Now, 2009). Additionally, Prime Minister Olmert said that the security barrier would allow Israel to reduce the number of roadblocks inside the West Bank, but instead they have increased from 475 at the beginning of his term to 600 at the end (Peace Now, 2009).

As discussed earlier, the Israeli Defense Forces, considered by many around the world to be an extremely professional military, routinely mistreats Palestinians (Breaking the Silence, 2009), even Israeli citizens with an Arab background (Rafa and El Ajou, Interviews, 2009). Finally, the Civil Administration, which is supposed to assist Palestinians with routine administrative procedures, instead makes it very difficult for Palestinians to get permits for travel or building (ARIJ, 2008).

2005 Sasson Report

Talia Sasson, former head of the Israeli State Prosecution Criminal Department in the Sharon Administration, was commissioned by Prime Minister Ariel Sharon to conduct a thorough investigation into the issue of illegal outposts in the West Bank. She presented her results, known as the "Sasson Report", to Prime Minister Sharon in March 2005. Although International Law (the 4th Geneva Convention) considers all settlements in the Occupied Territories to be illegal, Ms. Sasson's investigation focused solely on those considered illegal by Israeli law. These illegal outposts, therefore only include those settlements built

without Israeli Cabinet-level approval (Sasson, 2005). Ms. Sasson stated that the illegal outpost phenomenon began after 1993 (during the Rabin Administration), when the Israeli government formally froze the building of settlements in the Occupied Territories. She said that this was because of Israel's international situation, in which most countries of the world (including the United States) disapproved of Israel's settlement policy (Sasson, 2005).

Ms. Sasson concluded that as of March 2005, there were over 100 illegal outposts in the West Bank, and that these were the result of rampant corruption throughout the Israeli government. Although the Israeli government did not approve the building of a single outpost, many were approved and built at lower levels of the government. Moreover, many of these officials colluded with other ministries (including the IDF) to ensure the success of these illegal outposts (Ibid, 2005). Ms. Sasson found that all Israeli departments and ministries colluded in funding illegal outposts (including recurring maintenance funds), that these ministries and departments (including the ministers themselves) ignored law violations by settlers when the settlers occupied land owned by Palestinians, and that this illegal enterprise forced the IDF to divert its resources to defending extremist settlers who were conducting illegal activities (Sasson, 2005).

Israel's official policy on building new settlements, plus the illegal outpost enterprise allowed Israel to continue building settlements in the Occupied Territories while telling the international community that its official policy was to freeze all settlement expansion. Finally, in February 2009, *Ha'aretz* reported that the abuses in the 2005 Sasson Report are still ongoing, that illegal construction

is occurring in 75 percent of all settlements, and that 30 existing settlements were built on Palestinian land (Blau, 2009, p.7).

Why is This Situation Politically Tolerated?

All of these disconnects between Israel's official policies and actual actions on the ground lead to either one of two possible conclusions – that the Israeli government is either riddled with incompetence and is unable to control the actions of its ministries (and the IDF) or Israel is trying to obtain as much land as possible without obtaining responsibilities for the Palestinians on that land, and to do so in a manner permitting continued positive relations with the United States.

Acquiring more land for Israelis is easily done through expanding settlements (whether legal or illegal). Doing this without increasing the number of Palestinians in Israel is difficult, but not impossible. If the Separation Barrier is viewed as an Annexation Wall (one of its many descriptions), the fact that it includes over 80% of the Jewish settlements in the West Bank (PLO Negotiation Affairs Department, 2008) automatically increases the proportion of Jews to Palestinians in Israel. Moreover, as Dr. Ghassan Khatib, Vice President of Birzeit University and a former Minister of Labor for the Palestinian Authority, said, "Ethnic cleansing does not always involve loading people into trucks and driving them across the border. It can also be accomplished by making their daily lives so miserable that they leave voluntarily" (Khatib, Interview, 2009). The Israeli government, as described earlier, uses various means to make the daily lives of Palestinians miserable (whether intentionally or unintentionally). These

include the Separation Barrier, the checkpoints throughout the West Bank, the separate settler road network, the neglect and abuse of Palestinians by the IDF and violent settlers, the difficulty in obtaining travel and building permits, the vast areas (Area C) in the West Bank that is off-limits to Palestinians, killings, arrests, land confiscations and house demolitions, etc.

For the most part, the official Israeli answer is that all of this is done for security reasons (Frisch, 2009, Interview), but is Israel more secure if the daily lives of Palestinians are so miserable? Prolonging the conflict has a tendency to radicalize the Palestinian population (Khatib, 2009, Interview). Is Israel truly safer in the long-term when Palestinians suffer more and become more radical? If anything, Israel, through its policies, has achieved short-term security at the expense of its long-term security.

In interviews with both Israelis and Palestinians, all of them agreed that if the Israeli government truly wanted its ministries and the IDF to enforce the laws of the state, it could do so. That said, rampant penetration of the Israeli government at all levels by the strong settler movement has inevitably led to the types of government corruption noted in the 2005 Sasson Report (Haklai, 2007, p.713) and ensures that any Israeli government tempted to take on the settlers will do so at a great political price. As for governmental incompetence, on the other hand, this doesn't explain why the Ministry of Defense does not execute demolition orders when the Israeli Supreme Court tells them that certain Israeli outposts are illegal. These actions suggest other motives, but not incompetence.

In that the supposed incompetence that comes from all sectors of the Israeli government always come down on the side of the settlers and against the Palestinians, it is difficult to believe that there is not an unwritten, unstated objective – and all of the ministries seem to understand this. This evidence leads to the conclusion that Israel has no intention of ending the occupation or dismantling the settlements to allow for the establishment of a Palestinian state. Instead, Israel appears to be attempting to acquire as much land as possible with as few Palestinians as possible, while maintaining positive relations with the United States to maintain continued financial and diplomatic support. No other explanation makes sense. If this continues, the end state will be a Jewish state that encompasses almost all of the historic “Land of Israel”, except for isolated Palestinian enclaves on “reservations”.

U.S. Policies

The current U.S. policy on settlements shifted significantly under President George W. Bush, and was reflected in a letter he sent to Prime Minister Sharon on April 14, 2004. Because of this major policy shift, many people have likened this letter as a second Balfour Declaration (Rubenstein, 2004). Although the United States government perceives the settlements as the largest obstacle to peace with the Palestinians (BBC, “Roadmap”, 2003), the United States is no longer calling for Israel to dismantle them or even to offer to the Palestinians an equivalent territory in Israel to exchange (Israel Ministry of Foreign Affairs, 2004). In his letter to Prime Minister Sharon, President Bush wrote that

In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of

final status negotiations will be a full and complete return to the armistice lines of 1949. . . It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities (Ibid, 2004).

This gave to Prime Minister Sharon what he really wanted, which was to maintain the major Israeli settlements in the West Bank (the three major settlement blocs) with U.S. government approval. The United States government still insists however, that Israel dismantle all outposts that the Israeli government calls illegal and to freeze all future settlement growth (Bush, Speech, 2007).

Although the United States government agrees with the need for the security barrier, the United States insists that it be temporary, and for security reasons only, not for redrawing political boundaries (Israel Ministry of Foreign Affairs, 2004). Finally, the empty area known as E1 between Jerusalem and the settlement city Ma'ale Adumim should remain empty – at least empty of new settlements. In October 2005, Secretary of State Condoleezza Rice told the U.S. Senate Foreign Relations Committee that "[w]e have told the Israelis in no uncertain terms that [settlement in the E1 area] would contravene American policy" (Rice, 2005). Should this area become the home for new settlements, it will effectively sever the West Bank in half, making a two-state solution (the primary U.S. objective in the area) impossible.

Money

Maintaining the occupation is expensive for Israel, especially given the very green settlements – such as Ma'ale Adumim – located in the middle of the Judean Desert. These costs include settlement security (the IDF, civilian security firms, and physical security measures, such as fences), cheap housing for

settlers through low purchase prices and mortgage grants, tax breaks for settlers, free schooling for settlers, and business grants. This costs the government of Israel about 5 billion New Israeli Shekels (NIS) per year in military and civilian expenses, which equals about \$1.2 billion (Shauli, 2007). Moreover, the Israeli Defense Ministry estimates that the security barrier (also very expensive) will cost about \$2.5 billion to complete it (PASSIA, 2009, p.357).

Although the occupation is costly, Israel will not have to bear those costs alone. On 16 August 2007, the United States and Israel signed an agreement guaranteeing Israel \$30 billion over the next decade in \$3 billion annual increments – starting in October 2008. This was a 25% increase in all aid given prior to 2008. Although U.S. economic aid to Israel ended in October 2008, the increase in military aid to Israel is still 25% more than the previous military and economic aid added together (Erlanger, 2007).

Mr. Burns, the U.S. Undersecretary of State for Political Affairs called the aid to Israel “an investment in peace, in long-term peace — peace cannot be made without strength” (Ibid, 2007). The military aid provided to Israel by the United States (at least for the next ten years) allows Israel to maintain its occupation of the West Bank and Gaza Strip without suffering fiscal consequences.

Solutions

Here we should explore some possible solutions. A two-state solution, currently the objective of the United States government and the international community, is still possible, but with the situation of continuing settlement

expansion in the West Bank, it is unlikely. The Palestinians do not want a “Bantustan” state and the Israeli government is not likely to take on the settlers (an extremely important constituency) to tell them to leave, especially now that the Israelis have elected a government consisting of a coalition of parties from the right of the political spectrum, and because there are now over 530,000 settlers. That said, there are international precedents for this. Algeria was occupied and colonized by France from the 1830s to 1962 (about five generations of settlers). At its zenith, France had approximately 1 ½ million French settlers living in Algeria (as opposed to 530,000 Israeli settlers today). In that the French government actually considered Algeria part of France, most people in France believed that it would be impossible to withdraw the settlers, that it was irreversible. President de Gaulle, however, understood how to accomplish this “impossible” task. He announced that the French Army was going to leave and that Algeria was going to become independent. The settlers could either leave while they maintained the protection of the French Army or they could remain in Algeria and take their chances. The result of this was that most French settlers left. There is no reason why this could not succeed in Israel. Ariel Sharon, on the other hand, focused his arguments against withdrawing settlers on the forced withdrawal of Israeli settlers by the IDF. He did this deliberately to maximize the difficulties in public opinion (Keller, Interview, 2009).

Finally, in 2002, then Crown Prince Abdullah of Saudi Arabia offered to Israel security and normal relations with 22 Arab states if Israel would withdraw

to the Green Line, allow for the establishment of a Palestinian state with East Jerusalem as its capital, and allow for the return (or just compensation) of the refugees of the 1948 War (CNN, 2009). In spite of this unprecedented overture by the Saudi government however, U.S. and Israeli official responses have been cool to the proposal. When asked about the Israeli Government position on this, Dr. Hillel Frisch of Hebrew University responded that Israel doesn't need peace with the Arab states, because those states are too weak to harm Israel. In fact, not since 1973, when Saudi Arabia withheld oil from Israel as a result of the 1973 war has any of the Arab states been able to hurt Israel, and that is not likely to happen again (Frisch, Interview, 2009).

A one-state solution is becoming more popular due to the improbability of the two-state solution. The main problem however, from both Israelis and Palestinians is that both sides have reached such a level of distrust that they believe it to be impossible to live together in the future in one state (Frisch, Interview, 2009). Moreover, the vast majority of Israeli Jews want Israel to remain a Jewish, democratic state (Baskin, Interview, 2009) and that would become impossible if the Palestinians in the West Bank and Gaza were allowed to become equal citizens. Israel could be a democratic state, but not a Jewish, democratic state. From the Zionist point of view, giving up the occupied territories to allow a Palestinian state to emerge would be like giving up an arm or a leg. Giving up the idea of a Jewish state, however, in favor of a democratic state consisting of Jews and Arabs as equal citizens would be like giving up the head or heart (Keller, Interview, 2009).

This leads to the most likely end state, which is simply a continuation of the status quo, leading up to a greater Israel and a Palestinian entity consisting of isolated enclaves – similar to the Indian reservations in the United States and Canada. In that Israel now has a guarantee of \$3 billion a year from the United States for the next 10 years, it can easily afford to maintain the settlements. For the most part (other than the mainly ineffective rocket attacks by Hamas), the Palestinian population in the West Bank is submissive. When I asked a Palestinian taxi driver why he thinks most Palestinians are so submissive, he explained his personal situation. He told me that he has three children attending college in the West Bank, and that it is expensive. If any of them cause trouble with the Israeli authorities, he could lose his house and ability to pay for his children to attend college. He said that after 40 years of occupation, he is simply tired and wants to live as normal a life as possible, even if it means a continuation of the Israeli occupation and all of the humiliations that entails (Shaheen, Interview, 2009).

What this means is that Israel is not paying much of a price in either dollars or Israeli human suffering to maintain the occupation. Moreover, this status quo option allows the Israeli government to continue to acquire more land without acquiring the Palestinians to go with it, and that it does this with the approval of the United States government. Without the continued financial and diplomatic assistance of the United States, the government of Israel would be forced to undergo, at a minimum, a cost-benefit analysis of continuing the

occupation. The occupation can continue indefinitely only with the concurrence and support of the United States.

Recommendations for U.S. Foreign Policy

In that the United States and Israel have both committed to working towards a two-state solution (in the 2003 Roadmap), the United States should apply its \$3 billion in annual military aid as leverage to force Israel to commit to a two-state solution. This could be done by tying the aid to a complete cessation of all settlement and outpost expansion and by insisting that Israel conduct and conclude peace negotiations with the Palestinians' elected representatives, whoever these may be. As Moshe Dayan stated in 1977 "[i]f you want to make peace, you don't talk to your friends. You talk to your enemies" (Israel Ministry of Foreign Affairs, 1977). Forcing Israel to conduct peace negotiations with the Palestinians until an agreement is reached will align the U.S. policy on Israeli settlements and Israel's settlement policy with what is actually occurring on the ground and will do more than anything else to bring stability to the Middle East (clearly a goal in the national interests of the United States and Israel).

Israel has been able to resist peace negotiations in the past by saying that Israel requires security before negotiations can begin. This does not allow for the internationally accepted norm that a people under occupation have a right to resist that occupation. If, on the other hand, Israel was to cease the occupation immediately, this would undo the need for resistance. Moreover, there are Israeli and Palestinian organizations that do not want peace and would do whatever they can to disrupt peace negotiations. Requiring security before negotiations

begin is, in reality, just another means of having no peace negotiations at all. Finally, the Arab League has already given the Israelis the best possible security deal ever with the 2002 Saudi initiative discussed earlier.

With constant instability in the Middle East, U.S. involvement in two wars there, and the amount of hatred of the United States by Arabs and Muslims throughout the world, in large part due to the unconditional U.S. support of Israel against the Palestinians, it is clearly in the U.S. national interest to solve the Palestinian/Israeli Conflict immediately. The United States government has the ability to do this – if it has the will to take on the powerful Israeli Lobby and the fundamentalist Christian organizations within the United States. On September 11, 2001, the United States learned that two oceans do not provide enough security against an enemy who has so much hatred against it that they are willing to die in an attempt to cause harm to their enemy. The Israeli government may not want to end the occupation, but the long-term survival of Israel and the future well-being of the United States depend on it.

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Biography

Colonel Tony J. Sarver is the U.S. Army Visiting Defense Fellow at the Queen's University Centre for International Relations in Kingston, Ontario, Canada.

Colonel Sarver, a native from Newfoundland, has served in various command and staff positions throughout his 23 years in the U.S. Army. He commanded the 516th Personnel Services Battalion in South Korea, the Military Entrance Processing Station in Anchorage, Alaska, and the 10th Replacement Company in Fort Drum, New York. As a staff officer, he served in the American Embassy in Tunisia, with NATO in Turkey, and in the United States/Republic of Korea Combined Forces Command in South Korea as the Chief of Current Operations, as well as various other locations throughout the United States. He has conducted peacekeeping tours in Port-au-Prince, Haiti and Sarajevo, Bosnia-Herzegovina. Upon completion of his fellowship at Queen's University, he will deploy to Baghdad, Iraq for one year to serve as the J1 for the Multinational Security Transition Command – Iraq.

Colonel Sarver is a graduate of the United States Army's Airborne School and Air Assault School, and the Command and General Staff College. He holds a Bachelor of Arts in Music Education from Florida State University and a Master of Science in International Relations from Troy State University. He is married to the former Lamia Tounsi of Tunis, Tunisia, and has three daughters, Sophia, Mariam, and Hana.

