

Distr.
LIMITED
E/ESCWA/1994/PTF/1
6 June 1994
ORIGINAL: ENGLISH

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA

**THE IMPACT OF ISRAELI SETTLEMENTS IN THE
WEST BANK, GAZA STRIP AND GOLAN HEIGHTS**



UNITED NATIONS
New York, 1994

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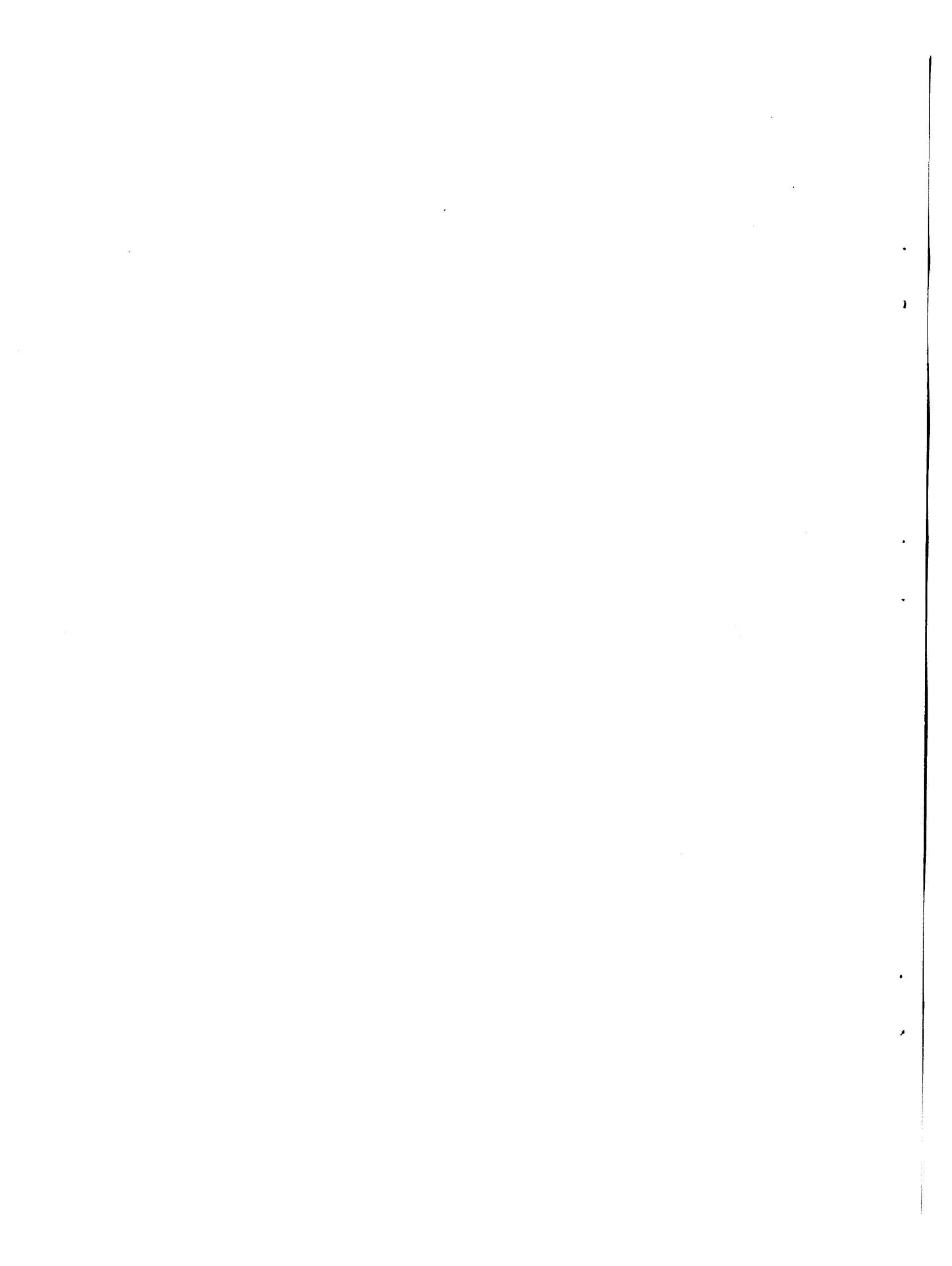
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Foreword

This document was prepared as a background paper to the ESCWA report on the "Economic and social consequences of the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, occupied since 1967, and the Syrian Golan". The report was made to assess the progress in the implementation of General Assembly resolution 48/212 of 21 December 1993 on the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan.

The present document was prepared for ESCWA by a consultant, Geoffrey Aronson, Associate Director of the Foundation for Middle East Peace, Washington, D.C. The views expressed in this document are those of the author and do not necessarily reflect the views of the Secretariat of the United Nations.



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NOTES

Settlement facts—October 1993

West Bank

Israeli settlements: 150

Israeli settlers: 120,000

Palestinian population: 1 million

East Jerusalem

Israeli settlements: 9

Israeli settlers: 160,000

Palestinian population: 180,000

Gaza Strip

Israeli settlements: 16

Israeli settlers: 4,500

Palestinian population: 830,000

Occupied Syrian Golan

Israeli settlements: 36

Israeli settlers: 12,000

Syrian population: 15,000

Source: Foundation for Middle East Peace.

Introduction

Israel, today, almost 50 years after its creation, remains a State in the making. The creation and expansion of Jewish settlements in Palestine has been the defining element of the Zionist movement since the publication of Theodore Herzl's The Jewish State in 1896.

The Balfour Declaration, issued in 1917 by British Foreign Secretary Arthur James Balfour, gave qualified sanction to the growing Jewish community in Palestine.

"His Majesty's Government," noted Balfour, "view with favour the establishment of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine."

The collapse of the Ottoman Empire resulted in Britain's assumption of responsibility for Palestine, under the Mandate system introduced by the League of Nations in 1922.

In 1947, after almost three decades of strife between the Jewish *Yishuv* (community), which was mobilized towards achieving the goal of Jewish sovereignty in Palestine, and the Arabs of Palestine, who saw the increasing power of the *Yishuv* as a threat to their own vision of political self-determination, Britain relinquished its Mandate. The United Nations in November 1947 proposed the division of Palestine into separate Jewish and Arab States and the internationalization of Jerusalem. The failure of this plan was followed by a general war after the British withdrawal in May 1948.

The State of Israel was established on territories already held or captured by Jewish forces during the war. The remaining parts of Mandatory Palestine—the West Bank, including what became known as East Jerusalem, and the Gaza Strip—were respectively united with Jordan and administered by Egypt.

Israel captured the West Bank and Gaza Strip, as well as the occupied Syrian Golan and Egypt's Sinai Peninsula during the June 1967 war. Sinai was returned to Egypt in 1982 as part of the Egypt-Israel peace treaty.

It is in these areas that Israel's controversial settlement programme—the permanent transfer of part of Israel's civilian Jewish population and the creation of a physical infrastructure to sustain them—is being implemented. Settlements have been the practical expression of a national Israeli effort to preclude the possibility of Palestinian self-determination west of the Jordan River. More than any other manifestation of Israeli policy, settlements are the key index of Israel's intentions in the territories. And after the historic agreement between Israel and the Palestine Liberation Organization (PLO) in September 1993, their future is even more of a barometer of Israeli-Palestinian relations. Settlements and Israeli-Palestinian reconciliation are at opposite ends of the political spectrum. For reconciliation to occur, Israel must radically revise its long-held view of settlements and transform what has traditionally been their role in Israel's national consciousness.

The growth and development of settlements attests to Israel's continuing determination to remain the *de facto* sovereign in the Arab territories it now occupies, with a corresponding disfavoured position for Palestinian social, economic, and political institutions. It was estimated that by the end of 1993, almost 300,000 Israelis were living in the over 200 communities established since 1967 in the West Bank, including East Jerusalem, the Gaza Strip and the occupied Syrian Golan.

The West Bank, the name given by the Government of Jordan to the area west of the Jordan River which it incorporated after the first Israeli-Arab war in 1948, comprises 5.5 million dunums.

In September 1967, an Israeli census showed a Palestinian population of 595,900. Not included in this figure were 200,000 Palestinians, most of them refugees from the 1948 war, who fled to the east bank of Jordan during the course of the 1967 hostilities. Today the population numbers 1,200,000 [1].

The Gaza Strip, hugging the Mediterranean coast south of Israel, occupies an area of 363,800 dunums. Israel's September 1967 census showed a population of 389,702, 260,000 of whom were refugees from the 1948 war and their descendants. Today the Strip's population is 750,000 [2].

Israel, by virtue of its military conquest, acquired exclusive, yet temporary authority over the West Bank, Gaza Strip, and occupied Syrian Golan. Authority to maintain a military occupation, no matter how lengthy, however, does not confer any internationally recognized claim to sovereignty.

However, on 27 June 1967, Israel's national legislature, the Knesset, established the legislative framework for Israel's transformation from an occupying power—whose military forces were only temporarily and incidentally in control of the occupied territories—into a sovereign. The legislation empowered the Government to extend Israeli law, jurisdiction, and public administration over the entire area of the "Land of Israel [3]."

On 28 June 1967 an editorial in the ruling Labour Party's newspaper Davar observed that the Knesset had established the legal foundation to annex "parts of the liberated Land of Israel" freed from the "foreign yoke" by the war three weeks earlier.

What is known today as East Jerusalem was annexed to the State of Israel according to the provisions of this measure on 28 June 1967. On 14 December 1981, the Knesset enacted similar legislation aimed at the occupied Syrian Golan, wrested from the Syrian Arab Republic in the course of the June 1967 war [4].

Successive Israeli Governments have maintained that the sovereign identity of the West Bank and Gaza Strip is unsettled and that they are therefore not an "occupying" but an "administering" power. Israel therefore denies the applicability of the Geneva conventions to their right to settle their own population in the contested territories.

Paragraph 6 of article 49 of the Fourth Geneva Convention on Protection of Civilian Persons in Time of War has been an important casualty of this view. It states that: "The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies."

Civilian Israeli settlements have been built at some 200 sites seized by civilian and military bodies representing the Government of Israel as well as by Israeli civilians empowered by Israel to undertake such activity. The lands controlled by Israel amount to perhaps 50 per cent of the West Bank, 40 per cent of the Gaza Strip, and 30 per cent of East Jerusalem. The objective of these settlements has been to mark out the perimeters of Israeli sovereignty in the territories occupied in 1967, and to create physical barriers to the creation of a Palestinian polity [5].

The value of settlements to the achievement of both of these objectives was demonstrated to Israelis during the pre-State era. In that sense there is a clear historical and ideological continuity in Israel's settlement policies from the pre-State era to the present.

According to Israeli attorney Avigdor Feldman, who has contested Israeli land seizures in the West Bank on behalf of Palestinian litigants, "Israel regards the occupation not as a military episode but as a national Jewish and Zionist affair. Military reasons for Jewish settlement are in the best case secondary, and in most cases a cover-up [6]."

Israel has established approximately 150 Jewish settlements in the West Bank with a civilian population of 120,000; in East Jerusalem approximately 160,000 Israelis are resident; in the Gaza Strip, 4,500 settlers live in 16 settlements; and in the occupied Syrian Golan, 12,000 settlers reside in 36 settlements [7].

The purpose of these settlements is to create facts on the ground which diplomats will have no choice but to recognize. These settlement facts entail a literal transformation of the geographic and demographic reality. Their *raison d'être* belies any effort to conceal them.

Only in the mid-1980s, however, did international interest in the specific indices of Israeli settlement policies—numbers of settlements, settlers, budgets, etc.—become a significant factor in the diplomacy surrounding Israel's occupation. Efforts of the Administration of the United States of America, and of President George Bush in particular, focused attention on the details of Israel's settlement policy.

Repeated attempts by the United States to gain Israeli cooperation in providing specific information about the Israeli Government's support for settlement activity and its settlement plans, however, met with little success. The *Likud* government, led by Prime Minister Yitzhak Shamir, was not anxious to detail the extent of its settlement activities to the United States at a time when Washington's opposition to these activities was increasing. Shamir's deliberate efforts to misinform the United States became themselves a prime cause of the deterioration in United States-Israeli relations during the 1990-1992 period.

During this period, the United States, as well as a number of Israeli, Palestinian, and American parties, undertook independent efforts to illuminate the extent of government support for settlement activities. United States efforts included on-site inspections as well as satellite intelligence. Other efforts focused on on-site inspections as well as compiling documentary evidence available from the Israeli Government and that appeared with great frequency in the Israeli press.

During Secretary of State Warren Christopher's February 1993 visit to Israel, the Rabin government reconfirmed its agreement to provide the United States with specific, current accounting of its non-security expenditures in the West Bank and Gaza Strip. In October 1993, the Rabin government estimated non-security expenditures at \$431 million in the West Bank and Gaza Strip (excluding expenditures in East Jerusalem). Inclusion of East Jerusalem and the occupied Syrian Golan would double this amount [8].

The September 1993 agreement between Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat marks the beginning of a new phase in Israeli history—the post-Zionist era.

For one century, the fundamental premise underlying the vitality of Zionism was the territorial expansion of the Jewish community in Palestine, necessarily at the expense of the Arabs of the Syrian Arab Republic, Jordan, Egypt, and most grievously, at the expense of the Arabs of Palestine.

Zionism's vision included parts of the Arab patrimony beyond the borders of the Jewish State created in 1948. For many Israelis, the conquest of the West Bank and Gaza Strip was a divinely-inspired event, marking the beginning of the Redemption and the End of Days.

Even those Israeli leaders like Moshe Dayan and Golda Meir whose lives were untouched by religious sentiment supported the retention of territories as the authentic expression of Zionism. "Where I settle I guard," one of many slogans created during Zionism's pre-State pioneering era slipped effortlessly into a post-1967 rush to colonize the occupied West Bank and Gaza Strip.

The settlements in these areas—along the Jordan Valley and the occupied Syrian Golan, around Jerusalem and even in the southern Gaza Strip—were meant to mark the perimeters of Jewish sovereignty in Palestine. The settlements established during the *Likud* era took this policy one step further. The implantation of scores of Jewish communities near Nablus, Hebron, Ramallah, and Tulkarm was aimed at physically destroying the territorial continuity of Palestinian inhabitation and thus making the creation of a viable Palestinian entity physically impossible.

The policy of creating facts on the ground complemented an ideology which viewed Palestinians as merely "Arabs of the Land of Israel" without any legitimate claim to self-determination in their homeland.

The Rabin-Arafat *rapprochement* marks a drastic change in this age-old equation lying at the heart of Zionism. Whatever he may believe, by recognizing the PLO, Rabin has begun the tortuous process of reconciling Israeli interests with those of Palestinian nationalism. As long as the PLO embodies the national identity of the Palestinian people, this recognition must entail the articulation, for the first time in modern history, of a defined, limited vision of Israeli sovereignty in Palestine.

Israel has now admitted that it is dealing with a people with legitimate aspirations to self-determination in their homeland. This recognition will force Israel to limit its own territorial objectives in the occupied territories in order to increase its own security in partnership with Palestinians—a complete revolution from the traditional Zionist credo.

Rabin has begun the process of educating Israelis that those truths they once held dear are no more relevant today than the key passages in the Palestinian Covenant that Arafat in the September 1993 agreement, committed the PLO to renounce.

Settlements in the West Bank and Gaza Strip will be the first to experience the effects of this transformation in Israeli ideology. Whatever Rabin may think, these outposts can no longer be justified as instruments for defining the future borders of the State. Nor can they be said to increase Israeli security. Indeed, Rabin himself acknowledged in Washington that "settlements in densely populated (Arab) areas add to the complexity of the problem [9]." Without the ideological authority that for so long legitimized their existence among Israelis, most of the settlements in the West Bank and Gaza Strip become anachronistic symbols of a bygone era.

Allegiance to their preservation will nevertheless remain a key Israeli demand, but it will be a challenge for Rabin to create a compelling post-Zionist rationale for their continuing existence as extraterritorial bits of Israel in a territory, perhaps even a State, run by the PLO.

The data used in this report are based in large part upon the work of the author as editor of the Report on Israeli Settlement in the Occupied Territories, published by the Foundation for Middle East Peace in Washington, D.C. This information represents the author's best effort to ascertain credible estimates of Israeli settlement activity based upon both the official Israeli documentary record as well as the reports of other governmental and non-governmental sources.

Chapter I

THE IDEA OF SETTLEMENT AND ITS ROLE IN ISRAELI POLICY

"Settlement—scores, almost one hundred years ago, in areas of the Land of Israel populated by Arabs and sometimes solely by Arabs—was it moral or immoral? Permitted or forbidden? One of the two. If it was moral then settlement near Nablus is moral. If that decision was moral, and we all boast of one hundred years of settlement, then today's settlement near Nablus, Jericho, and Bethlehem is moral....There is no third way. Either Zionism was moral from its inception ... (and) then it is moral to settle in all parts of the Land of Israel—or, God forbid, there is no morality to our settlement today, (and) we must ask forgiveness for what we did in the last one hundred years [1]."

For Menachem Begin, who spoke those words in an address before the Israeli Knesset in May 1982, Jewish settlement in the Land of Israel was and remains an expression of the enduring vitality of Zionism and its moral vision. For Begin, and indeed for Israelis generally, there has traditionally been no vital distinction between the settlement policies practised in the pre-State era and those that evolved in the wake of Israel's occupation of the West Bank, Gaza Strip, occupied Syrian Golan, and Sinai in June 1967. All are a product of the still-unfinished consolidation of Jewish sovereignty in Palestine, which must necessarily come at the expense of Palestinian national aspirations.

The Zionist experience of State-building in Palestine taught Israeli leaders that civilian settlements are the building blocks upon which sovereignty was created and which defined its territorial limits.

Yigal Allon, explaining the rationale for settlement in territories occupied in 1967, noted, "a security border that is not a State border is not a security border.... A State border that is not settled along its length by Jews is not a State border."

Security, sovereignty, and settlement were, according to Israel's compass, inextricably linked. The security achieved by Jewish settlement, according to this calculation, is essentially an existential concept rather than a military imperative. For as then Minister of Defence Moshe Dayan explained, Jewish settlements in the occupied territories were essential, "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 (Israel Defence Forces) would be a foreign army ruling a foreign population" (author's emphasis)[2]. To challenge the linkage between security and settlement, as do the opponents of Jewish settlement in occupied territories, is to contest not only a key lesson of the Jewish historical experience in Palestine but also, as Begin declared, a basic commandment of Israel's national mythology.

As far as the effect of Jewish settlement on Arabs, Israelis have consistently viewed it not as an obstacle to reconciliation but as an act of peace.

On 12 August 1991, Yitzhak ben Aharon, director of the office of Prime Minister Yitzhak Shamir remarked, "It may sound outlandish, but I believe if the Arabs become convinced that we are here for good—and not merely within the 1967 lines, but throughout the Land of Israel—they will come to realize that they need to attain a *modus vivendi* with us."

This was the view of Zionist ideologue and pre-State leader Ze'ev Jabotinsky, who argued that the Arabs of Palestine would eventually grow weary of fighting an ineffectual battle against the "Iron Wall" created by the Jewish community in Palestine. According to this view, any demonstration of Israeli determination and power was an act of peace, for it forced hostile Arab opponents to become reconciled to the existence of a Jewish sovereign in Palestine.

A. LABOUR ERA

After Israel's 1967 victory, it fell to the Labour Party to inaugurate the settlement imperative in the territories occupied during the short war. Then as now, the pre-eminent question facing Israeli policy makers has not been whether or not to settle but where to settle.

Labour's settlements during the 1967-1977 period of its rule were located according to what was in an Israeli context a minimalist, but ever-expanding conception of its territorial and ideological requirements. The Allon Plan, as Labour's settlement plan came to be known, called for a territorial division of the occupied lands according to the following essential principles:

In the West Bank, Israel would annex and settle, in both urban and rural communities, the following areas:

- * Jerusalem and its immediate environs;
- * A "security belt" 20 kilometres wide running the length of the Jordan Valley;
- * The entire Judean desert, possibly including Hebron.

According to the Allon Plan, named after Labour Party minister Yigal Allon, about one quarter (later expanding to about 40 per cent) of the West Bank's territory and population was to be annexed by Israel. The southern Gaza Strip would also be annexed as would the occupied Syrian Golan and a strip of Sinai linking Elat to Sharm el-Sheik.

Allon envisioned an "autonomous framework" for Palestinians in two distinct and non-contiguous regions—the populated mountainous West Bank heartland north of Ramallah, and the Hebron region—sandwiched between territory that Israel would annex in the West Bank [3].

The Allon Plan was succeeded by the Dayan Plan in 1973. Dayan believed in a "functional" rather than a "territorial" solution to the disposition of the occupied territories. Israel, according to this concept, would settle everywhere throughout the territories, and award Palestinians a measure of autonomy consistent with Israeli interests. But Israel would remain permanently in the occupied areas. Dayan exhorted his countrymen to "create facts in the territories—to settle....Let us not restrict our settlement by border points....We would do better daring to do than risking not doing [4]."

Dayan's "Five No's" were announced in September 1973:

- * Gaza will not be Egyptian;
- * The Golan will not be Syrian;
- * Jerusalem will not be Arab;
- * A Palestinian State will not be established;
- * We will not abandon the settlements we have established.

These demands signalled the adoption of Labour's maximalist programme of settlement [5]. Under this banner, the populated West Bank heartland in the area between Nablus and Ramallah and the Green Line border separating Israel from the West Bank would be opened to Jewish settlement.

During the first decade of occupation Labour established both the physical infrastructure and political institutions for the creation and expansion of a permanent Israeli civilian presence in the territories. But what Labour had adopted incrementally over the course of a decade, the *Likud* party, spurred by popular movements lead by *Gush Emmunim* (Bloc of the Faithful)—for whom the 1967 victory was understood as a divine signal to settle the occupied territories—embraced as its *raison*

d'être and the key to its political renaissance. For aside from the ideological imperative to settle the land which the *Likud* shared with its predecessor, Menachem Begin viewed the settlement enterprise as his opportunity to create a political constituency rooted in the land, just as Labor had done with its kibbutz and moshav settlements in the pre-State era.

B. LIKUD ERA

In July 1977 Begin politely refused President Jimmy Carter's request to freeze settlement activity. At that time, there were perhaps 50,000 Israelis living in annexed Jerusalem, but only 7,000 settlers in 45 civilian outposts in the remaining occupied territories.

In September 1977 Begin's Minister of Agriculture Ariel Sharon unveiled a settlement master plan, "A Vision of Israel at Century's End," which called for the settlement of 2 million Jews in occupied territories. The *Likud* plan was not inhibited by concerns over settling in areas of Arab habitation. Indeed, it viewed settlement as an instrument to disrupt the territorial continuity of Palestinian communities and thus pre-empt the possibility of Palestinian self-determination. The plan stressed the establishment of numerous settlement points as well as larger urban concentrations in three principal areas:

- * A north-south axis running from the Golan through the Jordan Valley and down the east coast of Sinai;
- * A widened corridor around Jerusalem;
- * The populated western slopes of the Samarian heartland, which Labour had only just begun to colonize [6].

This last wedge of Israeli settlement was of prime concern to *Likud* strategists, particularly Minister of Agriculture Ariel Sharon, who was intent upon establishing Jewish settlements to separate the large blocs of Arab population on either side of the Green Line north of Tel Aviv.

During the *Likud* era, Israeli settlements became an essential policy instrument in the effort to produce "demographic transformation" of the territories and the creation of a Jewish majority there.

Mattityahu Drobles, the co-chairman of the World Zionist Organization's Settlement Department, a quasi-governmental agency which spearheaded government settlement policies, noted that the *Likud* plan "will enable us to bring about the dispersion of the (Israeli) population from the densely populated urban strip of the coastal plain eastward to the presently empty areas of Judea and Samaria."

Drobles' "Master Plan for the Development of Settlement in Judea and Samaria" envisioned 80 Jewish settlements with a population of 120,000 (not including annexed Jerusalem) by 1985. (This goal was only reached in 1993 [7].)

In keeping with the *Likud* social and political origins, the numerous settlement points to be established would not reflect Labour's historical attachment to self-sufficient, agriculturally-oriented communities. Rather most would be bedroom communities without local sources of employment or industry.

The *Likud* intention to pre-empt the possibility of a territorial division of the land and to strike at the basis of potential Palestinian sovereignty by destroying the continuity of Palestinian-controlled territory was stated clearly by Drobles.

"The disposition of the settlements must be carried out not only around the settlements of the minorities (Palestinians-ed.), but also in between them, this in accordance with the settlement policy adopted in the Galilee and in other parts of the country....[8]."

The security justification for establishing these small, isolated settlements—a rationale which Labour had championed and which had survived the debacle of settlement evacuation of the occupied Syrian Golan during the October 1973 war—was repudiated in late 1979 by Menachem Begin's first Defence Minister Ezer Weizman, who refused to fall into what he described as "the trap of security reasons" by approving the establishment of the Elon Moreh settlement near Nablus [9]. Israel's High Court of Justice ordered the settlement to be evacuated.

A new rationale superseded the repudiated security justification—Israel simply declared lands required for Jewish settlement to be "State Lands", which, according to the Israeli definition comprised at least 25 per cent of the West Bank's 5.5 million dunums [10]. This basis removed even the pretense of a security justification for the *Likud* settlement plans, which otherwise continued unaffected by the High Court ruling on Elon Moreh.

During the 1980s, the Government allocated approximately \$300 million annually for the development and expansion of Jewish settlement in the West Bank [11]. Annual construction fluctuated between 1,000-2,000 housing units each year [12]. This investment in infrastructure and housing created the conditions for a take-off in Jewish settler population. By the end of 1985, the population stood at 42,000, a 100 per cent increase since 1982. By 1990, it stood at 76,000.

Beginning in 1990, the combination of the exodus of almost one-half million Jews from the Soviet Union to Israel and stepped up United States diplomacy precipitated the biggest building boom in Israel and in the occupied territories since the occupation's inception in 1967. In addition to the expansion of most West Bank settlements, particularly the suburban communities within commuting distance of Israel's commercial centres, a new line of settlement along and across the Green Line—known as the Seven Stars Plan—was adopted by the Shamir government. The plan, which in its initial stages is confined to Israeli territory, aims at physically erasing the old border and placing large concentrations of Jews as a bloc between Arabs living on either side of it [13].

In 1990 there were approximately 240,000 Israelis living in occupied territory—140,000 in annexed Jerusalem, 3,000 in the Gaza Strip, 12,000 in the occupied Syrian Golan, and 85,000 in the West Bank. Israel's building plans for 1990-1993, superintended by Minister of Housing Ariel Sharon, envisioned the construction of housing in occupied areas for an additional 40,000-80,000 Israelis annually [14].

C. SETTLEMENT PLANS

Israel's objectives for the occupied territories first appear in the form of often ponderous planning documents like the Drobles Plan. The creation of scores of new settlement and the addition of tens of thousands of Jewish settlers was, for example, first revealed as long ago as 1977 in this first "Master Plan" of the World Zionist Organization (WZO).

A 1991 Israeli Government planning document envisioned a Jewish population of 250,000 in the West Bank and Gaza Strip by 2010. At the time, the Jewish population of these areas was approximately 90,000.

"Part of the increase (to 250,000)," noted the Israeli newspaper Ha'aretz, "is based on immigration—in contrast to the official declarations that immigrants aren't going to the territories [15]."

"The Ordnance Plan for Population Dispersal in Israel" was prepared by the Interior Ministry's planning administration, which is responsible for population forecasts. It is a legally binding document, used by regional and ministerial authorities to guide long-term planning and development strategies. Originally completed in 1985, it estimated that Israel's population (including the entire population of Israel and annexed Jerusalem, but only the Jewish population of the occupied territories) would reach 7 million by 2020. As a consequence of an anticipated Soviet immigration of 1 million, Israel's population is now expected to reach this plateau by 2010.

According to this "Seven Million plan", the occupied Syrian Golan settlement of Katzrin, for example, is expected to expand to a population of 30,000 from its current population of 4,200. The Jewish population of the entire Golan was expected to increase from 11,000 in 1991 to 55,000 in 20 years.

Although the plan does not specify the increases in individual Jewish settlements, the Jerusalem Post reported that "a large percentage of Jewish West Bank residents would be living in the 'non-ideological' settlement-suburbs of Jerusalem like Ma'ale Adumim, population 15,000, and Pisgat Ze'ev, population 23,000, and Betar, population 3,000, where, the paper reported, the plan forecasts a population of 60,000 by 2000 [16].

For Jerusalem, including areas annexed after the June 1967 war, the total population is expected to increase from 555,000 to 700,000 in 2010. During that time the city's Jewish population is forecast to expand from 400,000 to 510,000. The vast majority of these newcomers will reside in the annexed areas of the city.

Jerusalem's Arab population is projected to increase at a similar pace—from 155,000 to 190,000 during the same period. As a consequence, the minority status of Jerusalem's Arab population will continue at approximately the same level—28 per cent; 27 per cent in 2010.

Today's settler population of 120,000 in the West Bank equals a little more than 10 per cent of the Palestinian population of 1 million. As the construction boom of the 1990s matures, the percentage of settlers is projected to increase dramatically.

Israel estimates that in the year 2005, there will be almost 1.5 million Palestinians in the West Bank. And while Israel's master plan for immigrant absorption contemplates a settler population of 250,000 by 2010, according to Ha'aretz reporter Nadav Shargay, "the Jewish population in Judea, Samaria, and Gaza need only grow by an average of 10 per cent annually until 2005 (between 1990 and 1993 the growth rate will be about 85 per cent) for the number of Jews in the West Bank to total 500,000 [17]."

D. THE RABIN GOVERNMENT

The June 1992 election of Israel's Labour Party headed by Yitzhak Rabin promised a reorientation of Israel's settlement policies—a reassessment prompted as much by the evolution of the "facts on the ground" as by the ideological differences between *Likud* and Labour regarding settlement.

While both major Israeli political parties share the commitment to maintaining United States support and assistance, the *Likud* has historically been more militant and uncompromising, and less committed to maintaining the atmosphere of amity so central to Labour's approach towards Washington. Shamir's refusal to moderate Israel's settlement activism in the face of unprecedented public disapproval from Washington during 1990-1992, for example, was at the heart of the tense relationship that developed during the Bush presidency. In contrast, one only need recall the prevailing United States view during Rabin's 1974-1977 premiership that Israel's rule over the occupied territories was a "benevolent occupation" whose policies, including those concerning settlement, were dictated by generally accepted "security considerations."

Seen from this perspective, a Labour victory offered at least a change in Israel's settlement style if not in substance. Because Shamir's rationale for continuing occupation of territories captured in June 1967 was formulated in terms of divinely-inspired ideological imperatives, the *Likud* was viewed as a more strident and difficult, albeit more authentic, representative of the Israeli point of view. A Rabin government, even if no less militant than its predecessors, would none the less be expected to present its policies in a more diplomatically astute fashion, precluding the kind of bitter, public wrangling that characterized Shamir's relations with President Bush and Secretary of State Baker.

Before his election Rabin recalled an anecdote from 1976 involving United States President Gerald Ford which offers an illuminating insight into his *modus operandi* with Washington.

"In 1976," noted Rabin in early 1992, "I had a different policy than the present Government about settlements. But I have never accepted the principle that Israel cannot and should not settle settlements beyond the Green Line [18]."

The request for a settlement halt by Ford followed news of the creation of the settlement of Ma'ale Adumim, just outside of Jerusalem.

"I was Prime Minister during ...(the decision) about the building of Ma'ale Adumim, outside of the United Jerusalem, and the United States Ambassador, Malcolm Toon, came to me with a message of President Ford. The message called for stopping all building of housing settlements beyond the Green Line.

"I said to the Ambassador, 'Look. Only the two of us and the President know about the message. You have two options. One, if you stress that I'll get it, I'll bring it next Sunday to the Cabinet meeting, and I'll recommend to the Cabinet to (reject it). Since no one knows, and I will not tell any member of the Cabinet about it, (I suggest) that the President take back the message.'

"The Ambassador said to me, 'I've never heard that a President of the United States will take back a message that he sends to a head of a foreign Government.' I said, 'Try! Try!'

"Forty-eight hours later he came to me, Malcolm Toon, the United States Ambassador to Israel, and said, 'What I didn't believe happened. The President took back the message.'

"Why? Why could it be worked out that way? No one knew about it. It was not leaked. I did not inform any member of the Cabinet because Cabinet members of all Governments leak. Whenever you have this kind of intimate relationship and trust that one will not exploit what is going on privately... There will be misunderstandings. The question is how to cope with it. Each side has to know the limits of the other, and to find ways to agree to disagree about many issues, and to find ways to work on what we can agree [19]."

More than one year into Rabin's rule, this is what indeed appears to have occurred, both with Washington and the PLO.

The key to Rabin's settlement strategy is the resurrection of Labour's support for "territorial compromise" underlying the Declaration of Principles of 13 September 1993 and the implicit acceptance of the idea of withdrawal from some occupied territory—a key element of United Nations Security Council resolutions 242 (1967) and 338 (1973) which the *Likud* adamantly opposed. As former Foreign Minister Abba Eban noted more than a decade ago, "even if the policy (of territorial compromise) is not carried out, it presents the Israeli posture in a way more likely to take us out of isolation. Therefore there is the possibility of a strategic gain and the certainty of a tactical gain [20]."

Rabin remains an expansionist. As his policies indicate he does not support an end to State-supported settlement. He has explained that "I was always for the principle that it is permissible to build settlements even beyond the Green Line. As proof, it was a Government headed by me that decided to create the settlement of Ma'ale Adumim"—a community of 17,000 just east of Jerusalem which was recently declared the first Israeli city on the West Bank.

Furthermore, Rabin's understanding of territorial compromise includes the annexation of 40-60 per cent of the West Bank, including East Jerusalem, and the entire occupied Syrian Golan.

"We'll continue to settle in Jerusalem and along the confrontation lines (the occupied Syrian Golan), especially in the Jordan Valley," he has noted.

The rationale for the retention of these areas is based upon security more than upon strictly ideological considerations, and Rabin has vowed to continue the expansion of settlement in these regions, during the interim period established by the Declaration of Principles as well."

Nevertheless, the victory of the Labour Party and the installation of Yitzhak Rabin as Israel's new Prime Minister in July 1992 raised the prospect of a material change in Israel's settlement policies.

The Labour Party platform promised that "new settlements will not be established and existing settlements will not be thickened, except for those in Greater Jerusalem and the Jordan Valley." It also committed a Rabin government to freeze the establishment of new settlements for one year. According to the Allon Plan—Labour's unofficial map outlining its territorial demands for the West Bank—these two regions are eventually to be annexed to Israel [21].

Rabin, however, has objected to "political settlements"—those outposts established in the populated West Bank heartland during the *Likud* reign in areas outside the confines of the Allon Plan.

"I am opposed to throwing away billions on the political settlements which are not in Greater Jerusalem and on the confrontation lines: the Jordan Rift Valley and the Golan Heights," he explained in June 1992.

Approximately 50 settlements, with a population of 26,000, clearly qualify under Rabin's definition of "political settlements." The remaining 100 West Bank outposts with a population of 94,000 fall into two categories: 70 "non-political" or "security" settlements with a population of 70,000 that Rabin considers suitable for continued expansion, and 10 settlements with a population of 24,000, including 11,500 in the settlement of Ariel, located in a triangular block of the West Bank just east of Tel Aviv. These settlements were included in Labour's 1976 settlement map but Rabin has not addressed their status.

Following his election, Rabin pledged "not to dry (political settlements) out," but not to "throw away billions" in State resources for their expansion.

The "Fundamental Policy Guidelines of the Government" contain no mention of a settlement or construction freeze, but they commit Rabin to "refrain from moves and actions that will disrupt the orderly conduct of negotiations." The new Government also pledged to maintain the security of settlers and to "consolidate and strengthen settlements along the confrontation lines (the Jordan Valley and Golan Heights) [22]."

E. SETTLEMENT PLANS

Soon after its installation in July 1992, the Rabin government announced its decision not to implement the Shamir government's 1992 construction plans for the West Bank, Gaza Strip and occupied Syrian Golan. This decision was the most visible signal of the new Government's intention to change national priorities by de-emphasizing the construction of new housing in the occupied territories. "Bringing an additional 400,000 people from what used to be the Soviet Union," declared Rabin before the Gulf war, "is what is important to Israel, more than three settlements, or 10,000 housing units in the occupied territories...."

"We cut 7,000 units (planned by the Shamir government in the occupied territories)," he continued. "I wish I could cut more, because I don't believe that they contribute to Israel's security. Saddam Hussein will not waste one Scud on any of these settlements."

No cutbacks were made in the area of "Greater Jerusalem"—defined by Minister of Construction and Housing Benjamin Ben Eliezer to include the West Bank settlements of Ma'ale Ephraim, Givat Ze'ev, Ma'ale Adumim, Betar, and Gush Etzion. Ben Eliezer declared, "we have not touched and we have no intention of touching (Greater Jerusalem) [23]."

Most of the units cancelled by Rabin existed on paper only. The Government's announcement on these cutbacks was accompanied by a decision to complete construction of 9,850 units in settlements throughout the West Bank, 1,200 in the Gaza Strip, and 1,200 in the occupied Syrian Golan. According to Minister of Construction and Housing Ben Eliezer, of the almost 10,000 West Bank units approved, 1,700 were in settlements in Greater Jerusalem; another 2,150 were located throughout the area and were then in the framing stage, 5,000 were almost completed, and 1,000 were being constructed by individual settlers in numerous settlements. In addition 4,000 just-completed West Bank settlement units were empty, with approximately half of these sold. A further 1,500 mobile homes were also available for occupancy.

The completion and occupancy of these units could increase the settler population in the West Bank to 150,000.

"That is the number (40,000-50,000) I think will be added to the territories if indeed those apartments will be acquired ... by settlers," acknowledged Ben Eliezer on Israeli television. Ben Eliezer noted that he would approve additional housing only to accommodate the "natural growth" of settlements [24].

Rabin, after returning from his August 1992 meeting with President Bush, sought to dispel the impression that Israel had imposed a settlement "freeze".

"Look, I do not know what you mean when you say settlement freeze, when we are talking of the continued construction of 11,000 units in the territories. I do not remember a time when, even after cancelling the construction of some 6,000 to 7,000 housing units, such a drive ever took place. I admit that had we been

in the Government before, we would not have reached such a scope. Therefore, when I asked a senior US State Department official for the Arab reaction, I was told that the Arabs are very critical of the United States in view of the fact that, the way they see it, not only is there no settlement freeze, there is even a hastened pace of construction when compared to two and one half years ago.

"Let us keep things in proportion. I am not happy with the situation, but I found...that we cannot practically cancel the construction of more than 6,000 to 7,000 housing units that were planned before, and for some of which initial ground-breaking work had begun. The construction of 11,000 units continues, nonetheless. Is this a freeze [25]?"

Rabin reported that President Bush was aware of the new Government's programme.

"The facts are reported and are known," explained Rabin. "I do not know whether he accepts it or not, but he knows that this will happen [26]."

The Voice of Israel on 12 August reported at the time that Bush "was told the 10,000 units under construction are a fact on the ground. He was also told Israel cannot legislate a law to prevent settlers from living wherever they want in the territories. The major issue is what the Government will or will not do for the settlers. President Bush was said to understand the constraints, although he did not love hearing them [27]."

In other decisions aimed at constraining settlement, the Government announced:

- * No new settlements would be created without Government approval;
- * Settlers purchasing homes in some settlements would enjoy less generous terms for "local loans"—what was heretofore the grant portion will become part of the payable loan;
- * Additional funding for 10 roads in the West Bank would be frozen;
- * No new government land leases for the private construction of homes in settlements would be awarded;
- * No new permits for private construction in settlements would be made available by the military government [28].

F. RABIN'S SETTLEMENT OBJECTIVES

A draft copy of the Rabin government's National Master Plan for construction, development, and immigrant absorption envisages a settler population of 140,000 in the West Bank and Gaza Strip by 1995, 110,000 less than previous plans approved by *Likud*-led governments. The current settler population of these territories is 120,000. The settler population of the occupied Syrian Golan in 1995 is planned to be 19,000.

The percentage of Israelis living in the West Bank and Gaza Strip under a Rabin government will increase, according to the plan, from 1.7 per cent in 1990 to 2.3 per cent of the country's total population.

Cabinet approval of the plan will invest it with statutory authority. All subsequent planning—for housing construction, infrastructure, and industrial development—must be based upon its targets.

The plan reflects the new Government's intention to devote greater resources to the development and expansion of already existing urban and suburban areas on both sides of the Green Line. The smaller West Bank settlements championed by the *Likud* but which have not proved popular as settlement sites will no longer enjoy privileged access to government coffers [29].

"If Israel goes on settling—and we keep on negotiating—the purpose of the negotiations will be defeated," explains Ibrahim Mattar, a Palestinian agricultural expert. "Settlement will determine our future, because it will liquidate the Palestinian presence on the land of Palestine, finishing the job begun in 1948. I'm becoming a radical. If you see what's happening here, you say what's the use, what's left for Palestine [30]?"

The settlement policies of the government of Yitzhak Rabin focus on consolidating the successful urban/suburban core of West Bank settlement communities developed by *Likud* governments since 1977 rather than on expanding politically divisive, marginal, and demographically questionable outposts.

Rabin's policy is particularly apparent in the area of annexed East Jerusalem and its West Bank hinterland of metropolitan or "greater" Jerusalem—a region whose permanent retention by Israel Rabin has declared is beyond political debate.

For Rabin, as he never tires of declaring, has no intention of "drying out" settlements in the occupied territories, especially in the growing suburban towns that have stolen away the settlement momentum from *Gush Emmunim*'s small outposts for over a decade. Indeed, Rabin's primary intention is to manage the inevitable readjustment in housing construction nationally required by the decline in Soviet immigration and the need to concentrate on job creation.

"During the five and a half year tenure of the national unity government, 3,500 housing units were budgeted for construction in Judea, Samaria, and the Gaza Strip," explained Rabin at a Knesset debate on 28 July 1992. "At the time, nobody in the *Likud* saw this as a selling out of Eretz Israel....This is not a drying up—this is not what we intend to bring about."

Optimistic assumptions that Rabin's election portended an Israeli renunciation of settlement resulted from a misreading of both Rabin and the Israeli electorate. Indeed, Rabin did not seek and does not feel that the Israeli public gave him a mandate to alter radically the settlement policies of the previous Government. Clearly Rabin will have to lead public opinion rather than follow it if settlements are to be curbed beyond the limited measures he has already undertaken.

In the context of its vaunted declaration about changing national priorities, the Rabin government has responded to a dramatic reduction in the number of new immigrants and the glut of available housing that has resulted. Ariel Sharon's massive public building campaign of 1990-1992 was an extraordinary response to a unique opportunity presented by 1 million potential new citizens. Housing construction since mid-1990 was based upon the annual arrival of some 200,000 immigrants. The failure of this influx to materialize forced Rabin to scale down dramatically the pace of future public construction throughout Israel, including the occupied territories. Notwithstanding the new policy, there remain 123,000 units in various stages of construction, including close to 25,000 in occupied territory, enough to increase the current Israeli population residing in occupied territory from 250,000 to 350,000 before the end of the decade. Rabin's decision to slow down West Bank construction was made in the context of a new national policy aimed at minimizing the surplus of housing which will take Israel years to utilize and at ending the recent period of massive public support for housing construction. In the 1993 draft budget for example, there is no government support for new housing construction anywhere.

"When the dust is swept out from the 'historic' decision of the finance and housing ministers," wrote Yaron London in Yediot Aharanot, "it will become clear that they stopped far short of what had been campaigned for and against. The decision neither freezes nor halts construction. The two ministers were only reversing the mad policy of Sharon ... by putting a modicum of sanity into the whole business. In the coming year Israel's construction policy will amount to no more than a saner version of Sharon's extravaganza [31]."

Yitzhak Shamir would have cut fewer planned West Bank homes than did Rabin, but Shamir too would have confronted similar choices had he won. Indeed, in the first six months of 1992, Shamir had in effect implemented *de facto* the freeze on public construction in the West Bank financed by the 1992 budget that Rabin declared in July. Nationally, publicly financed housing starts were down by more than 50 per cent in the first half of 1992 compared with one year earlier. It was this slowdown that enabled Rabin to stop as many planned units as he did.

"Jewish settlement in the territories will be preserved intact," wrote Ha'aretz columnist Uzi Benziman on 7 August 1992 "and its vital interests will in no way be affected."

The Rabin government is now confronting an emerging glut of unsold apartments in some settlements—part of a nationwide slowdown in some housing markets prompted by a reduction in Soviet immigration to less than 100,000 annually.

The growing stocks of unsold settlement housing, however, is not a sign of the demise of settlements, but rather an illustration that the growth of settlements is tied to the health of the national Israeli housing market as a whole. Rabin is faced with the prospect of purchasing 44,000 completed but unsold apartments nationwide at a cost of \$1.1 billion in 1993.

There is currently no government financing available for public construction beyond those 11,000 units in the West Bank and Gaza Strip. Rabin told settlers that he will neither encourage nor discourage private construction in the territories, now running at about 1,000-1,500 units annually. But he warned that such construction will not be permitted in settlements with large numbers of government-owned unsold units.

The Government, however, has been unable to enforce such a prohibition. The local councils of West Bank settlements have successfully argued that they, not the military government, which is the sovereign power in the territories, retain the power to authorize construction within their approved municipal borders. And since most settlements have master plans ratified by the Israeli Interior Ministry, they remain in effective control over construction within the settlement. There are even some cases where settlements lacking approved master plans continue to authorize construction.

A decree—Military Order 1325—issued on 27 January 1993 freezes all planning or consideration of new master plans for the settlements, and bans all construction in areas not now covered by an existing, approved planning document. As a result of this order, for example, the expansion of the Jewish settlement in Hebron to include additional homes purchased or occupied by Israelis will be far more difficult than it had been under *Likud* rule. Such settlement in the midst of populated Arab areas, however, has always been at the margin of settlement activity. The Israeli population of the Hebron settlement, for example, is less than 500, and most of them are children.

The order also ends government payment for basic infrastructural costs—water, sewerage, roads, electricity, telephone—that average \$15,000 per settlement unit. This additional cost does not apply to already approved units, or to already completed infrastructure in undeveloped sectors within settlements.

G. RABIN AND SETTLERS

What role do settlers play in Israel's national and ideological landscape in the Rabin government? Are they "emissaries of the State", or opportunistic zealots; protectors of the nation, or a security burden? At one time or another, Rabin has invoked each of these definitions, producing a greater degree of uncertainty about Israel's intentions in the occupied territories than has existed since 1977, when Menachem Begin came to power.

During the *Likud* era of Begin and Yitzhak Shamir, there was no ambiguity about these issues. Settlers were the first sons of Zionism, heroes in the unfolding history of the return of the Jewish people to their divinely ordained homeland. The West Bank settlers of the 1980s were for the *Likud* what the kibbutz movement was for the Labour Party—the key to the creation of a governing constituency rooted on the land.

But Rabin's election, at the head of a party promising a change in national priorities away from unconditional support for settlement, put the settlers—particularly the rightwing zealots among them—on the political and ideological defensive.

At an August 1993 rally in support of the residents of northern Israel who had recently emerged from air raid shelters where they had taken refuge during Israel's summer 1993 offensive against Lebanon, Rabin, with characteristic bluntness, pressed his case against the settlers.

Rabin remarked that during the Lebanon operation, "150,000 Israelis were in shelters and security rooms. I can only salute them. They are the real Israel. They didn't complain. They didn't hold demonstrations. They stood firm. They are the example of the real Israel, the fighting Israel. Not the crying settlers from the territories. This is the right Israel [32]."

Rabin continued his verbal assault, suggesting that the settlers' presence complicated efforts of the IDF to tame the *intifadah*. Neither Ariel or Emmanuel (two West Bank settlements in the Nablus region) would solve Israel's problems, Rabin charged. Government money, he declared, should not be wasted on settlements.

Such statements were not the first example of Rabin's rhetorical offensive against settlers. In March 1993 he declared that "neither Emmanuel nor Ariel, neither Ramallah nor Nablus, will determine the fate of the State of Israel. In June he told settlers protesting the idea of withdrawal from the Golan that they could "spin around in their demonstrations like propellers. It won't do them any good [33]."

These outbursts represent a clear break in the political dialogue Israel's leadership has conducted with the public since June 1967.

Aside from Rabin's general hostility towards demonstrations of public opposition to his policies, his invocation of Ariel and Emmanuel offers an instructive clue to the source of the Prime Minister's evident antipathy towards the settlement movement.

Ariel is the largest settlement in the Nablus region first settled during Rabin's tenure as Prime Minister from 1974-1977. At that time Rabin was considered a supporter of the Allon Plan, whose main West Bank colonization efforts were centred in the Jordan Valley.

At that time Rabin declared that "the settlements being established will remain included in our rule. During a tour of the Etzion Bloc south of Jerusalem, he assured settlers that "the Bloc will be

an integral part of Israel in any political settlement and it will have territorial continuity with Israel." He told Golan settlers that, "Israeli governments have not established permanent settlements in the occupied Syrian Golan in order to evacuate them or to let them exist in a non-Jewish State. If anyone has doubts about that he should stop worrying [34]."

The settlements supported by Rabin—in the Jordan Valley, the Etzion Bloc, occupied Syrian Golan, and southern Gaza Strip—were squarely within the Allon Plan.

Beginning in 1974, however, Rabin, to his still-evident frustration, waged a losing battle with the partisans of the dynamic new settlement movement *Gush Emmunim*, supported by the *Likud*, the National Religious Party, and even his perennial rival Shimon Peres, to open the Nablus region—Samaria—to Israeli settlement. Then Defence Minister Peres directed the IDF to support the first settlement of Elon Moreh, established without government approval by *Gush Emmunim* zealots, in order to embarrass Rabin and raise questions about his leadership.

This type of "illegal" settlement helped to undermine Rabin's government, contributing to his ouster by Peres before the 1977 elections and the subsequent *Likud* victory.

One of Menachem Begin's first acts as Prime Minister was to "legalize" Elon Moreh—a stinging rebuke to Rabin. "There will be many more Elon Morehs!" Begin promised [35].

And so there were. Ariel is the jewel in this crown, with a population today of almost 12,000, led by a mayor who is a *Likud* stalwart and member of Knesset. Emmanuel is populated by a religious sect that supported the *Likud*. Its establishment was part of a deal that cemented this political alliance.

There is little wonder then, that Rabin, whose political memory routinely recalls events that occurred over 40 years ago, has trouble resisting an urge to taunt his political enemies now that he is once again in a position of power. All the more so because "the crying settlers from the territories" are continuing their campaign against his rationalization of settlement policy, even as he presides over the largest settlement construction programme in the history of the occupation.

In the first nine months of the Rabin government a greater percentage of government-financed housing (18.6 per cent of 8,290 units started) was under construction in the occupied territories (excluding East Jerusalem) than at the height of the Shamir government's building campaign (10.8 per cent of 61,600 units) [36].

Yitzhak Rabin continues to build housing for settlers at a pace determined by the *Likud* government of Yitzhak Shamir and at a rate unequalled in Israel's 26-year occupation of the West Bank and Gaza Strip. At least 4,000 completed housing units in these areas are unsold and another 5,600 are under construction—enough housing to increase the settler population in the occupied territories by 30,000 to 150,000. In East Jerusalem, annexed by Israel in June 1967 and where 160,000 Israelis now live, 13,000 more units are being readied. Not without reason has Rabin boasted that more housing in the territories is being built during his tenure than at any time since 1967 [37].

Much of the new housing was planned in anticipation of the imminent arrival of 1 million immigrants from the former Soviet Union. Less than one half that number have come to Israel—a change that has turned Israel's housing shortage into a glut in locales distant from urban centres of Tel Aviv, Jerusalem, and Haifa, even in some West Bank settlements.

Government officials contend that the market for settlement housing will "dry up," even if government support does not. Yet housing prices in the critical Greater Jerusalem region remain strong.

"In general," noted a real estate businessman, "we are seeing a market influenced by three factors—proximity (of new housing in West Bank settlements) to the Green Line, type of settlement (suburban, rural, or ideologically affiliated with the extreme right wing), and proximity to Jerusalem [38]."

In settlement areas favored by the Rabin government—principally the region of Greater Jerusalem between Ramallah and Hebron—prices have remained stable or have increased since the change in Government in 1992.

For example, in Ma'ale Adumim, just east of Jerusalem, prices per square metre have increased during the last two years by 4 per cent—from \$983 to \$1,021.

In contrast, home prices in Ariel, with a population of 11,500, have plunged about 20 per cent from 1992 to 1993 despite its proximity to Tel Aviv. There was also a 90 per cent drop in the number of units sold in the first six months of 1993 compared with the same period in 1992. One reason Ariel has suffered in both the allocation of public funds and in popular perception is its close identification with the *Likud* Party. Ariel Mayor Ron Nachman is also a *Likud* member of the Knesset.

The settlement of Ma'ale Ephraim overlooking the Jordan Valley is in an area preferred by Rabin. It has continued to receive subsidies for industrial development while Ariel, for example, has not. None the less, the distance of Ma'ale Ephraim from Tel Aviv and Jerusalem continues to constrain its expansion. Housing sales have dropped more than 60 per cent during the past year, and prices have fallen 20 per cent.

These developments should not be viewed in isolation from the general picture of Israel's national housing market. The decreasing demand for new housing, caused by the assimilation of Soviet immigration, has led to a cooling of the housing market in peripheral regions of the country. Generally, locales closer to Jerusalem or Tel Aviv have fared better than other locations in Israel as well as in the occupied territories.

But it is autonomy, and the prospect of a loss of control to a Palestinian authority, no matter how circumscribed, that is at the heart of concerns for the future expressed by settlers and Jewish religious leaders, and which poses the greatest instigation to armed settler opposition.

Despite their relatively small numbers, an armed settler movement could do spectacular damage to Rabin's initiative with the PLO. One need only remember the impact of the assassination attempt on the Mayors of Hebron, Nablus, and El Bireh a decade ago and the plan to blow up Al-Aqsa (only because a prominent rabbi refused to approve it was the plan scuttled) to realize the power of such groups if they are activated.

Chapter II

FINANCING SETTLEMENTS—ISRAELI EXPENDITURES IN THE OCCUPIED TERRITORIES

Israel has generally not published reliable statistics on government expenditures in the occupied territories. A 19 March 1991 report, Israeli Settlement in the Occupied Territories, prepared by the United States State Department, noted that Israel's

"budget is only a partial indicator of the Israeli Government's investment in settlements. It does not include all expenditures for housing, roads, infrastructure, and various services in settlements which are paid out of accounts that are not specifically identified for settlement purposes. Since the published budget does not contain sufficient detail to identify all expenditures on settlements, the (report) represents only a partial estimate of budget support provided to and in support of settlements. In Israeli Fiscal Year (IFY) 1990, identifiable allocations for settlements equal \$82.5 million.... Projected over twelve months, identifiable government expenditures on settlements would reach \$54.5 million in the coming year, but this assumes no subsequent budget supplementals or allocations to settlements from budget reserves as has happened in the past."

Israel's current expenditures are part of a multi-year plan for the establishment of 106,000 housing units in the West Bank. Execution of this plan, first reported in the Yediot Aharonot on 28 June 1991, will increase the current Israeli population of 120,000 in the West Bank (excluding 160,000 in areas of annexed East Jerusalem) by 400,000 at a cost of between \$13-\$14 billion.

Israel's settlement budget for 1991 exceeded \$2 billion, enabling Israel to fund construction for more homes in the West Bank in that one year than were built during the entire 1968-1984 period.

The 1991 budget estimate of \$2.03 billion was composed of the following items:

- * \$1.084 billion for construction of 19,000 new housing units (including 4,000 mobile homes) in the West Bank and Gaza Strip. This figure represents 20 per cent of the Housing Ministry's 1991 budget. To put Israel's housing plans in perspective, in 1990, the Government initiated the construction of 4,500 units in these areas.
- * \$300 million for associated infrastructural costs, including electricity, water and public buildings.
- * \$400 million for construction of 8,000 homes in East Jerusalem. According to Housing Ministry Director General Ayre Barr at least 21,000 units were planned for completion by 1993.
- * \$60 million for the construction of 1,200 homes on the occupied Syrian Golan.
- * \$15 million for road construction.
- * \$20 million for new settlements constructed by the Ministry of Agriculture.
- * \$3 million budgeted by the Ministry of Religious Affairs for distribution to Jewish religious institutions in the occupied territories.
- * \$10 million allocated by the Ministry of Immigrant Absorption.
- * \$500,000 in grants provided by the Ministry of Tourism to hotels located in West Bank and Gaza Strip settlements.

- * \$500,000 in costs absorbed by the Ministry of Energy for the connection of settlements to the main electrical grid.
- * \$35 million budgeted by the Ministry of Education [1].

This unprecedented building boom throughout the territories was sparked by the massive influx of Soviet immigrants in the 1989-1993 period and the looming threat to Israeli control of the territories presented by United States-led diplomacy. In May 1989, for example, only 900 housing units were under construction in the West Bank and Gaza Strip. By December 1991, that figure had increased 1300 per cent—to almost 14,000—with another 8,000 in the pipeline. In mid-1993, there were 5,600 units under active construction, according to Israel's Central Bureau of Statistics [2].

Housing construction in Jewish settlements in 1992 slowed from the pace established during 1991. Israel's 1992 budget of more than \$1 billion envisaged the second largest annual public expenditure for civilian settlement across the Green Line in the almost 25-year history of Israeli occupation. The 1993 budget is estimated by Israel to be \$431 million, excluding East Jerusalem and the occupied Syrian Golan. Inclusion of these regions increases expenditures to approximately \$1 billion [3].

Israelis across the political spectrum, however, realized that this level of expenditure could not be maintained, if only because of the failure of Soviet immigration to reach anticipated levels. In 1992, for example, immigration was half the 400,000 initially projected [4]. These immigrants did not necessarily move to the occupied territories. Rather, their arrival in Israel, and the ensuing increased demand they created in the national housing market, increased the "demand push" by Israelis generally towards this region.

Two thirds of all construction in the West Bank is centred in towns like Ariel, Karnei Shomron, Ma'ale Adumim, and Givat Ze'ev—large suburban areas within commuting distance to Jerusalem or to the coastal metropolis. The smaller, more remote settlements, however, have none the less proved to be quite attractive to settlers, perhaps because they actively solicited the placement of quickly installed mobile homes. In 1991, for example, almost one half of the 16,000 Israelis who moved to the West Bank chose to reside in these outlying areas [5].

A. SETTLER SUBSIDIES [6]

In addition to direct government expenditures, Israel has created a complex and wide-ranging system of State-funded incentives and subsidies including generous tax breaks, low- and no-interest mortgages, and government-paid commercial and industrial infrastructure for the private sector aimed at encouraging not only Jewish settlement but also the creation of an economic infrastructure tied to the settlements. Rabin has made only minor changes in this system.

1. Subsidized infrastructure

The Government has traditionally absorbed approximately two thirds of the \$150,000 cost of establishing housing and associated infrastructure for a family of four in the occupied territories.

2. Income tax rebates

Until 1978, settlers who lived and worked outside the boundaries of the State paid no Israeli income taxes. Today, all Israelis living in the territories receive a 7 per cent reduction in such taxes.

3. Land discounts

Settlers who build their own homes are able to purchase a 49-year lease on lands distributed by the Israeli Government for only 5 per cent of its assessed value.

4. Mortgage subsidies

Most Israelis take advantage of the housing and mortgage subsidies which are at the heart of the market-driven movement of Israelis across the Green Line, where government policies have created housing which costs one half to one third as much as comparable accommodation in Israel. The government subsidy of a typical 20-year mortgage loan amounts to between \$17,000-\$25,000 over the course of the loan.

In 1991, for example, the Government spent \$20 million for mortgage incentives of approximately \$17,000 per housing unit over the 20-year life of an average mortgage. An additional \$32 million was paid for the grant portion of government mortgages in the territories. After five to seven years, 40 per cent of government mortgages (average amount \$40,000) becomes a grant.

Israel's programme of mortgage subsidies favours settlers in the following ways:

- * Below market interest rate—100 per cent of the mortgage amount available to settlers is subsidized below the market rate of 6 per cent (usually 4-4.5 per cent).
- * Mortgage size—settlers are eligible for subsidized mortgages 50 per cent larger than purchasers of (more expensive) housing in comparable areas in Israel, including Jerusalem. For example, settlers in Efrat, a 15-minute drive south of Jerusalem, receive \$20,000 more in subsidized housing loans than they would if they chose to live in Jerusalem. To gain the same subsidies available for Efrat in Israel, it would be necessary to purchase housing along the northern border with Lebanon or in a town like Yerucham in the Negev.
- * Infrastructure grant—in "community" settlements in the West Bank, the Israeli Government pays all infrastructure costs, which amount to \$15,000 per housing unit. Within Israel these costs are borne by purchasers.
- * Income exemption—in most West Bank settlements, unlike within Israel, all purchasers are eligible to receive the same level of government assistance without reference to their income.
- * New immigrants—according to publications of Efrat's local council new immigrants moving to Efrat benefit from special grants to new immigrants over and above regular assistance.
- * Settlement classification—until recently, the Ministry of Housing has rated all communities in Israel and Jewish settlements in the occupied territories on a scale of A to C. 'A'-rated communities receive the most generous government assistance and 'C'-rated communities the least.

Out of 114 settlements in the West Bank, 81 were rated 'A', 25 were rated 'B' and 10 were rated 'C'.

According to a 17 February 1991 report, "Construction in Jewish Settlements in the Territories 1991-1993" by Haim Oron and Dedi Zucker, "in practice these distinctions don't exist in Judea and Samaria" because of various "specials" available to settlers such as interest-free "local loans" provided by settlement councils.

In April 1992, the *Likud* government of Yitzhak Shamir embarked upon its most extensive campaign ever to induce recent Soviet and Ethiopian immigrants to settle in the occupied West Bank and Gaza Strip. Thirteen thousand homes and apartments in various stages of completion were put up for sale in 130 West Bank and Gaza Strip settlements, and another 1,700 mobile homes and 4,000 prefabricated units were made available to rent for a nominal monthly fee [7].

Government planners initially hoped to sell 3,750 units by summer. Parliamentarians Dedi Zucker and Haim Oron claimed that the Government subsidized these units at a cost of \$277 million.

The following examples appeared in Yediot Aharanot on 15 April 1992. In the case of the four-room townhouse at Ma'ale Amos, for example, \$4,100 of the \$8,600 net purchase price can be financed at \$26/month.

<i>Settlement</i>	<i>Size (sq ft)</i>	<i>Purchase price (\$)</i>	<i>Government grant</i>	<i>Net price</i>
Ma'ale Amos	540	25,000	16,400	8,600
Nilli	540	36,400	10,200	26,200
Nisanit [Gaza]	603	32,700	12,300	20,400
Ali Sinai [Gaza]	Unavailable	48,800	12,300	48,100
Neve Daniel	630	60,400	12,300	48,100
Eliezer	630	63,300	12,300	51,100

5. Housing grants

A single person purchasing an apartment in the territories receives a housing grant of almost \$10,000. A family of four receives a grant of \$19,000; a family of five, about \$20,000; a family of six about \$21,000. In the mid-1980s many developers' advertisements touted that "you can get an apartment in the West Bank with no cash down payment."

6. Tax reductions

Purchase, capital gain, and land registry taxes, the latter amounting to 3 per cent of an apartment's value, are not assessed on Israelis purchasing in the territories.

B. SUBSIDIES TO LOCAL GOVERNMENT

1. Grants for municipal services

In 1991, \$20 million was provided to settlement municipalities by the Ministry of Interior. In the Jewish settlements, State and local government services, from education to community centres, receive grants from the Ministry of Interior that are 30 to 50 per cent higher than grants received by Israeli municipalities. Teacher-student ratios and local amenities are often better and more extensive than those found in much larger Israeli communities. And per capita government grants in aid are higher for regional councils in the territories than for those within Israel.

2. Government-funded development

Local councils form "development corporations", which receive capital investment from government and public authorities. These in turn bid, usually successfully, for contracts to provide local services (school bussing, garbage collection, public construction).

3. World Zionist Organization

Grants for "community settlements" founded by the *Gush Emmunim* settlement movement are made by the quasi-official WZO for infrastructure, temporary housing, personal budgets and establishment of "productive enterprises"—including beauty parlours, restaurants, and even the settler magazine *Nekuda*. In 1985, WZO per family expenditures came to \$80,000 in the community settlements settled by *Gush Emmunim* and \$165,000 in the agricultural settlements in the Jordan Valley.

C. PRIVATE SECTOR DEVELOPMENT SUBSIDIES

1. Land and construction grants

"Government-approved investments" receive land and construction grants and below market loans for capital equipment purchases. As a result of these measures, industrial space in the territories and specified areas in East Jerusalem costs only one quarter to one third as much as similar space within Israel. One square metre in the Atarot industrial park in East Jerusalem rents for \$2.50-\$3.00 while similar space in the city costs \$10. In October 1990 Minister of Housing and Construction Ariel Sharon exempted Israeli contractors from paying certain development costs for housing built in the territories, a subsidy amounting to approximately \$7,500 for a standard four-room unit. Sharon took the action to compensate for the fact that contractors working within Israel were eligible for cheaper, United States-guaranteed funding.

2. Equipment grants

In 1991, \$30 million in direct grant aid to private sector investment projects was approved by the Ministry of Industry and Trade Investment Centre. Israeli businesses locating to the territories are eligible for grants for up to 40 per cent of the cost of the enterprise's equipment.

3. Purchase guarantees

The Government guarantees the purchase of units private contractors are unable to sell on the open market.

4. Tax reductions

A 7 per cent employers' tax is not assessed; it is not required to insure Arab employees with the National Insurance Institute—a savings of up to 15 per cent of total salary; Israeli-owned private companies incorporated in Arab towns in the occupied territories are taxed according to the less onerous Jordanian tax code.

Private sector investments and expenditures also contribute significantly to the settlement enterprise. Israeli planners estimate that the private sector contributes 40 per cent of total expenditures. According to this calculation Israeli budgets for the occupied territories totalled more than \$3 billion in 1991, and more than \$1.5 billion in 1992 and 1993.

Private Israeli and foreign investment in the West Bank and Gaza Strip reached almost \$50 million during the first six months of 1991, triple the investment for the comparable period in 1990. During this period, almost 50 per cent of Israeli investments in tourism, 22 per cent of textile investments, and 37 per cent of machine and transport investments were located in these areas.

The Israeli Government reports that during the 1986-1990 period \$146.3 million was invested in the West Bank, \$84 million for industrial projects, and \$55 million for industrial building construction [8].

The creation of an Israeli economic base in the West Bank has been a key element in Israel's overall settlement strategy. By expanding opportunities for economic investment and employment, Israel intends to ensure an economic rationale for its growing civilian settlement population.

The industrial centre of Barkan is located four miles from the West Bank Israeli settlement of Ariel. Barkan is the fastest growing Israeli industrial park in the occupied territories, and has been planned as the employment anchor for Ariel (population 11,500) as well as Elkana (population 3,100) and Sha'arei Tikva (population 1,750). Located on a newly constructed road connecting the Jewish settlements of the central West Bank to Tel Aviv less than 20 miles away, the Barkan site currently employs 2,000 workers who annually produce \$300 million worth of goods, 45 per cent of which are exported.

Investment projects approved by the Investment Centre administered by the Ministry of Trade and Industry before 31 December 1992 are eligible for an extensive programme of grants, tax reductions, and State guarantees more generous than what is generally available in Israel itself. The West Bank, occupied Syrian Golan, and industrial areas in East Jerusalem are eligible for the highest rate of government support for industrial or tourism projects, and hotels.

Government incentives for industrial projects include:

- * Grants amounting to 38 per cent of fixed assets. In Israel's fiscal year 1991 budget, these direct government subsidies totalled \$10.5 million. In the first half of 1991 alone, grants reached \$17 million.
- * Guarantees equalling two thirds of the approved enterprise but not less than \$75,000. Guarantees extend to all investment items, including: buildings, machinery, working capital, advertising and marketing expenses.
- * Full exemption for income and company taxes for 10 years [9].

D. THE RABIN GOVERNMENT

The Rabin government has reduced construction in some West Bank settlements, with a consequential reduction in the overall settlement budget. In October 1993, the Rabin government estimated its non-security expenditures in the West Bank (excluding East Jerusalem) and the Gaza Strip at \$431 million. At the time of this writing, further details were unavailable [10].

The measures implemented by the Rabin government suggest that it only intends to reduce the economic advantage of some West Bank settlement housing over similar construction in Israel, not to eliminate it, and certainly not to penalize financially those who choose to reside there. Should the Government choose to equalize prices with those in Israel, it could, for example, phase out all mortgage subsidies on existing housing; add land values and infrastructure costs of \$15,000/unit to sale prices; and bring construction codes applicable to West Bank settlements up to standards required in Israel. This discrepancy alone permits savings of \$100,000 on a settlement home that would cost \$230,000 in Israel. Should Rabin decide to discourage actively any increases in the settler population, settlers could be handicapped by a variety of surcharges. A fee for extraordinary security costs, for example, could be assessed [11].

As it is, however, the reductions that have occurred in the national budget for settlement-related activity during the Rabin government can be traced to reductions in absolute numbers of housing starts, rather than to any significant change in the government policies.

Minister of Housing and Construction Benjamin Ben Eliezer informed the Knesset in mid-1993 that 7,000 unsold apartments—including 2,000 mobile homes—in the West Bank and Gaza Strip were in government inventories. The Government is obligated to purchase many of these homes, including 800 units in the settlement of Ariel and another 700 in Betar that were guaranteed by the former administration. Notwithstanding this surplus, Rabin has agreed to the completion of 11,000 publicly financed dwellings in the settlements and another 13,000 in East Jerusalem [12].

Rabin has told settler leaders that his Government will aggressively market unsold units, including those in the territories, offering below market prices when necessary. Those remaining unsold will be rented by the Government. "Fire sale" prices and low rents may well compensate for a reduced level of government incentives [13]. In any case, the settler population of the West Bank and Gaza Strip could be expected to increase by around 10 per cent in 1993.

Chapter III

SETTLING JERUSALEM

Jerusalem is a city of many and often competing definitions. It is a spiritual centre for Christianity, Judaism, and Islam, the focus of Palestinian aspirations for political independence, and the "reunified" capital of the State of Israel.

In the wake of the 1948 Arab-Israeli war, the Israeli portion of Jerusalem—West Jerusalem—was declared the national capital. The Arab sector of the city—East Jerusalem—which included the walled Old City and major religious shrines, became part of Jordan along with the entire area west of the Jordan River—the West Bank—which remained under Arab control after the war.

Israel's conquest of the West Bank in June 1967 created the opportunity for Israel to "reunify" East and West Jerusalem under its exclusive control.

On 27 June 1967 the Knesset authorized the Government to extend "Israeli law, jurisdiction, and public administration over the entire area of the Land of Israel." The next day 72,000 dunums, only 6,000 of which were part of Jordanian Jerusalem, were annexed to Israel and placed under the jurisdiction of the Jerusalem municipality. The lands thus annexed to Israel and incorporated into the unified Jerusalem included areas as far north as Ramallah and as far south as Bethlehem.

Twenty-four thousand dunums out of the total of 71,000 dunums that were annexed were expropriated from their Palestinian owners for the construction of Jewish settlements in the annexed sector of the city. In 1969, the first Israeli families took up residence in the first of these housing estates—Ramat Eshkol. One decade later, the population of seven East Jerusalem settlement areas reached 50,000 [1].

On 30 July 1980 the Knesset passed the "Jerusalem law" which reaffirmed the 1967 annexation by declaring the "complete and united Jerusalem" to be the capital of Israel. In response, the United Nations Security Council, on 20 August 1980, passed resolution 478 (1980), calling upon States that had established diplomatic missions at Jerusalem to withdraw such missions from the city* [2].

During the 1980s, the Israeli population in the eastern sector enjoyed steady growth as housing in the new communities of East Jerusalem became available.

The Arab population of the city grew as well, and its percentage remained relatively constant at around 27 per cent of the city's total population (see chart 5). The Arab population, however, laboured under officially sanctioned obstacles to the creation of new housing, which meant that increased housing densities were produced as the number of Palestinian residents of the city increased.

Israeli leaders have recently revealed that for 20 years Israeli governments have enforced a strict quota on Arab construction in Jerusalem aimed at maintaining the Palestinian percentage of the city's residents at around 26 per cent [3].

Jerusalem Mayor Kollek confirmed that the policy had been "followed by all governments... that planning for the Arab sector should be in accordance with the natural growth of the Arab population of the city [4]."

* These countries were Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, the Netherlands, Panama, and Uruguay. Venezuela moved its embassy just prior to the law's passage.

Despite government restrictions on Palestinian housing construction, and a complementary boom in Israeli construction, Palestinians today number 155,000 out of a total population of 555,000, comprising a marginally greater share of the city's population (28 per cent) than they did in 1967, when they constituted 70,600 of 266,300 residents (26.5 per cent).

This growth in the Palestinian sector was due to natural increase as well as the migration of Palestinians to the city. This migration is in many cases "illegal," because Israel does not permit Palestinians lacking a Jerusalem identity card to reside within the city limits. When these migrants are included, the Arab population of the city increases to 180,000 [5].

In 1990, expectations of massive immigration from the Soviet Union prompted a stepped-up pace of construction in East Jerusalem, part of a nationwide increase throughout Israel and the settlements of the occupied territories.

A. SETTLING JERUSALEM

On 16 October 1990 the Israeli newspaper Ha'aretz described a plan to build 17,000 new apartment units, 15,000 of which were to be placed in East Jerusalem during the next three years.

Minister of Construction and Housing Ariel Sharon, who spearheaded the plan's implementation, told an American audience, "We are going for a massive construction plan in the heart of Jerusalem, at least 5,000 (homes) a year for the next eight years, most of it in East Jerusalem....In the coming years I would like to see 1 million Jews in Jerusalem and her (West Bank) suburbs,"—Ma'ale Adumim, Givat Ze'ev, and Gush Etzion. At the time, there were less than 400,000 Israelis residing in Jerusalem and its immediate environs in the West Bank, including 120,000 Israelis living in East Jerusalem.

The plan included:

- * A 250 per cent increase in the pace of construction in Jerusalem from 2,000 to 5,000 units annually;
- * A government request to Diaspora Jews to purchase apartments and then to rent them to new immigrants;
- * 100 per cent government guarantees against construction losses to contractors;
- * The creation of a Jewish majority in East Jerusalem within three years through the addition of between 45,000-60,000 new Israeli residents in 10 East Jerusalem neighbourhoods;
- * The construction of two entirely new Israeli neighbourhoods in East Jerusalem: Rekhes Shoufat in the northern sector of the city between the existing Jewish neighbourhoods of French Hill and Pisgat Ze'ev, and Har Homa in the southern sector along the road to Bethlehem [6].

B. OLD CITY COLONIZATION

For most of its occupation of East Jerusalem, Israel, while intent on securing an Israeli majority in the annexed part of the city, has taken care to preserve the pre-existing separation of the city's multiple and varied national and religious communities. New Israeli suburbs like Gilo and Neve

Ya'acov encircled rather than penetrated existing blocs of Arab habitation. At a time when the *Likud* encouraged Israelis to settle throughout the West Bank, efforts were also made to increase the "Jewish presence" throughout Jerusalem's Old City, in, around, and among its Palestinian residents.

The Old City—the 1 square kilometre area within the ancient walls of the pre-twentieth century town—is divided into recognizable and fairly distinct Christian, Muslim, Armenian, and Jewish quarters. Teddy Kollek, the city's long-serving mayor, has been intent on preserving the Old City as a "mosaic" rather than a "melting pot" by maintaining these largely self-segregated areas. The re-establishment of the Jewish Quarter after 1967 as a distinct and separate enclave, from which even long-term Arab homeowners were effectively barred, has been consistent with Kollek's overriding intention.

Since the late 1970s, government and privately-funded groups such as Ateret Cohanim, one of a handful of Jewish fundamentalist groups preparing for the coming of the Messiah and the building of the Third Temple on the grounds of the Haram al-Sharif, as well as settlement arms of the Government itself, have purchased homes and even portions of homes, not always from legal owners, or confiscating "absentee" properties in the Muslim Quarter. Some 600 Israelis, mostly seminary students, live at 55 sites located outside the traditional boundaries of the Jewish Quarter.

The sensitivity of government encouragement of settlement in the Old City outside the Jewish Quarter was demonstrated when the United States Congress voted in 1990 to reduce aid to Israel by \$3.5 million allocated by the Israeli Government for the contested purchase of St. John's Hospice near the Church of the Holy Sepulchre. Led by Minister of Housing Ariel Sharon, ideologically motivated settlement groups spearheaded government efforts in the 1990-1992 period to purchase homes and land, and otherwise occupy sites in the Arab neighbourhoods of Silwan, the Mount of Olives, Wadi Joz, Sheikh Jarrah, as well as within the Old City's Muslim and Christian quarters [7].

"We have set a goal for ourselves of not leaving one neighbourhood in East Jerusalem without Jews," explained Sharon in mid-1992. "This is the only thing that can assure a united city under Israeli sovereignty."

Prime Minister Yitzhak Rabin has termed such activities "foolish and stupid. What is more important," he said, "is to establish a Jewish link between Ma'ale Adumim and Jerusalem [8]."

Rabin's victory, and the expected purge of government offices of *Likud* partisans, has lessened the pressure on the Muslim Quarter and neighbourhoods like Silwan, where a controversial plan for the construction of 200 Israeli apartments was quickly cancelled. Rabin has it within his power to stop the direct budgetary and police support that has made possible the incremental expansion of fundamentalist Jewish groups into the heart of Jerusalem's Arab communities, and to withhold the indirect incentives that have permitted these organizations to prosper.

The expected loss of government patronage has forced a change in the strategies of such groups, who now find themselves on the defensive. Aided by partisans like Sharon, there will no doubt be efforts to raise funds independently of the Government, in the United States, for example, in an attempt to "privatize" continuing Old City settlement [9].

Notwithstanding his hostility to the *Likud* provocative Old City settlement, Rabin shares Israel's consensus regarding the permanence of its rule over East Jerusalem.

"Jerusalem and outlying areas cannot be defined by us as a political or a security issue," explained Rabin shortly after his election in June 1992. "United Jerusalem under Israeli sovereignty will remain our capital forever. For us it is the heart and soul of the Jewish people [10]."

Throughout the eastern sector of the city, Rabin is implementing, and in some cases expanding, the construction of new housing and infrastructure outlined in plans published during the *Likud* era.

In early 1993, the Jerusalem City Council approved the establishment of a new settler suburb on the Mount of Olives. As part of the scheme, a planned school for Arab girls will be moved from the intended site of the new settlement, which adjoins a Jewish seminary (*yeshiva*) [11].

Plans for the construction of permanent dwellings at Airplane Hill as a southern suburb in annexed East Jerusalem were also resurrected. There are currently 1,400 duplex mobile homes on the site, part of which is owned by the Greek Orthodox Church. The new plan calls for the construction of 2,700 housing units [12].

The Jerusalem municipality has won the approval of the Ministries of Finance and Housing to establish a new suburban settlement between Pisgat Ze'ev and French Hill in the north-eastern section of annexed East Jerusalem. The 800-dunum site is comprised of Palestinian (680 dunums) and Israeli (120 dunums) owned, uncultivated land [13].

Privately owned Arab land has not been confiscated in Jerusalem since 1980, when 4,600 dunums were taken for the creation of Pisgat Ze'ev. Israel was criticized at the time in the United Nations (Security Council resolution 476) and the United States for the expropriation.

In late 1992, the Deputy Mayor of Jerusalem, Abraham Kehila, estimated that by the end of 1993 there would be a Jewish majority in annexed East Jerusalem. At the time there were 145,000 Arabs and 140,000 Israelis living in this 26 square mile area. The completion by the end of 1993 of the more than 6,000 units under construction at Pisgat Ze'ev, sited on lands annexed in the north-eastern edge of the city will provide the capacity for the anticipated increase in the Israeli population [14].

Seventy thousand Israelis will eventually live in Pisgat Ze'ev. The new Government has given a "new lease on life" to preparations for the construction of 4,500 units in the planned neighbourhood of Har Homa, on the southern edge of the city. Former Minister of Housing Ariel Sharon had effectively frozen this project over the objections of Mayor Kollek. Construction of an additional 2,200 units for the religious neighbourhood of Reckhes Shoufat is also progressing [15].

Of the 16,540 units currently under construction for Israelis in Jerusalem, approximately 13,000 are located in places like Pisgat Ze'ev in annexed East Jerusalem. This figure equals one third of the 40,000 units built for Israelis in this part of the city during the past quarter century.

Within two years, another 7,000 units will be under construction, and by 2002, 20,000 additional units are planned for completion. Most of these units, like those currently under construction, will be in the relatively less built-up areas of annexed Jerusalem [16].

Rabin has demonstratively put an end to government funding of efforts championed by the *Likud* government to settle pockets of Jews in the Old City's Muslim Quarter, and to construct small projects of 200 units or less in the midst of other Arab neighbourhoods.

These decisions, however, are part of the new Government's effort to concentrate housing construction activities, both in Israel and the occupied territories, in suburban and urban locales where infrastructural economies of scale can be realized, and where demand is greatest and the widest political consensus reigns.

C. A JEWISH MAJORITY IN EAST JERUSALEM

"A Jewish majority has recently been created in East Jerusalem for the first time since the Six Day War," Deputy Mayor Abraham Kehila reported in early July 1993. Kehila, who is responsible for planning and construction in the entire city, produced figures for Jerusalem's Planning Committee showing that 160,000 Israelis now reside in portions of the city annexed by Israel after the 1967 war. The number of Arabs residing legally in East Jerusalem numbers 155,000. However, when Palestinians who lack Jerusalem identity documents, but who none the less reside in Jerusalem are included, the Arab population numbers 180,000. This increase in the relative strength of Jerusalem's Palestinian population has occurred despite the fact that since 1967, close to 40,000 dwelling units have been built for almost 160,000 Israelis in East Jerusalem—more than ten times the 7,000 units built in the Palestinian sector during the same period.

Kehila told the Planning Committee that "the Jewish majority in East Jerusalem was created over the last 18 months, mainly because the Pisgat Ze'ev neighbourhood between Neve Ya'acov and French Hill is being populated quickly [17]."

An April 1993 report issued by the United States State Department noted that the construction of 6,000 units—enough to house 25,000 people—in Pisgat Ze'ev is scheduled for completion by the end of 1993. Kehila noted, however, that even more extensive construction is planned [18].

"Another 6,000 housing units will be set up in [Pisgat Ze'ev]" Kehila explained, "and the building of a neighbourhood on Har Homa will begin."

"International elements, including some in the United States, are sometimes mistaken in identifying the eastern part of the city as Arab territory," Kehila said. "But the truth is that the situation has fundamentally changed since the Six Day War. Anybody discussing Jerusalem's future has to take that into account [19]."

D. GREATER JERUSALEM

Nowhere is Israel's policy of "creating facts" more evident than in the West Bank hinterland of Jerusalem, the critical heart of the West Bank where Israel has established the infrastructure for the creation of a Jewish majority.

In the 1970s, the term "Greater Jerusalem" was applied to the recently-expanded boundaries of the city, including newly constructed suburbs such as French Hill, and Gilo, and Neve Ya'acov built on annexed territory.

Today, however, the term encompasses a far greater expanse of the West Bank.

"The area from Ramallah in the north to Bethlehem in the south, Ma'ale Adumim in the east and Mevasseret (an Israeli suburb of Jerusalem) in the West is one metropolitan area," explained Moshe Amirav, a member of the Jerusalem City Council.

"During our days," declared Ariel Sharon, "we will see 1 million Jews in Greater Jerusalem, the capital of Israel [20]."

Greater Jerusalem includes two concentric rings of Israeli settlements in lands captured in the June 1967 war. The inner ring is composed of the Jewish neighbourhoods in East Jerusalem annexed to Israel in June 1967. The outer ring includes Jewish settlements in the West Bank.

When Sharon announced this 1 million goal in 1991, there were just over one-half million Israeli Jews in this region:

- * 350,000 in West Jerusalem—the part of Jerusalem controlled by Israel before 1967;
- * 140,000 in East Jerusalem;
- * 33,000 in the West Bank region bounded by Ramallah in the north, Hebron in the south and Jericho in the east [21].

The Palestinian population in this area was 205,000, 55,000 of whom resided in the West Bank [22].

The first or inner circle of Jewish settlement is composed of the Israeli neighbourhoods built in East Jerusalem, now housing more than 160,000 people. These suburbs are aimed at consolidating an overwhelming Jewish majority in the city itself—by providing housing for Jews and thereby constricting the expansion of Arab population. They also create a physical barrier to the unification of Palestinian Jerusalem with its West Bank hinterland.

The outer chain of settlements encircles Jerusalem to its south, east and north. This circle, extending 11 miles at its most distant from downtown Jerusalem, includes more than one half of all Israeli settlers in the West Bank (excluding annexed Jerusalem).

Sharon, in a speech outlining the plan to the Knesset, promised to build a "solid belt of settlement" from the Green Line through the town of Betar, just south of Jerusalem, which is planned to reach a population of 70,000, and Gush Etzion. "Thousands of units" were promised to expand Efrat northward to Bethlehem [23].

In the east, Ma'ale Adumim, with a planned population of 60,000, will be enlarged to create a territorial link with Jerusalem to the north-west and eastward "to the ridges" overlooking Jericho, which, Sharon announced, was also to be surrounded by new construction.

The northern ring is anchored by Givat Ze'ev, which like Ma'ale Adumim was originally established with a view towards its eventual inclusion in a Greater Jerusalem.

The Rabin government is continuing to implement the main thrust of these plans. Jerusalem's West Bank hinterland fits Labour's criteria for continuing vibrant settlement activity—successful and growing towns supported by the vast majority of Israelis as a natural part of Israel. Communities like Ma'ale Adumim, Givat Ze'ev, 4 miles from Ramallah, and Ma'ale Efrim, closer to Nablus than to Jerusalem, can no longer be viewed as "settlements" in the conventional meaning of the term. Together the West Bank communities in Greater Jerusalem comprise 77 per cent of the total settler population, and the 16,247 units under construction (in November 1992) equalled 71 per cent of the total throughout the occupied territories.

Rabin has a longstanding interest in the Greater Jerusalem concept. As chief of staff in June 1967 he recommended that Israel annex an even greater portion of the West Bank to Jerusalem than his political superiors had recommended.

"In the Six Day War the Government decided to extend Israeli law and jurisdiction to East Jerusalem," he explained in May 1991. I proposed then to Prime Minister Eshkol and to Defence Minister Dayan to apply Israeli law to a much larger area. If my proposal had been accepted, today there would be no Jerusalem problem. Eshkol and Dayan said they did not want to swallow too many Arabs. They simply took my proposal and narrowed it [24]."

No cutbacks have been made by the Rabin government in the area of Greater Jerusalem—defined by Minister of Construction and Housing Benjamin Ben Eliezer to include Ma'ale Ephriam, Givat Ze'ev, Ma'ale Adumim, Betar, and Gush Etzion. Ben Eliezer has declared, "we have not touched and we have no intention of touching (Greater Jerusalem) [25]." Under the Rabin government, this area is receiving a greater percentage of a shrinking settlement budget.

The most demonstrative signal of the Rabin government's continuing support for the expansion of settlement in Greater Jerusalem is the completion of a \$42 million 9-km road from the East Jerusalem suburb/settlement of Gilo to the Etzion bloc of settlements north of Hebron—a road critics have dubbed "the autostrada to nowhere [26]."

The two-lane road features two underground tunnels as well as a valley-spanning bridge, the largest in either the territories or in Israel itself. This "*intifadah* bypass" road will skirt the Arab town of Bet Jala (one tunnel will pass under it), as well as Bethlehem and the Deheisha refugee camp—all of which are on the road settlers now must travel in order to reach Jerusalem.

Housing Minister Ben Eliezer noted that "the Government regards the Etzion bloc as an integral part of Jerusalem's defensive perimeter. This road, which will open an important access to the city, will undoubtedly provide economic returns to the national economy." The highway, he added, "is of prime security importance [27]."

In his Knesset defense of the project, Ben Eliezer pointed to the decision to complete the road as evidence of the new Government's determination to keep the issue of Jerusalem and settlement in its hinterland off the negotiating agenda.

"We want to create a link between Jerusalem and the Etzion bloc," he explained [28].

When completed in late 1995, the road will make the entire Etzion bloc region less than a 15-minute drive from Jerusalem, opening up the area to the kind of fast-paced settlement Ma'ale Adumim is now experiencing after the completion of its new direct road link to northern Jerusalem. Future settlement will thereby be focused on an area Labour considers to be a *de facto* part of Israel.

"One can assume," editorialized Ha'aretz on 23 August 1992, in a stinging rebuke to Rabin's decision, "that had the *Likud* announced its intention to go ahead with the project, the Labour Party and Meretz would have criticized it as another symbol of the policy of creeping annexation."

"If by Greater Jerusalem, Rabin means the Jerusalem outlined in the plan of the British Mandate, then there will be no more West Bank," observed Palestinian leader Faisal Husseini, "because it includes Ramallah and Bethlehem—more than one third of the West Bank [29]."

E. PLANNING GREATER JERUSALEM

Israeli planning for the Jerusalem metropolitan region, including a significant portion of the occupied West Bank, took a major step forward in mid-1993 when a steering committee composed of representatives of the Jerusalem municipality and the Ministries of Housing and Interior appointed a commission of Israeli planners, economists, architects and lawyers to prepare by the end of 1993 a master plan for the Jerusalem region.

In addition to annexed East Jerusalem, there are approximately 40 West Bank settlements included in the area designated as metropolitan Jerusalem. This area includes the major West Bank settlements of Ma'ale Adumim (population 17,000), Givat Ze'ev (population 6,400) and Efrat (population 3,500). The commission's mandate marks the first time a civilian Israeli body will be making planning decisions about areas of the West Bank over which it has no statutory authority [30].

Because the Palestinian towns of Ramallah and Bethlehem are within the master plan's designated area, the Israeli-appointed mayor of Ramallah, as well as the elected mayor of Bethlehem Elias Freij, is expected to appear before the commission. Their cooperation would highlight Israel's continuing consolidation of control over the heart of the West Bank even as negotiations for Palestinian autonomy continue.

The commission is expected to concern itself with Jerusalem's evolving and largely haphazard relationship with its West Bank hinterland in the areas of transportation, commerce, housing, industry, education, water, sewage, and health.

According to the commission's directive, one of the basic assumptions guiding the master plan is the belief that metropolitan Jerusalem will remain a "single district for its entire population, and will assure the free movement of people, goods, services, and capital, regardless of what political agreement is reached [31]."

Chapter IV

THE OCCUPIED SYRIAN GOLAN

Until 1977, the occupied Syrian Golan was, with the exception of East Jerusalem, a primary focus of settlement efforts by the ruling Labour coalition and its affiliated kibbutz settlement organizations.

The first Israeli settlement in occupied territory—Merom Golan—was established in the occupied Syrian Golan on 15 July 1967, little more than one month after the end of the June 1967 war. It was the first of four established before 1968, all of which were sponsored by the then-ruling Labour Party coalition.

In Israeli eyes, the occupied Syrian Golan presented an alluring opportunity for colonization. Like the Jordan Valley, the Golan had been depopulated by the 1967 war. Only four villages with 10,000 inhabitants in the region's northeast corner remained from a pre-war population of 130,000. Today the blackened, battle-scarred ruins of these pre-1967 villages stand silent witness. Many are just overgrown piles of stones, bits and pieces of rock where homes once stood.

Israelis across the political spectrum supported the Golan's geo-strategic value. It provided strategic depth for Israel's interior as well as securing a direct route to Damascus, barely 50 miles from the new border over open terrain.

In the Golan as elsewhere, military security according to Israel's model required civilian Jewish settlement. A November 1967 settlement proposal called for the creation of 20 agricultural villages in the northern and southern sectors of the Golan with a population of 7,000 by 1982. A more grandiose plan, published in 1969, projected a Jewish population of 45,000-50,000 within 10 years.

By 1969 11 outposts, all cooperative settlements associated with factions in the ruling Labour coalition, had been established with a population of 300 [1].

Within the ranks of Israel's political establishment, doubts about the wisdom of "creating facts" in the Golan were overcome by the desire not to be left out of the postwar pioneering era. In the early 1970s, the left-wing Mapam Party voted to join the settlement drive in the occupied Syrian Golan.

"The vast majority of the party members," noted the party's daily, Al Hamishmar, "are not prepared to relinquish their part in settling the Golan."

In the hours before the October 1973 war, the Israeli army spent precious resources evacuating all Golan settlements, whose population had increased to almost 2,000. Despite this experience, settlements continued to be seen as central and inextricable elements of Israeli security on the Golan. Even as the war raged, the Golan's politically well-connected settlement movement won a government commitment to double the plateau's settler population within a year, establish an urban centre, colonize the central Golan region, and construct a regional defence system based upon the civilian settlements.

"The lesson we learned from the war," noted Labour minister Yigal Allon, "was that every single settlement should be fortified as if it were a military fortress [2]."

On his first visit as Prime Minister to the occupied Syrian Golan in 1974, Yitzhak Rabin guaranteed settlers that "Israeli governments have not established permanent settlements in the Golan

Heights in order to evacuate them or to let them exist in a non-Jewish State. If anyone has any doubts about that he should stop worrying [3]."

When Labour was ousted in 1977, it bequeathed to the *Likud* a settlement system in the Golan second only to that in annexed East Jerusalem. By 1979 the momentum established by Labour had produced 28 settlements with a population of 4,300.

The *Likud* government's "Fundamental Guidelines" of 1977 promised that "Israel will not descend from the Golan Heights, nor will it remove any (Jewish) settlement established there. It is the Government that will decide on the appropriate timing for the imposition of Israeli law, jurisdiction, and administration on the Golan Heights [4]."

Nevertheless, Israel's agreement to return the Sinai to Egypt raised concerns among Golan settlers that a *rapprochement* with the Syrian Arab Republic along similar lines would be next. Like Sinai, the Golan held no compelling religious or national-historical attraction. And like the Sinai settlements, those in the Golan were largely the creation of the opposition Labour movement. In contrast, the *Likud* efforts to build a constituency rooted in the land were focused on the West Bank.

Minister of Agriculture Ariel Sharon adamantly addressed settler fears. "We will never leave the Golan for any price," he told Golan settlers in April 1979, "not even for peace with Syria [5]."

The Knesset's formal annexation in December 1981 of the occupied Syrian Golan, presaged in the 1977 guidelines, marked another signpost in the *Likud* rhetorical support for permanent Israeli rule in the Golan.

Settlement, however, languished under its stewardship, during which the Heights' population increased to 12,000, compared with 245,000 in the West Bank and East Jerusalem. And during the *Likud* tenure, only two new Golan settlements were established.

"Israeli settlement on the Golan isn't such a brilliant success story," noted Labour Party activist Susan Hattis Rolef. "After 24 years of Israeli settlement, the permanent population on the Heights is just over 10,000....Economically speaking, all the Jewish settlements on the Golan are in trouble and few can survive without massive financial assistance [6]."

Post-Gulf war United States diplomacy raised the profile of Israel's settlement activities, causing Israelis across the political landscape to reaffirm their fealty to the region's annexation and to publicize accelerated settlement plans.

"The Golan Heights is not a subject for territorial negotiations," declared Prime Minister Shamir. "Resolution 242 has nothing to do with the Golan."

Former Prime Minister and Defence Minister Yitzhak Rabin proposed leasing the Golan from the Syrian Arab Republic in the context of a peace agreement. He too insisted, however, that Israel "must not come down from the Golan Heights, even for peace."

"To those who are worrying," declared Minister of Housing Ariel Sharon, "we are not only talking but are taking practical steps."

"We are now in the process of building 1,200 housing units in the Golan Heights," noted Sharon, "and I hope next year we will build some 1,200 more. All this is to increase the (Jewish) population in the Golan to 20,000 [7]."

About 160 Soviet immigrant families have moved to Katzrin, the Golan's major housing and industrial centre, whose current population is 3,500. Immigrants are well represented at many of the region's 30-odd outposts, including the newly established settlement of Bruckin [8].

THE RABIN GOVERNMENT

In the spring of 1993 a headline in the newspaper Hadashot trumpeted, "Operation Populate the Golan: \$3,000 in Cash, The Rest in Local Loans and Mortgages [9]." A \$112 monthly payment buys a semi-detached cottage in the occupied Syrian Golan settlement of Katzrin, where 350 houses were recently sold by lottery administered by the World Zionist Organizations's Settlement Department and the Golan Settlement Council.

The homes were the first instalment of 2,800 units begun by then Minister of Housing Ariel Sharon after the surge in Soviet immigration in 1990. Another 400 are under construction in Katzrin, the largest Golan settlement with a population of 4,200. By the end of 1993, 1,500 units were to be completed in more than 40 settlements [10].

In response to pressure from occupied Syrian Golan settlers, Minister of Housing Benjamin Ben Eliezer in March 1993 accelerated the pace of Golan construction. "Katzrin and the Golan Heights as a whole," he declared, "are considered a preferred security area, and there are no restrictions on apartment construction or sales there...Our intent is first of all to sell the 12,000 apartments (in Israel and the occupied territories) that came into our inventory after the budget freeze (on new government-supported housing) [11]."

Ben Eliezer estimated that the Government is losing 10 to 15 per cent of the \$40,000 to \$47,000 sale price of each apartment for sale in the Golan. In addition to a below-market rate "local loan" of \$18,600, first-time buyers receive a grant of \$22,600 while homeowners can obtain a grant of \$9,400.

More than 500 new immigrants, veteran residents of the Golan, vacation home-seekers and speculators lined up to purchase the recently completed houses in what was described as the biggest sale since the establishment of Katzrin 16 years ago. No one seemed dissuaded by Deputy Foreign Minister Yossi Beilin, who stated on 7 April 1993 that "there will be those who will have to adjust to living under Syrian sovereignty (on the Golan)."

"We believe that the Golan will not be returned," said one purchaser. "And even if it is returned we won't suffer. What we paid will be returned to us by the Government. But we aren't coming here in order to get rich at the Government's expense. We want to better our quality of life [12]."

Chapter V

THE SOCIO-ECONOMIC IMPACT OF SETTLEMENT ON LAND, WATER AND THE PALESTINIAN ECONOMY

The impact of settlement and settlers on Palestinian land and water resources is one element in a broad relationship of inequality and dependency established and promoted by the occupation over the last quarter century. While there have been episodic inquiries into specific examples of this phenomena—for example, Palestinian construction labour at one Israeli settlement, or the effects of sewage produced by a settlement on the adjacent Palestinian community—there have been no studies which have focused on the overall economic effects of settlements themselves—singly or collectively—on Palestinians.

Nevertheless, some data are available to offer a broad insight into the nature and scale of the impact of settlements on land and water resources.

Israel's occupation of the West Bank and Gaza Strip is essentially a contest for control of the region's resources, principally land and water. To the extent that these assets are utilized by one antagonist, the occupation has been structured so that the other necessarily loses.

Settlements have long represented an Israeli intention to remain permanently on the land and to control its destiny, necessarily at the expense of Palestinians. Without them, as Israelis have long acknowledged, they would be merely an "occupying" army lacking any concrete expression of their intention to create the infrastructure for the areas' permanent control. Far more than Israel's military presence, the implantation of civilian Israeli colonies is therefore the primary obstacle to Palestinian self-determination.

Settlements are the principal Israeli expression of this zero sum competition. For example, of the 144 Israeli settlements in the West Bank and Gaza Strip with a combined population of 120,000, fully 75 per cent, or 107, have populations of less than 500. In 27 settlements, there are less than 100 people. While no Israeli settlement currently has a population of 20,000, there are 16 such Palestinian towns, including Gaza City, which together with the Shati refugee camp in its midst, has a population approaching one quarter of a million [1].

A. LAND

The West Bank comprises an area of 5.5 million dunums. The Gaza Strip totals 363,800 dunums. Beyond these objective facts, little else about the issue of land ownership and control during the Israeli occupation can be stated with specificity, a lack of clarity due principally to Israel's determination to maintain a veil of imprecision in matters concerning land transfers of all sorts. The following figures, therefore, should be understood as estimates.

During the November 1992 round of Israeli-Palestinian negotiations, Israel presented the following breakdown of land ownership in the West Bank (excluding East Jerusalem). Israel acknowledged that 61.5 per cent of the West Bank's 5.5 million dunums is privately owned by Palestinians; 30.5 per cent is "State land" administered by Israel as *de facto* sovereign; and 8 per cent, of which 6.5 per cent is State land and 1.5 per cent is privately owned Jewish property (from the pre-1948 era), belongs to Israeli settlements.

The 398 Palestinian communities now have only 273,240 dunums, or less than 5 per cent of the entire West Bank, under their direct jurisdiction, according to Israel. This amount is far less than land available to the 150 Israeli settlements, which now control 440,000 dunums [2].

According to calculations by the Israeli researcher Meron Benvenisti in the mid-1980s, during the course of occupation 2,268,500 dunums, comprising 41 per cent of the West Bank, were transferred from Palestinian to Israeli control. An additional 570,000 dunums, 11 per cent of the area, has been placed under severe restrictions. Almost half of this land is for military use (training and manoeuvres). Seven per cent of the total area under Israeli control is for Jewish settlement. In the Gaza Strip 100,000 dunums have been seized by the military administration.

Land expropriation and its transfer from Arab to Israeli control is implemented by the following means [3]:

- * Absentee lands—430,000 dunums owned by residents of the territories who left the area in or before 1967 were transferred to the Israeli Custodian for Absentee Property. Seventeen per cent is actually managed by the Custodian, who has leased most of it to Israeli settlers.
- * Government lands. A total of 700,000 dunums is land which Israel regards as property of the Jordanian Government.
- * State land. By 1985 1 million dunums had been declared and seized as State Lands.
- * Land expropriated for public use—50,000 dunums.
- * Closure—lands ordered closed by a military commander—80,000 dunums.
- * Requisition for military use—50,000 dunums.
- * Nature reserves—250,000 dunums.

The 365,000 dunums comprising the Gaza Strip, according to an article by Eytan Rabin in Ha'aretz on 14 July 1988, are divided in the following manner: 100,000 dunums are controlled by the Israeli Government; 193,000 remain in private (Arab) ownership; and 72,000 dunums are unregistered.

Assessing the precise impact of the loss and reallocation of Palestinian lands to Israeli settlements is a difficult task. The World Bank, in a draft of its September 1993 study, "Developing the Occupied Territories—An Investment in Peace," notes that

"Confiscation of Palestinian land has enabled Israel to proceed with the construction of settlements and related structures in various areas of the West Bank that were traditionally considered to be wilderness zones. Most important among these are the eastern slopes and the central part of the West Bank which once housed a variety of wildlife and provided a winter grazing ground for livestock and recreation for the local population.... Similarly, building agricultural settlements in the Jordan Valley has gradually deprived the Palestinian inhabitants of these areas of their richest soils and water wells. A similar situation has developed in the Gaza Strip where settlements have encroached upon fertile inland and coastal areas. The Israeli settlement programme was not accompanied by adequate and proper environmental considerations. None of the settlements have developed sewage treatment plants. Sewage is often allowed to run into valleys even if a neighbouring (Palestinian) village is threatened. The sewage system of the settlements on the eastern hills and slopes north of Jerusalem has contaminated fresh water supplies for drinking and irrigation of Palestinian areas up to Jericho."

"Here in the (Jordan) Rift," explained one settler to a reporter more than one decade ago, "we work thousands of dunums, which—why is the truth not said?—are Arab lands. What Arabs? Above all, absentees, inhabitants of Nablus and Tubas who fled to the east bank in the Six Day War. These people cannot return to Judea and Samaria because a list of their names is kept at the bridges. Now there will be autonomy. What if these absentees return [4]?"

The value of agricultural production on the 22,500 dunums under Israeli cultivation in the Valley is estimated at \$75 million by a specialist at the United States Department of Agriculture [5].

Palestinian economist Ibrahim Mattar has estimated that in annexed East Jerusalem, Israel has "dispossessed the Palestinians of over 24,000 dunums of the most expensive real estate ...exceeding in value over \$1 billion [6]."

B. AGRICULTURAL LAND

In 1967 2,300 sq km of the West Bank and Gaza Strip were under Palestinian cultivation. In 1989 the figure had been reduced to 1,945 sq km, or 31.5 per cent of the West Bank and Gaza Strip. Agriculture comprised 24 per cent of gross domestic product (GDP) in 1966, the same percentage as in the 1980-1985 (pre-*intifadah*) period. In 1966 the agricultural sector provided employment for 55,000 or 43 per cent of total employment, whereas in the 1980-1985 period there were 40,000 employed in the agricultural sector comprising 24 per cent of those Palestinians employed [7].

These gross indicators cannot lead to any specific conclusions regarding the effect of settlements on agricultural employment or production, or land under cultivation. Settlements are only one of a number of variables that must be considered when assessing these trends.

That having been said, there are regions such as the Jordan Valley where a direct link can be established between the loss of Palestinians' agricultural opportunities and Israeli settlements. Contamination by sewage also directly affects Palestinian agriculture, albeit on a smaller scale, in the region around Kiryat Arba and elsewhere. The confiscation of agricultural lands and their transfer to settlements, which has occurred on numerous occasions, may well result in loss of agricultural income and employment, though this has never been quantified. There are also unquantified costs associated with Israeli-owned industries in the occupied territories, such as a recycling plant for used motor oil, the stone quarry adjacent to the Deheishe refugee camp, and other plants where harmful and toxic by-products are produced.

C. WATER

Access to water rather than a scarcity of land remains the greatest obstacle to Palestinian agricultural development.

For Israel, water has been a vital precondition for meeting one of its fundamental challenges—the creation of a vibrant economy to sustain an increasing Jewish community. Without an adequate supply of water, the concept of massive Jewish immigration and settlement would be imperilled. And without immigration and settlement, Israel's leadership fear for its future. Water, settlement, and security have thus become complementary pieces of Israel's security outlook.

According to a recent report for the American Academy of Arts and Sciences by Miriam Lowi, "almost the entire increase in Israeli water use since 1967 derives from the waters of the West Bank and the Upper Jordan River [8]."

Israel, however, is today in the midst of a water emergency. Even with the resources conquered in 1967, it is pumping more water from its aquifers than nature can replace. In the West Bank, not only is Israel exploiting water for its own population in Israel and the West Bank amounting to 15 per cent of total consumption: it is also preventing the Palestinian community from increasing its water use to barely 20 per cent beyond the amount used in 1967, and only for personal use, not for agriculture and economic development.

"The status quo," wrote Leopold Laufer in a recent report for an Israeli think tank, "has effectively barred economic development in the territories and in Gaza [9]."

In both the bilateral and multilateral negotiations begun at Madrid, Israel has sought to protect its continuing control over this resource in the West Bank, which was described by Israel's State Comptroller in February 1993 as the "principle reservoir of drinking water for the Dan region, Tel Aviv, Jerusalem, and Beersheba," and the "most important long-term source in the (National) Water system [10]."

The water requirements of Israel's settlements in the occupied territories are a small segment of this larger mosaic of Israeli exploitation of the water resources in the occupied territories.

At a time when settlers were barely 10 per cent of the Palestinian population in the West Bank (1987), Palestinian consumption totalled 115 ccm, while settler consumption equalled 97 ccm. A report by Peace Now noted that "the Jewish settlers' per capita irrigated areas are seven and thirteen times larger than the areas accorded to the Palestinians for irrigation in the Gaza Strip and West Bank respectively [11]."

A November 1992 report by the Jerusalem Media and Communication Centre (JMCC), "Israeli Obstacles to Economic Development in the Occupied Palestinian Territories," notes that lack of water has forced Palestinian farmers to remove tracts from cultivation and that the digging of new, deep wells for settlements, particularly in the Jordan Valley, has caused subsequent shortages for Palestinian farmers [12].

D. PALESTINIAN LABOUR IN ISRAELI SETTLEMENTS

Palestinian labour in Israeli settlements falls into three basic categories: construction, agriculture and industry. There have been no studies aimed at estimating the extent of Palestinian participation in the settlement-related labour force. Such evidence as there is is anecdotal.

Palestinians have traditionally made up the bulk of the workforce engaged in the construction and daily maintenance of settlements throughout the occupied territories.

A Palestinian labourer from the West Bank working at the Ali settlement lamented his fate in an article in Hadashot on 4 October 1991:

"What logic is there to this—that Arabs build on land belonging to Arab houses for Jews? Why am I doing this? Because I must work and earn money for my family....So I build and in my heart I pray that tomorrow they will return all this land to Arabs, and I hate myself, but I have no choice."

Certain settlements have taken a range of measures aimed at specifically identifying, limiting, or prohibiting, the employment of Arabs by and within the settlements.

As industrial parks located in settlements such as Barkan and Ma'ale Adumim expand so does the participation of the Palestinian workforce in the Israeli enterprises located therein. Israel projects that 23,000 Palestinians will be employed in such enterprises by 2010, according to the JMCC report.

Employment of Palestinians in agriculture is most prevalent in the settlements of the Gaza Strip, where the economic viability of hot house agriculture is based upon cheap Palestinian labour.

Noted an article in the Israeli daily Davar on 9 March 1993:

"In the Katif area, located in the Gaza Strip, there are 16 communities; 8 are agricultural cooperatives that earn money principally from the cheap labour of Palestinians from the area. Palestinian agricultural wages are far less than the minimum wage in Israel (\$477 per month). In the Strip, where the labour laws date from Egyptian rule, there is no minimum wage. The average monthly wage of a Palestinian agricultural worker in the settlements does not exceed \$185 per month. This cheap labour, together with the good agricultural climate, produces very high incomes for the Strip's settlers. The Katif bloc exports about 50 per cent of Israel's tomatoes, and half of all its sunflower seeds."

Chapter VI

SETTLEMENTS, SETTLERS AND THE LAW

Israel, by virtue of its military conquest, acquired exclusive yet temporary authority over the West Bank and Gaza Strip. Authority to maintain a military occupation, no matter how lengthy, however, does not confer any claim to sovereignty.

The Israeli Government, however, does not consider itself bound by the obligations attending its belligerent occupation of the West Bank and Gaza Strip, in particular the provision of Article 49 (6) of the Fourth Geneva Convention on Protection of Civilian Persons in Time of War, which states that:

"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

Israel contends that there was no recognized sovereign power in either the West Bank or Gaza Strip prior to their conquest by Israel. Therefore Israel's status is not that of a belligerent occupier, subject to such restrictions as the one prohibiting the colonization of territory, but an "administrator" of territories to which it has a valid claim of sovereignty but whose final status has yet to be determined.

On 27 June 1967 Israel's national legislature, the Knesset, established the legislative framework for Israel's transformation from an occupying or "administering" power—whose military forces were only temporarily and incidentally in control of the occupied territories—into a sovereign. The legislation empowered the Government to extend Israeli law, jurisdiction, and public administration over the entire area of the Land of Israel.

This extraordinary measure gave legislative expression to an already vibrant Israeli assumption supporting the permanent retention of territories captured during the war, an action violating the limitations concerning belligerent occupation of territory imposed by international law. The legislation was enacted against a background of national euphoria in the wake of Israel's military victory less than three weeks earlier.

The new law was only summarily debated in the Knesset. Representatives of Israel's two Communist parties (Israel Communist Party and New Communist List) were alone in opposing it. A 28 June 1967 editorial in Davar, the newspaper of the ruling Labour Party, then headed by Prime Minister Levi Eshkol, observed that the Knesset had established the legal foundation to annex "parts of the liberated Land of Israel" freed from the "foreign yoke" by the war three weeks earlier.

What is known today as East Jerusalem was annexed to the State of Israel according to the provisions of this measure on 28 June 1967. On 14 December 1981, the Knesset enacted similar legislation aimed at the occupied Syrian Golan—Syrian territory also conquered in the course of the June 1967 war.

In January 1984, the Knesset passed additional legislation concerning the status of its settlers in the occupied territories. The legislation empowers the Government to extend the application of Israeli law to Israeli and Jewish residents of the West Bank and Gaza Strip and provided for their inclusion as "residents of Israel" under certain laws.

In its role as occupying power in the territories, Israel is charged, according to international law codified in the Geneva and The Hague conventions, with three basic responsibilities:

- * Maintaining the security of the territories;
- * Insuring public order and safety;
- * Acting for the welfare of the local population [1].

In addition to these conventional responsibilities sanctioned by international law, the military government conducts a programme of land expropriation for the construction of civilian Israeli settlements throughout the West Bank and Gaza Strip in contravention of international law and of Israel's responsibilities as an occupying power. Assumption of the responsibility for security permits Israel to seize property, including land, but only for security purposes. Israel's position in international law is one of a trustee for such property, whose ownership cannot be transferred. (The land upon which almost all settlements have been built is therefore leased to governmental, non-governmental, or Jewish communal and private parties.) It is not owned by them.

Consistent with the internationally recognized responsibility to maintain security and public order, the IDF "area commanders" for the West Bank and Gaza Strip have the power to legislate and effect changes in existing local law and practice.

The body of military orders decreed by successive area commanders since the occupation began in June 1967—numbering 1,389 in the West Bank and 1,060 in the Gaza Strip—serves three functions:

- * It provides the legal basis for Israel's security measures;
- * It is the keystone of the broader effort to secure permanent Israeli control over the areas' resources, particularly land;
- * It forms the mechanism for granting a permanent and privileged status to the Israeli settler population.

Israel maintains that the body of military orders decreed since June 1967 is consistent with its international obligations.

"The law in force in Judea and Samaria when Israel first took over the administration thereof has remained in effect," wrote former High Court Chief Justice Haim Cohn in a rebuttal of charges (that Israel had significantly altered the body of Jordanian laws in force in the West Bank) made by Raja Shehadeh and Jonathan Kuttub in The West Bank and the Rule of Law. "In view of the many social and economic developments occurring in the region, there was an urgent need to amend existing legislation and adapt it to changing circumstances. In doing so, Israel has acted in a lawful and correct manner in accordance with international law [2]."

Indeed the need to adapt, supplement, and in many cases create entirely new laws and regulations—lacking any explicit security-related elements or foundation in prevailing local law—has been recognized and applauded by Israel's High Court.

As the military orders themselves demonstrate, however, Israel is prepared to meet its international obligations to the population under occupation only insofar as these obligations do not

impede the transfer of land, water and other resources from Arab to Israel control, and to the extent that they do not obstruct Jewish settlement throughout the entire Land of Israel.

"If you look at the system of military orders," explained Raja Shehadeh, "adherence to international law has not been a dominant factor. Law is only a vehicle to fill the occupier's changing needs and objectives. That is what the military orders help us to identify [3]."

From 1967-1971 the following measures were taken:^{*}

The power to expropriate land without judicial review by local courts was established (Military Orders 108 and 321). This measure effectively removed the central issue of land seizures from Palestinian judicial review and control [4]. Land registration was stopped (Military Order 192), leaving the title to approximately 60 per cent of the land in the West Bank unsettled. Palestinian landowners were thereby often left without documentation of land ownership acceptable to Israeli authorities. Subsequent military orders exploited this situation by transferring lands on which ownership was not registered to Israel control [5].

Military jurisdiction was extended over any business transaction involving land or real property (Military Order 25), giving Israel authorities broad control over land and property sales. Military control was extended to include all powers formerly held by the Jordanian Government (Military Order 37); over all manner of publications (Military Order 50); over "abandoned property" (Military Order 50); and government property (Military Order 59) [6]. The draconian British Defence Emergency Regulations, which include provisions for extended detention without trial, as well as deportation, land expropriation, forfeiture and demolition of property, curfews and "closed areas", were included in Military Order 224.

The period 1971-1979:

Many of the military orders issued during this period were aimed at facilitating Israel settlement, which had begun in earnest after the virtual closing of the Jordan Valley to infiltration by fedayeen in 1970 and the Gaza Strip in 1971. The Jordanian planning law was amended to ease zoning and licensing requirements for Israel settlement (Military Order 418), and Jordanian restrictions on the purchase of land by foreign entities were loosened (Military Order 419). A special registration process was established for lands taken for Jewish settlement (Military Order 569). These three orders facilitated the construction and expansion of Jewish settlements, permitted Jewish institutions to purchase West Bank land, and placed the land registration process more completely within Israel control. The sale of land to Israeli nationals was facilitated by Military Orders 811 and 846, which extended from 5 to 15 years the period during which irrevocable powers of attorney were valid.

In 1979, the administrative infrastructure for six Jewish regional councils in the West Bank, totally separate from the Palestinian municipal system, was established (Military Order 783). This legislation is identical to that governing local authorities within Israel and it gave concrete institutional expression to the intention to create a unified administrative system for services ranging from health, commerce, labour, personal status, and taxes for Jews residing in Israel and the West Bank. The budgets of the six councils are supervised by Israel's Ministry of the Interior. The distinctive blue signs announcing entry into their jurisdictions—extraterritorial islands under Israel sovereignty encompassing more than 2 million dunums—dot West Bank highways [7].

The period 1979-1981:

^{*} The author is indebted to Raja Shehadeh for the analytical framework.

This period was characterized by the take-off in Jewish settlement which occurred in the post-Camp David period. The increasing numbers of Jewish settlers created a need to place them within a legal and administrative framework. The Israeli settlements in the West Bank became *de facto* extensions of Israel, subject to Israeli laws and jurisdiction. To take one example, Israeli settlers are never tried before local Arab courts, although there is no law or Military Order exempting them from their jurisdiction, but before courts following Israeli law [8].

In 1980, Military Order 59 declared that all uncultivated, unregistered land can be declared "State land". The burden of proof of ownership fell upon the Palestinians whose land was so classified, not the State. Ha'aretz, in a 23 March 1981 editorial, responded to what it called:

"This quasi-legal trick to change radically the status quo in the West Bank....By means of this ploy, tens of thousands of dunums have been expropriated in the West Bank in the past year, in a manner that smacks of dubious legality, but whose efficiency has proven itself....

"The Arab residents (whose land is declared State land) are not given the elementary opportunity to prepare their cases before the committee. Allotting three weeks to Arab villages that lack (registration documents) is like mocking a poor man while robbing him. No intelligent man, either in Israel or abroad, would consider this procedure a valid legal method—quite the contrary. He would condemn it as a legal caricature, with the military government as judges as well as litigants.

"On this matter Justice Haim Cohn said (upon his retirement from Israel's High Court), 'We administer Judea and Samaria merely as trustees. It is elementary, that a trustee who takes for himself the property of the trusteeship, is committing an act of larceny—and one of the ugliest kind.'"

The creation of the civil administration (Military Order 947) was an expression of Israel's desire to demilitarize the administration of the population under occupation and co-opt suitable Palestinians into this system of rule as a prelude to the introduction of the autonomy regime outlined in the Camp David accords.

The period 1981 to the present:

During this current phase military orders have focused upon furthering the integration of Jewish settlements and their inhabitants into the Israel system, increasing Israel control over land and land-use planning, expanding the separate legal status of Jewish settlements, and imposing stiffer penalties on acts of Palestinian resistance [9].

All customs duties in the West Bank were unified with Israeli duties, tariffs, and exemptions (Military Order 1093), furthering the objective of a single Israel economic unit encompassing the occupied territories. Israeli tax authorities were authorized to exercise authority in the West Bank (Military Order 1097). Tax laws have been amended (Military Orders 1206, 1118 and 1195) and an entirely new tax, the value added tax, has been introduced.

Regulations have been promulgated altering the procedures for disputing submissions for the registration of land (Military Order 1145). Local Arab courts have been denied jurisdiction over all matters concerning the 60 per cent of West Bank land that is unregistered. Instead, committees of Israeli officials have been given this authority (Military Order 1060) [10].

Military Orders regulating the affairs of Jewish settlements and establishing their relationship to Israeli institutions have been published in a comprehensive collection of orders and regulations separate from those applying to Palestinians. Some of these regulations have never been translated by the military government into Arabic [11]. Health services, local rates, elections, tenders, pensions for local officials, and business licences are among the issues affecting Jewish settlements which have been brought into conformity with Israel legislation and practice [12].

The consolidation of separate administrative systems for Arab and Jewish residents of the West Bank has also continued. Separate offices have been established (Military Orders 783 and 892) to oversee "local and regional authorities" (Jewish), which are administered in concert with Israeli law; and "village and municipal authorities" (Palestinian), which are ruled by the military administration. There are also two distinct departments for land planning—one for Palestinians and one for Jews. This division has not been accomplished by military order but is the case *de facto*. Just as in Israel, there is a division in the planning department for "minorities", in the case of the West Bank, the term "Arab sector" is used [13].

The extraordinary scope of military orders, outlined briefly above, far exceeds the bounds of narrowly construed security concerns, and it is a convincing repudiation of Israeli claims of fidelity to the requirements set forth in international law.

A. JEWISH SETTLERS

Jewish settlers perform important security functions, both formal and informal, as an adjunct to the IDF in the occupied territories.

Settlers have been authorized to carry weapons from the earliest days of settlement [14]. The IDF has issued them with Uzi and M-16 machine guns as a means of self-defence. As the settlement enterprise became more firmly established and the numbers of settlers grew, their institutionalized security role was expanded by the IDF in the following manner:

- * Under the District Defence Regulations established in 1973, settlers are required to perform their annual reserve duty in the area in which they live [15]. This regulation has resulted in armed, militant settlers patrolling the streets of Ramallah during their annual reserve assignments, as well as participating at checkpoints and patrols [16].
- * Military Order 898 expanded the powers of Jewish settlers by permitting them:
 - To require a Palestinian suspected of violating any military order to produce his identification card;
 - To arrest Palestinian suspects without warrant [17].

Raphael Eitan, during his tenure as Israel's Chief of Staff (1978-1983), was a proponent of the integration of settlers into "territorial defence units." These units are based upon settlers residing in the string of small *Gush Emmunim* settlements throughout the West Bank heartland. This system of territorial defence organized these settlers into "organic military units stationed in their own areas under their own command [18]." Weapons, training and equipment were provided as part of a programme aimed at increasing the dedicated employment of settlers in the conduct of military security operations [19].

In June 1988, Defence Minister Yitzhak Rabin authorized "civilians living in the territories who see Arabs holding petrol bombs" to shoot at them. He was also reported to have said that civilians may shoot in response to other, unspecified "imminent dangers" [20].

B. SETTLER INFORMAL DUTIES

Given the security-related powers formally granted to settlers, it is often difficult to determine which settler actions, some of which result in injury, death, or destruction of Palestinian property, have

been undertaken as a function of this authority and which belong to the category of vigilante or underground operations. The rules of engagement regulating settler enforcement of security responsibilities, are, in practice, less strict than those governing regular forces.

One settler explained, for example:

"I, as a matter of fact, do not fire into the air (during demonstrations). I shoot to hit; either I do not shoot at all or I shoot to kill....I reported to the police that I was stoned (by Arab demonstrators) and that I shot. The investigator asked, 'Did you shoot into the air?' I told him that I shot to hit. He wrote down that I shot into the air. It seems that he did not want to get me into trouble....

"We go into a village, shoot a little bit at the windows, we scare the villagers, and go home to our settlement. We do not kidnap people, but sometimes we grab a kid for throwing stones and take him to the settlement, rough him up a little, and then hand him over to the army so that they can finish the job.

"Look, the army is too weak to take care of cases like this. They have regulations, inquiry committees, trials. All this allows Arabs to act up. We can do things that the army cannot do, and my feeling is that the army is glad about this. When the army has to question a settler about shooting, it is done half-heartedly [21]."

C. ISRAELI-PLO DECLARATION OF PRINCIPLES

The draft agreement on Palestinian self-rule in the West Bank and Gaza Strip, the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and its Agreed Minutes, signed by the Government of the State of Israel and the Palestine Liberation Organization at Washington, D.C. on 13 September 1993, establishes the broad framework under which Israel will devolve certain powers to Palestinian administrators appointed by the PLO, who will be replaced at some point by an elected Palestinian council.

Issues of land and settlement do not figure prominently among those powers which Israel will confer upon Palestinians, although Israel has conceded more authority to Palestinians in these spheres in the Gaza Strip than in the West Bank.

Retention of this authority during what is called "the interim period of self-rule"—a period of five years from the day on which the Declaration of Principles is signed by Israeli and Palestinian representatives—is consistent with longstanding Israeli practice.

During this period:

- * Israelis living or visiting the territories will be accorded a legal and administrative status different than that of Palestinian residents;
- * Israeli settlements will enjoy a legal and administrative status separate from adjoining Palestinian communities;
- * The disposition of State lands in the West Bank will be controlled by Israel.

During the interim period, Israel retains the authority to continue the construction and expansion of existing settlements, and even the creation of new settlements, as well as to provide for the security of Israelis in the territories. Its wide-ranging prerogatives concerning settlement have not been circumscribed. The current Israeli population in the Gaza Strip is 4,500, in the West Bank 120,000, and in East Jerusalem 160,000.

Specific references in the accord to issues relating to land and settlement are examined below.

1. ARTICLE I: Aim of the negotiations

"...a permanent settlement (will be) based on Security Council resolutions 242 and 338."

Palestinian and Israeli views on the meaning of these resolutions differ. Palestinians argue that they require complete Israeli withdrawal from all territories captured in 1967, while Israel insists that a more limited withdrawal is mandated.

2. ARTICLE IV: Jurisdiction

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

Palestinians have conceded that their authority in the occupied territories will not extend to Israel's settlements and settlers, nor to the roads which settlers use, nor to the borders separating the territories from Israel, Egypt, and Jordan; nor to East Jerusalem—all are issues whose resolution has been postponed until permanent status negotiations.

The territories remain a single territorial unit only insofar as Israel has conceded any right to annex part of them during the interim period, and only insofar as the Palestinians have agreed not to make unilateral declarations (of independence, for example) aimed at changing the territories' status.

The agreement has established a complex hierarchy of territorially, administratively and legally distinct areas including: the Gaza Strip and Jericho; the remainder of the West Bank; East Jerusalem, annexed by Israel in June 1967; and settlements and roads within the West Bank and Gaza Strip.

3. ARTICLE VI: Preparatory transfer of powers and responsibilities

None of the six spheres of authority to be transferred to Palestinians in the West Bank (for Gaza, see annex II to the Declaration)—education and culture, health, social welfare, direct taxation, and tourism—confer any direct responsibility for land-related issues. East Jerusalem, settlements, settlers, Israelis transiting the territories, and roads used by Israelis are outside the scope of these conferred powers.

4. ARTICLE VII: Interim Agreement

According to this article, "the Council will establish...a Palestinian Land Authority."

The powers of such a body are not defined in the Declaration. During the Washington negotiations, however, Israel and the Palestinians indicated a readiness to share control over "State lands"—amounting to approximately 50 per cent of the West Bank now governed solely by Israel's military government.

5. ARTICLE IX: Laws and Military Orders

The Council will have no legislative powers concerning settlements or Israelis. Its legislative powers are limited to those spheres of authority enumerated in article VI and in annex II.

Israel will withdraw, but not abolish its military government, which would appear to remain the body where sovereignty is vested under international law. More significantly, the code of military

orders which now forms the basis of the legal systems in the West Bank and Gaza Strip, and which established the legislative veneer for land confiscations, settlement activities, and the separate status of Israeli settlers, is to remain in force. The draft agreement does, however, call for a joint review of these orders.

6. Annex II: Protocol on withdrawal of Israeli forces from the Gaza Strip and Jericho area

"b. Structure, powers, and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations, and other mutually agreed matters."

In contrast to the powers of the Palestinian Council in the West Bank, whose scope was specifically enumerated in article VI, the Palestinian Council will exercise all powers and authority in the Gaza Strip and Jericho except for those noted above. The control of State lands in these two areas is therefore included within its sphere of competence. Approximately 40 per cent of the lands in the Gaza Strip are under exclusive Israeli civilian or military control, including State lands. Given the relative scarcity of land currently in Gaza's Palestinian sector, the transfer of State lands to Palestinian authority is a vital prerequisite to economic development.

Chapter VII

SETTLEMENTS AND THE INTERNATIONAL COMMUNITY

The international community has always viewed the establishment of Israeli settlements as a violation of international law. United Nations resolutions have consistently disapproved of the establishment of settlements in the territories occupied by Israel in 1967.

Both General Assembly and Security Council resolutions have criticized and condemned Israel's settlement policy as a violation of international law.

The General Assembly and the Security Council, along with other United Nations bodies, have long viewed such activity as an obstacle to peace in the Middle East.

The major Powers—China, France, the United Kingdom of Great Britain and Northern Ireland, the former USSR (now the Russian Federation) and the United States of America—are in agreement that Israel is violating international law, and furthermore that the establishment of settlements poses an obstacle to any given peace process or negotiation.

China, France, the Russian Federation and the United Kingdom, as opposed to the United States, have been consistent in their votes in support of relevant Security Council resolutions (see appendix 4 to the present document).

United Nations resolutions on Israeli settlements and the major Powers

On 28 October 1977 the United States abstained on General Assembly resolution 32/5. This resolution deplored Israel's persistence in carrying out its settlement policy, which it declared was designed to change the legal status and geographical composition of the occupied territories. The rationales presented by member States were typical of the views presented throughout the history of United Nations consideration of this issue.

In response to the United States abstention, the United States representative at the United Nations commented that the United States was opposed to Israeli settlements, and viewed them as inconsistent with international law. Yet, owing to its co-chairmanship of the Geneva Peace Conference on the Middle East, the United States needed to remain impartial when complex issues were involved [1]. Therefore, the United States abstained from voting on this resolution, even though the resolution was congruent with most aspects of the United States position.

In support of General Assembly resolution 32/5, the representative of Belgium, speaking on behalf of the European Community, maintained that the Fourth Geneva Convention was indeed applicable to the territories occupied after 1967, including Jerusalem. On the issue of settlements, the representative stated that all measures taken to alter the demographic and physical nature of the territories were illegal and in violation of international law. Furthermore, the European Community maintained that the establishment of settlements would only further complicate any negotiations towards peace [2].

The representative of the Russian Federation questioned Israel's desire for peace, because there was "ample evidence of a systematic Israelization of the occupied Arab territories in gross violation of the Fourth Geneva Convention [3]."

In spite of the prohibitions outlined in the relevant international law and previous United Nations resolutions, by 1979 it was apparent that Israeli settlement activity was accelerating in the occupied territories. On 22 March 1979 the Security Council adopted resolution 446, which declared that the "policies and practices of Israel in establishing settlements...have no legal validity and constitute a serious obstacle to achieving a comprehensive, just and lasting peace." The Security Council called upon Israel to abide by the Geneva Convention as well as refrain from any actions which would result in "changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967." Moreover, in the resolution, the Security Council established a commission (comprised of Bolivia, Portugal and Zambia) to examine the situation of Israeli settlements since 1967. The commission was not able to fulfil its obligation for it was unable to obtain the Israeli Government's cooperation on the matter [4].

The United States along with the United Kingdom abstained on this resolution, while other Council members cast their votes in favour of it.

Speaking on behalf of the United States delegation, Ambassador James Leonard explained the United States abstention on resolution 446:

"Its content generally accords with the frequently stated positions of the United States on settlements in the occupied territories. However, I must be frank in saying that there are certain elements of the resolution and certain aspects of the debate in this body which are disturbing to us [5]."

Leonard explained that the United States opposed language used by members to criticize Israel, as well as references to nazism. Furthermore, the United States Government doubted the utility of creating a Security Council commission to examine the issue of settlements in the occupied territories. The United States maintained that the Security Council should "not inject irritants into this process (of negotiations between Israel and Egypt) [6]."

At the same time, Leonard stated the "well-known" position of the United States on the issue of settlements in the occupied territories:

"As had been stated on a number of occasions at the United Nations and elsewhere, we are opposed to these settlements. We are opposed because we believe they could be perceived as prejudging the outcome of negotiations, and further because we believe they are inconsistent with the Fourth Geneva Convention and international law [7]."

The United Kingdom abstained on resolution 446 because of its apprehension and doubt about the sending of a Security Council commission on a fact-finding mission. The United Kingdom in the past had supported such commissions, but it feared that the commission would only complicate the ongoing peace efforts.

The United Kingdom also reiterated its policy on settlements, as stated by Ambassador Peter Marshall, that: "We strongly believe the pursuance by the Government of Israel of its current settlements policies poses a major obstacle to peace [8]."

Marshall emphasized that the United Kingdom's decision to abstain was not to be viewed as condoning Israeli policies in the occupied territories: "Indeed my Government appeals to the Government of Israel to desist now from any measures to increase its settlements [9]."

The Russian Federation delegation voted in favour of resolution 446. Ambassador Oleg Troyanovsky stated that "the policies pursued by Israel and the practices in which it has indulged in exploiting the occupied Arab territories are a blatant violation of international agreements and of numerous United Nations resolutions [10]."

The Russian Federation viewed the prospect of a separate peace between Israel and Egypt as an obstacle to the achievement of a comprehensive peace in the Middle East. The Russian Federation also called for the Security Council to take a tougher stand to make Israel understand "once and for all that the decisions of the United Nations, including the provisions of the resolutions we have just adopted, must be implemented [11]."

On 20 July 1979, the Security Council adopted resolution 452, in which the Council reaffirmed that the policy of Israel in establishing settlements "constitutes a violation of the Geneva Convention" and called "upon the Government and the people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements." The United States was the only Council member to abstain on this resolution.

The United States representative explained that "the United States would have supported the resolution, if it had not also raised issues other than settlements, which have to be resolved through sensitive negotiations [12]." The representative reaffirmed the opposition of the United States to Israeli settlements in the occupied territories:

"Those settlements prejudice the outcome of Middle East peace negotiations and are inconsistent with international law and the Fourth Geneva Convention. We have asked Israel to cease its practice of establishing settlements, and I repeat that request here today [13]."

Although it believed the resolution to be weak, the Russian Federation delegation voted in favour. The Russian Federation representative maintained that the resolution should have taken a tougher stand with regard to Israeli actions in the occupied territories. "It should not only have demanded that Israel cease its policy of establishing new settlements but have adopted measures for the dismantling of the settlements already in existence," noted Mr. Kharlamov [14].

The views of the United Kingdom were expressed by Ambassador Ivor Richard, who stated that the views of his country on settlements remained unchanged and that:

"We continue to consider the settlements to be illegal in international law. We continue to consider that they make a negotiated solution to the overall problem in the area more difficult and that they represent a major obstacle to peace [15]."

Security Council resolution 465, ratified on 1 March 1980, called Israeli settlement activity "a flagrant violation of the Geneva Convention". Moreover, the resolution called on Israel "to dismantle the existing settlements and, in particular, to cease on an urgent basis the establishment, construction, and planning of settlements." In discussing this resolution, United States Ambassador Donald McHenry stated, "We regard the settlements in the occupied territories as illegal under international law, and we consider them to be an obstacle to ... just and lasting peace in the Middle East [16]." At the same time, the United States questioned the tone of the resolution in regard to existing settlements. McHenry stated that "there are a number of factors of a practical character that make impractical the call ... for the dismantling of existing settlements. Some projects are not so easily dismantled [17]."

Resolution 465 was adopted unanimously, but the United States later retracted its vote. President Carter noted on 3 March:

"I want to make it clear that the vote of the United States in the Security Council of the United Nations does not represent a change in our position regarding the Israeli settlements in the occupied areas nor regarding the status of Jerusalem. While our opposition to the establishment of the Israeli settlements is longstanding and well-known, we made strenuous efforts to eliminate the language with reference to the dismantling of settlements in the resolution [18]."

One day later, the Assistant Secretary of State for Congressional Relations expanded on the President's remarks. "This call for dismantling (settlements) was neither proper nor practical. We believe that the future disposition of existing settlements must be determined during the current autonomy negotiations [19]."

Russian Federation Ambassador Kharlamov wholeheartedly endorsed resolution 465. Kharlamov stated that the Russian Federation delegation condemned Israel's actions and policies in the occupied territories, most notably its continuing settlement drive. The Russian Federation delegation supported the resolution because of "the growing concern felt by the international community at the illegal and dangerous practices of Israel in the occupied Arab territories [20]." At the same time, the Soviet delegation called upon the Council to "decisively and roundly condemn the colonization being carried out by Israel and its acquisition of Arab lands ... only a firm position on the part of the Council can secure the implementation of its previous resolutions and help in establishing a stable and sound situation in the Middle East [21]."

THE STATUS OF JERUSALEM

Israel's 1967 occupation and annexation of Arab East Jerusalem led to numerous Security Council resolutions, all of which call for Israel to refrain from changing the city's physical character and demographic composition, as well as its institutional structure. The United Nations has consistently deemed such actions to be null and void [22].

For example, in response to discussion in Israel of a "Jerusalem Law," reaffirming the 1967 annexation of the eastern sector of the city, the Security Council adopted resolution 476 on 30 June 1980. Adopted by a vote of 14 to 0 with one abstention (the United States), the resolution restated that Israel's annexation and transfer of its population to Jerusalem was unlawful and reiterated that "such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded."

After the Knesset passed the Jerusalem Law on 30 July 1980 the Security Council adopted resolution 478 on 20 August 1980. The resolution affirmed that the law was "a violation of international law" and that it did not "affect the continued application of the Geneva Convention ... in the...(occupied) territories"; it censured in the strongest terms the enactment by Israel of the "basic law on Jerusalem...."

The United States was the only member to abstain on this resolution; all other representatives on the Security Council voted in favour. The position of the United States, as stated by Ambassador Edmund Muskie, was that "the status of Jerusalem cannot be simply declared; it must be agreed to by the parties. That is a practical reality. It will remain so despite this draft resolution or a hundred more like it." Israel's passage of the law, noted Muskie, "does nothing to advance the cause of peace [23]."

The Russian Federation delegation reiterated its support for the Council's previous resolution 476 (1980), which (in diplomatic language) warned Israel from taking any steps which would alter the status of Jerusalem. Moreover, the Soviet delegation blamed the United States for the Council's inability to curb Israel. Ambassador Troyanovsky expanded on this notion:

"For many years now, Washington had been giving Israel various kinds of political, economic, financial and military assistance, thus encouraging it to continue its policy of expansion and aggression against the Arab States. In the Security Council, the United States by the use of threat or by veto has constantly blocked the adoption of decisions confirming the inalienable national rights of the Palestinian people, resolutions which might have influenced Israel and forced it to heed the voice of reason [24]."

The United Kingdom had also supported resolution 476 (1980) and therefore did not support Israel's enactment of the Jerusalem Law. Ambassador Mansfield reiterated the long-held British policy on this issue:

"Successive British Governments have taken the view since the 1967 conflict that Israeli rights in East Jerusalem do not extend beyond those of an occupying Power pending an agreed solution on the City's future. My Government shares the international concern at Israel's attempts to determine Jerusalem's status unilaterally rather than through a negotiated settlement. They are unacceptable [25]."

France had also supported resolution 467 (1980) and viewed Israel's subsequent action as contrary to international law. Speaking on behalf of the French delegation, Mr. Leprette stated that "France has always considered that all legislative or other measures adopted by the Israeli authorities to absorb the part of Jerusalem that has been occupied since 1967 are contrary to the rules of international law according to which the occupying Power must preserve the demographic, economic and cultural character of the occupied areas [26]."

The General Assembly followed the action of the Security Council. Resolution 35/169 E, adopted 15 December 1980, viewed Israel's "Basic Law" on Jerusalem as a direct "violation of international law" and the Geneva Convention. This view has been consistently expressed in subsequent resolutions of both the Security Council and the General Assembly [27].

Additional United States statements on Israeli settlements and Jerusalem

During an address to the United Nations on 23 March 1976, United States Ambassador to the United Nations William W. Scranton stated that the United States believed that international law set the appropriate standards for the question of Israeli settlements in the occupied territories:

"An occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation and be consistent with international law [28]."

Ambassador Scranton noted that the United States viewed Israeli settlements as "an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbours [29]."

In a Washington D.C. news conference on 30 April 1979, President Carter stated:

"We do consider the creation of Israeli settlements in these areas as being inconsistent with international law, and, as I've said many times, they are an obstacle to peace. Knowing that the Israeli Government still on occasion authorizes new settlements. They interpret the law differently from myself."

President Carter expressed his hope that the Israeli Government would refrain from establishing new settlements. At the same time, President Carter remarked, "But there is a limit to what we can do to impose our will on a sovereign nation [30]."

In a United Nations Press Release by the United States, dated 8 February 1980, entitled "U.S. perspective of the 34th General Assembly," the following statement was made:

"The United States did support two General Assembly resolutions concerning the applicability of the Geneva Convention of 1949 in the territory occupied by Israel as a result of the 1967 war and the disapproval of Israeli settlement policies in the occupied territories. These votes reflected longstanding U.S. policy that Israeli settlements on the West Bank are detrimental to the overall peace process under way in the Middle East [31]."

President Reagan's Peace Plan of 1 September 1982 articulated the American position on settlements:

"The United States will not support the use of any additional land for the purpose of settlements during the transitions period. Indeed, the immediate adoption of a settlement freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated [32]."

Although President Reagan maintained that the United States by no means supported the establishment of an independent Palestinian State nor Israeli annexation of the occupied territories, the United States position was "that—in return for peace—the withdrawal provision of resolution 242 applies to all fronts, including the West Bank and Gaza [33]."

In a statement on 27 August 1983, President Reagan maintained that new Israeli settlements in the occupied territories were an obstacle to peace; "and we're concerned over the negative effect that this activity has on Arab confidence in Israel's willingness to return territory in exchange for security and a freely and fairly negotiated peace treaty [34]."

President George Bush noted on 3 March 1990:

"My position is that the foreign policy of the United States says we do not believe there should be new settlements in the West Bank or in East Jerusalem. And I will conduct that policy as if it's firm, which it is, and I will be shaped in whatever decisions we make to see whether people can comply with that policy. And that's our strongly held view, and we think it's constructive to peace—the peace process, too—if Israel will follow that view.... this is the position of the United States and I'm not going to change that position [35]."

At a 3 June 1990 press conference, President Bush was questioned about the United States policy of opposition to new settlements. President Bush replied:

"Yes, I agree there are settlements that go contrary to the United States policy; and I will continue to represent the policy, reiterate the policy, and try to persuade the Government of Israel that it is counterproductive to go forward with additional settlements in these territories [36]."

President William Clinton has not personally addressed this issue. But he did make the surprise October 1993 decision to assess Israel an almost one-half billion dollar "settlement penalty". As a result of this decision, Washington will deduct \$437 million from the \$2 billion in loan guarantees to be provided to Israel by Washington in 1994. A symbolic \$6.5 million of the \$437 million penalty was assessed for continuing housing construction in East Jerusalem.

This action was aimed at formally maintaining the integrity of United States policy, which views annexed east Jerusalem as part of the occupied territories, while not exacting any real penalty from Israel for its actions in the city—essentially the same policy followed by all American presidents since 1967.

Chapter VIII

RECOMMENDATIONS

The September 1993 agreement between the PLO and Israel begins what is destined to be a long and contentious process of establishing a new framework for Israeli settlements in the occupied territories. Representatives of the Israeli and Palestinian peoples, of course, are under a primary obligation to establish for themselves the context of this new relationship. But the international community too has a role to play, both in reaffirming the imperatives required by international law and in assisting the parties as they endeavour to create a successor to Israel's régime of military occupation.

In exercising these responsibilities, however, particularly as they relate to questions of land and Israeli settlement, the international community needs to be mindful of new political and ideological constraints introduced by Israel's recognition of the PLO, the Declaration of Principles, and the creation of a system in which Israel and the PLO have become partners to a negotiated solution of their conflict. These three factors create an environment far different from that which characterized the environment in which the United Nations and its affiliated agencies have traditionally operated. Instead of the former zero-sum contest between Israel and the Palestinians, the Declaration of Principles outlines a more collaborative process in which the Palestinians have recognized, and in some fashion legitimized, a continuing Israeli military and civilian presence in territories they claim as their own and which establishes a mechanism for Israeli-Palestinian economic cooperation.

In this new environment, the international community can be confident that the reaffirmation of the basic pillars of its historical position on the issue of Israeli settlements will contribute to the success of Israeli-Palestinian talks. Notwithstanding the Declaration of Principles, Israel's presence in the West Bank, Gaza Strip, and occupied Syrian Golan remains a belligerent occupation as defined by international law. In that context, its settlements continue to be a violation of the Geneva Conventions' prohibition on the transfer of the occupier's civilian population into the territories it occupies. Relevant resolutions recording the international community's refusal to recognize Israel's annexation of East Jerusalem and its opposition to the implantation of Israeli settlements there are also appropriate in the current political context in which Israeli-PLO negotiations are being held. Beyond a reaffirmation of these general principles, however, there is little probability that the Security Council will address these issues as long as negotiations are proceeding. Similarly, it is doubtful that the General Assembly will be a forum, as it once was, for the mobilization of international opposition to the occupation as long as Israel and the PLO are engaged in substantive discussions on the implementation of the Declaration of Principles.

The Declaration of Principles has the potential to have a significant impact on a number of issues relating to the relationship between settlements and the Palestinian community, and it is in that context that United Nations agencies can play an important role as a reliable source of information about the effects of settlements on the land, resources, and people of the occupied territories.

The following recommendations are aimed at implementing such an objective:

- (a) A study of Palestinian labour participation in settlements, settlement-based industry, agriculture and Israeli-owned enterprises in the occupied territories (including East Jerusalem), with special emphasis on the potential for expansion or contraction of this type of employment;
- (b) A complete land survey of the occupied territories, carried out in conjunction with Palestinian and Israeli representatives. This ambitious project will be a prerequisite to detailed

negotiations on the territorial limitations of Israeli settlements during the interim period as well as to the disposition of lands characterized by Israel as "State lands";

(c) A comprehensive overview of Israeli settlement in the Greater Jerusalem area, which is already emerging as the most contentious territorial issue to be faced by Israeli and Palestinian negotiators. This study could include:

- (i) Existing town planning and zoning maps;
- (ii) Population;
- (iii) Housing construction—completed and planned;
- (iv) Industry and economic development;
- (v) Road networks and plans;
- (vi) Other infrastructure: electricity, water, sewage;
- (vii) Official Israeli planning for this region;
- (viii) Israeli and military government-related legal and governmental mechanisms currently in place.

The study would assess the impact these factors have on prospects for Palestinian self-rule during both the interim and final status periods in the Greater Jerusalem region, looking particularly at: control over land, roads, and infrastructure; and control over the planning processes.

(d) The establishment of a dedicated United Nations team, working at the behest of the soon-to-be-appointed Palestinian Council, to monitor settlement activity and its wide-ranging effects on the Palestinian community, and to report regularly to the Security Council and General Assembly. The work of this team could include tasks outlined in subparagraphs (a) to (c) above.

Endnotes

Introduction

[1] 1986 Report—Demographic, economic, legal, social, and political developments in the West Bank Meron Benvenisti, The West Bank Data Base project, Jerusalem 1986 pp. 1-3.

[2] 1986 Report, p. 3.

[3] The text of "Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967", is as follows:

1. In the Law and Administration Ordinance, 5708-1948, the following section shall be inserted after section 11A:(Addition of Section 11B.)

Application of law.

11B. The law, jurisdiction, and administration of the State shall extend to any area of Eretz Israel designed by the Government by order.

2. This law shall come into force on the date of its adoption by the Knesset(Commencement.) Laws of the State of Israel, vol.21 (5727-1966-1967). Authorized translation from Hebrew prepared at the Ministry of Justice, in Uri Davis, Israel An Apartheid State (London, Zed Books, 1987), p. 73, footnote 2.

[4] "Hok Ramat HaGolan - 1981". For a discussion of the annexation of the occupied Syrian Golan see Creating Facts: Israel, Palestinians, and the West Bank (Creating Facts) (Washington D.C., Institute for Palestine Studies, 1987), pp.276-78.

[5] Report of the Civil Administration for the West Bank, mimeo, chart 8.7, no page, no date.

[6] Politica [Hebrew], April 1986 by Avigdor Feldman, "The Plea of the Dead Souls"—English translation by I. Shahak.

[7] Report on Israeli Settlement in the Occupied Territories (Settlement Report), published by the Foundation for Middle East Peace, Washington, DC., Winter 1992, July 1993.

[8] Settlement Report, November 1993, January 1994.

[9] Ibid., November 1993.

Chapter I

THE IDEA OF SETTLEMENT AND ITS ROLE IN ISRAELI POLICY

- [1] Knesset address on 4 May 1982 (Israeli Government Press Office translation).
- [2] Creating Facts, p.20.
- [3] Ibid., pp.14-16.
- [4] Davar, 18 February 1973.
- [5] Ha'aretz, 10 September 1973.
- [6] Creating Facts, p.70.
- [7] Ibid., p.97.
- [8] Mattityahu Drobles, "Master Plan for the Development of settlement in Judea and Samaria (1979-1983) (Jerusalem, World Zionist Organization, September 1980).
- [9] Ezer Weizman, "Battle for Peace", p.228.
- [10] Meron Benvenisti, West Bank Data Project (WBDP), American Enterprise Institute, Washington, D.C., 1984, p.32.
- [11] Ibid., p.55.
- [12] "Israeli settlement in the occupied territories," United States State Department report to Congress, 19 March 1991.
- [13] Jerusalem Post, 25 September 1991.
- [14] Settlement Report, March 1991.
- [15] Settlement Report, July 1991.
- [16] Ibid.
- [17] Ibid.
- [18] Settlement Report, May 1992.
- [19] Ibid.
- [20] Eight Days (London), 31 January 1981.
- [21] Settlement Report, July 1992.
- [22] Settlement Report, July 1992 and November 1992.

- [23] Settlement Report, July 1992.
- [24] Settlement Report, September 1992.
- [25] Ibid.
- [26] "Foreign Broadcast Information Service—Daily Report, Near East and South Asia" (FBIS), Washington, D.C., 17 August 1992, p.130.
- [27] FBIS, 12 August 1992, p.29.
- [28] Settlement Report, September 1992.
- [29] Settlement Report, November 1992.
- [30] Interview with author.
- [31] As translated in Settlement Report, November 1992.
- [32] Settlement Report, September 1993.
- [33] Settlement Report, September 1993.
- [34] Ibid.
- [35] Yediot Aharonot, 20 May 1977.
- [36] Israel Central Bureau of Statistics, July 1993.
- [37] Settlement Report, November 1993.
- [38] Ibid.

Chapter II

FINANCING SETTLEMENTS—ISRAELI EXPENDITURES IN THE OCCUPIED TERRITORIES

- [1] Settlement Report, March 1992.
- [2] Settlement Report, November 1993.
- [3] Ibid.
- [4] City of Jerusalem, Immigrant Absorption Project, Monthly Report, January 1993.
- [5] Unpublished report by Peace Now, Jerusalem, August 1993, reported in Settlement Report, March 1992.
- [6] Settlement Report, November 1991, May 1991.
- [7] Settlement Report, July 1992.
- [8] Settlement Report, November 1991.
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- [10] Settlement Report, November 1993.
- [11] Settlement Report, January 1993.
- [12] Settlement Report, September 1992.
- [13] Settlement Report, November 1993.

Chapter III

SETTLING JERUSALEM

- [1] Settlement Report, February 1994.
- [2] Creating Facts, pp.137-139.
- [3] Settlement Report, February 1994.
- [4] Settlement Report, May 1993.
- [5] Jerusalem Institute for the Study of Israel, reported in Settlement Report, March 1993.
- [6] Settlement Report, January 1991.
- [7] Settlement Report, July 1992.
- [8] Ibid.
- [9] Ibid.
- [10] Settlement Report, November 1992.
- [11] Settlement Report, May 1993.
- [12] Ibid.
- [13] Ibid.
- [14] Settlement Report, November 1992.
- [15] Ibid.
- [16] Ibid.
- [17] Settlement Report, September 1993.
- [18] "Israeli settlements in the occupied territories," United States State Department report to Congress, April 1993.
- [19] Settlement Report, September 1993.
- [20] Settlement Report, January 1992.
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[24] Kol Ha'ir (Hebrew), Jerusalem, 17 May 1991.

[25] "Moked" (Israel TV), July 29, 1992.

[26] Settlement Report, November 1992.

[27] MidEast Mirror, 21 August 1992.

[28] Ha'aretz, 28 August 1992.

[29] Interview with author.

[30] Settlement Report, March 1993.

[31] Ibid.

Chapter IV

THE OCCUPIED SYRIAN GOLAN

- [1] "The Golan Heights," Geoffrey Aronson, Al Wusat, 26 June 1992.
- [2] William Harris, Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980 (New York, Research Studies Press, 1980), p.82.
- [3] The Times (London), 30 September 1976.
- [4] Creating Facts, p.276.
- [5] Yediot Aharanot, 20 April 1979.
- [6] Aronson, op. cit.
- [7] Settlement Report, July 1991.
- [8] Ibid.
- [9] Hadashot (Hebrew), 15 April 1993.
- [10] Settlement Report, July 1993.
- [11] Ibid.
- [12] Ibid.
- [13] Interview with author.

Chapter V

THE SOCIO-ECONOMIC IMPACT OF SETTLEMENT ON LAND, WATER AND THE PALESTINIAN ECONOMY

- [1] "The Real Map—A Demographic and Demographical Analysis of the Population of the West Bank and Gaza Strip" ("The Real Map"), Peace Now, Jerusalem, January 1993.
- [2] Author interview with members of the Palestinian delegation to the Washington talks, December 1992.
- [3] Benvenisti, WBDP, American Enterprise Institute, Washington, D.C., 1984, pp.26-35.
- [4] Ha'aretz, 20 October 1978.
- [5] Interview with author.
- [6] Ibrahim Mattar, "To Whom Does Jerusalem Belong," unpublished paper.
- [7] "Statistical Abstract of Israel," No. 43, published by the Central Bureau of Statistics, 1992.
- [8] Miriam Lowi, "West Bank Water Resources and the Resolution of Conflict in the Middle East," American Academy of Arts and Sciences, September 1992.
- [9] Al Wusat, 21 April 1993.
- [10] Ibid.
- [11] "The Real Map", p.27.
- [12] "Israeli Obstacles to Economic Development in the Occupied Palestinian Territories," JMCC, November 1992, p.49.
- [13] Ibid., p. 76.

Chapter VI

SETTLEMENTS, SETTLERS AND THE LAW

[1] Decisions of the High Court, most notably the Road Plan No. 50 decision, also designate the Jewish settlers in the occupied territories as members of the "local population". See R. Shehadeh, Occupiers Law, Institute for Palestine Studies, 1985, p.55; "Israeli Proposed Road Plan for the West Bank—A question for the International Court of Justice," A. Shehadeh, F. Shehadeh, and R. Shehadeh, LSM, 1984; and Thirteen Year Survey [1967-1980] from the office of the Coordinator of Government Operation in Judea and Samaria, Gaza District, Sinai, and the Golan Heights mimeo, 1 January 1981, published by the Ministry of Defence.

[2] Haim Cohn, "The Rule of Law in the Areas Administered by Israel," Israel National Section of the International Commission of Jurists, Geneva, 1981, p.9.

[3] Interview with Raja Shehadeh, 27 July 1988.

[4] Joost Hilterman, Israel's Deportation Policy in the Occupied West Bank and Gaza, Occasional Paper No. 2, 1986 p.19.

[5] In 1980, Military Order 59 declared that all uncultivated, unregistered land could be declared "State land". The burden of proof of ownership fell upon the Palestinian whose land was so classified, not the State. See Benvenisti, op. cit., p.25.

Ha'aretz, in an editorial of 23 March 1981, responded to what it called:

"this quasi-legal trick to change radically the status quo in the West Bank....By means of this ploy, tens of thousands of dunums have been expropriated in the West bank in the past year, in a manner that smacks of dubious legality, but whose efficiency has proven itself....

"The Arab residents [whose land is declared State land] are not given the elementary opportunity to prepare their cases before the committee. Allotting three weeks to Arab villages that lack [registration documents] is like mocking a poor man while robbing him. No intelligent man, either in Israel or abroad, would consider this procedure a valid legal method—quite the contrary. he would condemn it as a legal caricature, with the military government as judges as well as litigants. On this matter Justice Haim Cohn said [upon his retirement from the court]: 'We administer Judea and Samaria merely as trustees. It is elementary, that a trustee who takes for himself the property of the trusteeship, is committing an act of larceny—and one of the ugliest kind.'"

[6] For an explanation of absentee property see Benvenisti, op. cit., p.27.

[7] Benvenisti, op. cit., pp.41-42.

[8] Raja Shehadeh, Occupier's Law, Institute for Palestine Studies, 1985, pp.90-93. See also Military Orders 783 [later amended by MO1058] and 892. Circular [No.49/1350] dated 6 December 1984, further removes Israelis from the jurisdiction of local courts. It states that "West Bank courts should not register any criminal case [to include traffic cases] against holders of Israeli identity cards unless written authorization is obtained from me[the Officer in Charge of the Judiciary]. See Occupier's Law, p.93.

[9] I am indebted to Benvenisti's 1986 Report, pp. 37-38, for contributions to this section.

[10] Interview with Raja Shehadeh, 27 July 1988.

[11] Ibid.

[12] Benvenisti, op. cit., p.38.

[13] Interview with Raja Shehadeh, 27 July 1988. See also "Legal System of Israeli Settlements", in The Review, No. 27, International Commission of Jurists, December 1981, pp.59-74.

[14] According to attorney Avigdor Feldman, there is no special law permitting settlers, even those who have not done IDF service, to carry weapons at all times. The IDF permits them to do so as part of their recognized duties in the territorial defence system.

[15] Hadashot, 13 May 1988.

[16] Meir Kahane, leader of the Kach Party, was assigned by the IDF to do reserve duty in Ramallah during the spring of 1982 despite a court order forbidding his entry into the city. Creating Facts, p. 287.

[17] For a complete explanation of MO 898 see the "Legal System of Israeli Settlements", Raja Shehadeh, in The Review, p.69.

[18] Ibid., p.69. Convicted members of the Jewish underground responsible for car bomb attacks against the mayors of Ramallah, Nablus and El Bireh in June 1981 were reintegrated into their regional defence units after receiving presidential pardons. See Koteret Rashit (in Hebrew), 7 May 1986.

[19] Creating Facts, p.190.

[20] Jerusalem Post, 13 June in FBIS 14 June 1988, p. 23.

[21] Ha'aretz, 20 April 1982.

Chapter VII

SETTLEMENTS AND THE INTERNATIONAL COMMUNITY

[1] Yearbook of the United Nations, vol. 31, 1977. Department of Public Information, United Nations, New York. pp. 317-318.

[2] Ibid., p. 316.

[3] Ibid., pp.317-318.

[4] The Origins and Evolution of the Palestinian Problem 1917-1988, United Nations, New York, 1990, p. 193.

[5] 1979 Security Council Meetings. Official Records 34th Year. S/PV 2108-2144. United Nations Information Centre, Washington, D.C. From the 2134th Meeting: 22 March 1979.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid.

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[12] 1979 Security Council Meetings. Official Records 34th Year. S/PV 2145-2184. United Nations Information Centre, Washington, D.C. From the 2159th meeting, 20 July 1979.

[13] Ibid.

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[15] Ibid.

[16] 1980 Security Council Meetings, Official Records 35th Year. S/PV 2185-2114. United Nations Information Centre, Washington, D.C. From the 2203rd meeting, 1 March 1980.

[17] Ibid.

[18] U.S. Official Statements, Institute for Palestine Studies, Washington, D.C., 1992, p.107. Taken from Public Papers on the Presidents: Jimmy Carter, 1980, Washington, D.C., Government Printing Office, 1981, p.427.

[19] U.S. Official Statements, Institute for Palestine Studies, Washington, D.C. , 1992, p.106. Taken from "Resolution of Inquiry Concerning the U.S. Vote in the United Nations Security Council on Israeli Settlements in the Occupied Territories. Hearings," Hs. Cmte on For. Af.'s, 96th Congress, 2nd Session. Washington, DC, Government Printing Office, 1980, p.81.

[20] 1980 Security Council Meetings, Official Records 35th Year. S/PV 2185-2114. United Nations Information Centre, Washington, D.C. From the 2203rd meeting, 1 March 1980.

[21] Ibid.

[22] The Question of Palestine 1979-1990, United Nations, New York, 1991. p. 31.

[23] 1980 Security Council Meetings, Official Records 35th Year. S/PV 2215-2261. United Nations Information Centre, Washington, D.C. From the 2245th meeting, 20 August 1980.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] The Question of Palestine 1979-1990, United Nations, New York, 1991. p. 31.

[28] The Jerusalem Media and Communications Centre, Soviet Jewish Immigration and Israeli Settlement in the West Bank and Gaza Strip, December 1990, p.38.

[29] Lukacs, Yehuda ed. The Israeli-Palestinian Conflict: A Documentary Record, Cambridge University Press, 1992, p.69.

[30] U.S. Official Statements, p. 108. Taken from Public Papers of the Presidents: Jimmy Carter, 1979, Washington, D.C., Government Printing Office, 1980, p.775.

[31] Ibid., p.107. Taken from Department of State Bulletin v.80, No. 2039, June 1980, p.66.

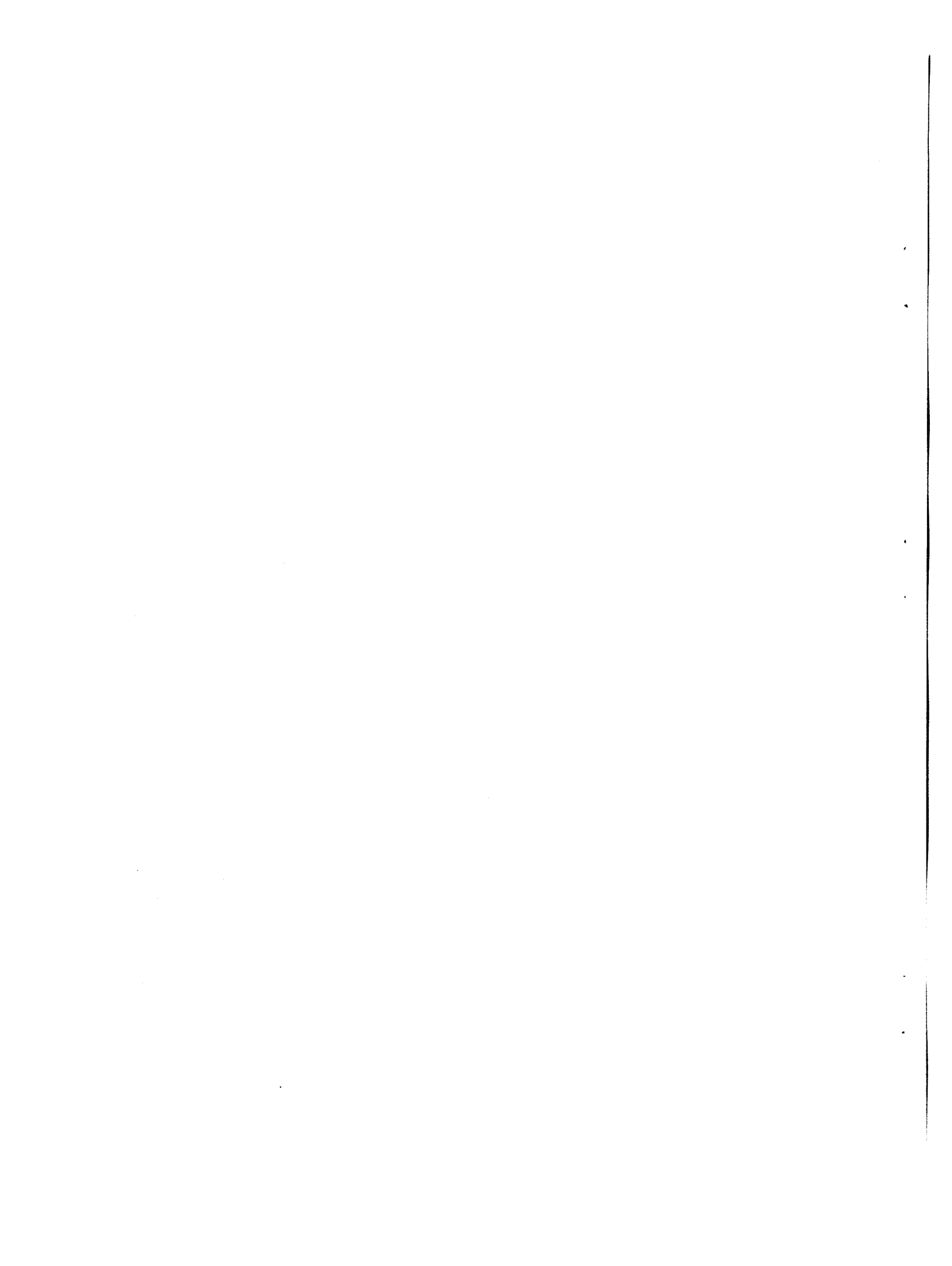
[32] Lukacs, op.cit., p.76.

[33] Ibid., p.76.

[34] Ibid., p.80.

[35] Ibid., p.133.

[36] U.S. Official Statements, op. cit., p. 104. Taken from Weekly Compilation of Presidential Documents: George Bush, Washington, D.C.: Government Printing Office, 1990, p. 712.



APPENDICES

LIMITED OFFICIAL USE

ENCISE

May 8, 1991

Handwritten notes: B, Encise, P. C. Wilcox, N11, B6

MEMO FOR THE FILE

FROM : Consul General - P. C. Wilcox

SUBJECT: Land Seizures

[] told me that unless a landowner can prove a current registered title before the Military Objections Committee, land can be declared "state land" even though tax receipts are produced, unless the claimant demonstrates ten years of continuous cultivation. [] said that it is usually not possible to do this, since because of poor soil and lack of water, most farmers allow land to lie fallow periodically. The only crop that normally establishes continuous cultivation is olive trees. That is why, [] said, Palestinians are planting olive trees very rapidly on their land. *For the same reason, the IDF and settlers often destroy olive trees, sometimes citing "security" reasons. (Question: Does any variety of tree establish continuous cultivation, or must the tree bear fruit?)

B6

B6

B6

[] said that before 1967, there was a Jordanian legal procedure called "taswiyeh" which enabled owners of unregistered land to register it. It was a complex and expensive process, since there were other competing claimants. The Israeli Occupation authorities discontinued this procedure after 1967, thereby removing any means by which Arab owners could protect their land against confiscation under the "state land" doctrine.

B6

[] said that the Israel adoption of the theory of "miri" land as state land is an expedient which distorts the meaning of "miri" land. He said that while at the beginning of Moslem rule in Palestine all the land was owned by the Emir, just as the Crown in England once owned all the land there, as in England, the sovereigns began to grant the use of land to their subjects, and over the centuries, the use came to be regarded as ownership.

B6

LIMITED OFFICIAL USE

DEPARTMENT OF STATE		IS/FPC/CDR	Date: 5-26-93
PLEASE	() DECLASSIFY	MR Cases Only:	
ENCISE	() DECLASSIFY	EO Citations:	
	IN PART		
NOTE Non-Responsive Info		TS authority to:	
Exemptions (b)(6)	() CLASSIFY as	() S or () C	DATE

[] told me that once land is declared state land, it is reserved for exclusive Israeli use. I included this in my recent cable on land seizures and land use planning. [] said, however, that sometimes farmers do use land even after it has been declared state land. Often they do so without knowing that has been declared state land, because such declarations are often made without adequate notification to former claimants and users. Sometimes former owners also use state land after it has been so declared, since the IDF doesn't have the means or inclination to evict them.

Bl
Bl

cc: ✓ NEA/IAI
L/NEA
HA
Embassy Tel Aviv (POL)
DPO
POL
ECON

Appendix 2

Settlement Construction Statistics for the West Bank
and Gaza Strip [not including East Jerusalem]

	1991	1992	July 92 Mar 93
Total Dwellings completed	2,180 [5.1]	6,590 [9.4]	5,960 [12.6]
[% of national total]			
Govt. Housing units completed	1,100	5,570	4,920
Private housing completed	1,080	1,020	770
Total Construction Starts	7,770 [9.3]	6,340 [14.6]	2,510 [9.6]
[% of national total]			
Govt. units begun	6,670	5,000	1,540
Private units begun	1,100	1,340	970
Total active construction	8,680 [9.1]	6,950 [10.4]	5,640 [9.1]
at end of period			
[% of national total]			

Source: Israel Central Bureau of Statistics, July 1993.

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This advertisement appeared in the Russian-language newspaper *Norost*, July 26, 1991, and was translated by the *Report*.

Appendix 4

Security Council Votes

<u>RESOLUTION</u>	<u>U.S.</u>	<u>U.K</u>	<u>FRANCE</u>	<u>USSR</u>	<u>CHINA</u>
497 (12/17/81)	favour	favour	favour	favour	favour
478 (08/20/80)	abstain	favour	favour	favour	favour
476 (06/30/80)	abstain	favour	favour	favour	favour
465 (03/01/80)	favour	favour	favour	favour	favour
452 (04/20/79)	abstain	favour	favour	favour	favour
446 (03/22/79)	abstain	abstain	favour	favour	favour
298 (09/25/71)	favour	favour	favour	favour	favour
271 (09/15/69)	abstain	favour	favour	favour	favour
267 (04/03/69)	favour	favour	favour	favour	favour
252 (05/21/68)	abstain	favour	favour	favour	favour
242 (11/22/67)	favour	favour	favour	favour	favour

Appendix 5

The UN Security Council on Settlements and Settlers 1967-1993

Resolution 242, November 22, 1967

Affirms that "the establishment of a just and lasting peace . . . should include . . . withdrawal of Israel armed forces from territories occupied in the recent conflict."

Vote: unanimous

Resolution 252, May 21, 1968

Adopted in response to Knesset action extending Israeli jurisdiction over parts of the captured West Bank and Arab Jerusalem. The resolution calls on Israel "to rescind all measures to change the status of Jerusalem." The resolution notes "that all legislative and administrative measures and actions taken by Israel, including expropriation of land . . . are invalid."

Vote: 13 to 0

Abstentions: Canada, United States

Resolution 267, July 3, 1969

"Censures in the strongest terms all measures taken to change the status of the City of Jerusalem." It calls upon Israel "once more" to refrain from all measures "which may tend to change the status" of the city.

Vote: unanimous

Resolution 271, September 15, 1969

Reaffirms Resolution 252 and 267 and "calls upon Israel scrupulously to observe the provisions of the Geneva Convention¹ and international law governing military occupation . . . "

Vote: 11 to 0

Abstentions: Columbia, Finland, Paraguay, United States

¹ Article 49(6) of the Fourth Geneva Convention states that "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies."

Resolution 298, September 25, 1971

"Confirms in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of population and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status . . . "

Vote: 14 to 0
Abstentions: Syria

Resolution 446. March 22, 1979

"Affirms once more" the applicability of the Geneva Convention "to Arab territories occupied by Israel since 1967, including Jerusalem; determines that the policy and practices of Israel in establishing settlements . . . have no legal validity and constitute a serious obstacle to achieving a comprehensive, just, and lasting peace . . ."; and calls upon Israel "to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own population into the occupied Arab territories . . ."

Vote: 12 to 0
Abstentions: Norway, United Kingdom, United States

Resolution 452, July 20, 1979

Reaffirms that settlements "constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War" and "calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements . . . "

Vote: 14 to 0
Abstentions: United States

Resolution 465, March 1, 1980

Reaffirms the applicability of the Geneva Convention to the occupied territories, including Jerusalem; "deplore[s]" official

Israeli support for settlement; "determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967 . . . have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention . . . and a serious obstruction to achieving a comprehensive, just, and lasting peace in the Middle East." It "strongly deplores" pursuing these "policies and practices and calls upon the government and the people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction, and planning of settlements . . . [and] calls upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories."

Vote: unanimous

Resolution 476, June 30, 1980

Restates the unlawfulness of Israel's annexation and transfer of its population to Jerusalem; reiterates that "such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded . . ."

Vote: 14 to 0
Abstentions: United States

Resolution 478, August 20, 1980

"Censures in the strongest terms the enactment by Israel of the 'basic law' on Jerusalem² and the refusal to comply with relevant Security Council resolutions; affirms that the basic law . . . constitutes a violation of international law and does not affect the continued application of Geneva Convention . . . in the Palestinian and other Arab territories occupied since 1967, including Jerusalem"; and declares the recently enacted basic law "null and void."

Vote: 14 to 0
Abstentions: United States

Resolution 497, December 19, 1981

Declares Israel's decision "to impose its laws, jurisdiction and

² On July 30, 1980, the Knesset enacted the Jerusalem Law, formally reaffirming the "complete and united Jerusalem" to be the capital of Israel.

administration in the occupied Syrian Golan Heights is null and void and without international legal effect"; demands that Israel annul the decision; and reaffirms the applicability of the Geneva Convention.

Vote: unanimous

Appendix 6

Following are excerpts from the April 21, 1978 opinion of Herbert J. Hansell, the legal adviser of the Department of State, to the Congress on the legal status of Israeli settlements in the occupied territories.

Legal Considerations

1. Israeli armed forces entered Gaza, the West Bank, Sinai and the Golan Heights in June, 1967, in the course of an armed conflict. Those areas had not previously been part of Israel's sovereign territory nor otherwise under its administration. By reason of such entry of its armed forces, Israel established control and began to exercise authority over these territories; and under international law, Israel thus became a belligerent occupant of these territories.

Territory coming under the control of a belligerent occupant does not thereby become its sovereign territory. International law confers upon the occupying state authority to undertake interim military administration over the territory and its inhabitants; that authority is not unlimited. The governing rules are designed to permit pursuit of its military needs by the occupying power, to protect the security of the occupying forces, to provide for orderly government, to protect the rights and interests of the inhabitants and to reserve questions of territorial change and sovereignty to a later stage when the war is ended***

On the basis of the available information, the civilian settlements in the territories occupied by Israel do not appear to be consistent with these limits on Israel's authority as belligerent occupant in that they do not seem intended to be of limited duration or established to provide orderly government of the territories and, though some may serve incidental security purposes, they do not appear to be required to meet military needs during the occupation.

2. Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, 6 UST 3516, provides, in paragraph 6:

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Paragraph 6 appears to apply by its terms to any transfer by an occupying power of parts of its civilian population, whatever the objective and whether involuntary or voluntary***

The Israeli civilian settlements thus appear to constitute a "transfer of parts of its own civilian population into the territory it occupies" within the scope of paragraph 6***

4. It has been suggested that the principles of belligerent occupation, including Article 49, paragraph 6, of the Fourth Geneva Convention, may not apply in the West Bank and Gaza because Jordan and Egypt were not the respective legitimate sovereigns of these territories. However, those principles appear applicable whether or not Jordan and Egypt possessed legitimate sovereign rights in respect of those territories. Protecting the reversionary interest of an ousted sovereign is not their sole or essential purpose; the paramount purposes are protecting the civilian population of an occupied territory and reserving permanent territorial changes, if any, until settlement of the conflict***

Conclusion

While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law.

Appendix 7

GENERAL ASSEMBLY VOTES REGARDING ISRAELI SETTLEMENTS

<u>RESOLUTION</u>	<u>U.S.</u>	<u>U.K.</u>	<u>JAPAN</u>	<u>FRANCE</u>	<u>USSR</u>	<u>CHINA</u>
46/199 (12/20/91)	against	abstain	favour	favour	against	favour
46/162 (12/19/91)	against	favour	favour	favour	abstain	favour
46/82 (12/19/91)	against	against	abstain	against	abstain	favour
46/75 (12/11/91)	against	favour	favour	favour	abstain	favour
46/47 A (12/09/91)	against	abstain	abstain	abstain	abstain	favour
46/47 C (12/09/91)	abstain	favour	favour	favour	abstain	favour
45/83 A (12/13/90)	against	against	abstain	against	favour	favour
45/74 A (12/11/90)	against	abstain	abstain	abstain	favour	favour
45/74 C (12/11/90)	abstain	favour	favour	favour	favour	favour
45/74 F (12/11/90)	abstain	favour	favour	favour	favour	favour
45/68 (12/09/90)	against	favour	favour	favour	favour	favour
44/174 (12/19/89)	against	abstain	favour	favour	favour	favour
44/48 A (12/08/89)	against	abstain	abstain	abstain	favour	favour
44/48 C (12/08/89)	abstain	favour	favour	favour	favour	favour
44/42 (12/06/89)	against	favour	favour	favour	favour	favour
44/40 A (12/04/89)	against	against	abstain	against	favour	favour
43/176 (12/15/88)	against	favour	favour	favour	favour	favour
42/58 A (12/06/88)	against	abstain	abstain	abstain	absent	favour
43/54 A (12/06/88)	against	against	abstain	against	favour	favour
42/209B (12/11/87)	against	against	abstain	against	favour	favour
42/190 (12/11/87)	against	favour	favour	favour	favour	favour
42/160C (12/08/87)	abstain	favour	favour	favour	favour	favour
42/160D (12/08/87)	against	abstain	abstain	favour	favour	favour
41/63 C (12/03/86)	abstain	favour	favour	favour	favour	favour
41/63 D (12/03/86)	against	abstain	abstain	abstain	favour	favour
41/63 F (12/03/86)	abstain	favour	favour	favour	favour	favour
41/161C (12/16/85)	abstain	favour	favour	favour	favour	favour
41/161D (12/16/85)	against	abstain	abstain	abstain	favour	favour
41/161F (12/16/85)	abstain	favour	favour	favour	favour	favour
39/95 C (12/14/84)	abstain	favour	favour	favour	favour	favour
39/95 D (12/14/84)	against	abstain	abstain	abstain	favour	favour
39/95 P (12/14/84)	abstain	favour	favour	favour	favour	favour
39/79 C (12/15/83)	abstain	favour	favour	favour	favour	favour
39/79 D (12/15/83)	against	-----	abstain	abstain	favour	favour
39/79 F (12/15/83)	abstain	favour	favour	favour	favour	favour
37/88 B (12/10/82)	abstain	favour	favour	favour	favour	favour
37/88 C (12/10/82)	against	-----	abstain	abstain	favour	favour
37/88 E (12/10/82)	abstain	favour	favour	favour	favour	favour
36/266A (12/17/81)	against	against	abstain	against	favour	favour
36/147B (12/16/81)	abstain	favour	favour	favour	favour	favour
36/147C (12/16/81)	against	abstain	abstain	abstain	favour	favour
36/120D (12/10/81)	against	against	abstain	abstain	favour	favour
35/207 (12/16/80)	against	against	abstain	abstain	favour	favour
35/122B (12/11/80)	abstain	favour	favour	favour	favour	favour
35/122C (12/11/80)	against	abstain	abstain	abstain	favour	favour
43/90 A (12/12/79)	against	abstain	abstain	abstain	favour	favour
43/90 C (12/12/79)	favour	favour	favour	favour	favour	favour
33/113B (12/18/78)	favour	favour	favour	favour	favour	favour

<u>RESOLUTION</u>	<u>U.S.</u>	<u>U.K.</u>	<u>JAPAN</u>	<u>FRANCE</u>	<u>USSR</u>	<u>CHINA</u>
33/113C (12/18/78)	against	abstain	abstain	abstain	favour	favour
32/91 C (12/13/77)	against	abstain	abstain	abstain	favour	favour
31/106A (12/16/76)	against	favour	favour	favour	favour	favour
31/106B (12/16/76)	against	abstain	abstain	abstain	favour	favour
3525 (12/15/75)	against	abstain	abstain	abstain	favour	favour

Appendix 8

General Assembly Resolutions on Settlements

Resolution 3525 (A), December 15, 1975.

Condemns "The establishment of Israeli settlements therein and the transfer of an alien population thereto."

Reaffirms "that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, are null and void."

Reaffirms further "that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian persons in Time of War and of relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories."

Vote: In favour (87): China, USSR
 Against(7): United States
 Abstained(26): France, Japan, UK

Resolution 31/106 (A), December 16, 1976.

1. *Strongly deplors* the measures taken by Israel in the Arab territories occupied since 1967 that alter their demographic composition or geographical nature, and particularly the establishment of settlements;

3. *Declares further* that all legislative and administrative measures taken by Israel, including the expropriation of land and properties thereon and the transfer of populations, which purport to change the legal status of Jerusalem are invalid and cannot change the status;

4. *Urgently calls once more* upon Israel to rescind all those measures and to desist forthwith from taking any further measures which tend to change the demographic composition, geographical nature or status of the occupied Arab territories or any part thereof, including Jerusalem.

Vote: In favour (129): China, France, Japan, UK, USSR
 Against(3): United States
 Abstained (4)

Part B

Condemns, "The establishment of Israeli settlements therein and the transfer of an alien population thereto."

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including

Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (100): China, USSR
Against(5): United States
Abstained (30): France, Japan, UK

Resolution 32/91, December 13, 1977.

Part C

Condemns, "The establishment of Israeli settlements therein and the transfer of an alien population thereto."

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (98): China, USSR
Against(2): United States
Abstained (32): France, Japan, UK

Resolution 33/113, December 18, 1978.

Part B

2. *Strongly deplores* the persistence of Israel carrying out such measures, in particular the establishment of settlements in the Palestinian and other Arab occupied territories;

4. *Calls* once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

Vote: In favour (139): China, France, Japan, UK, United States, USSR
Against(1): Israel
Abstained (1): Guatemala

Part C

Condemns, "Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of and alien population thereto;"

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (97): China, USSR
Against(3): United States
Abstained (38): France, Japan, UK

Resolution 43/90, December 12, 1979.

Part A

Condemns, "Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of and alien population thereto;"

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (111): China, USSR
Against(2): United States
Abstained (31): France, Japan, UK

Part C

2. Strongly deplores the persistence of Israel carrying out such measures, in particular the establishment of settlements in the Palestinian and other Arab occupied territories;

4. Calls once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

Vote: In favour (140): China, France, Japan, US, UK, USSR
Against(1): Israel
Abstained (6):

Resolution 35/122, December 11, 1980.

Part B

2. Strongly deplores the persistence of Israel carrying out such

measures, in particular the establishment of settlements in the Palestinian and other Arab occupied territories;

4. *Calls* once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

Vote: In favour (140): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (3): United States

Part C

Condemns, "Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of and alien population thereto;"

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (118): China, USSR
Against(2): United States
Abstained (23): France, Japan, UK

Resolution 35/207, December 16, 1980

7. *Strongly condemns* Israel's aggression against Lebanon and the Palestinian people as well as its practices in the occupied Palestinian and other Arab territories, particularly the Syrian Golan Heights, including annexation, the establishment of settlements in violation of the Charter and the principles of international law;

Vote: In favour (101): China, USSR
Against(13): United States, UK
Abstained (30): France, Japan

Resolution 36/120, December 10, 1981

Part D

5. *Demands* that Israel should withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact.

Vote: In favour (111): China, USSR
Against(13): United States, UK
Abstained (30): France, Japan

Resolution 36/147, December 16, 1981

Part B

Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;

Demands once more that the Government of Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;

Vote: In favour (142): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (3): United States

Part C

Strongly Condemns, "Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of and alien population thereto;"

Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof; including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;"

Vote: In favour (111): China, USSR
Against(2): United States
Abstained (31): France, Japan, UK

Resolution 36/266, December 17, 1988

Part A

"Condemns Israel's aggression and practice against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly in the Palestinian refugee camps in Lebanon, including the expropriation and annexation of territory, the establishment of settlements . . . which are in violation of the Charter and the principles of international law and the pertinent international conventions;"

"Strongly condemns Israeli annexationist policies and practices in the occupied Syrian Golan Heights, the establishment of settlements . . . declares all these measures null and void as they constitute violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;"

Vote: In favour (94): China, USSR
Against(16): France, UK, United States
Abstained (28): Japan

Resolution 37/88, December 10, 1982

Part B

"Strongly deplors the persistence of Israel carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;"

"Demands that Israel comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention;"

"Demands once more that the Government of Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (134): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (1): United States

Part C

Strongly condemns "Annexation of parts of the occupied territories, including Jerusalem; . . . Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of alien population thereto;"

Vote: In favour (112): China, USSR
Against(2): US, Israel
Abstained (21): France, Japan

Part E

"Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;"

Vote: In favour (133): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (2): United States

Resolution 38/79, December 15, 1983

Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;"

Vote: In favour (144): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (1): United States

Resolution 39/95, December 14, 1984

Part C

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (143): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (1): United States

Part D

"Strongly condemns . . . Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto:"

"Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (115): China, USSR
Against(2): United States, Israel
Abstained (28): France, Japan, UK

Part F

"Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;"

"Determines that all legislative and administrative measures and

actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;"

Vote: In favour (141): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (3): United States

Resolution 40/161, December 16, 1985
Part C

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (138): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (6): United States

Part D

"Strongly condemns . . . Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto:"

"*Strongly condemns* the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (109): China, USSR
Against(2): United States, Israel
Abstained (34): France, Japan, UK

Part F

"Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;"

"Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;"

Vote: In favour (136): China, France, Japan, UK, USSR
 Against(1): Israel
 Abstained (10): United States

Resolution 41/63, December 3, 1986

Part C

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (145): China, France, Japan, UK, USSR
 Against(1): Israel
 Abstained (5): United States

Part D

"Strongly condemns . . . Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto:"

"Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or

status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (114): China, USSR
Against(2): United States, Israel
Abstained (36): France, Japan, UK

Part F

"Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;"

"Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;"

Vote: In favour (142): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (11): United States

Resolution 42/160, December 8, 1987

Part C

"Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and constitute a serious obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East and therefore have no legal validity;"

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied territories, including Jerusalem;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (143): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (8): United States

Part D

"Strongly condemns the following Israeli policies and practices: .
. . . Annexation of parts of the occupied territories, including
Jerusalem; Establishment of new Israeli settlements and expansion
of the existing settlements on private and public Arab lands, and
transfer of alien population thereto;"

"Strongly condemns the arming of Israeli settlers in the occupied
territories to commit acts of violence against Arab civilians and
the perpetration of acts of violence by these armed settlers
against individuals, causing injury and death and wide-scale damage
to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical
character, demographic composition, institutional structure or
status of the occupied territories, or any part thereof, including
Jerusalem, are null and void, and that Israel's policy of settling
parts of its population and new immigrants in the occupied
territories constitutes a flagrant violation of the Geneva
Convention and of the relevant resolutions of the United Nations."

Vote: In favour (112): China, France, USSR
Against(3): Israel, United States
Abstained (38): Japan, UK

Resolution 42/190, December 11, 1987

"Gravely alarmed by the continuation of the Israeli settlement
policies, which have been declared null and void and a major
obstacle to peace . . ."

"Rejects the Israeli plans and actions intended to change the
demographic composition of the occupied Palestinian territories,
particularly the increase and expansion of the Israeli settlements,
and other plans and actions creating conditions leading to the
displacement and exodus of Palestinians from the occupied
Palestinian territories;"

Vote: In favour (151): China, France, Japan, UK, USSR
Against(1): United States
Abstained (1): Togo

Resolution 42/209, December 11, 1987

Part B

"Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation which are in violation of the Charter and the principles of international law and the relevant international conventions;"

"*Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements"

Vote: In favour (99): China, USSR
 Against(19): France, Israel, UK, United States
 Abstained (33): Japan

Resolution 43/54, December 6, 1988

Part A

"Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation which are in violation of the Charter and the principles of international law and the relevant international conventions;"

"*Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements"

Vote: In favour (103): China, USSR
 Against(18): France, Israel, UK, United States
 Abstained (33): Japan

Resolution 42/58, December 6, 1988

Part A

"*Strongly condemns* the following Israeli policies and practices: . . . Annexation of parts of the occupied territories, including Jerusalem; Imposition of Israeli laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory; Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of alien population thereto;"

"Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (106): China
Against(2): Israel, United States
Abstained (43): Japan, France, UK
Absent (7): USSR

Resolution A/43/L.53, December 14, 1988

"Affirms the following principals for the achievement of comprehensive peace: . . . Dismantling of Israeli settlements in the territories occupied since 1967;"

Resolution 43/176, December 15, 1988

"Affirms the following principles for the achievement of comprehensive peace: . . . Dismantling the Israeli settlements in the territories occupied since 1967;"

Vote: In favour (138): China, France, Japan, UK, USSR
Against(2): Israel, United States
Abstained (2):

Resolution 44/40, December 4, 1989
Part A

"Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation . . . which are in violation of the Charter and the principles of international law and the relevant international conventions;"

"Strongly condemns the imposition by Israel of its laws,

jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements . . ."

Vote: In favour (109): China, USSR
 Against(18): France, Israel, UK, United States
 Abstained (31): Japan

Resolution 44/42, December 6, 1989

"Reaffirms the following principles for the achievement of comprehensive peace: . . . Dismantling the Israeli settlements in the territories occupied since 1967;"

Vote: In favour (151): China, France, Japan, UK, USSR
 Against(3): Israel, United States
 Abstained (1):

Resolution 44/48, December 8, 1989

Part A

"Strongly condemns the following Israeli policies and practices: . . . Annexation of parts of the occupied territories, including Jerusalem; Imposition of Israeli laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory; Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of alien population thereto;"

"Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (107): China, USSR
 Against(2): Israel, United States
 Abstained (41): Japan, France, UK

Part C

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the

Palestinian and other occupied Arab territories, including Jerusalem;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;"

Vote: In favour (146): China, France, Japan, UK, USSR
Against(1): Israel
Abstained (3): United States

Resolution 44/174, December 19, 1989

"Gravely alarmed by the continuation of the Israeli settlement policies in the Palestinian territory occupied by the Israel since 1967, including Jerusalem, which have been declared null and void a major obstacle to peace . . ."

"Rejects the Israeli plans and actions intended to change the demographic composition of the occupied Palestinian territory, in particular the increase and expansion of the Israeli settlements;"

Vote: In favour (146): China, France, Japan, USSR
Against(2): US, Israel
Abstained (8): United Kingdom

Resolution 45/68, December 6, 1990

"Reaffirms the following principles for the achievement of comprehensive peace: . . . Dismantling the Israeli settlements in the territories occupied since 1967;"

Vote: In favour (144): China, France, Japan, UK, USSR
Against(2): Israel, United States
Abstained (0):

Resolution 45/74, December 11, 1990

Part A

"Strongly condemns the following Israeli policies and practices: . . . Annexation of parts of the occupied territories, including Jerusalem; Imposition of Israeli laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory; Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of alien population thereto;"

"Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers

against individuals, causing injury and death and wide-scale damage to Arab property;"

"Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (101): China, USSR
 Against(2): Israel, United States
 Abstained (43): Japan, France, UK

Part C

"Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;"

"Demands once more that Israel, the occupying Power, desist forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;"

Vote: In favour (144): China, France, Japan, UK, USSR
 Against(1): Israel
 Abstained (1): United States

Part F

"Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;"

"Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention . . . and have no legal effect;"

Vote: In favour (144): China, France, Japan, UK, USSR
 Against(1): Israel
 Abstained (2): United States

Resolution 45/83, December 13, 1990
Part A

"Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation . . . which are in violation of the Charter and the principles of international law and the relevant international conventions;"

"*Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements . . ."

Vote: In favour (99): China, USSR
 Against(19): France, Israel, UK, United States
 Abstained (32): Japan

Resolution 46/47, December 9, 1991

Part A

"*Strongly condemns the following Israeli policies and practices: . . . Annexation of parts of the occupied territories, including Jerusalem; Imposition of Israeli laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory; Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of alien population thereto;*"

"*Strongly condemns* the arming of Israeli settlers in the occupied territories to perpetrate and commit acts of violence against Palestinian and other Arabs, causing deaths and injuries;"

"*Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations."

Vote: In favour (96): China
 Against(5): Israel, United States
 Abstained (52): Japan, France, UK, USSR

Part C

"*Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;"

"*Demands once more* that Israel, the occupying Power, desist

forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;"

Vote: In favour (153): China, France, Japan, UK
Against(1): Israel
Abstained (3): United States, USSR

Resolution 46/75, December 11, 1991

"Reaffirms the following principles for the achievement of comprehensive peace: . . . The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories; Dismantling the Israeli settlements in the territories occupied since 1967;"

Vote: In favour (104): China
Against(2): Israel, United States
Abstained (43): France, Japan, UK, USSR

Resolution 46/82, December 19, 1991

Part A

"Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation . . . which are in violation of the Charter and the principles of international law and the relevant international conventions;"

"*Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements . . ."

Vote: In favour (93): China
Against(37): France, Israel, UK, United States
Abstained (27): Japan, USSR

Resolution 46/162, December 19, 1991

"*Gravely alarmed* by the continuation of the Israeli settlement policies in the Palestinian territory occupied by the Israel since 1967, including Jerusalem, which have been declared null and void a major obstacle to peace . . ."

"*Reflects* the Israeli plans and actions intended to change the demographic composition of the occupied Palestinian territory, in particular the increase and expansion of the Israeli settlements;"

Vote: In favour (135): China, France, Japan, UK
Against(2): Israel, United States
Abstained (5): USSR

Resolution 46/199, December 20, 1991

"Deplores the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, and the other Arab territories occupied since 1967, and regards those practices as unlawful and therefore without legal effect;"

"Recognizes that the continuing establishment of settlements and their ongoing enlargement in the Palestinian territory and the other Arab territories occupied by Israel since 1967 and the settlement of new immigrants have adverse consequences for the economic and social development of the Arab population of those territories;"

Vote: In favour (125): China, France, Japan, USSR
Against(2): Israel, United States
Abstained (9): UK

UNESCO Resolutions on Settlements

Resolution 15C/3.343, October/November 1968

"Calling upon Israel to preserve cultural properties, especially in the city of Jerusalem . . . to desist from any archaeological excavations, transfer of such properties and changing their features or their cultural and historical character;"

Resolution 17C/3.422, October/November 1972

"Urgently calls again upon Israel . . . to desist from any alteration of the features of the City of Jerusalem;"

Resolution 18C/3.427, November 20, 1974

"Condemns Israel for its attitude which is contradictory to the aims of the Organization as stated in its Constitution by its persistence in altering the historical features of the City of Jerusalem . . . "

Resolution 20C/7.6, November 28, 1978

"Condemns the Israeli occupying authorities for having infringed the resolutions adopted by the United Nations and by Unesco, and for having continued, from the beginning of the occupation, until the present, to change and Judaize the historic and cultural configuration of Jerusalem;"

Resolution 21C/4.14, October 27, 1980

"Endorses Security Council resolutions . . . decides not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem . . . ;"

Resolution 22C/11.8, November 25, 1983

"Strongly condemns Israel's . . . policy of judaization and annexation of the City of Jerusalem;"

Resolution 26C/3.12, November 6, 1991

"Strongly deplores the continued subjugation of the occupied Holy City to modifications, alterations, changes and transformations of a demographic and environmental nature, all of which are doing

irreparable damage to the equilibrium of this site . . ."

Appendix 10

United Nations Center For Human Settlements (HABITAT)
Resolutions on Settlements

Resolution 10/13, April 16, 1987

"Strongly deplores the settlement policies of the Israeli occupation authorities in the occupied Palestinian territories;"

"Calls for an immediate halt to the establishment of new Israeli settlements in the occupied Palestinian territories and for the dismantling of existing ones;"

In favour: 60
Against: 6
Abstaining: 20

Resolution 11/3, April 12, 1988

"Decides to use the term "Israeli colonies in occupied territories" instead of "Israeli settlements" in all United Nations documentation;"

In favour: 23
Against: 8
Abstaining: 9

Resolution 12/11, May 2, 1989

"Condemns Israel's alteration of the demographic character of the Palestinian occupied territories by establishing exclusive Jewish colonies on the Palestinian homeland as a violation of international law and as a threat to the security of Palestinian people;"

Vote: In favour (30): China, USSR
 Against (1): United States
 Abstained (10): France, Japan, UK

Resolution 13/6, May 8, 1991

"Condemns strongly the continuation of the establishment of Israeli settlements in the Palestinian territories and the housing of new settlers in them;"

Vote:	In favour (21):	China, Soviet Socialist Republic
	Against (1):	United States
	Abstained (15):	France, Japan, UK

Appendix 11

Jewish Immigration and the Occupied Territories

Jews immigrants to Israel, are settling in significant numbers throughout the occupied territories. Five to seven percent of the over 450,000 immigrants who have arrived in Israel since 1990 -- more than 30,000 immigrants from the Soviet Union and elsewhere -- have settled in occupied territory, principally East Jerusalem. While not a large percentage of the total immigrant population, these numbers signify a far greater percentage of the total increase in the territories' settler population.

One thousand five hundred immigrants settled in the West Bank settlement of Ariel in 1990, more than in any other Jewish settlement, according to Israeli Television. Soviet immigrants make up 15% of the residents of this "City of Samaria," the largest percentage of any Israeli community on either side of the Green Line. By mid-1991 it was estimated that the total Soviet immigrant population in the West Bank numbered only 2500.

The State Department, in a March 19, 1991 report, Israeli Settlement in the Occupied Territories, noted that during 1990, 3000 Soviet immigrants settled in the West Bank and Golan Heights -- twenty per cent of the year's increase in settler population. Altogether four per cent of Soviet immigrants arriving in 1990 resided in occupied territory.

During the first nine months of 1991, almost 5000 immigrants moved to parts of Jerusalem annexed by Israel in June 1967, joining the almost 8000 immigrants who moved to these neighborhoods during 1990.

In the Golan Heights and Gaza Strip, Soviet newcomers help to found new settlements, and aid in the expansion of existing ones such as Katzrin, Israel's largest Golan outpost. Soviet immigrants comprise 10% of the population in many of the Golan's thirty odd Israeli settlements, according to

an August 8, 1991 article in the newspaper Hadashot.

The Shamir government was unhappy with its commitment to the Bush administration not to settle Soviet newcomers in the occupied territories. During the 1990-1992 period it endeavored to mitigate the effectiveness of this promise. For example, it transferred title to apartments and mobile homes to Amidar, a quasi-governmental housing agency which in turn made them available to the local government councils of settlements. Yediot Aharanot, on June 6, 1991 described this practice is aimed "at getting around the government's policy not to settle immigrants in the territories." If immigrants decide to purchase these apartments, the paper noted, they would receive a 75 per cent rebate of their first year's rent, an incentive whose cost is borne ultimately by the government.

The Ministry of Housing and Construction broke ground for the construction of 1500 homes for immigrants in the Golan settlement of Katzrin and surrounding communal settlements in December 1990, soon after the commitment to the US was given. Figures from a March 1, 1991 internal Housing Ministry report revealed that approximately 25 per cent of temporary and permanent housing units currently for Soviet immigrants, were to be constructed in the occupied territories [not including areas of annexed Jerusalem].

"The figures," noted a March 11, 1991 report in Ha'aretz, "clearly prove that a significant part of the [Housing] ministry's efforts are directed towards settling immigrants in the territories, a fact absolutely contradicting declarations of ministry officials."

In the West Bank, well-established settlements such as Ariel are attracting hundreds of Soviet families. Perhaps 20 per cent [4,000] of the

increase in Jewish settlers in the West Bank in 1992 can be attributed to Soviet immigrants.

The number of immigrants settling in annexed East Jerusalem during 1992 fell markedly, even as hundreds of new apartments in that sector of the city were readied for sale. A slackening in Soviet immigration generally during 1992 was responsible for the decline. But even among the smaller number of new arrivals, the suburbs of East Jerusalem proved marginally more popular than in previous years. The following charts, compiled from monthly reports published by the Jerusalem Project on Immigrant Absorption, illustrate this shift.

Immigration to Israel

	National	Jerusalem	E.Jerusalem
1990	199,578	13,418[6.7%]	7,700[3.8%]
1991	156,168	11,835[7.6]	6,813[4.3]
1992	72,253	6,619[9.2]	3,335[4.6]

1992 Month by Month Immigrant Arrivals

	Jerusalem	East Jerusalem	% To E.J.
January	718	300	41.8
February	527	283.5	53.8
March	586	258	44
April	534	257	48.1
May	347	176	50.7
June	524	271	51.7
July	857	432.5	50.5
August	786	412.5	52.5

		4	
September	641	317	49.5
October	648	399.5	61.7
November	451	228	50.6
December	---	----	----
TOTAL	6,619	3,335	50.4

CHARTS

Chart 1

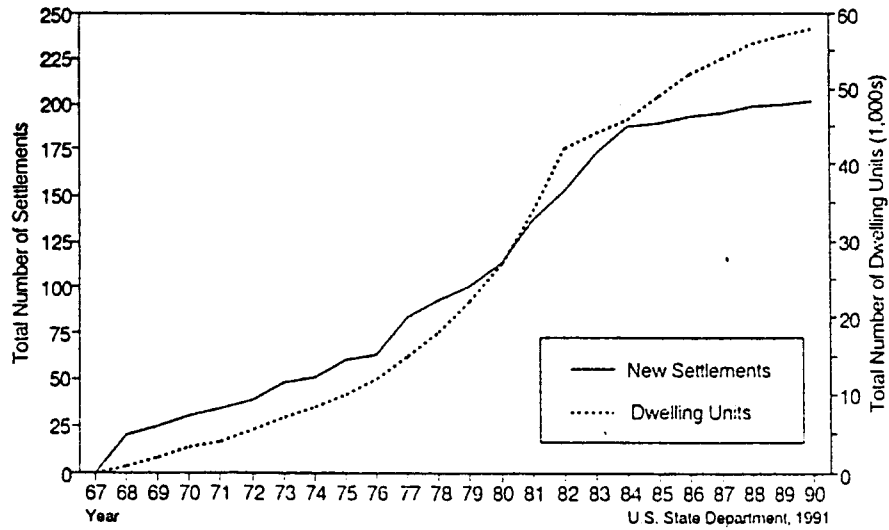
Settler Population in the West Bank*

1993	120,000
1992	112,000
1991	92,000
1990	76,000
1989	69,000
1988	63,600
1987	57,700
1986	51,100
1985	44,100
1984	35,200
1983	22,800
1982	21,000
1981	16,119
1980	12,424
1979	10,000
1978	7,361
1977	4,400
1976	3,176
1975	2,581
1974	2,019
1973	1,514
1972	1,182

* Not including Israelis living in annexed Jerusalem. Population figures vary [sometimes by as much as twenty per cent] depending upon the source. These numbers should be considered conservative approximations.

Chart 2

Settlement Activity in the Israeli Occupied Territories



The occupied territories include East Jerusalem, West Bank, Gaza Strip, and Golan Heights. The sixteen Sinai settlements (1968-82) are excluded.

Chart 3

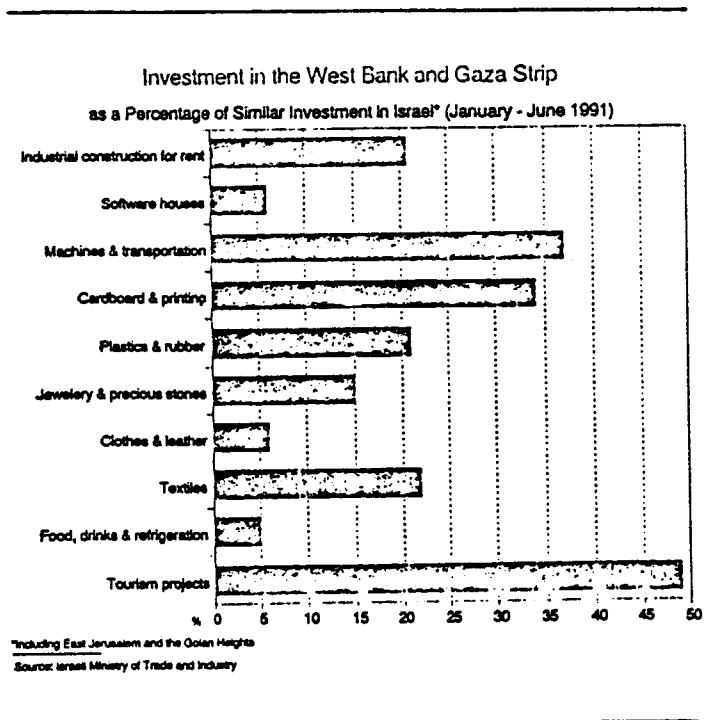


Chart 4

POPULATION IN EAST JERUSALEM

<u>Neighborhood</u>	<u>Israeli Population</u>
Neve Ya'acov	18,800
Pisgat Ze'ev	29,000
Ramot	37,200
East Talpiot	15,000
Gilo	30,200
Mt. Scopus	2,500
French Hill	6,500
Ramat Eshkol	6,600
Ma'alot Dafna	4,700
Old City	<u>2,300</u>
	152,800
<u>Neighborhood</u>	<u>Palestinian Population</u>
Kufr Aqab	5,200
Beit Hanina	16,900
Sho'fat	11,600
Shoufat Refugee Camp	6,900
Issawiyeh	4,700
Sheikh Jarrah	2,400
Wadi El-Joz	6,000
Bab al-Zahra	4,100
Mt. of Olives\Shayyah	12,700
Old City	25,900
Wadi Hilwa	2,400
Silwan	6,400
Ras al-Amoud	9,600
Abu Tor/Jebel Mukaber	9,400
Sawahreh Gharbiyeh	8,300
Sur Bahir\Im Touba	7,200
Beit Safafa\Sharafat	4,600
Others	<u>6,300</u>
	150,600

Source: Ha'aretz, 11 August 1993.

Chart 5

POPULATION OF JERUSALEM, BY POPULATION GROUP
1969-1991

<u>Non-Jews</u>	<u>Jews*</u>	<u>Total</u>	<u>Non-Jews</u>	<u>Jews*</u>	<u>Total</u>	<u>Year</u>
Percent			Thousands			
26.2	73.8	100.0	74.2	208.9	283.1	1969
26.1	73.9	100.0	76.2	215.5	291.7	1970
26.3	73.8	100.0	79.1	222.4	301.3	1971
26.6	73.4	100.0	83.5	230.3	313.8	1972
26.5	73.5	100.0	88.1	244.9	333.0	1973
26.9	73.1	100.0	93.2	252.8	346.0	1974
27.0	73.0	100.0	96.1	259.4	355.5	1975
27.4	72.6	100.0	100.3	266.0	366.3	1976
27.6	72.4	100.0	103.7	272.3	376.0	1977
27.7	72.3	100.0	107.2	279.4	386.6	1978
27.8	72.2	100.0	110.8	287.4	398.2	1979
28.2	71.8	100.0	114.8	292.3	407.1	1980
28.3	71.7	100.0	117.4	297.6	415.0	1981
28.3	71.7	100.0	120.2	304.2	424.4	1982
28.6	71.4	100.0	122.4	306.3	428.7	1983
28.2	71.7	100.0	126.5	321.1	447.8	1984
28.4	71.6	100.0	130.0	327.7	457.7	1985
28.3	71.7	100.0	132.8	336.1	468.9	1986
28.3	71.7	100.0	136.5	346.1	482.6	1987
28.3	71.7	100.0	139.6	353.9	493.5	1988
28.3	71.7	100.0	142.6	361.5	504.1	1989
27.9	72.1	100.0	146.3	378.2	524.5	1990
27.8	72.2	100.0	151.3	392.8	544.2	1991
28.0	72.0	100.0	155.0	400.0	555.0	1993

*Includes both East and West Jerusalem

Source: Statistical Yearbook 1991, Municipality of
Jerusalem/Foundation for Middle East Peace

Chart 6

Settlement in Greater Jerusalem

<u>Settlement</u>	Population September 1992	Units Under Construction
Bet Horon	550	20
Betar	3,300	450
Efrat	3,600	475
Etzion Bloc**	6,200	253
Kefar Adumim	820	25
Kiryat Arba	5,000	245
Ma'ale Adumim	16,000	1500
Mikmash	470	35
Adam	395	70
Kochav-Ya'acov	365	100
Givat Ze'ev	6,900	62
Har Adar	1,278	na
East Jerusalem	140,000	13,000
TOTAL	184,878	16,235

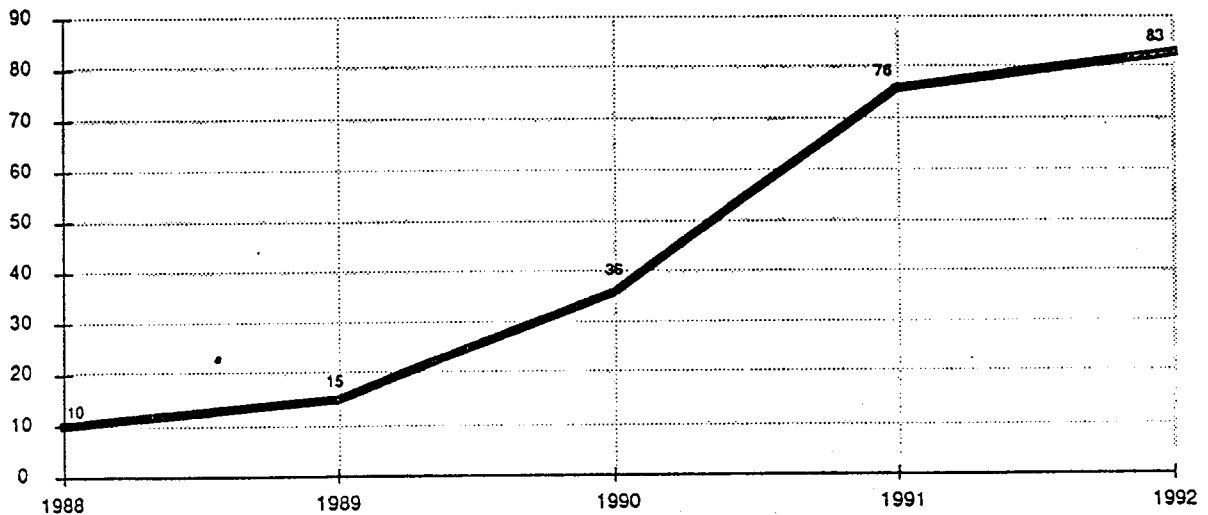
** The Etzion Bloc includes 8 separate settlements

Source: Peace Now, Council of Jewish Communities in Judea, Samaria, and Gaza.

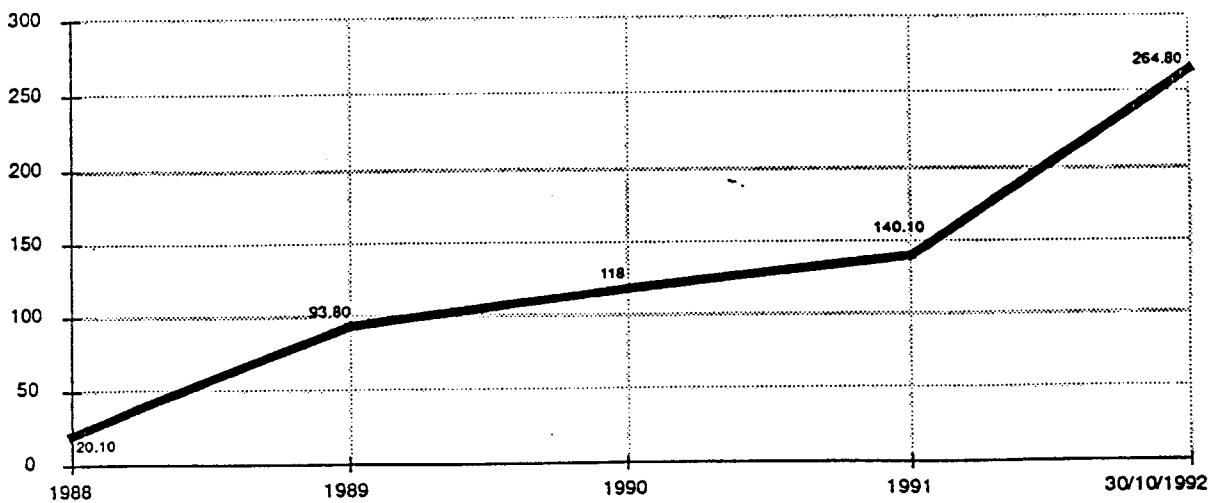
Chart 7



איזור תעשייה ברקו: No. of plants
אזור תעשייה ברקו: מס' מיפעלים



איזור תעשייה ברקו: Sales (in \$ millions)
אזור תעשייה ברקו: מכירות (במיליוני דולרים)



10 Source: Council of Jewish Committee in Judea, Samaria, and Gaza (YESHA) December, 1992

Chart 8

Israeli Housing Starts in West Bank Settlements*

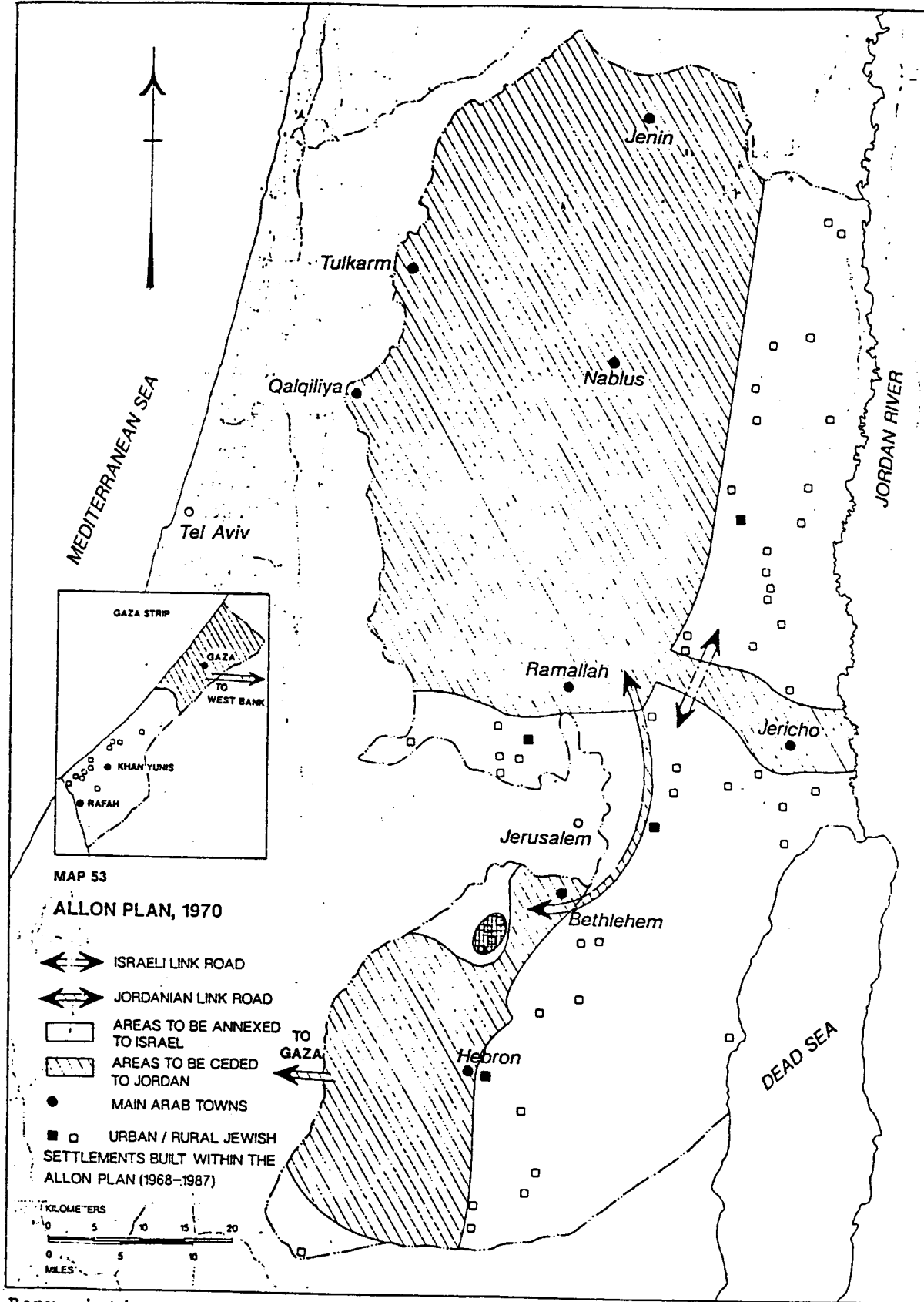
1993 [8/92-3/93]	2510
1992	6340
1991	9000
1990	1800
1989	1320
1988	1560
1987	1270
1986	430
1985	1660

* Permanent housing units only. Not including East Jerusalem.

Source: US State Department/Israel Central Bureau of Statistics

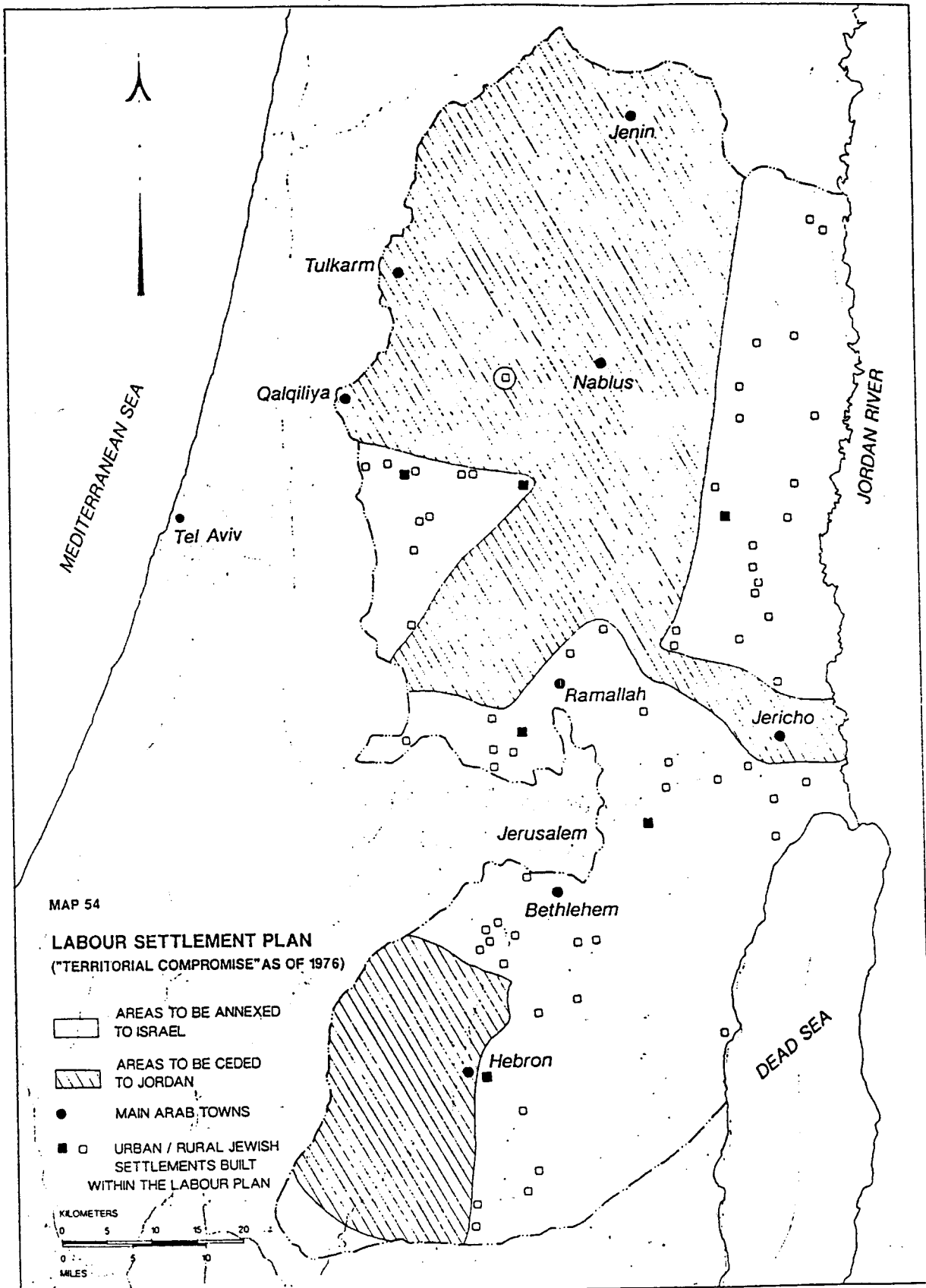
MAPS

Map 1



Benvenisti, Atlas, 1988.

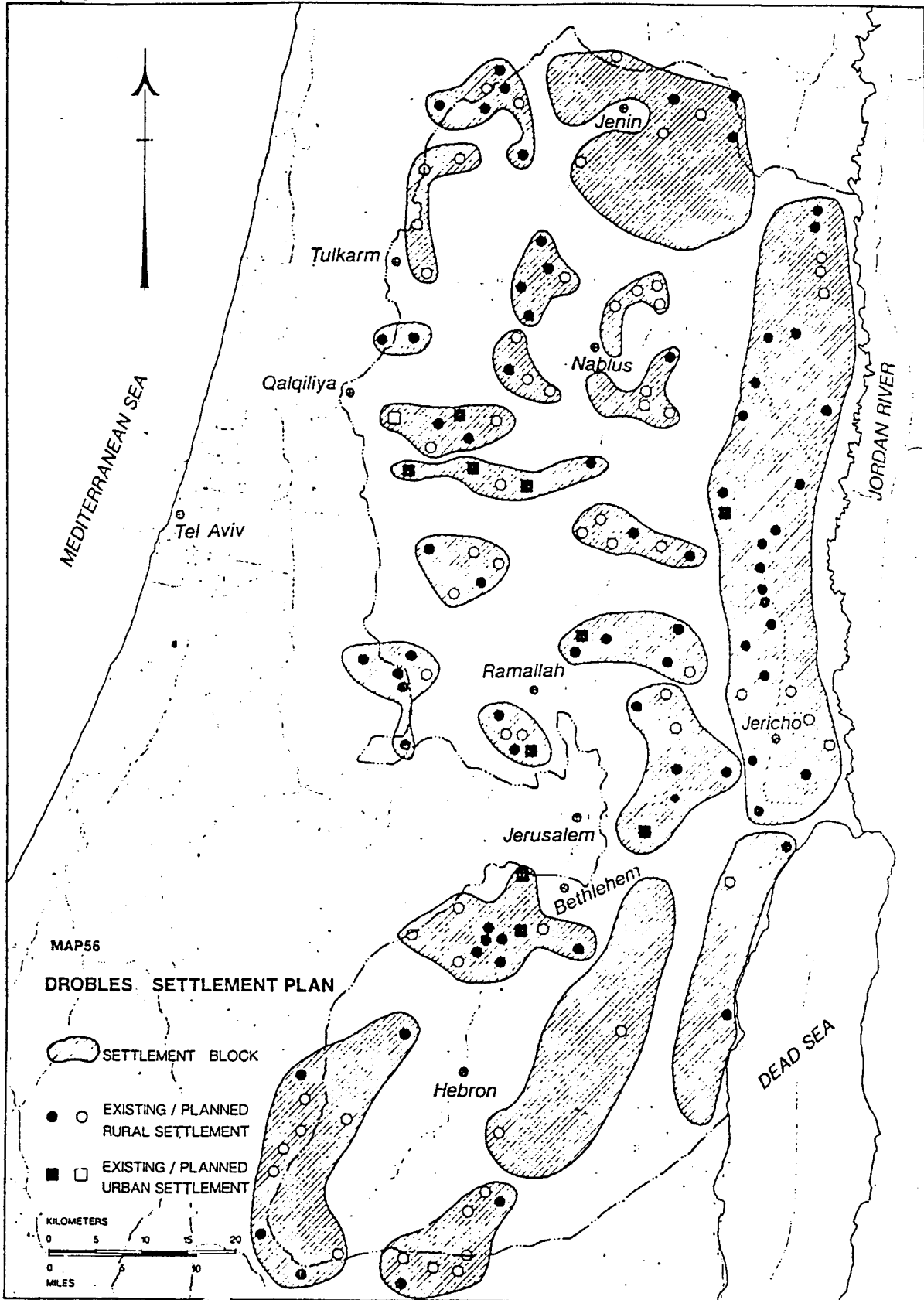
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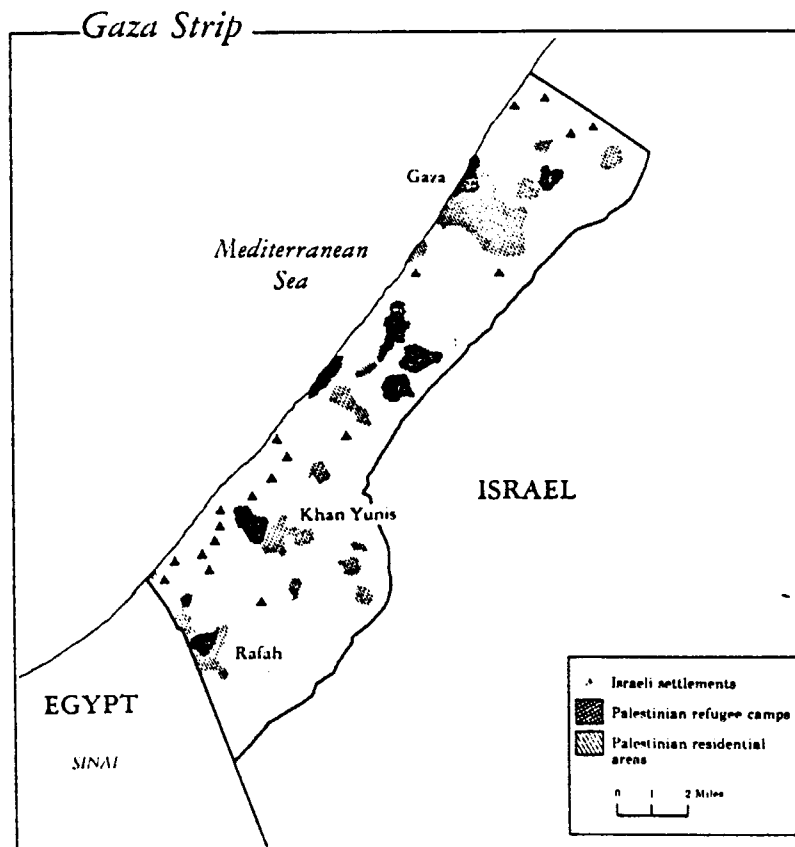
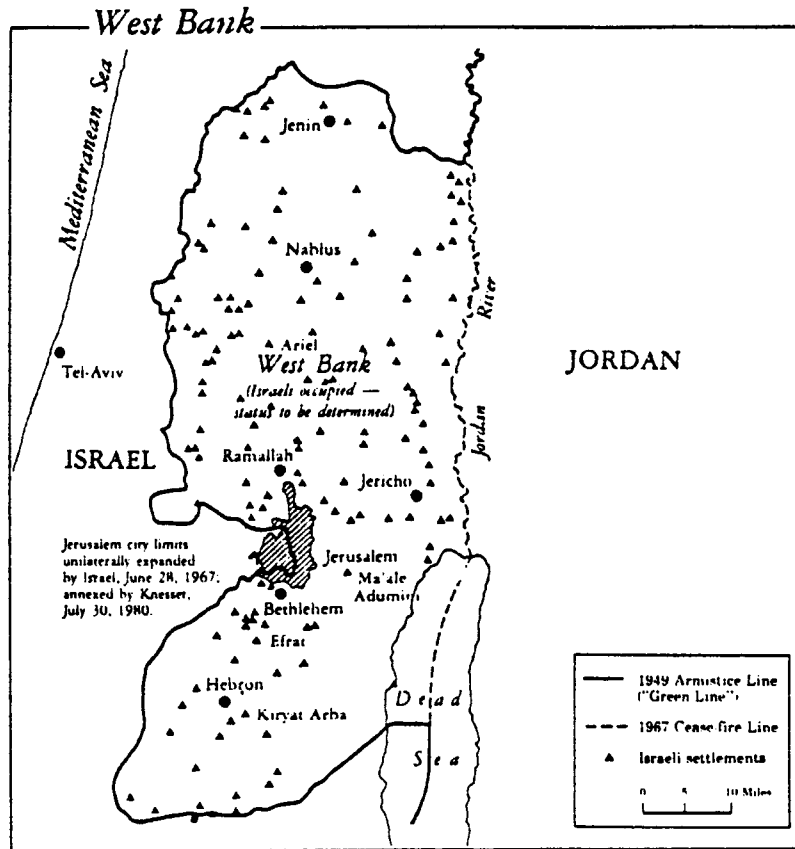
Map 3



Benvenisti, Atlas, 1988.

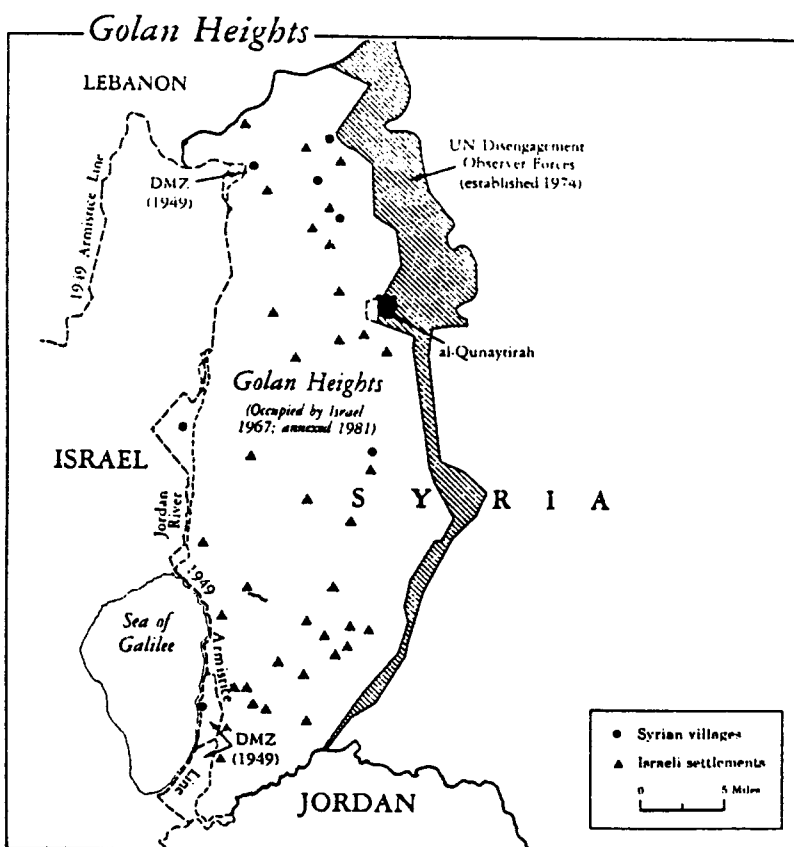
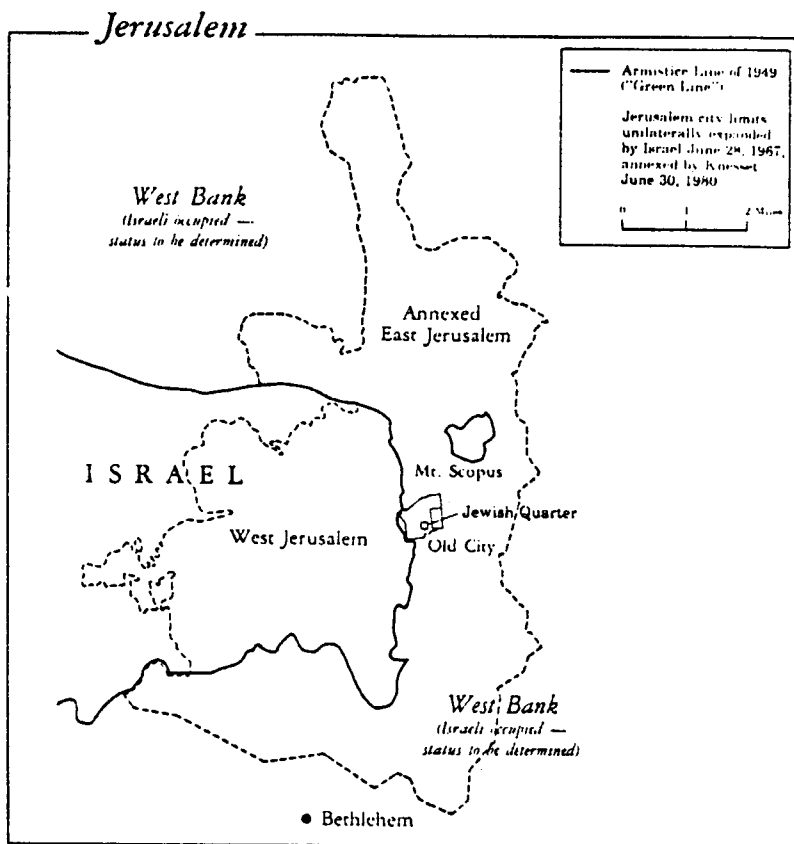
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Map 4



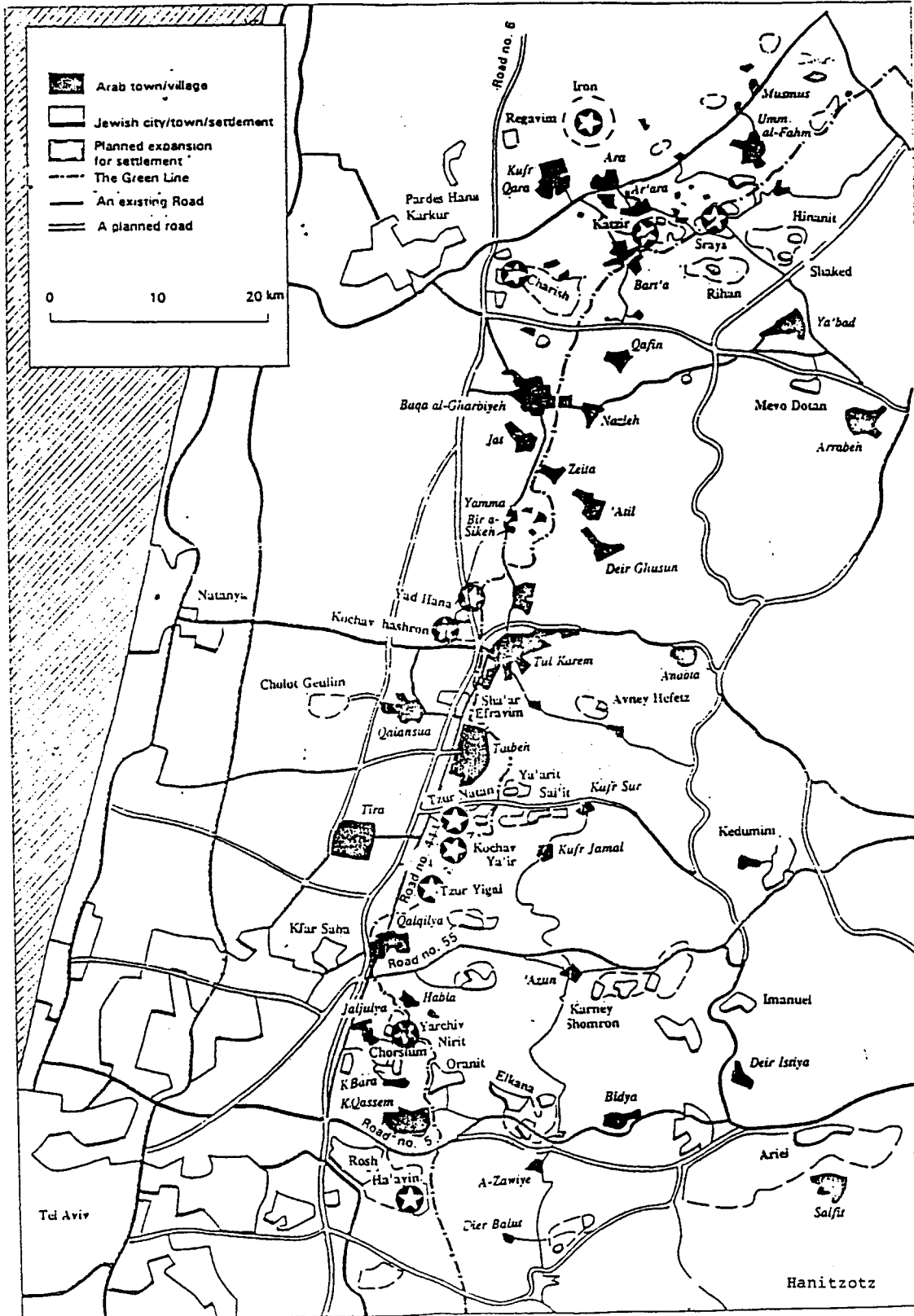
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Map 4

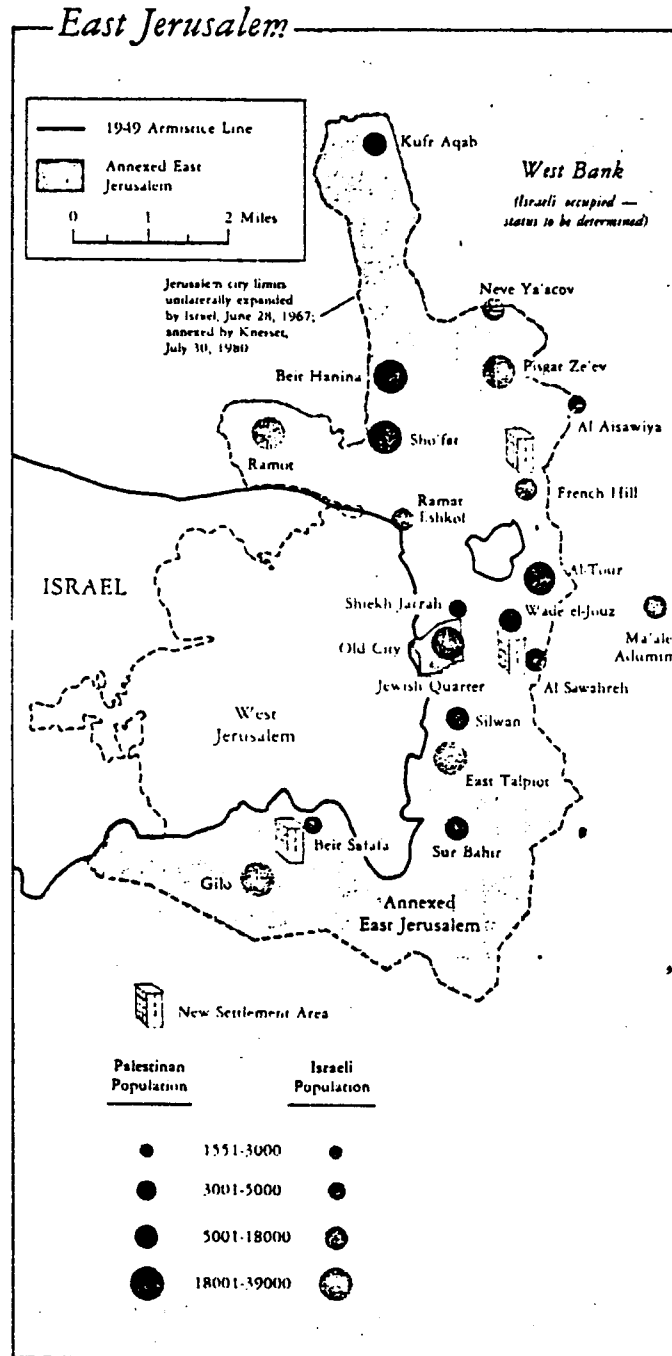


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Map 5 - Stars Plan



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Foundation for Middle East Peace,

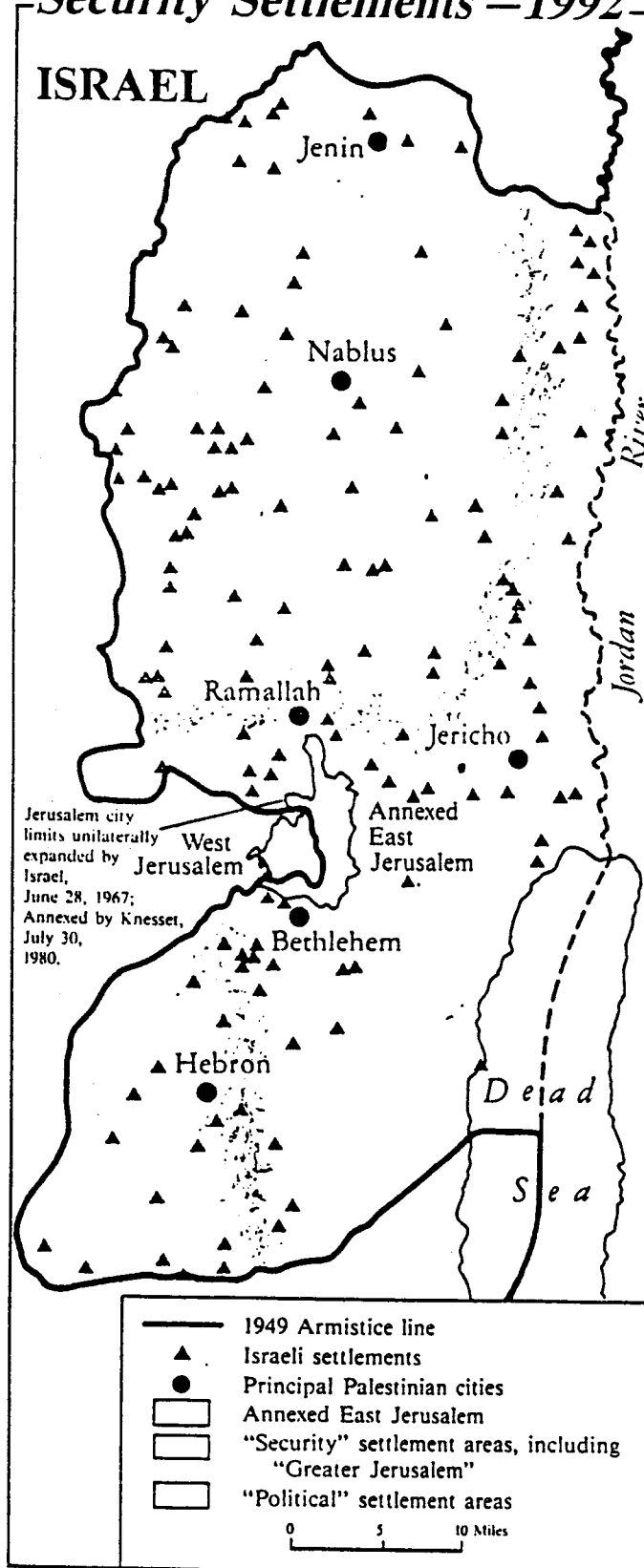
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Map 7



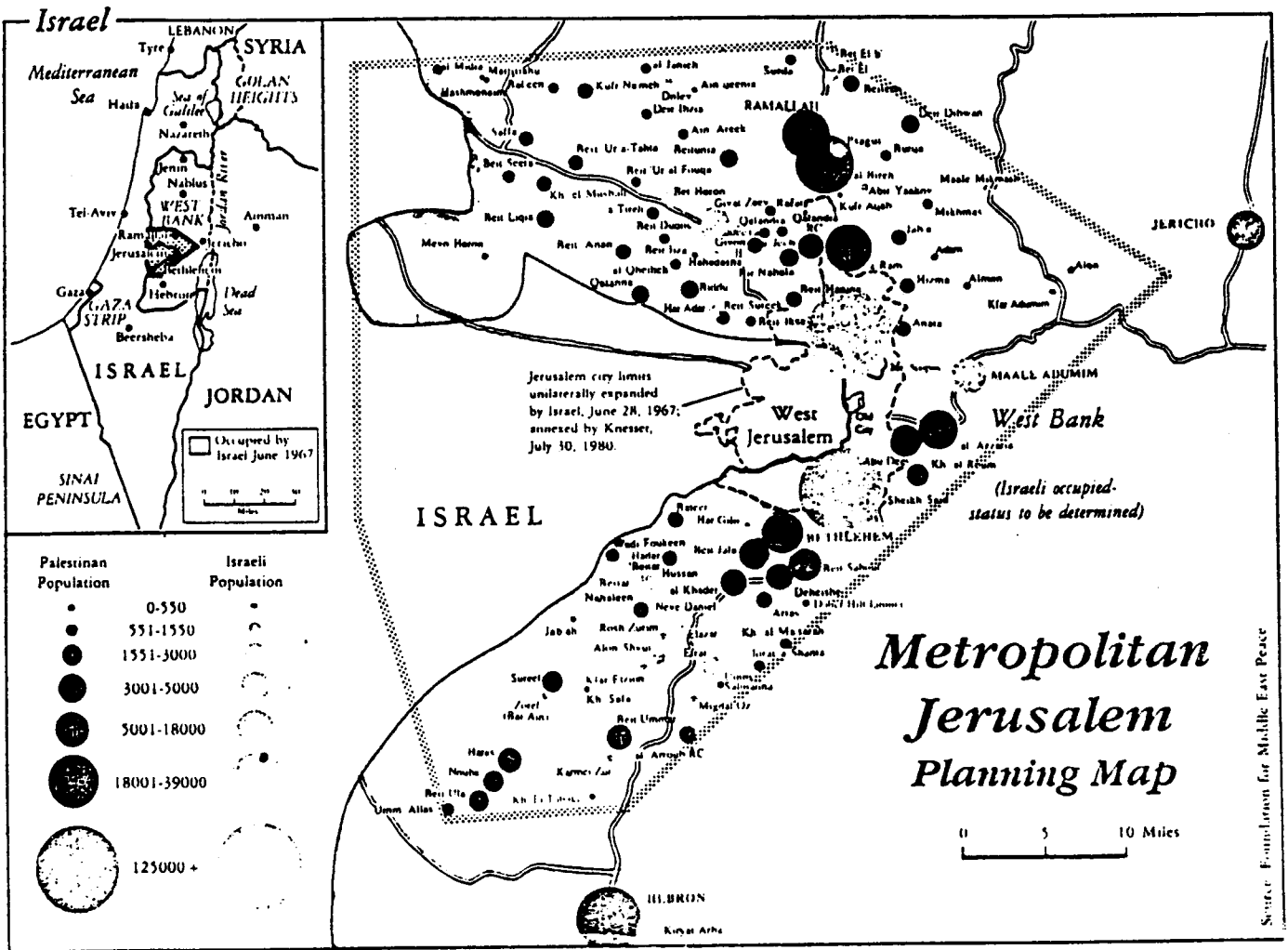
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West Bank: Political and Security Settlements - 1992

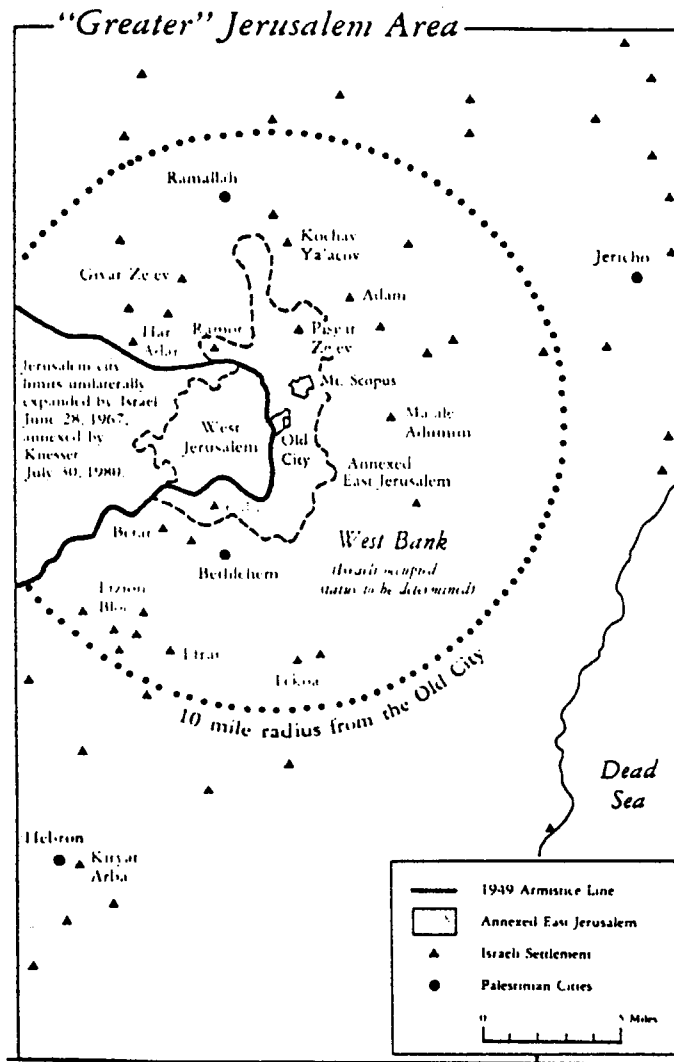


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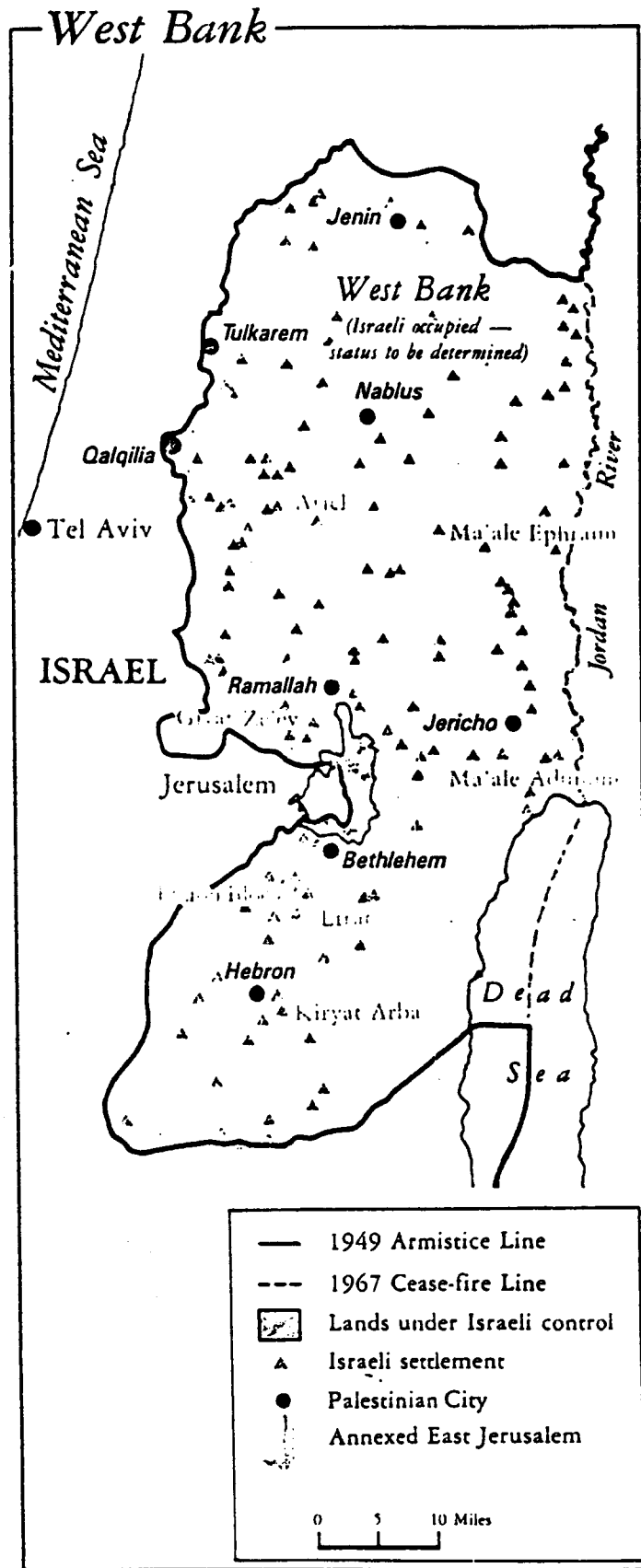
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Map 11



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