

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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THE CHALLENGE FACING OBAMA

By *Geoffrey Aronson*

George Mitchell's appointment as Middle East peace envoy has strengthened expectations that President Barack Obama will revitalize American diplomatic leadership committed to making peace between Israelis and Palestinians.

Mitchell is viewed by all parties as a statesman of extraordinary stature and experience. His mandate comes directly from the president and he takes his direction from the White House. He will open an office in the U.S. consulate in West Jerusalem, headed by an official from the State Department. Additional staff are expected to be on the job soon.

Mitchell inherits a complex diplomatic framework established during the Bush years to support the Road Map and the Annapolis process. The Quartet seems set to continue as an important vehicle for mobilizing international support for U.S. diplomacy. Security assistance to Palestinian security services has been the key element in the U.S. policy arsenal and may even be expanded. Gen. Keith Dayton's tenure as the head of this effort has just been extended by two years and he is set to serve as Mitchell's full time security deputy. It remains unclear, however, how a U.S.-supported security effort aimed at least in part at protecting a government led by Mahmoud Abbas against Islamist opponents can be squared with a massive release of Palestinian prisoners now being discussed by Israeli and Hamas representatives in Cairo or with support for Palestinian national reconciliation that

will necessarily reflect the increased power of Hamas on the Palestinian national scene. Mitchell will also be challenged to leverage the successes of the security program—in maintaining West Bank quiet during the Israeli assault on Gaza earlier this year and in dismantling the Islamist-run social safety net—to win tangible security and political concessions by a new Israeli government led by Prime Minister Benjamin Netanyahu and Minister of Defense Ehud Barak.

As Palestinian prime minister Salam Fayyad noted on numerous occasions before submitting his resignation in March 2009, Palestinians aspire to be free from Israeli occupation, not to have the occupation run more efficiently. How will the Obama administration address the challenge of reversing forty years of occupation and settlement?

The president, in his March 24 press conference, declared that, "the status quo is unsustainable, [and] that it is critical for us to advance a two-state solution where Israelis and Palestinians can live side-by-side in their own states with peace and security. By assigning George Mitchell the task of working as special envoy, what we've signaled is that we're going to be serious from day one in trying to move the parties in a direction that acknowledges that reality."

The president has not yet articulated a vision of Israeli-Palestinian peace and an operational path to achieve it. Mitchell remains in a "listening" mode, awaiting the outcome of a top level policy review. The new administration's

policies towards Syria and Iran may themselves have a salutary effect on the prospects for progress in the Israel-Palestine arena. Nevertheless, some observations about Mitchell's approach can be discerned.

Resolution of the Israel-Palestinian conflict on the basis of two states living in peace and security is a basic U.S. national security interest—and an objective that the two principal parties cannot achieve on their own. Without more effective American leadership, there will be no end to occupation and settlement, and the Greater Israel option will prevail, at great cost to all concerned. An active, central U.S. role in defining, facilitating, and mediating the diplomatic process, supported at key moments by the president himself, is a critical element of an effective U.S. policy. This approach necessarily includes placing the U.S. view of the contours of a final status agreement on the table, supported by confidence building measures to address core Palestinian concerns including land confiscation, settlement expansion, and the closure, as well as Israeli security concerns. This full-time American-led diplomatic initiative should be supported by equally active security and economic operations—now led by General Dayton and Tony Blair respectively.

As the Obama administration considers its policy options, it must contend with a failed Bush administration program that has produced results contrary

CHALLENGE, continued on page 6

TO OUR READERS

Success for President Obama's anticipated American initiative to create a two-state peace between Israel and Palestine will require no less than a transformation of Israeli, Palestinian, and American politics. Israel must reverse its disastrous national project of control and settlement of the West Bank and East Jerusalem in order to rescue its Jewish, democratic character and to achieve peace and security. The Palestinians, like Israel, must also heal their internal divisions and summon wiser strategy and leadership.

The task for the U.S. will also be formidable. To succeed, Washington must reshape the powerful U.S.-Israel alliance and use it more wisely. For years, we have deferred to Israel's settlement policy, crippling our ability to play the honest broker for an equitable division of the land. Our indulgence has signaled to some Israeli leaders that the settlement adventure can yet succeed. Others, who now realize settlements are a mistake, still hope the U.S.

Hatem Abdul-Kader, an advisor to the Palestinian prime minister, Salam Fayyad, for Jerusalem, announced that the "Israeli attack is escalating. I can say that the demographic battle of Jerusalem has started."

The Israeli step comes one day after Hillary Clinton, the American secretary of state, criticized the Israeli plans to demolish tens of houses in eastern Jerusalem. . . . Abdul-Kader announced, "The Americans told us that they cannot promise us that they will prevent the demolition of these houses. They told me that they can make only one promise: that these houses will not be destroyed while Clinton is in the region." He commented sarcastically, "This means that we must keep her in the region for as long as possible." The number of demolition notices in Jerusalem is over 3,700 according to Abdul-Kader. He clarified, "This means that thousands of families will be left homeless." He added, "There are 200 families threatened with demolition at any time as they were given notices during the past two months."

will save them from the consequences and that they can avoid taking painful steps to oppose the powerful settler complex that now holds the reins within the Israeli government.

A clear, sustained U.S. challenge to settlements will almost certainly provoke an unprecedented confrontation with Israeli leaders of the kind U.S. administrations have always tried to avoid. Success will require patience and firmness. It will also require building a strong American domestic coalition—including Jews, Christians and others—that rejects the false equation between criticism of Israeli policy and hostility toward Israel and its right to exist. As Israel's best friend, the U.S. must tell the Israelis and their leaders the blunt truth, that many of them already understand: settlements must end because they are a grave threat to the Zionist state and to American strategic interests in the Middle East.



Abdul-Kader stressed that these families will not leave Jerusalem, as the Israelis want. He added, "We will set up tents and we will stay in them. We will not leave or emigrate." The Palestinian Authority resorted to the Israeli courts in an attempt to stop the demolitions. Abdul-Kader announced, "We are trying to gain some time in the hope that something might change." But he realizes that the PA can do nothing in light of the Arab and international disregard. He considers that "what is happening in Jerusalem is beyond the will and the ability of the PA. It is not trying enough. There is no doubt that the PA is not doing enough to help Jerusalem which is not included in the PA's list of priorities."

Abdul-Kader wondered, "Why are they racing to hold a conference for the reconstruction of Gaza yet no one in the PA thinks of holding a similar conference for supporting Jerusalem? The answer is that they have no will."

Al-Sharq al-Awsat,
London, March 6, 2009

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EU REPORT: ISRAEL “ACTIVELY PURSUING THE ILLEGAL ANNEXATION” OF EAST JERUSALEM

The following excerpts are taken from the EU Heads of Missions Report, dated December 15, 2008.

SETTLEMENTS

5. Israel is increasing settlement activity in three east-facing horseshoe shaped bands in and around East Jerusalem, linked by new roads:

- first through new settlements in the old city itself and in the Palestinian neighbourhoods immediately surrounding the old city (Silwan, Ras al Amud, At Tur, Wadi al Joz, Sheikh Jarrah);

- then in the existing major East Jerusalem settlement blocs (running clockwise from Ramot, Rekhes Shu’afat, French Hill, through the new settlements in the first band, above, to East Talpiot, Har Homa and Gilo);

- and finally in “Greater Jerusalem”—linking the city of Jerusalem to the settlement blocs of Givat Ze’ev to the north, Ma’aleh Adumim to the east (including the E1 area, see below), and the Etzion bloc to the south.

Settlement activity and construction is ongoing in each of these three bands, contrary to Israel’s obligations under international law and the Roadmap.

“E1” and Ma’aleh Adumim

6. E1 (derived from ‘East 1’) is the term applied by the Israeli Ministry of Housing to a planned new neighbourhood within the municipal borders of the large Israeli settlement of Ma’aleh Adumim (30,000+ residents), linking it to the municipal boundary of Jerusalem (a unilateral Israeli line well east of the Green Line). E1, along with a maximalist barrier around Ma’ale Adumim, would complete the encircling of East Jerusalem and cut the West Bank into two parts, and further restrict access into and out of Jerusalem. The economic prospects of the West Bank (where GDP is under \$1000 a year) are highly dependent on access to East Jerusalem (where GDP is around \$3500 a year). Estimates of the contribution made by East Jerusalem to the Palestinian economy as a whole vary between a quarter and a third. From an economic perspective, the viability of a Palestinian state depends to a great extent on the preservation of organic links between East Jerusalem, Ramallah and Bethlehem.

7. E1 is an old plan which was drawn up by Rabin’s government in 1994 but never implemented. The plan was revived by the housing Ministry in 2003, and preliminary construction in the E1 area began in 2004. Since his resignation from the Cabinet Netanyahu has tried to make E1 a campaign issue.

The development plans for E1 include:

- the erection of at least 3,500 housing units (for approx. 15,000 residents);
- an economic development zone;

- construction of the police headquarters for the West Bank that shall be relocated from Raz el-Amud;

- commercial areas, hotels and “special housing”, universities and “special projects,” a cemetery and a waste disposal site.

Settlement Building inside East Jerusalem

11. Settlement building inside East Jerusalem continues at a rapid pace. There are currently around 190,000 Israeli settlers in East Jerusalem, the majority in large settlement blocks such as Pisgat Ze’ev. The mainstream Israeli view is that the so-called Israeli “neighbourhoods” of East Jerusalem are not settlements because they are within the borders of the Jerusalem Municipality. The EU, along with the most of the rest of the international community, does not recognise Israel’s unilateral annexation of East Jerusalem and regards the East Jerusalem “neighbourhoods” as illegal settlements like any others—but this does not deter Israel from expanding them. Some of these settlements are now expanding beyond even the Israeli-defined municipal boundary of Jerusalem, further into the West Bank. The Jerusalem municipality has also been active around Rachel’s Tomb, outside the municipal boundaries.

12. Smaller in number but of equal concern are settlements being implanted in the heart of existing Palestinian neighbourhoods, with covert and overt government assistance. Extremist Jewish settler groups, often with foreign funding, use a variety of means to take over Palestinian properties and land. They either prey on Palestinians suffering financial hardship or simply occupy properties by force and rely on the occasional tardiness and/or connivance of the Israeli courts. Such groups have told us that they also press the Israeli authorities to demolish Palestinian homes built without permits. Israel has previously used the “Absentee Property Law” (generally applied only inside Green Line Israel) to seize property and land. The Attorney General declared that this was “legally indefensible” in the Bethlehem area earlier this year and the practise has stopped, but the law remains applicable to East Jerusalem and can be resurrected any time the Israeli Government sees fit.

13. Some of the Jewish settlements lack building permits, but not one has been demolished—in marked contrast to the situation for Palestinians. There are also plans to build a large new Jewish settlement within the Muslim Quarter of the Old City, a step that would be particularly inflammatory and could lead to the further “Hebronisation” of Jerusalem. The aim of these settlers, and settlements, is to extend the Jewish Israeli presence into new areas. As a result, President Clinton’s formula for Jerusalem (“what’s Jewish becomes Israel and what’s Palestinian becomes Palestine”) either cannot be applied—or Israel gets more. ♦

SETTLEMENT TIME LINE

November 23 Ma'an News reports on settlers from Givat Harsina in Hebron demolishing long portions of a fence securing a Palestinian dwelling.

November 26 Israel's High Court of Justice rejects an Israeli government request to postpone the eviction of squatters at the Migron settlement outpost and orders the government to explain within 45 days why all means are not being taken to evacuate the site. (*Yediot Abaronot*)

Without warning, Israel Defense Forces (IDF) demolish a Palestinian house in Azariya, East Jerusalem for being built without a permit. The action brings to six the number of Palestinian dwellings demolished in six weeks. (Ma'an News)

November 30 Accompanied by a military jeep, approximately 50 settlers enter a Palestinian neighborhood in Hebron and throw stones at houses and cars and puncture car tires. (B'Tselem)

December 1 Settlers slash car tires and attack Palestinian civilians in the Wadi al-Hussein area near Hebron, injuring a 60-year-old man. One settler is arrested. (Ma'an News)

December 2 Dozens of settlers hurl rocks and beat residents in Hebron near the disputed Rajabi family house in which squatters and settler activists have barricaded themselves and declared the property "Peace House." (Ma'an News)

Dozens of settlers block the Tapuah junction in the West Bank. (Arutz 7)

December 3 In Hebron, violent clashes erupt between Israeli security forces and dozens of settler activists who re-entered the Shapira house. The IDF bans settlers from entering Palestinian neighborhoods in the Hebron area after settlers announce plans to march in Palestinian villages. (*Ha'aretz*)

December 4 Settlers paint offensive slogans about Islam and the Prophet Muhammad on buildings in the West Bank villages of Azzun, al-Fundqu, Immatin, Jinsafut, Kafr Laqif, and al-Nabir Elyas. (Ma'an News)

Leaders of the Kadima, Labor, Likud, and Yisrael Beiteinu parties issue a joint statement to settlers squatting in the Rajabi house ("Peace House"), urging them to obey the evacuation order issued by the High

Court of Justice without violence. Leaders of Arab parties, Jewish Home, Meretz, Shas, and UTJ decline to participate. (*Yediot Abaronot*)

Ha'aretz reports findings by Gush Shalom that a European boycott of Israeli products manufactured in the West Bank and of companies based there is having a significant financial effect.

December 5 Settlers evicted from the Rajabi house ("Peace House"), remove their belongings from the building under the watch of the border police. (Arutz 7)

Yediot Yerushalaim reports that 78 of 108 dwellings demolished in Jerusalem in 2008 for being built without a permit were in East Jerusalem.

December 6 Settlers set fire to hundreds of olive trees belonging to Palestinian farmers near Qalqilya. Settlers also erect makeshift roadblocks in the area to block Palestinian travel. (*Ha'aretz*)

Two settlers from Kiryat Arba turn themselves in to police for shooting two Palestinians on December 4 after the evacuation of the Rajabi house ("Peace House") in Hebron, all of which was videotaped. (*Yediot Abaronot*)

December 8 Settlers and activists demonstrate opposite the home of OC Central Command Maj. Gen Gadi Shamni, Brigadier General Noam Tibon, and Deputy State Prosecutor Shai Nitzan to protest the evacuation of the disputed Rajabi house. (Army Radio)

December 10 Israeli authorities release a 52-year-old settler charged with shooting at several Palestinians following the evacuation of the Rajabi house. (*Yediot Abaronot*)

December 12 *Yediot Abaronot* reports on plans by the Housing Ministry and the Israel Land Administration to issue tenders in 2009 for 2,500 housing units in Jerusalem, including 745 in the East Jerusalem settlement of Ramot.

December 14 The IDF confiscates 4,000 dunams of land belonging to Palestinians from the village al-Ramadin for construction of the separation barrier. (Ma'an News)

December 15 An IDF soldier is arrested for throwing stones at police officers during the evacuation of the Rajabi house, in

Hebron, on December 3. (*Ha'aretz*)

Yediot Abaronot reports findings in the Ariel College annual statistical abstract revealing that in the past 12 years, the settler population of the West Bank has doubled, compared to a 29 percent increase of the population in Israel. The average birthrate in Israel is 20 births per 1,000 people, compared with 35 births per 1,000 people among West Bank settlers.

December 16 In a meeting with Prime Minister Ehud Olmert, British prime minister Gordon Brown requests that Israeli goods produced in settlements not be exported to Britain. Brown states that identifying labels are necessary for products made in settlements. (*Ha'aretz*)

December 18 *Ha'aretz* reports that British prime minister Brown has ordered British ministries to publicly discourage British citizens from purchasing houses or assets in the West Bank.

December 23 The Shechem Echad organization and the Samaria Regional Council initiate the restoration of Joseph's Tomb in Nablus, with the aim of rebuilding the yeshiva that was destroyed during the second intifada. (Arutz 7)

December 24 *Ma'ariv* reports the issuance of restraining orders against rightist activists demonstrating outside the home of Israeli officers of the civil administration.

December 29 Two Palestinian men stab and seriously wound one settler and lightly injure three others in the Modi'in Illit settlement. (Army Radio)

2009

January 5 The IDF declares parts of Bethlehem, Jerusalem, Ramallah, and Salbit between the barrier and the Green Line as closed military areas or seam zones. Palestinians are required to carry IDF-issued visitor permits to access their own land in the restricted areas. (OCHA)

January 9 IDF soldiers enter Kfar Qaddum and surround the village's mosque following attacks by settlers on Palestinian homes in the area. (Ma'an News)

Yediot Yerushalaim reports on Israeli plans to construct 200 Palestinian housing units near the East Jerusalem village of Beit Hanina on sixteen dunams of land.

SETTLEMENT TIME LINE

January 11 Former residents of the Katif bloc settlements demand that the Israeli government allow them to resettle in Gaza amid the IDF campaign launched against Gaza in late December 2008. (*Ha'aretz*)

January 14 Using a slingshot, a Palestinian teenager stones a settler's car near the village of Azzun and is later found dead. Police report that one of the stones ricocheted off the car, fatally wounding him. (*Yediot Aharonot*)

January 15 It is reported that the United States plans to cut \$1 billion from \$4.6 billion in loan guarantees to Israel because of Israel's continued investments in settlements. (*Ha'aretz*)

January 20 Palestinians in a passing vehicle fire at a settler, critically injuring him, near the Kochav Hashahar settlement east of Ramallah. (Army Radio, *Ma'ariv*)

January 21 Settlers evacuated from the settlement of Sa Nur in 2005 return to the area, now a closed military zone, for a celebration. (*Ha'aretz*)

January 22 *Ha'aretz* reports that the Housing Ministry has embarked on a plan to increase the population of the Golan settlement of Katzrin from 6,500 to 20,000 over the next 20 years.

January 23 *Kol Ha'ir* reports that with secular Jews continuing to leave Jerusalem for other cities, projections suggest that Orthodox Jews will comprise 44 percent of the city's population in 2020, and 50 percent by 2030.

The Israel Land Authority issues 14 tenders for the construction of apartment buildings in the Golan settlement of Katzrin. (*Ha'aretz*)

January 26 Settlers from the Abraham Avinu settlement in Hebron throw stones at two Palestinian boys, ages four and five, striking them in the head. The two boys' parents reported that the settlers, who live one hundred meters from their home, throw garbage and stones at the children when they play outside. (Ma'an News)

January 28 Peace Now reports that 260 new structures, mostly trailers, were set up in settlement outposts in 2008, up from 100 in 2007. About 1,250 new buildings were erected in the settlements, a 60 percent increase in the scope of construction com-

pared to 2007. Construction tenders have been published for an additional 540 housing units. It also notes that settlers have paved five new roads in the West Bank.

January 29 Israel reimburses Palestinian farmers from Qalqilya for damages resulting from a ruptured water line that flooded their farmland in 2004. The government initially denied that the incident had occurred, but conceded when videotape of it emerged. (Ma'an News)

February 3 OCHA reports the demolition of 21 Palestinian structures in the last week of January 2009. Six of the home demolitions were carried out in East Jerusalem and E-1.

February 4 Defense Minister Ehud Barak approves the establishment of a new settlement in the Binyamin region in exchange for an agreement from settlers to evacuate the illegal outpost of Migron. The evacuated settlers would move into the new 250-house settlement, which is one kilometer from the Adam settlement. (*Ha'aretz*)

February 5 Settlers use bulldozers to destroy Palestinian farmland in the village of Yasuf and deploy housing caravans on the upturned land, signaling the creation of a new outpost. (Ma'an News)

February 9 Settlers from Beitar Ilit fire at and wound a 17-year-old Palestinian boy in the village of Husan. (Ma'an News)

February 11 Armed Palestinians calling themselves the Imad Mughniyeh Groups claim responsibility for a shooting attack on an Israeli vehicle near the Bet El settlement. (Ma'an News)

February 12 *Ha'aretz* reports on the Israel Land Authority's approval for construction of homes in the Golan Heights for 30 families evacuated in 2005 from the Katif bloc settlements in Gaza.

February 17 Ma'an News reports that a plan to open the Zion route road in Hebron to Palestinian traffic is currently under review by the IDF. The road, which is limited to Jewish traffic, leads from the

Kiryat Arba settlement to Israeli-controlled areas of Hebron.

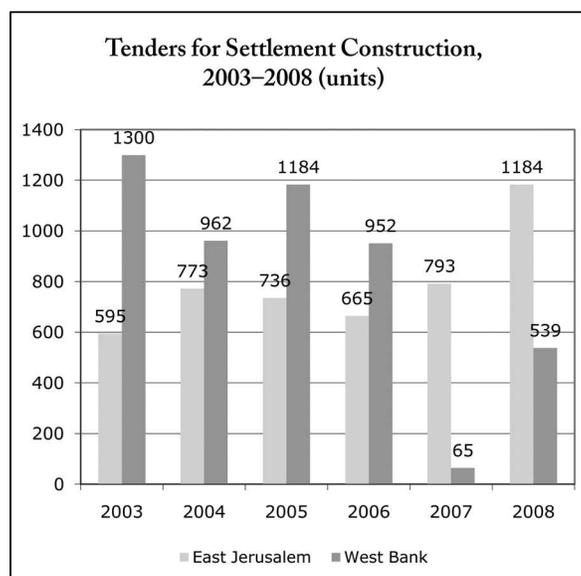
February 19 Kiryat Arba council chairman Malachi Levinger demands that the IDF keep the Zion route closed to Palestinian traffic. (Israel Radio)

The al-Quds Brigades claim responsibility for a shooting attack on an Israeli car near the Ofra settlement near Ramallah. (Ma'an News)

February 20 *Ha'aretz* reports on an offer extended to the Palestinian residents of the East Jerusalem neighborhood of Silwan by Jerusalem mayor Nir Barkat to evacuate the neighborhood and relocate to another area. Residents in eighty-eight buildings in the neighborhood are slated for evacuation for living in buildings being built without permits. The residents rejected the offer.

Yediot Yerushalaim reports on plans to invest \$2,360,000 in an electronic transportation system that will transport visitors from Jerusalem's Jewish Quarter to the Wailing Wall.

Yediot Yerushalaim reports the rejection of a plan by the Jerusalem planning committee to construct 800 housing units for Palestinians living in the East Jerusalem neighborhood of Walaja. It also reports a delay in plans to provide authorization for 100 buildings built without a permit.



Sources: "State of Affairs—Jerusalem 2008," Ir Amim, December 2008 Peace Now Settlement Construction Reports 2004–2008, peacenow.org.il.

to those it championed. Bush's diplomacy enfeebled both Palestinian and Israeli proponents of a peace agreement based upon ending occupation and creating a Palestinian state at peace with Israel. Washington's Palestinian partner, Fateh, is weaker than ever, in large part because of its inability to move diplomacy in the direction of freedom and independence. Hamas is increasingly seen as the standard-bearer of resistance against Israel. Its fortunes have risen as those of Fateh have waned, and they will continue to do so as long as the "peace process" fails to bring occupation and settlement to an end.

The Bush administration deserves credit for some modest but noteworthy achievements. The intifada on the West Bank and east Jerusalem was defeated and Israelis, for the time being, feel more secure. Palestinian police and intelligence services have been rehabilitated and now perform limited security duties in concert with Israel. Nevertheless, security has fostered complacency and satisfaction with the status quo among Israelis. The rebuilding of Abu Mazen's security services—the central U.S. contribution to the diplomatic effort—is a limited policy instrument, not a strategy of Palestinian liberation.

Hamas, which refuses to recognize Israel, abide by previous Israeli-Palestine agreements, or to renounce force, is not alone in challenging Washington. Israel's new prime minister Benjamin Netanyahu declares that, "I will not keep [Prime Minister Ehud] Olmert's commitments to withdraw and I won't evacuate settlements. Those understandings are invalid and unimportant." The prime minister's closest editorial supporters, writing in *Makor Rishon* urge him to "abandon the empty and gratuitous race for the 'two state' idea . . . and instead, adopt a fundamentally new political strategy that is based on the brilliant formula of 'one, big state.' . . . The world might not like the fact that we have abandoned the two state vision, but it won't like any other Israeli policy either."

For its part, the Revolutionary Council of Fateh, PA chairman Mahmoud Abbas's party, declared that:

From now on the Fatah movement will not agree to hold any negotiations with the Israeli government unless it stops its settlement policy and the building of its racist wall in our occupied Palestinian territory. Our people can gain no benefit from negotiations with Israel while it continues to commit barbaric massacres, kill women and children, and destroy entire residential neighborhoods.

We say and stress that the negotiations between the Palestinian and Israeli sides have not made any progress on any level. Israel has not been serious, but has been maneuvering and maneuvering in order to gain more time to build more settlements on our land.

Former chief of Saudi intelligence, Prince Turki, wrote in the *Financial Times* that, "If the U.S. wants to continue play-

ing a leadership role in the Middle East and keep its strategic alliances intact—especially its 'special relationship' with Saudi Arabia—it will have to drastically revise its policies vis-à-vis Israel and Palestine."

Even in Congress, members are beginning to recognize the shortcomings of the assumptions driving the Annapolis process. Rep. Gary L. Ackerman, chairman of the House Subcommittee on the Middle East and South Asia, in a February 12, 2009 hearing, noted that although Hamas, "[is] a terrorist organization, an entity beyond the pale. . . . Israel has been talking to Hamas through Egypt, and directly to the Hamas prisoners in Israeli jails. And when the IDF was in Gaza in force, with reserves building up outside, the Israelis announced that the destruction of Hamas was absolutely not their goal. Hamas is a deadly, vicious, implacable enemy, but somehow, one that had to be left in place."

As Ackerman's statement attests, Washington is paying ever-closer attention to Israel's ongoing dialogue with Hamas. In an era when the U.S. employs former al-Qaeda allies in Iraq, supports a dialogue with Iran and the Taliban in Afghanistan, and when Israel and Fateh are deeply engaged with Hamas, there is a dawning realization that the American policy of demonizing and marginalizing Hamas has failed. (See Letter on page 8)

A recent visit to the region by Secretary of State Hilary Clinton broke no new diplomatic ground. She reaffirmed support for "capacity-building" in Palestinian institutions on the West Bank, especially in the security domain, and on resurrecting final status talks.

Clinton, in her public remarks, did not utter the word "settlements." As was often the case during visits of her predecessors, Clinton's comments on the settlement issue were reactive, prompted by specific, discreet developments—for example, impending house demolitions in Silwan, and reports on the expansion of the settlement of Efrat. These announcements seemed timed as if to highlight the continuing absence of effective American opposition to settlement expansion. But in a change from the Bush years, Clinton and other U.S. representatives made critical observations about the draconian and arbitrary limitations of Israel's supply of "humanitarian" goods to besieged Gaza, although there was no evidence of a change in longstanding American support for Israel's policy of collective punishment of Gazans as long as Hamas rules there.

Mitchell's notable contribution to the recent history of the conflict was his leadership of "The Sharm El-Sheikh Fact-Finding Commission"—established to examine the causes of the second intifada that erupted in September 2000. In the report, Mitchell famously calls upon Israel to "freeze all settlement activity, including the 'natural growth' of existing settlements" as a vital Israeli "confidence building" contribution to re-establishing suitable conditions for diplomatic progress.

Settlements are a key barometer of Israeli intentions: they

SECRET ISRAELI GOVERNMENT SETTLER DATABASE DETAILS SETTLEMENT ACTIVITY

In 2005, at the direction of Minister of Defense Shaul Mofaz, Gen. (Ret.) Baruch Spiegel assembled a comprehensive database on West Bank (excluding East Jerusalem) settlements. There was an original database managed by the Israel Defense Forces, but because there was little incentive in the military to follow settlement expansion closely, the database was inadequate. Spiegel's main objective was to establish and maintain an up-to-date database on settlements that could be used as a basis for comparing the information presented to Israel by the United States, as well as by Peace Now's settlement-monitoring team. The information would also be useful in responding to mounting efforts by Palestinian residents, human rights organizations, and other NGOs to challenge the legality of construction in the settlements and the use of private lands to establish or expand them.

The information assembled by the IDF details the essential lawlessness of the settlement enterprise, not only in reference to international laws prohibiting the policy but also in reference to Israel's own legal code. In the vast majority of the settlements—about 75 percent—construction, sometimes on a large scale, has been carried out without the appropriate permits or contrary to the permits that were issued. The database shows that, in more than 30 settlements, extensive construction of buildings and infrastructure (roads, schools, syna-

gogues, yeshivas and even police stations) has been carried out on land that Israel acknowledges belongs to Palestinian owners. In the case of Ofra, a settlement east of Ramallah, the database notes that “the settlement does not conform to valid building plans. A majority of the construction in the community is on registered private lands without any legal basis whatsoever and no possibility of [converting the land to non-private use].”

The database also reveals that the Beit El settlement was established “on private lands seized for military purposes (the settlement was also expanded on private lands, by means of trespassing in the northern section of the settlement) and on state lands that were appropriated during the Jordanian period (the Maoz Tzur neighborhood in the south of the settlement).” According to the official data, “the settlement comprises widespread construction, public buildings and new ring roads (about 80 permanent buildings and trailers), about 20 permanent residential buildings, 40 trailers and an industrial zone (10 industrial buildings). The entire compound is located on private land and has no plan attached.”

Uri Blau, “Secret Israeli Database Reveals Full Extent of Illegal Settlement,”
Ha'aretz, January 30, 2009;
Yesh Din translation, www.yeshdin.org

CHALLENGE, *continued from page 6*

represent the core feature of the zero sum contest between Israel and Palestinians for control of the land and its political destiny. U.S. policies over the course of four decades aimed at addressing settlements have failed. A settlement freeze, which has been an on-again off-again feature of U.S. policy for three decades, may no longer be an adequate or workable policy tool. The idea has been a central element of U.S. policy in times of conflict with Israel over the latter's conduct of occupation policy since the mid-1970s. These efforts failed absolutely to reduce the pace of settlement expansion. The only effective U.S. policy that makes practical, political, and diplomatic sense is to promote settlement evacuation rather than a freeze.

Some diplomatic voices are arguing for a U.S. settlement policy focusing on evacuation in the context of a final status initiative, and sanctioning Israel for continued settlement expansion. They doubt the efficacy of a policy of simply monitoring and enforcing a settlement freeze—whose failure would undermine U.S. credibility.

Reports from Israel already betray concern about unprece-

ded U.S. attention to Israel's breached commitments to contain settlement expansion. In remarks reported by *Ma'ariv*, for example, a high-ranking Israeli security official said in a closed forum that “the impression that Mitchell left in the security establishment is that he considers the settlements a stick in the wheels of peace negotiations. Mitchell has been heard repeatedly criticizing fiercely the resources that Israel has invested in the settlements, and after disengagement he called for sanctions to be imposed on Israel because of the settlements. This time it is possible that he will persuade the U.S. administration to impose those sanctions and to begin taking action towards cutting the American defense aid, arguing that it [is] inconceivable that American funds should be used to provide security and other resources for illegal settlements. . . . If that happens, that will be a dramatic decision from Israel's perspective.” Another security official said: “We are bracing to be beaten over the head by the Obama administration, which would like to record substantive progress in the course of its term in office. If a stymieing factor such as settlements interferes, it won't hesitate to act against it.” ◆

THERE CAN BE NO PEACE WITHOUT HAMAS

If every crisis is also an opportunity, it is now time to rethink the strategy for achieving peace in the Middle East. The latest and bloodiest conflict between Israel and Hamas has demonstrated that the policy of isolating Hamas cannot bring about stability. As former peace negotiators, we believe it is of vital importance to abandon the failed policy of isolation and to involve Hamas in the political process.

An Israeli–Palestinian peace settlement without Hamas will not be possible. As the Israeli general and statesman Moshe Dayan said, “If you want to make peace, you don’t talk to your friends. You talk to your enemies.” There can be no meaningful peace process that involves negotiating with the representative of one part of the Palestinians while simultaneously trying to destroy the other.

Whether we like it or not, Hamas will not go away. Since its victory in democratic elections in 2006, Hamas has sustained its support in Palestinian society despite attempts to destroy it through economic blockades, political boycotts and military incursions. This approach is not working; a new strategy must be found.

Yes, Hamas must recognise Israel as part of a permanent solution, but it is a diplomatic process and not ostracisation that will lead them there. The Quartet conditions imposed on Hamas set an unworkable threshold from which to commence

negotiations. The most important first step is for Hamas to halt all violence as a precondition for their inclusion in the process. Ending their isolation will in turn help in reconciling the Palestinian national movement, a vital condition for meaningful negotiations with Israel.

We have learnt firsthand that there is no substitute for direct and sustained negotiations with all parties to a conflict, and rarely if ever a durable peace without them. Isolation only bolsters hardliners and their policies of intransigence. Engagement can strengthen pragmatic elements and their ability to strike the hard compromises needed for peace.

The new U.S. administration and the appointment of George Mitchell as the Mideast envoy give hope that a new strategy grounded in realism and not ideology will be pursued. Without this, there will be no two-state solution and no peace and security for either Israelis or Palestinians. We must recognise that engaging Hamas does not amount to condoning terrorism or attacks on civilians. In fact, it is a precondition for security and for brokering a workable agreement.

Signatories include the following: Lord Paddy Ashdown, Michael Ancram, Dr. Shlomo Ben-Ami, Álvaro de Soto, Gareth Evans, Lord Chris Patten, and Sir Kieran Prendergast ◆

On the Israeli side, nothing will do more to make clear our seriousness about turning the page than demonstrating—with actions rather than words—that we are serious about Israel freezing settlement activity in the West Bank.

For decades, American presidents, Democrat and Republican alike, have opposed new settlement activity and recognized that the settlements are an obstacle to peace. But in our honest moments we would all acknowledge that this policy has usually existed on paper alone. And as recently as 2007 at the Annapolis conference, Israel recommitted to implementing its obligations under

the Road Map, which include freezing all settlement activity.

We will defend Israel’s security unflinchingly. But the fact is, Israelis themselves decided that the settlements make it more difficult to protect the security of their citizens. They’re not just fragmenting the Palestinian state—they fragment what the Israeli Defense Forces have to defend.

Sen. John Kerry at the Brookings Institution’s Saban Center, March 4, 2009

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