

The Death of the Settlement Freeze - 4 Months since Annapolis

Settlement Watch Team, www.peacenow.org.il, March 2008

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PART ONE – CONSTRUCTION CONTINUES IN THE AREA¹

(August 2007 – February 2008)

A. Settlements (East Jerusalem excluded)

- **In 101 settlements** construction took place.
- **Not a single project was frozen** – construction continued in all of the construction sites that already existed. Construction of **at least 220** buildings continued in 37 settlements (in each building several housing units), 94% of that construction was in settlements west of the separation barrier.
- **New construction** – a larger number of new buildings began to be constructed over the last few months in 53 different settlements. Construction began on **approx. 275 new buildings** (in each of them several housing units), only 81% of these in settlements west of the separation barrier. In addition, land has been prepared for the construction of at least another 7 buildings.
- **Mobile Structures (Caravans)²** - in some of the settlements, particularly east of the fence, new caravan neighborhoods have been established, using the "Lego System"
<http://www.peacenow.org.il/site/en/peace.asp?pi=386&fld=535>



Construction West of the Fence, Giva't Ze'ev, 5.3.08



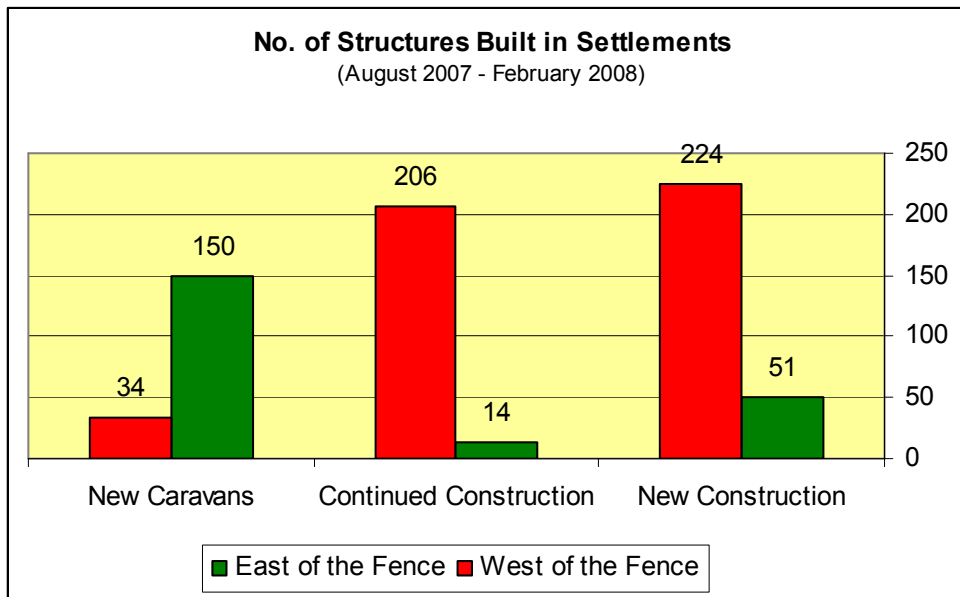
Construction East of the Fence, Eli, 11.2.08

so that construction is faster and cheaper, without a construction permits or approved planning. At least 184 new caravans were brought and installed in the settlements, some 150 of them (82%) in

¹ This part is based upon comparison of aerial photographs and on the field survey carried out by the Peace Now Settlement Watch team.

² The number of caravans does not include caravans which have been relocated within the settlement, but only new caravans.

settlements located east of the fence. Some of the settlements in which caravans were installed are: Eli, Dolev, Psagot, Ofra, Kochav Ha'shachar, Yitzhar, etc.



B. Construction in East Jerusalem

In 1967, the State of Israel annexed some 70,000 dunams of land east of the Green Line to Jerusalem, and constructed tens of thousands of housing units for Israelis on that land. One of the largest construction projects in Israel is the one in Har Homa, East Jerusalem, which began at the end of the 1990's and is still continuing today at an accelerated pace.

Another neighborhood, "Nof Zion", is located in the heart of a Palestinian neighborhood in East Jerusalem, and the construction of some 100 housing units at the place continued in the last few months and is just about completed. The goal of such construction is to make it much harder to resolve the Israeli-Palestinian conflict based on a two states solution. Such a solution would have to include a compromise in Jerusalem based on a separation between the Palestinian and the Israeli neighborhoods.

In addition, new tenders for construction and new plans have been published (see details below).



"Nof Zion" in the heart of a Palestinian neighborhood



Construction in Har Homa, East Jerusalem

C. Construction in Outposts (August 2007 – February 2008)

- **In 58 outposts** there was construction or development.
- **At least 16 new permanent structures** have been constructed in seven different outposts, and construction on eight more structure continued.
- **At least 38 new mobile structures** have been added in outposts (this does not include caravans which were relocated within the confines of the outposts).
- **53 structures in the outposts were expanded** – by constructing a new room or attaching a mobile structure.
- **No outposts were evacuated** – the Government's declaration of evacuation of two outposts seems to be misleading (see below).

In outposts established after March 2001

As part of the Road Map, the Government of Israel undertook to evacuate outposts established after March 2001, and during the Annapolis Summit, Prime Minister Olmert once again promised that they would be evacuated. Despite this promise, construction and development continued as follows:

- **At least four permanent structures** are being built in outposts established after March 2001 (two new structures in Kida, and one in each of Hill 725 and Gilad Farm.)
- **13 new caravans** were added to 11 outposts established after March 2001 (Givat Assaf, Mevo'ot Jericho, Mitzpe Yitzhar, Yair Farm, Migron, Neve Daniel North, Nofe Nehemia, Susiya North West, Asa'el, Kida and Ramat Gilad).



Preparing for new Caravans, Giva't Hatamar, 18/3/08

A sample event – illegal construction in the Derech Ha'avot outpost

One of the most extreme examples of illegal construction going on with the full knowledge of the authorities but completely uninterrupted, is the construction of the Derech Ha'avot outpost on the land belonging to the Al-Khadr village near Bethlehem. The outpost, which was established in 2001³, was established on privately owned Palestinian land, part of which had been designated “survey land”, as a first step towards turning it into “State land”. In response to Peace Now's questions, the spokesman of the Civil Administration wrote the following:

³ According to Peace Now data, the outpost was established after March 2001, and should be in the list of outposts which Israel has undertaken to evacuate as part of the first stage of the Road Map. According to the Sasson Report, the outpost was established just before that, in February 2001, however the aerial photograph of May 2001 shows that with the exception of a water tower and a container, there was no structure nor any sign of presence of settlers.

Re: Construction of the “Derech Ha’avot” outpost – El’azar

Your letter of 17/7/2007

I hereby acknowledge receipt of your letter and following is the response of the Civil Administration:

1. The outpost is illegal
2. The outpost is located on land to which the Custodian claims ownership, and apparently, in part, on private land as well.
3. The outpost does not have an outline plan nor a legally approved construction plan
4. There are approx. 25 files regarding illegal construction on the outpost and enforcement measures have been taken against them and are presently at different stages, including stop work injunctions, demolition orders, seizure of materials and tools, and complaints lodged with the Israel Police.

According to the spokesman of the Civil Administration, “illegal construction files” means that the authorities are aware of the offenses being perpetrated on the outposts and have issued demolition injunctions. However, in actual fact, construction blatantly continued before the very eyes of the Palestinian landowners who could do nothing about it.

A particularly serious incident occurred recently when construction began on a new house in the outpost, where the progress of its construction was followed very closely by former Knesset Member Yigal Bibi. Guards on the outposts give warning if police officers or Civil Administration inspectors approach – and then the laborers are hidden in one of the houses on the settlement, until the inspectors leave. Construction continued throughout the night, so that the structures can be inhabited rapidly, thereby making it difficult for the authorities to evict them.

The Palestinian landowners have lodged complaints with the police and the Civil Administration, and an attorney representing them has repeatedly approached the authorities – but nothing of any substance has been done to put a stop to the construction.

On 24/3/08, an article was published in *Ha’aretz* wherein the Minister of Defense was to approve construction plans for a new neighborhood, with 80 housing units, which is intended to link the illegal outpost with the adjacent settlement of El’azar. By so doing the Israeli government indicated that not only does it not prevent the construction, but it encourages it by confirming the de-facto annexation of the illegal outpost to the existing settlement by building a new neighborhood connection them.

In Derech Ha'avot outpost a new house rises within two weeks

7/3/08



18/3/08



Enforcement efforts – meager results

In response to a Supreme Court petition (<http://www.peacenow.org.il/site/en/peace.asp?pi=370&docid=1616>) submitted by Peace Now, demanding that demolition injunctions be implemented with regard to illegal houses in two outposts, the State submitted a list of enforcement measures (http://www.peacenow.org.il/data/SIP_STORAGE/files/6/3556.doc) that had been taken during 2007 with regard to construction on the outposts, including the demolition of structures, removal of caravans and seizure of tools. Despite that, facts in the field indicate that construction and development continued in the outposts despite the inspections, albeit in a smaller scale (see details at the link above).

On 17/3/08 declared Prime Minister Olmert that two illegal outposts had been evacuated. The two are apparently "Ofra East" – a single broken empty caravan near the settlement of Ofra, with another small caravan that was added next to it recently. This "outpost" was never counted by Peace Now as a real outpost, was truly removed. However the second outpost, "Yatir South West", 4 caravans next to the settlement of Metzadot Yehuda, was never removed. Settlement Watch Team visited the place on 28/3/08 and found the four caravans in place despite the government declarations.

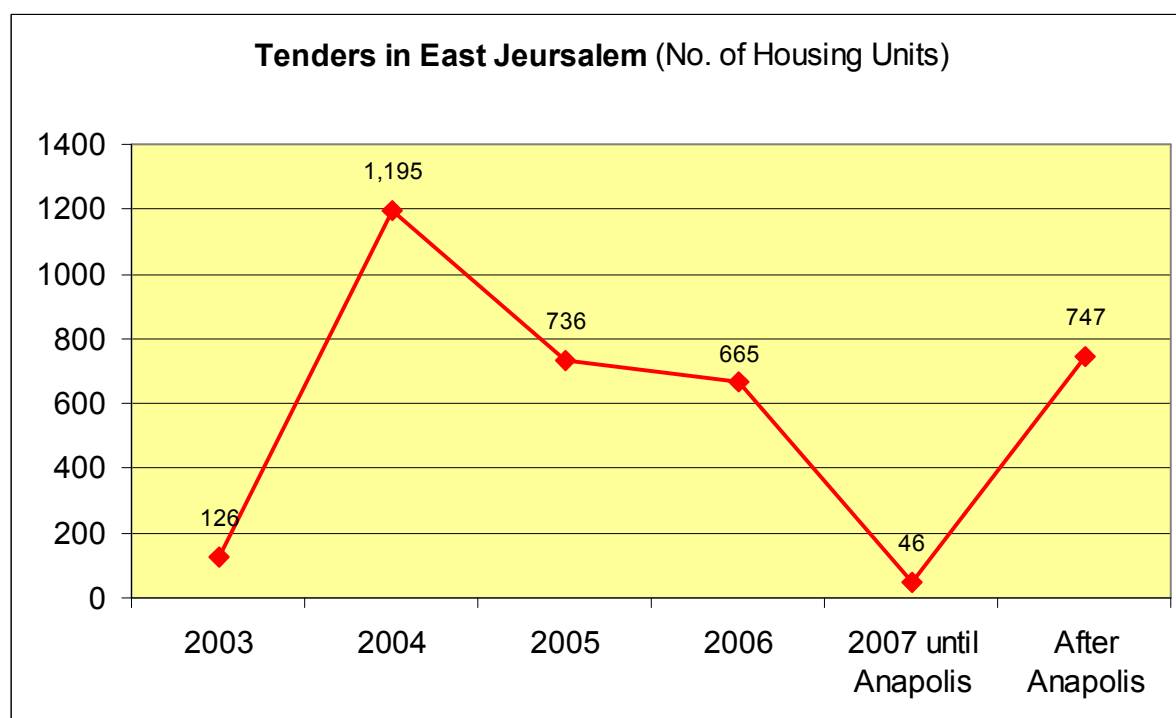
PART TWO – NEW PLANS AND TENDERS SINCE THE ANNAPOLIS SUMMIT

We have seen how, despite Olmert's announcement of "a settlement freeze", construction has been continuing in the settlements, East Jerusalem and the outposts, even after Annapolis. It is not only that existing construction has continued, but new plans have been promoted, construction tenders published and projects approved for marketing. Throughout this whole period, much has been bruited about in the media about intentions to begin new construction and about new plans being prepared, but not all have resulted in concrete actions. The Settlement Watch team has tried to follow the various publications and understand the true and concrete plans buried beneath the surface of these declarations.

A. East Jerusalem – a leap in the number of tenders and construction plans⁴

Since the Annapolis summit, several tenders have been published regarding the construction of some 750 housing units in Har Homa and East Talpiyot (and an additional tender in Gilo, for a hotel, with an option to turn it into a residence, which could result in dozens of additional housing units). In comparison, throughout all 2007 until the summit, only two tenders had been issued for the construction of a total of 46 housing units. Furthermore, new plans for the construction of some 3,648 housing units in East Jerusalem were submitted for objections (while in 2007 there were no plans in East Jerusalem deposited for objections and only two plans to construct 391 housing units were approved).⁵

Date	Settlement	Status	Number of Housing Units	Plan No.
02/12/2007	Har Homa	Building tender	307	7509
31/12/2007	East Talpiyot	Building tender	440	7984
28/01/2008	Ramot ⁶	Deposited for objections	105	6885
28/01/2008	Givat Hamatos	Deposited for objections	2337	5834A
29/01/2008	Gilo	Building tender	Hotel or altered for housing units	3062
20/02/2008	Neve Yaakov	Deposited for objections	393	6513A



⁴ The "Ir-Amim" organization (www.ir-amim.org.il) is currently working on a comprehensive report on all of the plans in East Jerusalem and their status, to be published soon. We used their help in the collection of the data regarding the plans in East Jerusalem.

⁵ The depositing of plans for objections is an important stage toward final approval of a plan. After a plan has been prepared, it is approved for depositing by the District Committee for Planning and Construction. After this stage, the public is given an opportunity to submit objections to the plan within 60 days of its publication. After having heard the objections it is possible to give the plan final approval.

⁶ The full plan in Ramot is to build approx. 1,600 housing units, but only 105 of them will be beyond the Green Line.

B. New plans in the settlements

Since the Annapolis summit, Ehud Barak, the Minister of Defense, has approved a number of plans for construction in the settlements some of which are east of the Separation Fence. The most notorious approval is the government's approval to renew the construction permits for some 750 housing units which will establish an ultra-orthodox neighborhood, Agan Ha-ayalot in the Giv'at Ze'ev settlement, on an area that will enlarge the settlement by some 1,100 dunams. Following is a list of the permits which were issued that Peace Now could find:

Settlement	Housing Units	Status
Ovnat	Unknown	Approval to implement phase 2
Elkana	32	Approval to implement phase 2
Efrat		Approval to declare land as "State Land" at "Horshot Efrat"
Efrat	Unknown	Approval to send plan to district committee
Ariel	48	Approval to market ("Neuman Neighborhood")
Beitar Illit	32	Approval to market (32 plots)
Giv'at Ze'ev	750	Construction permit approved for construction of Agan Ha-ayalot neighborhood
Talmon	Unknown	Approval to implement phase 2
Modi'in Illit	Unknown	Depositing new plan no. 210/9/1/2, with construction additions
Modi'in Illit	Unknown	Approval of plan no. 210/4/2 – change from existing plan
Ma'ale Adumim	52	Approval to implement phase 2
Negohot	Unknown	Approval to implement phase 2
Sha'arei Tikva	32	Approval for developing and marketing a new neighborhood

A total of (at least) 946 housing units

The Area of Agan Ha'ayalot in Giva't Ze'ev, in which 750 Housing units confirmed to be built



C. A new city in the Territories – Modi'in Illit

At the beginning of March, without any public announcement or ceremony and celebrations, far from the public eye, the Minister of the Interior approved the turning of the Modi'in Illit Local Council into a City. Modi'in Illit has been in the news over the past years because of widespread construction violations and many irregularities, and it “starred” in reports issued by the State Comptroller. It seems that the desire to expand the settlements is so strong that despite all the violations incurred by Modi'in Illit, it is being “rewarded” by receiving the preferred status of a “city”.



Modi'in Illit, an ultra-religious settlement, was actually established in 1996, after the Oslo Accords, and as a result of its dizzying rate of expansion, has turned into the largest settlement in the Territories today. In addition to budgetary and administrative changes, receiving the status of a city entails, in fact, a symbolic Israeli announcement that it is reinforcing and nurturing the settlement, regardless of the Permanent Arrangement.

Peace Now turned to the Ministry of the Interior within the context of a preliminary procedure for the proclamation of Modi'in Illit as a city, with a series of objections to the announcement, but the request was not deemed worthy of an official response. See Peace Now's objection here: <http://www.peacenow.org.il/site/en/peace.asp?pi=66&docid=1532>

PART THREE – THE FREEZE THAT THAWED

Since Olmert's announcement at the Annapolis Summit regarding the freeze on the settlements, dozens of declarations have been published by ministers in his government who have tried to prevent the construction freeze and therefore reduce it to the point of ineffectiveness, until, in the end, almost nothing is left of the promise that Israel would freeze construction in the settlements⁷.

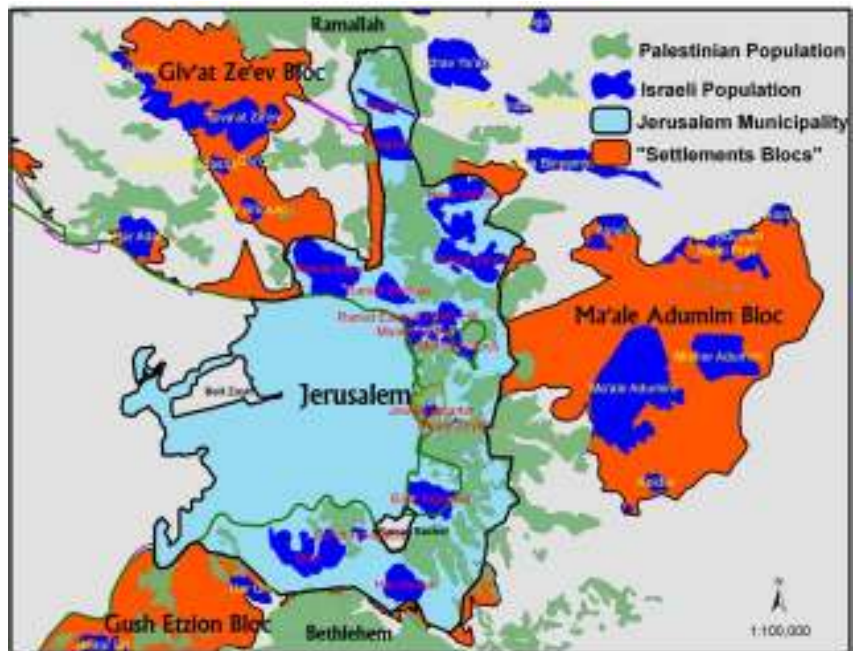
- **The first erosion: the freeze does not include projects where construction has already begun** – Olmert's announcement was not accompanied by a halt on any project which already existed, and the message was clear: there is no true intention to freeze construction, wherever construction had already begun prior to the Annapolis summit, it would continue. In contrast to Olmert, when Prime Minister Yitzhak Rabin led the negotiations with the Palestinians, he froze the settlements and even stopped projects in the middle. This meant allocating money to compensate contractors who had already begun construction on the basis of previous approvals and agreements – but Israel's interest to promote the Permanent Arrangement and the chances of a lasting peace took precedence over business commitments – the contractors were compensated and the buildings stood unfinished for

⁷ The organization of "Keshev" has published a short report on the way the Israeli Media covered the obligations of Israel and their implementation. See: www.keshev.org.il

many years. The Olmert-style freeze did not include projects which had already been started, a fact that easily led to the further erosion of the freeze.

- **The second erosion: taking East Jerusalem out of the freeze formula** – less than one month after the Annapolis Summit, the Ministry of Housing issued a tender for the construction of 307 new housing units in Har Homa in East Jerusalem. Following harsh international criticism, government elements tried to claim that the “freeze” did not include construction in East Jerusalem. Immediately thereafter, additional tenders were issued for construction in East Jerusalem and new plans were sponsored and approved at a very rapid rate.

- **The third erosion: taking “settlement blocs” out of the freeze formula** – when there was criticism regarding continued construction in the settlements outside of Jerusalem, such as Ma’ale Adumim, Beitar Illit and Giv’at Ze’ev, voices within the government began to say that for construction purposes, the settlements surrounding Jerusalem are an essential part of Jerusalem and in addition, that “the settlement blocs” (without specifying what they are) are not considered part of the freeze.



Jerusalem and “settlement blocs”

A plan for establishing an ultra-orthodox quarter in Giv’at Ze’ev, northeast of Jerusalem, was held up for several months, but ultimately, as a result of pressure from political as well as non-political elements, particularly the SHAS party – the Prime Minister also approved new construction in Giv’at Ze’ev. One of the ministers, took this one step further when, during a radio interview, he announced that Giv’at Ze’ev is “the heart of Jerusalem” (despite the fact that the planned quarter is located five Km away, as the crow flies, from the municipal city limits of “unified Jerusalem”).

- **The dissolution of the whole “freeze”** – at the same time, and without much publicity, the Ministry of Defense secretly approved a series of plans to construct and market new housing units in Ariel, Efrat, Sha’arei Tikva and in other settlements, some of which are located east of the Separation Fence.
- **The result: a building surge in the settlements and in East Jerusalem** – the facts show that despite Olmert and his government’s declarations and commitments – construction continues everywhere it had already begun; new plans and projects have been approved (particularly in East Jerusalem and in “the settlement blocs”); and finally, remote settlements, beyond the Separation Fence, were also given permits for construction and development.

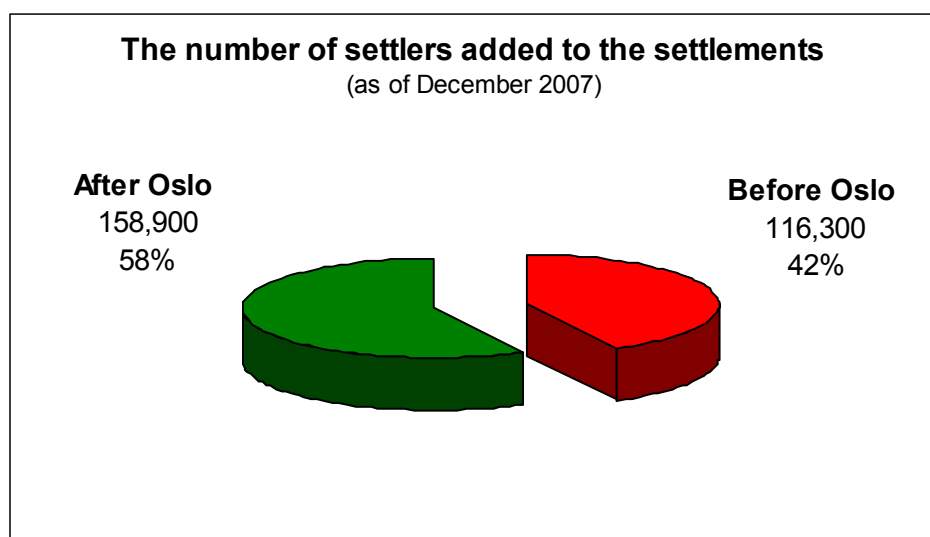
Construction in the settlement during negotiations – Once a mistake always a mistake?

A slap in the fact to the political process – one of the worst mistakes ever made by the State of Israel since the beginning of the political process was to allow and encourage construction to continue in the settlements. The Israeli public, as well as its leadership, did not understand how harsh and lethal construction in the settlements was to any chance of a Permanent Arrangement. The Palestinian opposition, which opposed the Oslo process and talks with Israel, claimed all the time that instead of bringing about the withdrawal of Israel from the Territories, an end to the conflict and a Permanent Arrangement, the Oslo Accords **doubled the number of settlers** within a period of 10 years, and let to a worsening of conditions in the occupation of the Palestinians. The frustration felt by the Palestinians in view of continued construction in the settlements despite talks on the agreement is one of the main reasons for the eruption of violence in September 2000 after Israeli leaders announced the failure of the talks at Camp David.

Any construction in the settlements, including the settlement blocs and East Jerusalem, simply reinforce the opinion of Palestinian extremists who see this as “proof” that Israel does not truly want peace, that there is no use to talk with Israel, but instead, one has to fight Israel with force.

As long as there is no Israeli-Palestinian agreement within the framework of a Permanent Agreement regarding the border between the two sides, any construction in the occupied territories, even in the "settlement blocs" and East Jerusalem, will not be legitimate, will not be recognized by the world and will be a source of continued conflict.

“Faits Accomplis” - continued construction in the settlements during the negotiations process creates facts on the ground which will probably increase the cost of an Agreement, and possibly, even prevent one. For example, massive construction around East Jerusalem cuts East Jerusalem off from the West Bank and prevents the possibility of ever establishing a Palestinian State in which East Jerusalem is its capital city. Any construction in the settlements raises the cost of a future agreement – it means more settlers to be evicted and more land to transfer to the Palestinians within the context of land swap.



The Never Ending Construction

Throughout the Oslo process Israel continued to build in the Occupied Territories. Under all Israeli governments the construction continued, and reached its peak under Barak's government in 1999-2000. The settlers' complaint regarding a "freeze" in the settlements, is no more than an ongoing trend of a relative slowdown in construction which began following the eruption of the second Intifada in the end of 2000. However, this "slowdown" is still of few thousands of new housing units every year.

