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

Colonel Tony J. Sarver

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<div align="right">Charles C. Pentland</div>

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

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

The unsolved Palestinian question is the root of the West's problems in the Middle East (Kreisky, 1985, p.30). The amount of hatred generated amongst Arabs and Muslims against the United States derives, in part from the U.S. government's unconditional support for Israel (Mubarak, 2004). In fact, Osama bin Laden successfully used this issue (among others) to attract recruits to Al Qaeda in an attempt to chastise the United States (911 Commission Report, 2004, p.50). This issue made it much easier for bin Laden to win new members. Moreover, this doesn't only apply to organizations such as Al Qaeda, but also to Hamas. A Palestinian in an Israeli prison said that he had joined Hamas because of a bad experience at an Israeli checkpoint. He was handcuffed for six hours, although he had done nothing wrong (Harel and Isacharoff, 2004, p.137). Thomas Friedman stated it well when he said that "the Palestinian problem is in the genes of every Arab. The West's problem is that it does not understand this" (Friedman, 2006).

What eventually became known as the "Allon Plan" (named after Yigal Allon, the Minister of Labour at the time) was actually never offcially adopted. Regardless, its tenets were acted upon by the Israeli government

Rift (Allon Plan) to establishing settlements in densely populated Palestinian areas (Schiff, 1985, p.66). The Likud policy for settlements was devised by Mattityahu Drobles (the Likud representative at the World Zionist Organization), and was adopted in 1978. Known as the Drobles Plan, it stated the following:

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

The chief purpose of this plan was to prevent the emergence of a new Arab country in the region. Moreover, Moshe Dayan clearly understood

In 1992, after the Labor Party defeated the Likud Party in the general elections, the Israeli policy on settlements changed again, to a freeze in the construction and expansion of existing settlements (ibid., 2003, p.283). In spite of this change in offcial policy, however, settlements continued to increase. In fact, by the time of Rabin's assassination in 1995, the number of settlers in the occupied territories had increased to approximately 150,000 (ibid., 2003, p.284). The results of the Likud policy over the years (even taking into consideration the announced policy change during the Labor government rule from 1992 to 1995), eventually resulted in over 200,000 settlers in the West Bank by the summer of 2001 (ibid., 2003, p.270).

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

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

Alongside the plan to unilaterally disengage from the Gaza Strip was the 2002 Israeli government plan to create a physical barrier to separate the a Â] p M M p]   q Â   M

244,000 Palestinians (including the Palestinians living in East Jerusalem) who live outside the Green Line inside the barrier with Israel (ibid., 2005, p.5). Although the government did not say that the separation barrier was intended to protect settlements inside the West Bank, a government decision in 2003 stated that "additional and immediate security components will be instituted to protect Israeli communities in Judea and Samaria against existing threats during the course of building the barrier in the 'seam zone'" (ibid., 2005, p.9). In fact, in 2006, Ehud Olmert (the leader of the Kadima Party and the next Prime Minister) remarked during the last day of the Herzliya Conference in 2006 that

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

The West Bank consists of only about 20 percent of historical Palestine, so when Americans and Israelis complain about a lack of willingness for Palestinian negotiators to sacrifce more, they are neglecting to mention that the Palestinians have already sacrifced a great deal, by agreeing to focus peace negotiations solely on the future of the areas Israel had occupied in 1967 – not on the entire historical land of Palestine.

During the Oslo Accords in 1994, Israel and the Palestine Liberation Organization (PLO) agreed that the West Bank would be divided up into three administrative areas: Areas A, B and C. As amended by the Wye Agreement in 1998 and the Sharm el-Sheikh Memorandum in 1999, Area A, which includes the major Palestinian cities, covers approximately 18

percent of the West Bank. Area B, which includes the built-up areas of small Palestinian towns, constitutes about 22 percent of the West Bank. Finally, Area C, which includes Jewish settlements, the main roads, the Jordan Valley, military bases, nature reserves, and many of the agricultural lands belonging to the Palestinian built-up areas of Areas A and B, constitutes about 60 percent of the West Bank (BIMKOM, 2008, p.16).

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

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

From the start of the Second Intifada in September 2000 to 31 September 2008, over 4,000 Palestinians have been killed by the IDF (including over 900 minors under 18). Over 2,000 of these Palestinians were killed while

being detained in "administrative detention," which means detention with
no charges (PASSIA, 2009, p.345).

In addi   Mdetentions, between September 2000 and February 2009,
the Israeli government conf scated over 258,000 dunums of Palestinian
land (one dunum equals ¼ of an acre) and razed over 80,000 dunums
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killed over 30 Muslims at prayer in the Ibrahimi Mosque in Hebron, the Israeli governmental reaction was to impose a curfew on Hebron's Palestinian community, while there were no restrictions on the local settler community (Feurstein, Interview, 2009).

As the occupying power (under Article 43 of the Hague Regulations), the IDF is required to enforce the law and protect all civilians in the occupied territories, not just the Israeli citizens (Yesh Din, 2006, p.16). That said, the IDF is charged by the Israeli government primarily with protecting Israeli citizens in the West Bank, so any protection of Palestinians in the West Bank comes after that (Etkes and Friedman, 2006).

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

To protect settlers in the West Bank, the IDF executes a separation policy, which has "extensively and mortally infringed the human rights of tens of thousands of Palestinians in almost every aspect of their lives" (B'Tselem, 2007, p.67). This separation policy results in unreasonable searches and evictions of Palestinians from their homes, restrictions from using certain streets if they live near settlers, and prohibition on opening shops near settlers (ibid., 2007, p.68). A lack of enforcement of the law against violent settlers tends to act as an effective deterrent against Palestinians coming near settlers, and therefore assists the IDF with their separation policy (Feurstein, Interview, 2009). Some Israeli soldiers have reported that they are occasionally ordered by their commanders not to enforce the law on violent settlers (Levental, 2008).

In addition to neglecting to enforce the law on violent settlers, soldiers sometimes join in assaults against Palestinians (Breaking the Silence, 2009) or assault them at checkpoints (Ben-Ari, 2004, 2008, p.26). In most cases, there are no investigations (Yesh Din, 2008, p.91). If a Palestinian calmly submits, the soldier gets away with his or her actions cleanly. If

Israel a large buffer zone between the West Bank and Jordan (UN, 2007, p.42), but, to the Palestinians living in the West Bank, it also ensures their complete encirclement by Israelis. When discussing the permanence of this situation with regard to future peace negotiations with the Palestinians, Ehud Olmert, during an interview on Israeli TV aired on 7 February 2006, said that "We shall keep the Jordan Valley, we can't   n an   r dr p P ÐP Ð °" K KP ÐP ÐP ÐP Ð °P ÐP °

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

The question of the Security Barrier's legality was the subject of an Advisory Opinion issued by the International Court of Justice (ICJ) on 20 July 2004. The ICJ decreed that the Security Barrier, along with its gate and permit regime, violated international law. The ICJ called on the government of Israel to cease all construction of the Barrier and to dismantle the parts that were already completed. To this day, Israel has

Area C (60 percent of the West Bank) being prohibited (ibid., 2007, p.20). These roads are primarily winding, to go around the settler roads and other obstacles (Schlomka, Interview, 2009). For a trip from Bethlehem to Ramallah, for example, it takes an Israeli using settler roads about 20 minutes. A Palestinian, on the other hand, requires at least two hours (Halaseh, a trip fr02009). The   M   M

from the majority of the Palestinian population" (Yates, 2006). With the Security Barrier, separate road networks for settlers and Palestinians and numerous checkpoints and obstacles throughout the West Bank, this is happening now. Many Palestinians do not believe that there is just a danger of Israel moving toward becoming an apartheid state, but that it already exists (Shalev, Interview, 2009).

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

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

Israeli universities (Schlomka, Interview, 2009) but some Arab students are tracked into separate classes because of their supposedly defcient Hebrew language skills. However most Palestinians who are Israeli citizens are not accepted in Israeli universities and attend separate colleges or vocational institutes instead (Zuhur, Interview, 2009). Finally through expanded settlements, continuing confscation of Palestinian land, and the practice of denying building permits for Palestinians in Area C (the 60 percent of land in the West Bank under full Israeli control), the Israeli government is completing the enclosure of all the Palestinian A and B Areas, linking them with each other by Palestinian-only roads (Shalev, Interview, 2009).

Israel's stated policies and its commitments to the United States do not refect what is actually occurring. The most egregious of these disconnects is that regardless of which political party was in power, settlements have continued to expand – even during the Oslo Process. In fact, the number of settlers has nearly doubled since the Oslo Process (Peace Now, 2008). In spite of the 2005 Sasson Report, which documented over 100 illegal outposts in the West Bank, and Prime Minister Olmert's promise to remove them, not a single one was dismantled (Peace Now, 2009). Additionally, Prime Minister Olmert said that the Security Barrier would allow Israel to reduce the number of roadblocks inside the West Bank, but instead they have increased from 475 at the beginning of his term to 600 at the end (Peace Now, 2009).

As discussed earlier, the Israeli Defense Forces, considered by many around the world to be an extremely professional military, routinely mistreats Palestinians (Breaking the Silence, 2009), even Israeli citizens with Â   th Â   th   ta   ns

Minister Ariel Sharon to conduct a thorough investigation into the issue of illegal outposts in the West Bank. She presented her results, known as the "Sasson Report," to Prime Minister Sharon in March 2005. Although under international law (the Fourth Geneva Convention) all settlements in the Occupied Territories would be considered illegal, Ms. Sasson's investigation focused solely on those considered illegal by Israeli law. These outposts, therefore only include those settlements built without Israeli Cabinet-level approval. Ms. Sasson stated that the illegal outpost phenomenon began after 1993 (during the Rabin Administration), when the Israeli government formally froze the building of settlements in the Occupied Territories. She said that this was because of Israel's international situation, in which most countries of the world (including the United States) disapproved of Israel's settlement policy (Sasson, 2005).

Ms. Sasson concluded that as of March 2005, there were over 100 illegal outposts in the West Bank, and that these were the result of rampant corruption throughout the Israeli government. Although the Israeli government did not approve Ä

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the Israeli government is either riddled with incompetence and is unable to control the actions of its ministries (and the IDF) or Israel is trying to obtain as much land as possible without incurring responsibility for the Palestinians on that land, and to do so in a manner permitting continued positive relations with the United States.

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

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

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

Although the U.S. government agrees with the need for the security

of Jews and Arabs as equal citizens would be like giving up the head or heart (Keller, Interview, 2009).

This leads to the most likely end state, which is simply a continuation of the status quo, leading to a Greater Israel and a Palestinian entity consisting of isolated enclaves – similar to the Indian reservations in the United States and Canada. In that Israel now has a guarantee of $3 billion a year from the United States for the next 10 years, it can easily afford to maintain the settlements. For the most part, the Palestinian population in the West Bank is submissive.

What this means is that Israel is not paying much of a price in either dollars or Israeli human suffering to maintain the occupation. Moreover, this status quo option allows the Israeli government to continue to acquire more land without acquiring the Palestinians to]   Ma   a

allow for the internationally accepted norm that an occupied people have

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About the Author

Colonel Tony J. Sarver is the Senior Advisor to the Deputy Chief of Staff – Administration, Iraqi Ministry of Defense, Baghdad, Iraq. Just before that, he was the Director, J1 for the Multinational Security Transition Command – Iraq. Prior to deploying to Iraq, he was the U.S. Army Visiting Defense Fellow at the Queen's University Centre for International Relations in Kingston, Ontario, Canada.

Colonel Sarver, a native from Newfoundland, has served in various command and staff positions throughout his 24 years in the U.S. Army. He commanded the 516th Personnel Services Battalion in South Korea, the Military Entrance Processing Station in Anchorage, Alaska, and the 10th Replacement Company in Fort Drum, New York. As a staff officer, he served in the American Embassy in Tunisia, with NATO in Turkey, and in the United States/Republic of Korea Combined Forces Command in South Korea as the Chief of Current Operations, as well as various other locations throughout the United States. He has conducted peacekeeping tours in Port-au-Prince, Haiti and Sarajevo, Bosnia-Herzegovina.

Colonel Sarver is a graduate of the United States Army's Airborne and Air Assault Schools, the Army War College, and the Command and General Staff College. He holds a Bachelor of Arts in Music Education from Florida State University and a Master of Science in International