

Do Not Settle!

Why there are No “Legitimate” Settlements

Settlement Watch, Peace Now, April 2021

Introduction

1. The viability of the Palestinian State is an Israeli Interest

It is in the interest of Israel and its allies that a future Palestinian state, established alongside Israel, will be able to stand on its own two feet, both politically and economically. Viability is not merely a function of the present opportunity afforded by a given space, but also of its potential to afford opportunity in decades to come. The future agreement may include some land swaps, but the amount of land Israel may annex and give in return to the Palestinian state is very limited. Continued Israeli construction inside and on the edges of some of the very settlements Israel believes it can absorb as part of a land swap deal, threatens the viability of a future Palestinian state, thereby destroying the prospects of a two-state solution.

2. How would a viable Palestinian State be guaranteed?

This paper defines some basic elements upon which a viable Palestinian state must be built. Whether it be urbanism, balanced growth, transportation network, open spaces etc., these elements must be guaranteed and fortified. The paper shows how any settlement development hinders the possibility of a viable Palestinian state, and how any attempt to draw a line between ‘legitimate’ and ‘illegitimate’ settlements would only give further legitimacy to the settlement project as a whole and may destroy the chances for peace.

3. Settlements are illegitimate and illegal

The longstanding international and U.S. government policy, states clearly that the basis for any future agreement and negotiations should be the 1967 borders. Any changes to this line must be done through agreement. Israel’s occupation of the Territories brings detrimental consequences for its internal legal and political structures as well as to its position internationally, pushing it increasingly towards the position of a pariah state, as can be seen by the recent investigation opened by the ICC against Israel for committing war crimes. United Nations Security Council Resolution 2334 of 2016 states that Israel's settlement activity constitutes a "flagrant violation" of international law and has "no legal validity".

4. The required policy toward Israeli settlements

The only effective policy toward Israeli settlements is that Israel must adhere to basic international principals and laws and must not undermine the viability of the future Palestinian state and therefore, **Israel must stop any construction in settlements.**

Standing firm over the principals is the most coherent position, which makes it harder for Israel to manipulate the discourse and to extort legitimacy to settlements and to the occupation.

Such clear position does not mean that the international community should ascribe similar gravity to every settlement construction. There are diplomatic paths to exert added pressure to prevent construction in places that pose unique danger for the future of the conflict (such as E1, E2, Givat Hamatos, etc.), without creating a list of settlements in which building is “less” prohibited.

5. Past experience

Past experience shows that whenever a new policy is adopted by international players towards settlements, Israel makes it into the opening point of long, arduous international negotiations. As an expert in tweaking the debate into its convenient field, Israel will know how to easily divert any suggestion to differentiate between settlements, into lengthy and exhausting arguments over the question of which settlements are considered “legitimate”, while avoiding the important discussion over Israel’s adherence to basic global standards and preserving a two-state solution.

When the [Roadmap](#) determined that Israel must evacuate outposts established after March 2001, the Quartet had to negotiate with Israel for years over the precise definition of “outpost” and when it was established. These negotiations went so far as to involve the U.S. secretary of state in a back-and-forth with the Israeli prime minister about four measly caravans near a settlement in the southern Mount Hebron, instead of dealing with the principles.

This was also the case with regard to Israel’s commitment under the Roadmap to freeze settlement construction, including natural growth. The Israeli government entered into lengthy, exhausting negotiations with the U.S. government in an attempt to define what constitutes “expansion” of settlements, and what could be considered as construction within the already existed “footprint” of a settlement. These Israeli manipulations were [attested](#) to by former U.S. Ambassador Dan Kurtzer.

The very same thing occurred when the Obama administration, in pursuit of an Israeli settlement freeze, embarked upon strenuous [deliberations](#) on the parameters of that freeze. After the U.S. expended great political capital, these deliberations resulted in a [10-month settlement moratorium](#), which was the most far-reaching settlement-freeze since 1967, but lasted only 10 months¹.

¹ After this achievement, the Obama administration under Secretary Kerry’s initiative turned to put the political capital on bringing the sides together to negotiations, and on “confidence building measures” such as prisoner release, abandoning the pressure against settlement expansion, which resulted with Israel [unprecedented peak in plans and tenders in settlements](#) and with no single sincere negotiations meeting between the sides.

The Settlements and the Viability of the Two State Solution

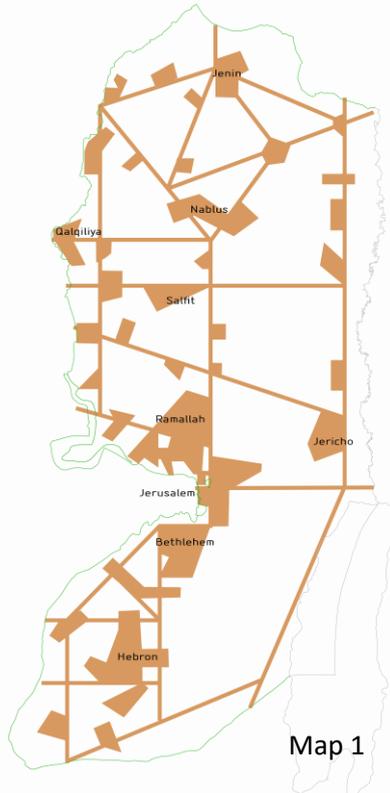
An Independent and Viable Palestinian State

It is in the interest of Israel and its allies that a future Palestinian state, established alongside Israel, will be able to stand on its own two feet, both politically and economically. The more a state of Palestine can prosper, the greater the chance that Israeli-Palestinian peace will be sustained. For a Palestinian state to be viable, opportunities for long-term growth must be guaranteed. That is to say, viability is not merely a function of the present opportunity afforded by a given space, but also of its potential to afford opportunity in decades to come.

It is clear today that any peace agreement of two states will include some land swaps. Israel will be allowed to annex some of the settlements built beyond the 1967 lines, while in return it will give the Palestinian state lands - similar in size and quality - from its own sovereign land. Whatever the land-swap line will be, it must cause the least damage to the potential development of the Palestinian state.

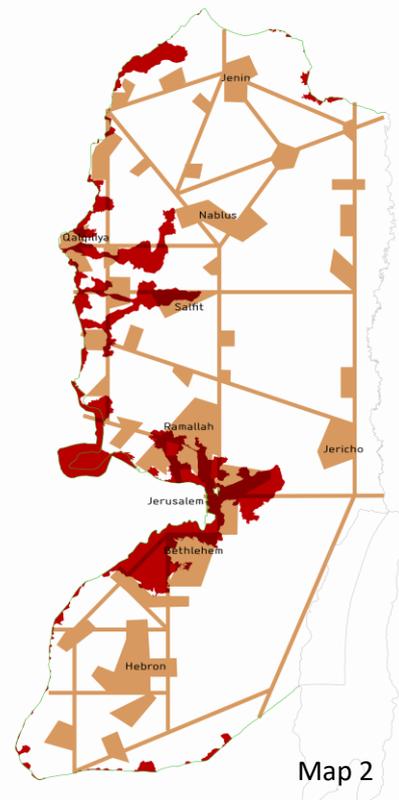
To illustrate the problem, we chose the route of the planned separation fence, but these problems apply to other lines as well. For more on the effects of a potential annexation line on the viability and sustainability of the Palestinian state, see [here](#), and [here](#), and [here](#). This same analysis indicates the necessary elements upon which a viable Palestinian state can be established.

1. Balanced Growth



Map 1 shows the development layout required for the future Palestinian state. This is a balanced, polycentric development that is based on existing localities. The map shows only the major cities, but in fact, every city, town and village constitutes part of this type of development, which cannot concentrate around a single center or avenue. Such developments are not only democratic, but also more efficient in the long term, and environmentally and economically viable. Moreover, they provide local growth opportunities to a variety of communities, allowing residents to reap the benefits of an agreement, thus enabling an agreement more stable and just.

Map 2 shows how the main “settlement blocks” cut off the most important areas of development – along the western part of the West Bank, around Jerusalem and to its south – and so, prevent the balanced type of growth described above, removing any possibility for equal opportunities in the long term, and thus the prospect of a long-term, stable agreement. Note that this cutoff of the development is made by “closer to the Green Line” settlements, such as Maaleh Adumim² and E1 which blocs the potential development of the central metropole of the West Bank (Ramallah-East Jerusalem-Bethlehem) and the settlements along the Green Line west of Nablus-Ramallah line.



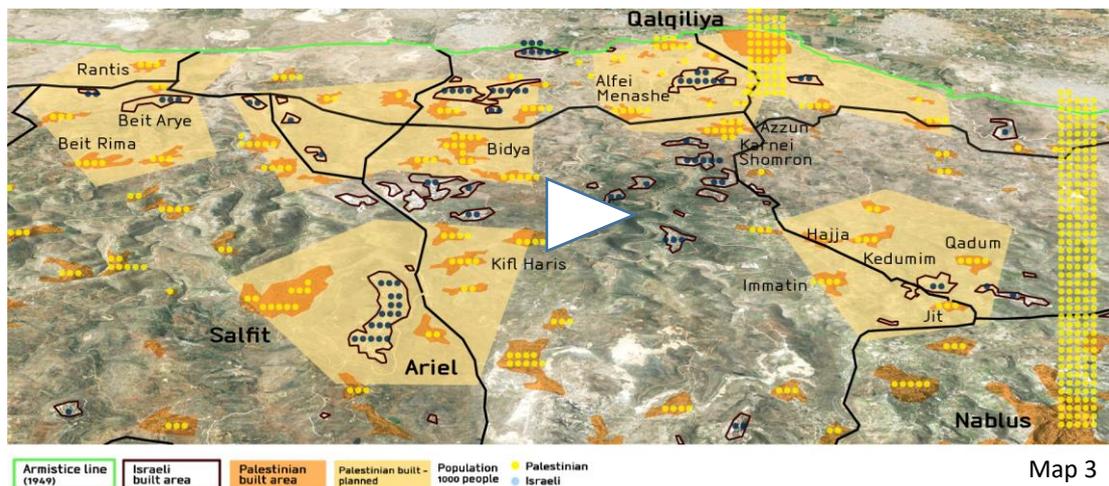
² The only way Maaleh Adumim settlement could be annexed to Israel with minimum damage to the development of a Palestinian state would be if only the settlement itself is connected to Israel with a road, while the planned E1 area and the adjacent settlements (such as Kfar Adumim and Alon) are transferred to the Palestinians, see [the Geneva Initiative model](#) as an example.

2. The Growth of Cities, Towns, and Villages

As stated, a stable and lasting peace will only be possible between two countries with equal opportunities. A simple comparison of the Palestinian GDP per capita (\$ 2,943) to that of Israelis (\$ 37,293) reveals the extent to which growth is required in Palestine.

To this end, many Palestinian localities - now cities, towns, and villages - must in the long term evolve and merge into integrated, regional urban spaces. This type of development requires high quality, continuous space.

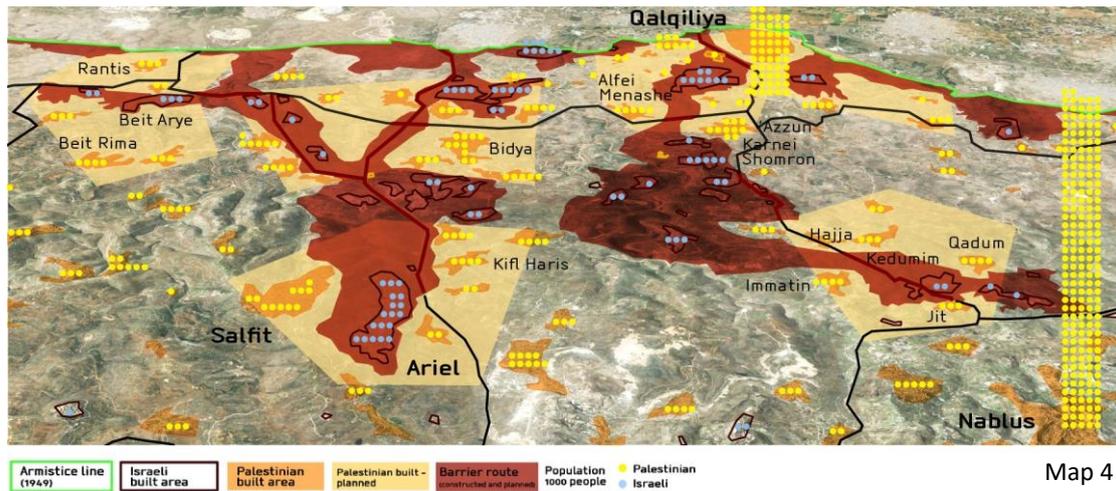
Most Palestinian cities and villages already conform to the standard density levels in Israel (for example, the density of an Israeli city ranges from 4,400 to 8,800 people per square kilometer. By comparison, Qalqiliya includes 10,200 people per square kilometer, while Bethlehem sees 5,500 people per square kilometer). Therefore, as in Israel, land reserves are required around existing Palestinian cities, towns and villages.



[Click the map](#) in order to watch a short visualization video.

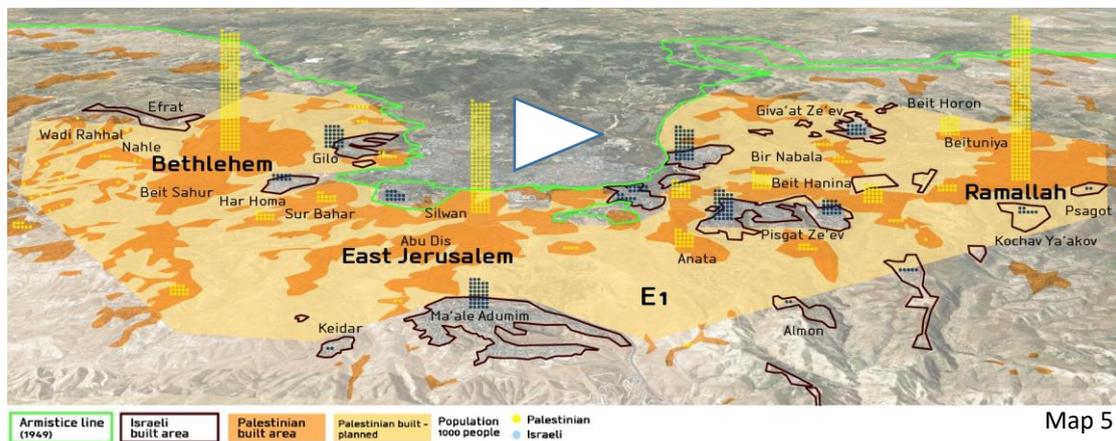
Map 3 is the area of Qalqilya and Nablus, looking west towards the Green Line. It shows the Palestinian localities (in Brown), the main roads between them, their population (yellow dots) and the Israeli settlements and their populations (blue dots). In beige are the Required Land for Development, which are meant to allow Palestinian localities to develop into village clusters with the integration of functions. Schools, shopping centers, health clinics, business districts and open spaces are shared, similarly to a single functioning city.

The map shows the way in which the settlements are limiting the land reserves of important Palestinian localities: Qalqiliya is effectively boxed in by Tzofim and Alfei Menashe; Ariel cuts off Salfit's development to the north, where most of its land reserves are located (due Wadi A-Sa'ir located to its South); Rantis is limited by Beit Aryeh, etc.



Map 4

Map 4 shows the Israeli “settlement blocs”, the way Israel would like to connect between the settlements and incorporate them into Israel. It illustrates the way in which Kedumim settlement, for instance, leaves its surrounding villages (Qadum and Jit, amongst others) small and disconnected, instead of forming a single network. Correspondingly, we would expect to see the growth of an integrated regional city between Haris, Kifl Haris, Deir Istiya and Salfit. However, Ariel and the Industrial Areas west of it prevents this from becoming a possibility. The main roads between the Palestinian towns are also cut by the Israeli “blocs”.

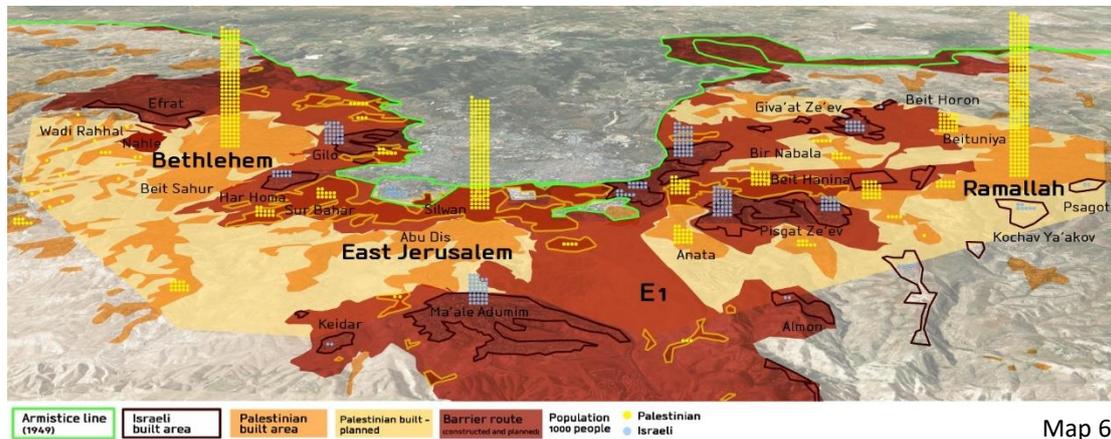


Map 5

[Click the map](#) in order to watch a short visualization video.

Map 5 shows the center of the West Bank, looking west towards Jerusalem: Ramallah in the North (on the right), East Jerusalem in the center and Bethlehem in the South. Around 1/3 of the Palestinian population of the West Bank lives in this area, with nearly 1 million people. Normally these cities would conglomerate into the central economic, social and political metropolis of the West Bank.

East Jerusalem is limited to the east by Ma'ale Adumim and E1 as well as some Jerusalem suburbs (recognized by Israel as neighbourhoods of the city); Bethlehem could extend to merge with villages to its south, but this is where A-Nahla (AKA "E2") is located – [an Israeli plan for a new settlement](#) called Givat Eitam; Ramallah and the villages to its south-west are blocked by the Givat Ze'ev settlement.

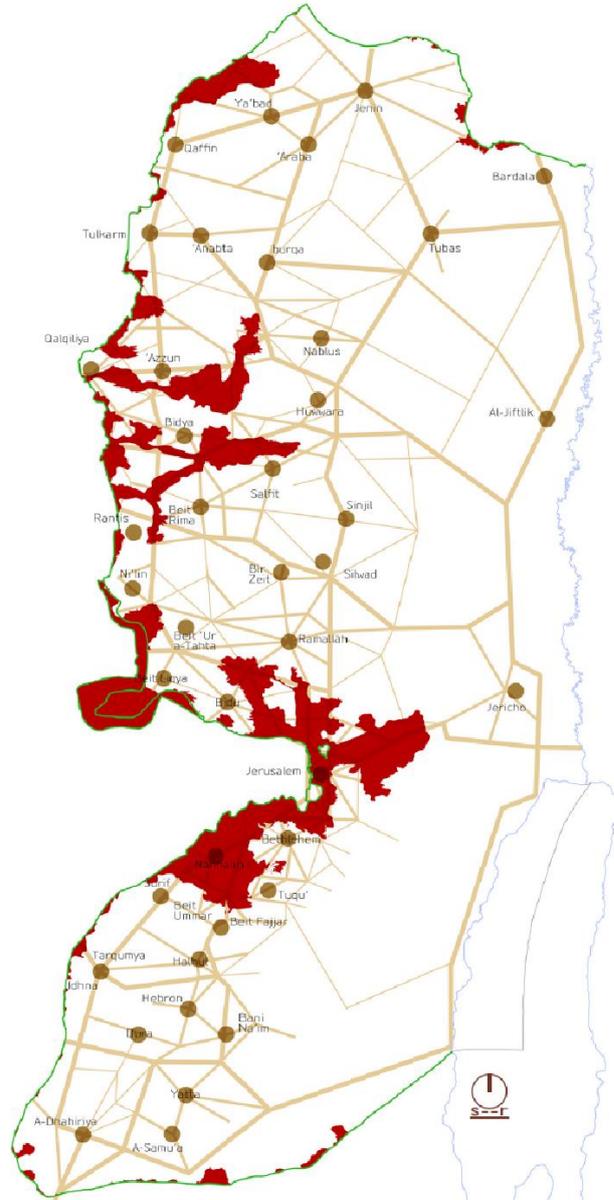


Map 6 shows what Israeli settlement blocs do to the potential Palestinian development. If Israel continues to develop those settlements and to take over more of the very little land reserve left for Palestinian growth, it will cripple the Palestinian economy before it even gets off the ground. This is part of the reason why plans like E1 (see map 6) are considered so lethal for a two-state solution.

3. Transport Network



Map 7: Main Roads and Cities Network

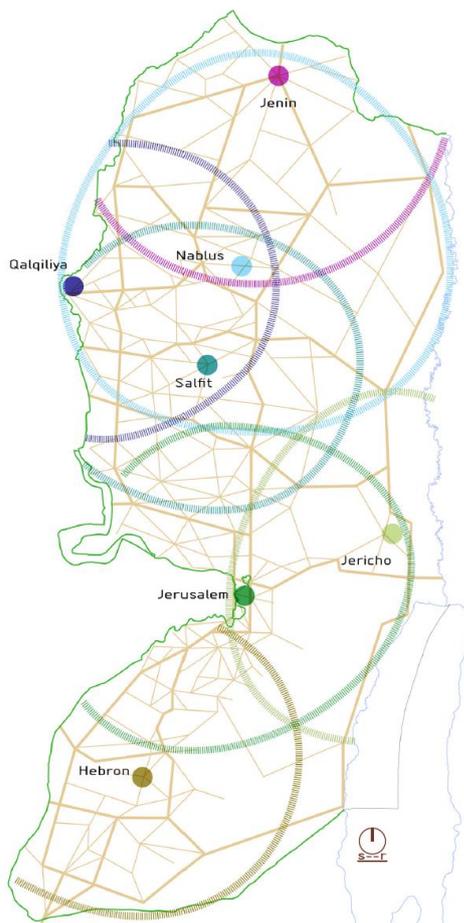


Map 8: With the Settlement Blocs

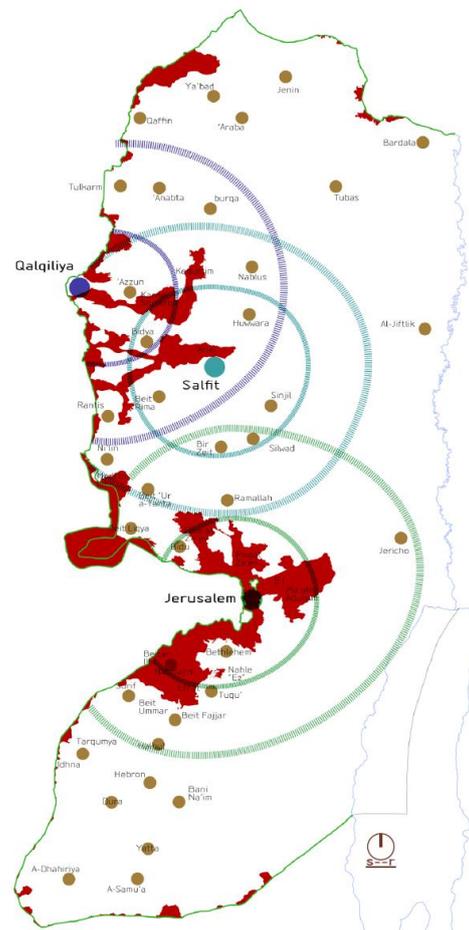
In order to create a well-connected region, a complete transport network must be set in place. As illustrated in maps 7 and 8, the western longitudinal highway connecting Palestine's most important region of future development, is interrupted by Tzofim and Alfei Menashe, and the blocks of Elkana, Beit Arye and Gush Etzyon. Latitudinal roads are cut off between Qalqiliya and Nablus (55), Qalqiliya and Salfit (5), Beit Liqya and Ramallah (443) and Jerusalem and Jericho (1). Additionally, the important highways out of the West Bank are also interrupted - Highway 1 to Jordan (interrupted by E1 area), and the planned western road connecting Nahhalin to Surif, leading through Tarqumya to Gaza.

4. Connection Circles

A comprehensive, broad and continuous transportation network should accommodate a variety of linkages between localities and within them, in the form of ‘connection circles’ set at different diameters. The overlapping of connection circles form the basis for regional development and prosperity, through access to employment, education, public services, and the transfer of ideas, and communal ties within a shared culture. For instance, a family living in Nablus may include one spouse who works in Qalqilya, while the other works in Salfit, their child may attend an after-school club in a nearby locality (with children from Qadum) whereas the entire family travels to another locality for weekly shopping and recreational excursions (alongside families from neighbouring areas).



Map 9: Connection Circles – Typical Cities



Map 10: With the settlement blocs

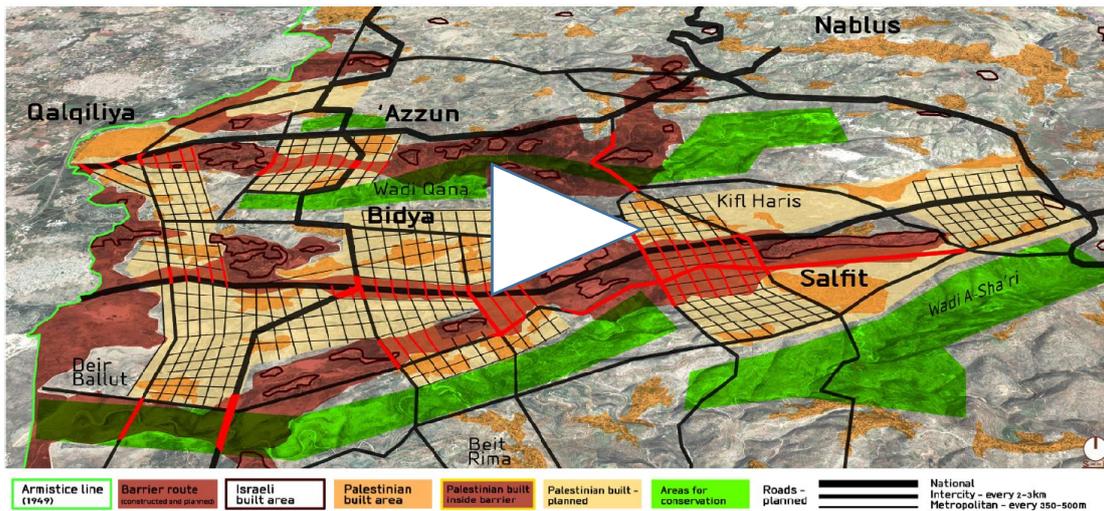
Maps 9 and 10 show connection circles around typical central cities, based on average commuting distances (such as daily work trip distances). These circles are almost entirely cut off by settlement blocs.

5. Passages

All the proposals of land swaps as part of the future agreement are planned under the assumption that Palestinian cities can be connected by means of passages such as bypass roads, tunnels and bridges. However, the partial functioning of such passages today does not guarantee full functionality in the future – a prerequisite for the realization of opportunities and spatial growth. We should think about 30 or 50 years ahead, when the villages become towns and the towns become cities with all transportation consequences. The commuting circles described above include a wide variety of roads and pathways spreading in different directions from each city, town and village, together creating local and regional networks.

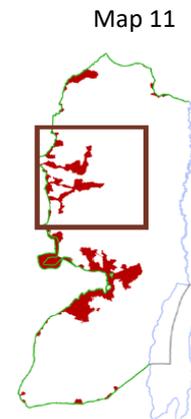
In order to explain the road system required for development let's look how a functioning developed area such as Paris overcomes physical obstacles. At the heart of Paris is the Seine river. In order to maintain functioning life in the city, there are many crossings and bridges, every few hundred meters. It is clear that the city couldn't function if it had only one or two bridges, even if they were 10 lanes wide.

This is why a continuous urban area requires a 40 meter wide passage approximately every 400 meters, while intercity roads require 100 meter wide passages at 2 to 3 kilometer intervals. This is common practice in Israel and the rest of the world.



Map 11 illustrates an example of this, showing the future development areas necessary for localities in the Qalqiliya area, and the road infrastructure required to create well-connected spaces between them. Providing the quantity of roads required for future development while preserving Israeli sovereignty in the settlement blocs is simply not viable. The passages will always be too narrow, few and far between.

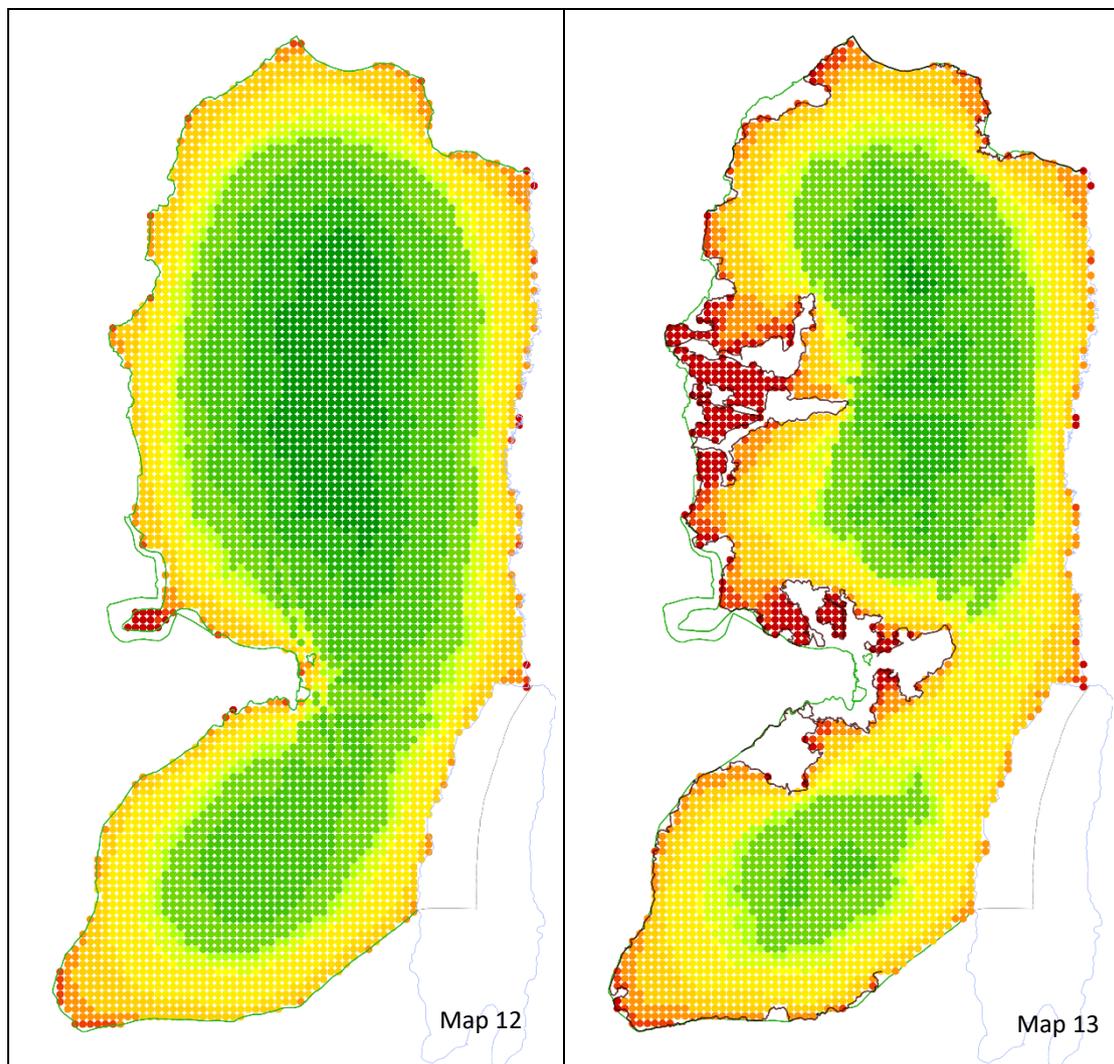
A state enjoying long-term prosperity through a joined region and society, cannot rely on an archipelago of isolated islands connected by strings of roads and bridges.



[Click the map](#) in order to watch a short visualization video

6. A Broad and Unified Area of Growth

It is impossible to anticipate all the needs and opportunities of a state in ten, twenty, or fifty years. Sustainable, long-term prosperity, requires maximum flexibility for the future, so that opportunities can be seized, allowing for equality, diversity and balanced growth to take shape, in and amongst numerous interconnected centers and points of development. This is only possible through the provision of a broad, unified, functioning, complete area of growth. One must not only consider the necessary passages between connection circles, but also the area between the centers in its entirety. That is, not only the narrow continuity of transportation, extensive as it may be, but the continuity of a wide, sovereign territory as a whole.



Maps 12 and 13 demonstrate the way in which the blocs critically reduce this wide, unified area, preventing future growth flexibility. These maps represent the potential

growth opportunities in the West Bank. The darkest green represents a complete 30 km radius of uninterrupted Palestinian territory--a reasonable commuting distance.

The yellow and red squares represent progressively less of this commuting radius, or in other words, more and more interruptions for potential growth.

Every settlement Israel annexes will directly harm the potential growth of its surroundings, turning the adjacent Palestinian localities into peripheral towns in the heart of their country and localities as dead-ends. The reduced area left for these localities provides only limited development opportunities.

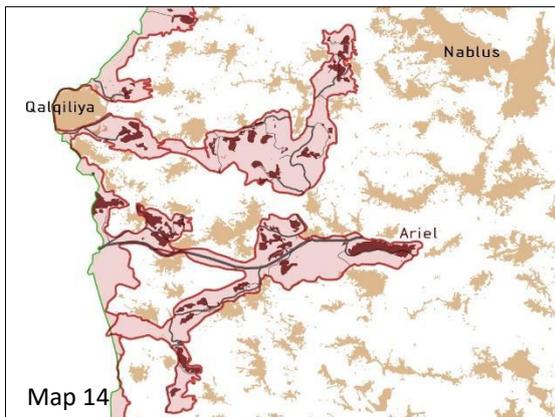
The characteristics of the area ultimately determine the characteristics of the society: continuity, width, size and density affect social and economic relations, the access to education and various opportunities, and different types of production and employment, which in turn affect culture, communal growth, and so on. The settlement blocs prevent the future growth area for prosperous Palestinian state, where localities can create shared development areas and communal affinities, where individuals and their communities benefit from a fair peace agreement. Therefore, perpetuating the blocks is in fact perpetuating the conflict.

No one expects an ideal growth potential for the West Bank (as in map 12). Obviously there need to be some land swaps for a peace agreement. But we need to minimize such harm if we are to safeguard the basic growth potential of a stable Palestinian state.

7. Settlements and Israel:

What is the Real Value of Settlements for Israel's Development?

A. Functioning and Quality of Life – The settlements in the West Bank are detached from their surrounding areas and the greater environment. They are usually enclosed by a fence and their residents cannot even go for walks beyond certain points. As far as Israel is concerned, the settlements are marginal localities with no real potential for development. Their advantages for the development of the State of Israel are few, if any, and they come at very high cost.



For example, the settlement of Ariel (Map 14), which is located kilometers away from the employment and service centers in Israel. As a dead-end town, closed on three sides, Ariel cannot become a truly functional center for the settlements in the area (it is better for settlers living west of Ariel to travel to urban centers within Israel that are located at a similar distance from them). To this must be added the high cost involved in maintaining such detached

settlements, in terms of infrastructure, transportation and security. So in terms of function, economy, social and quality of life, there is no profit in the settlements and they do not contribute to Israel's sustainable development. In the context of a two states agreement, even if it were possible to annex Ariel to Israel, it would definitely be a periphery town.

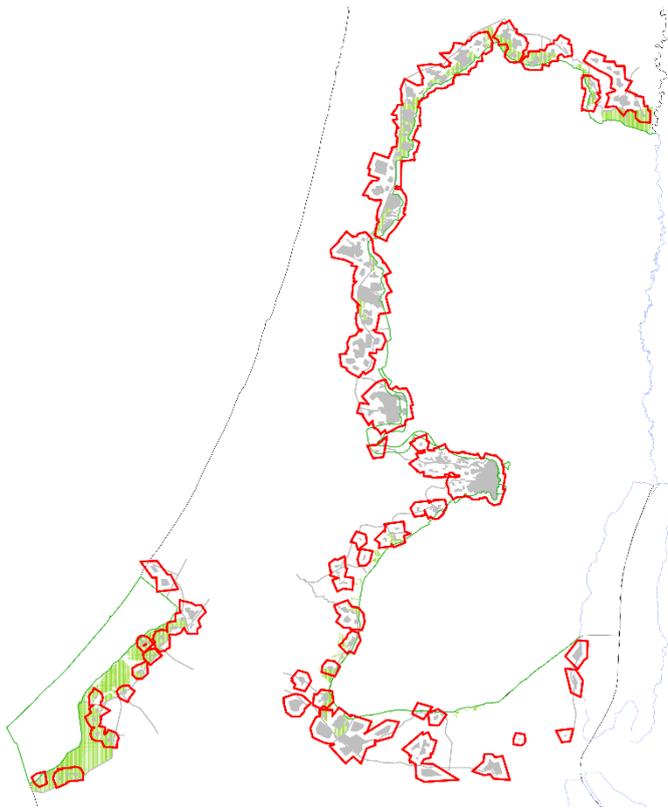
B. Security – Israel pays a very high security cost to defend its settlements in Palestinian territory. According to a [study by the Molad Center](#), about 80% of IDF forces in the West Bank are tasked with defending the settlements, and only 20% are with defending Israel. Between one-half and two-thirds of the IDF's combat force is stationed in the West Bank. In the context of a future agreement, protecting the settlements and a long, winding border surrounding them, will significantly increase the security burden for Israeli security forces.

Regarding the settlement of Ariel, former Chief of Staff Amnon Lipkin Shahak was quoted as saying that from a security point of view, it will be too hard to protect the settlement of Ariel, at the heart of the Palestinian state, connected to Israel with a string of a 20 km road.

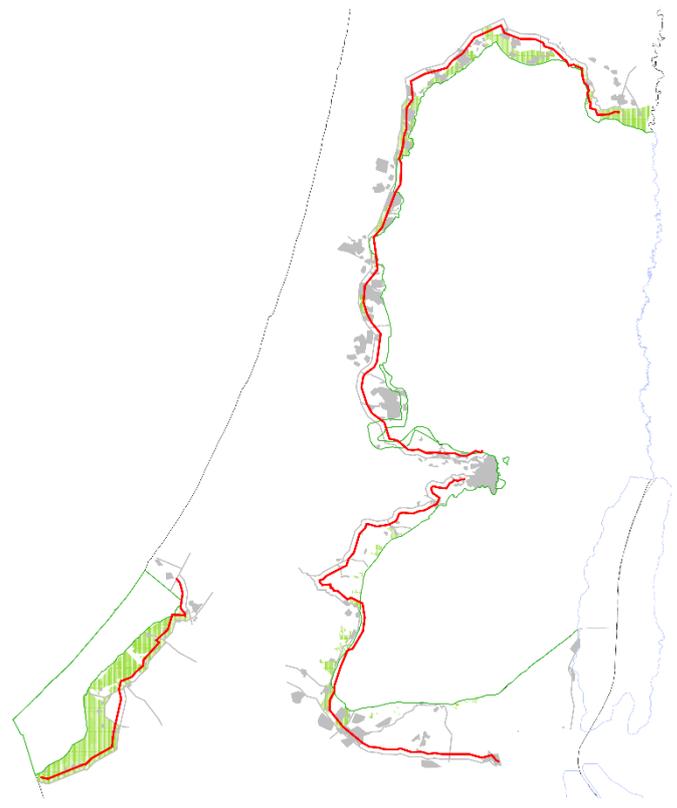
C. Land Swaps – One of the clear principles of any future settlement is that it will have to transfer an inch of its own territory to the Palestinian state, for every inch it annexes in the West Bank. The amount of land that Israel can afford to give to the Palestinians is very limited, which is yet another very heavy toll that settlement blocs take on Israel.

If Israel wants to maintain a space of one kilometer around existing Israeli localities and roads for security and potential development (according to analysis by Dr. Shaul Arieli and Dan Rotem), and if significant agricultural areas are to be preserved as well, then the map offered to the Palestinians as part of the exchange of territories would be extremely confined. The limited size of this area greatly impairs Israel's ability to annex large swaths of the West Bank.

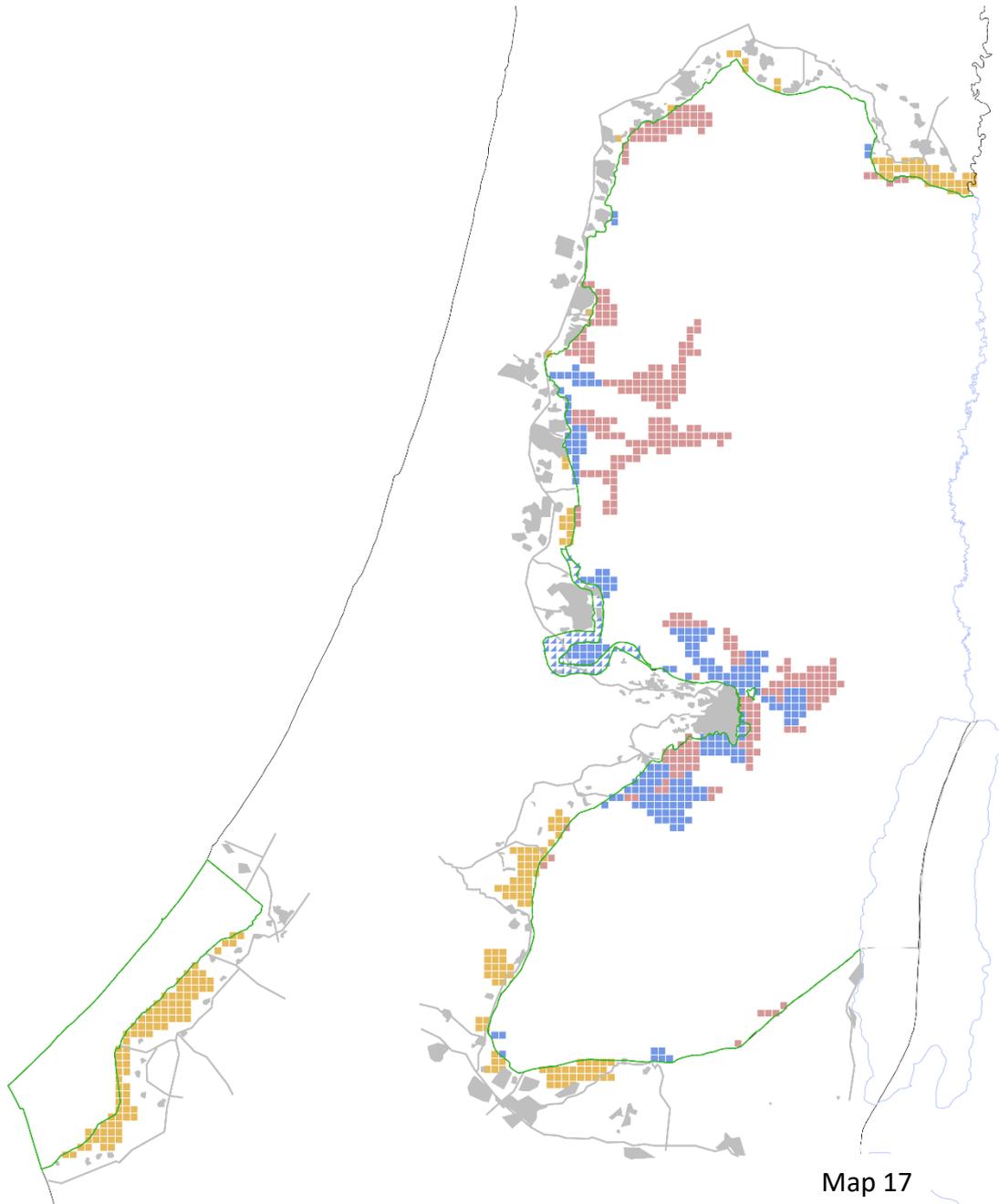
Maps 15 and 16 show the limitations of existing settlements and roads in Israel.



Map 15: 1 Km radius around Israeli localities along the Green Line and important agriculture lands



Map 16: 1 Km distance from main Israeli roads along the Green Line and important agriculture lands



Map 17

Map 17 shows the land the Israel “can afford” to give the Palestinians (in Brown) given the restrictions of 1 km radius around existing Israeli localities and distance from main roads shown above.

In Blue is an example of the amount of land Israel might be allowed to annex from the West Bank, in case of such land swaps.

In red are settlements within the “settlement blocs” that Israel cannot afford to swap with the Palestinians without critically harming Israeli localities and the potential development of them.

3. Summary

This report demonstrates that a viable Palestinian state can be established in the West Bank as part of a two states agreement. However, in order to enable the establishment of such state and to guarantee its viability we must minimize the damage caused to it by the Israeli settlements.

This means that many of the settlements that are considered to be “less problematic” in the Israeli (and to some extent in the U.S.) discourse, might become the very obstacle to peace. In order to achieve peace we must abandon this discourse and stick to the basic values and principles that all settlements are illegitimate, and that all settlements cause serious damage to the chances for peace.

We don't have another choice. The two states solution is the only solution for the Israeli-Palestinian conflict. Although Israel has created so many facts on the ground that are very hard to undo, still the chances that the Israeli public will agree to undo them and withdraw from the Occupied Territories, are much higher than the chances it will agree to live in full equality with the Palestinians allowing them full rights (which would mean at least half of the seats in the Israeli parliament).

What we need from our allies is not another surrender to the despaired voices but a firm clear voice to wake us up from the illusion that we can keep building in settlements and at the same time achieve peace and agreement.