Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers

Peace Now, 2015

A Peace Now examination demonstrates that, in recent years and especially since 2011:

- The Israeli government has resolved to **establish 25 new settlements** by way of "approving illegal outposts", 20 of them under Netanyahu. The plans for those settlements consist of **at least 4,053 new residential units, expected to serve over 20,000 residents** (initially) – more than tripling the current situation.

  20 of the settlements were approved under Netanyahu. Three additional settlements were approved prior to the Netanyahu government (Sdeh Bar, Givat HaBrecha and Tal Menashe). In two illegal outposts, Givat HaTamar and Givat HaDagan, the construction plan was approved in the 1990's, but it is the Netanyahu government that issued the tenders for its execution.

- **70% of the new settlements are isolated settlements** east of the planned route of the separation barrier (17 settlements). Only one settlement is located in an area designated as Israel under the Geneva Initiative outline.

- In order to establish 3 of the new settlements, **the government expropriated nearly 500 acres** (2,000 dunams).

- Since the Netanyahu government announced its new outposts policy (not to evict but to approve the outposts where possible) in March 2011, **there has been a 33% increase in construction at all illegal outposts** (from a monthly average of 14 residential units to an average of 19 residential units per month).

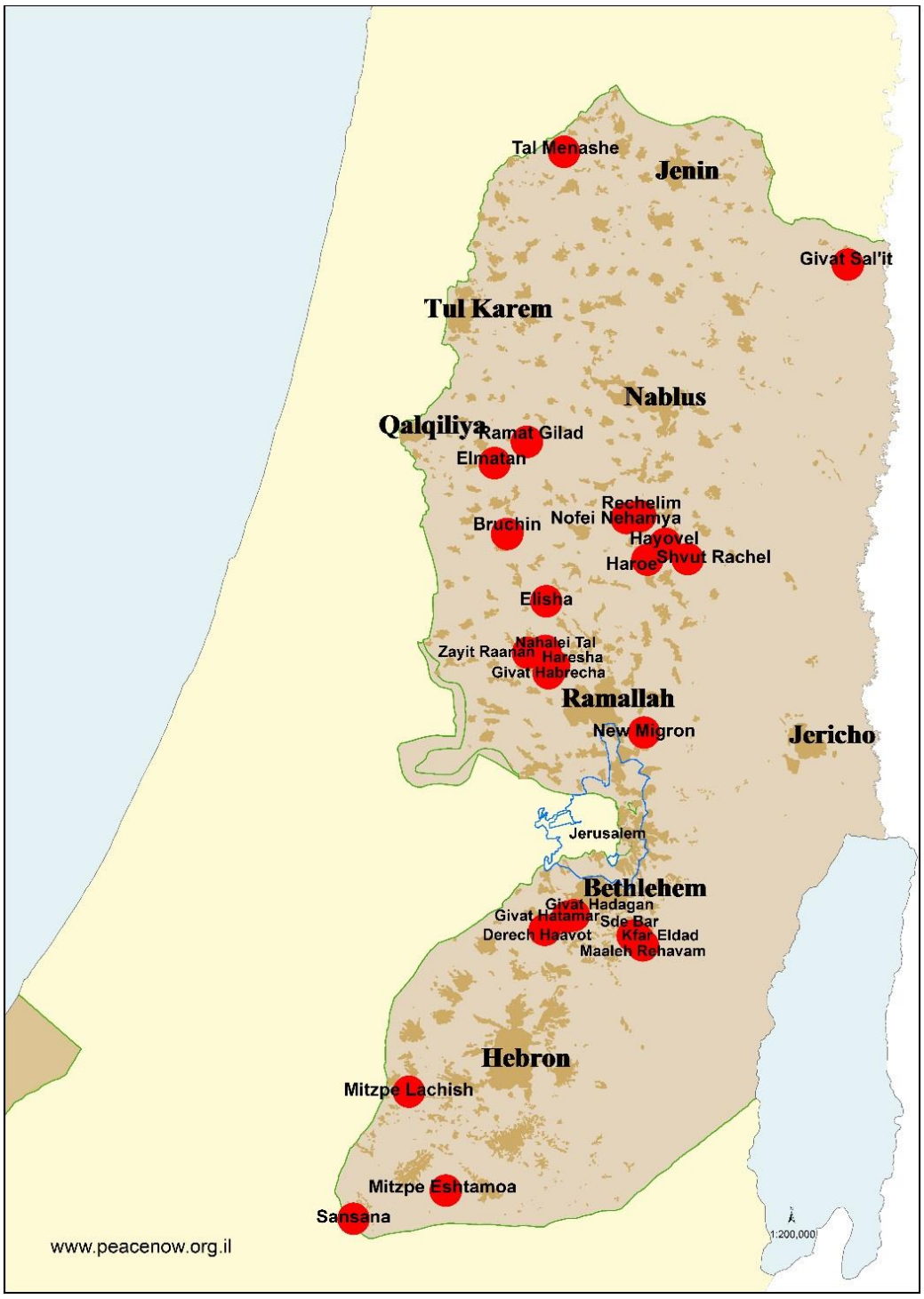
- **90% of the new settlements were established with no official government discussion** – 22 of the settlements were established upon the Minister of Defense's signing a construction plan as if it were a "neighborhood" in an existing settlement, without any publication or public discussion. Only 3 of the settlements were based on an official government resolution.

- For the first time since the 2005 Sasson Report, **three new illegal outposts** were established after the government declared its authorization policy in March 2011 (Nahlei Tal, Tzofim Tzafon, Nahlat Yossef). One of the new illegal outposts, Nahlei Tal, was already authorized and is subject to planning procedures. In addition, the government approved the establishment of **two agricultural farms**

(Givat Eitam, south of Bethlehem and Shacharit, near Qalqilya), which may provide the foundation for a new settlement, as was the case in the past.

For a thorough investigation of the legal proceedings and the methods by which the new settlements were established, see: [“Under the Radar”, a Yesh Din report on the illegal outpost authorization policy, March 2015].

For the list of the new settlements click here



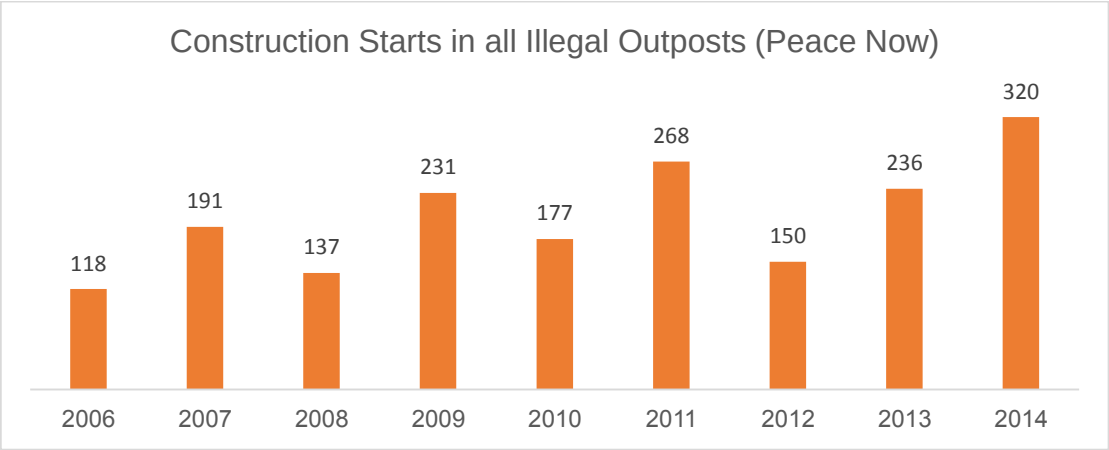
A. **The 25 new settlements**:

- **3 of the new settlements** – The government officially informed the High Court of Justice of its intention to authorize them, but the planning process has not yet begun (Ramat Gilad, Ma'aleh Rehavam, HaRoeh).
- **3 of the new settlements** – The land was declared as state land to enable planning (Derekh Ha'Avot, HaYovel, Harsha), but the planning process has not yet begun.
- **19 of the new settlements** – Authorized and approved for establishment by the political rank. Three settlements (Bruchin, Sansana and Rachelim), were approved as new independent settlements and the rest were approved as "neighborhoods" in existing settlements.
- The planning process for 11 of the authorized settlements has been completed and are subject to valid plans (Elisha, Bruchin, Givat HaBrecha, Givat HaDagan, Givat HaTamar, Tal Menashe, Kfar Eldad, New Migron, Mitzpeh Eshtamoa, Nofei Nehemia, Sdeh Bar).
- The planning process for 8 of the authorized settlements is not completed yet (Elmatan, Givat Salit, Zait Ra'anan, Mitzpeh Lachish, Nahlei Tal, Sansana, Rachelim, Shvut Rachel).
- In addition, there have been media publications over the last two years of the government's intention to authorize additional settlements, but we have no official confirmation as of yet.

Givat Hatamar and Givat Hadagan, 2012

Givat Hatamar and Givat Hadagan, 2014

B. 33% increase in illegal outpost construction since 2011



Peace Now figures demonstrate that, since the Netanyahu government notified the Supreme Court of Justice of its illegal outpost authorization policy in March 2011, by which illegal outposts built on State Land would be authorized and illegal outposts built on private Palestinian land would be evicted, there has been a 33% increase in construction at illegal outposts. While an average of 14 residential units were built in illegal outposts per month in 2006-2010, an average of 19 residential units were built per month in 2011-2014.

The figures further demonstrate that in each of the year – 2011, 2013 and 2014 – more residential units were built in illegal outposts than in any one of the years between 2006-2010.

It is important to note that, beyond the Migron illegal outpost, which was evicted by court order, no illegal outposts on private land were evicted, despite the government's declaration by which illegal outposts on private land will be evicted. In some of the illegal outposts, following pressure from the court, several of the structures were moved from private land, but in areas that are not subject to legal proceedings, the government did nothing toward eviction.

Zayit Raanan, March 2015. 314 new units are planned

C. Authorized illegal outposts – Settlements established without public discussion upon Minister of Defense approval

Three factors are required in order to establish a settlement or authorized an illegal outpost:

1. **Arranging land ownership** – Settlements cannot be legally established on private Palestinian land. In order to establish 3 of the new settlements (HaYovel, Harsha and Derekh Ha'Avot), the government implemented a draconian procedure of "Declaring State Land" **and took over 490 acres** to enable the establishment of the settlements. Another settlement (HaRoeh) is in the process of being declared as state land.
2. **Government resolution on settlement establishment** – Establishing a new settlement requires an explicit government resolution approving its establishment. To circumvent the need for a public declaration of new settlements and to avoid public criticism, the government defined most of the illegal outposts as "neighborhoods" in existing settlements (even where there is a great distance between the illegal outpost and the settlement). Establishing a neighborhood in an existing settlement requires only Minister of Defense approval to promote planning.
3. **Planning process** – In addition to land ownership and a government resolution, a planning process must be conducted for approving the construction plan. Each stage of the planning process is subject to Minister of Defense approval.

90% of the settlements established **were based on the Minister of Defense's decision to approve the promotion of a construction plan for an illegal outpost, without any publication and public discussion**. The Minister's approval of the plan does not require a government resolution, or even government notification. His approval is only discovered when the plan is brought before the Higher Planning Council of the Civil Administration. In three illegal outposts (Sansana, Rachelim, Bruchin), the government was forced to reach a government resolution on their establishment as independent settlements due to the substantial distance between them and the nearby settlement.

Illegal Outpost	Status	Authorization Method	Authorization Date	Plan No.	Planned Residential Units	Population Forecast
Elisha (Zufit)	Authorized	“Neighborhood”	11 May 2014	203/5	60	300
Elmatan	Authorized	“Neighborhood”	14 Nov. 2012	116/5	43	215
Bruchin	Authorized	New settlement	24 Apr. 2012	150	550	2750
Givat HaBrecha	Authorized	“Neighborhood”	1 Apr. 2008	235/3	300	1500
Givat HaDagan	Authorized	“Neighborhood”	8 Dec. 2011	410/5, 410/5/1	395	1975
Givat HaTamar	Authorized	“Neighborhood”	15 Jan. 2013	410/5, 410/5/1	527	2635
Givat Salit	Authorized	“Neighborhood”	2 Apr. 2012	301/2	125	625
Derekh Ha’Avot	Authorization process		6 Apr. 2014			
HaYovel	Authorization process		26 Nov. 2011			
HaRoeh	Authorization process		14 May 2013			
Zait Ra’anan	Authorized	“Neighborhood”	9 May 2013	235/2/4	314	1570
Haresha	Authorization process		26 Nov. 2011			
Tal Menashe	Authorized	“Neighborhood”	24 Aug. 2008	166/1	85	425
Kfar Eldad	Authorized	“Neighborhood”	10 Mar. 2011	411/6/1	49	245
New Migron	Authorized	“Neighborhood”	3 May 2009	Temporary Order	66	330

Illegal Outpost	Status	Authorization Method	Authorization Date	Plan No.	Planned Residential Units	Population Forecast
Ma'aleh Rehavam	Authorization process		14 May 2013			
Mitzpeh Eshtamoa	Authorized	"Neighborhood"	24 Mar. 2011	514/1/1	Educational institute	
Mitzpeh Lachish	Authorized	"Neighborhood"	12 Nov. 2013	521/1	262	1310
Nofei Nehemia	Authorized	"Neighborhood"	24 Apr. 2012	171/4 ;171	Unknown	
Nahlei Tal	Authorized	"Neighborhood"	9 May 2013	235/10	255	1275
Sansana	Authorized	New settlement	24 Apr. 2012	522	325	1625
Rachelim	Authorized	New settlement	24 Apr. 2012	171	344	1720
Ramat Gilad	Authorization process		14 May 2013			
Shvut Rachel	Authorized	"Neighborhood"	23 Oct. 2011	205/2	353	1765
Sdeh Bar	Authorized	"Neighborhood"	21 Aug. 2005	411/1/1	Educational institute	

To download a fuller and more detailed table, click here.

In all, at least 4,053 residential units were approved in the new settlements, along with two settlements that are educational institutions (yeshivas) with hundreds of students and faculty members. The population forecast for these initial plans is **~20,000 residents** in the new settlements – triple the current situation.

Nahalei Tal, 2012 Nahalei Tal, 2014

Rechelim, 2009 – approved as a new settlement

Background: Establishing Settlements under cover of "Illegal Outpost Authorization"

Method: Establishing settlements contrary to democratic resolutions ("Illegal Outposts")

Due to the profound public discord regarding the settlement policy and the far-reaching implications of their establishment on the chance of achieving peace and a two-state solution, Israeli governments have chosen to conceal their policy, executing settlement construction and development while using wily measures, far from the public eye. Since the early 1990's, Israeli governments have refrained from reaching official decisions on establishing settlements in order to avoid the public debate and criticism. In so doing, **the government established over 100 settlements**, contrary to the laws and regulations passed by the government itself, while circumventing the democratic process and creating faits accomplish. These settlements were known as "illegal outposts" or "unauthorized illegal outposts".

1990's – Establishing illegal outposts and fortifying the method

During the 1990's, the first 42 illegal outposts (at least) were established far from the public eye. Peace Now began documenting the phenomenon and revealing it to the public. In 1998, Peace Now Secretary General, Mossi Raz, along with MK Dedi Zucker, filed a petition to vacate the 42 illegal outposts established until then (HCJ 8287/98). This petition was dismissed in 1999 after Prime Minister Ehud Barak presented an agreement with the settlers on handling the outposts, whereby some would be voluntarily vacated in return for freezing and authorizing others (see below).

1999 – 2002 – "Voluntary Evacuation" – On paper only

In 1999, when Ehud Barak was elected Prime Minister, he declared that he would handle the illegal outposts by way of dialogue and accords with the settlers. Publications in October specified that Barak reached an agreement

with settler leaders by which 10 illegal outposts would be evicted, 19 would be frozen and development halted, 2 would be relocated and 11 illegal outposts would be authorized. Ultimately, all of the 10 illegal outposts that were voluntarily evacuated were later rebuilt, and all other illegal outposts were populated and developed.

In June 2001, the media reported that the Minister of Defense at the time, Binyamin Ben Eliezer, reached an agreement with the settlers for the evacuation of 15 illegal outposts. Ultimately, 13 points in which there were unpopulated containers were indeed moved, but some were later restored and developed.

In July 2002, Peace Now filed a petition to evict all 93 of the illegal outposts existing until then (HCJ 6431/02), but the petition was dismissed on the claim that it is a general petition relating to dozens of illegal outposts that cannot be discussed as one.

2003 – The Roadmap – A political commitment to vacate illegal outposts

During the Second Intifada, many international efforts were made to calm the region and find a plan that would generate dialogue between Israel and the Palestinians. Following the Tenet Report and Mitchell Report, the Quartet formulated a "roadmap" and, in April 2003, both sides officially agreed to uphold it. Under an official government resolution, Israel undertook, inter alia, to freeze construction in the settlements and to vacate all of the illegal outposts established since the Sharon government was established in March 2001.

Once the roadmap was accepted by both parties, the public and international discourse related to implementation of the commitments and negotiations commenced on the definition of freezing construction and the illegal outposts established since March 2001.

Sasson Report – Official "Exposure" of the illegal outpost method

In order to fend off international pressure and demonstrate progress, instead of simply vacating the illegal outposts, PM Sharon appointed Adv. Talia Sasson,

former senior official at the State Attorney's Office, to examine the illegal outpost issue. Adv. Sasson submitted a report in March 2005, presenting 102 illegal outposts and exposing the illegal array leading to their establishment, including construction on private Palestinian land, illegal budget allocation and violations of the Planning and Construction laws by government authorities and ministries. The report also included recommendations for rectifying the situation.

The government accepted the report recommendations and shortly thereafter established a special ministerial committee for implementation or, in other words, postponed and actually buried the implementation of the recommendations. The government's official policy became clearer than ever: the illegal outposts are illegal and cannot exist. However, in practice, nothing was done to vacate them.

2005 – Petitions to the High Court of Justice for illegal outpost evacuation – The method was halted

Following the Sasson Report, which confirmed the illegality of the illegal outposts and further exposed that some of the illegal outposts were built on privately owned Palestinian land, Peace Now filed several petitions to the HCJ, demanding their evacuation. As the matter was placed before the court, the government was forced to address the phenomenon and reach an official decision on its policy regarding the illegal outposts. In its responses to the HCJ, the government repeatedly undertook to vacate the illegal outposts, but requested that such evacuation be postponed based on various excuses (for further elaboration, see Yesh Din's report, "Under the Radar", March 2015).

As a result of public pressure, the Sasson Report, the HCJ petitions and international pressure, the method of illegally establishing outposts was halted. Not even one illegal outpost was established for approximately six years. The settlers continued to try to establish new settlements, the "Hilltop Youth" established various points throughout the West Bank but, without support from the authorities, they did not develop into actual settlements. Concurrently,

construction on privately owned Palestinian land declined, pursuant to the HCJ petitions.

2011 – Netanyahu government policy: Authorizing the illegal outposts

The proceedings related to the petitions against the illegal outposts progressed slowly and the Netanyahu government was established after the government succeeded, time and time again, to postpone the evacuation date. In March 2011, the State Attorney submitted a rejoinder to the Peace Now petition against six illegal outposts, introducing a significant shift in government policy. Instead of once again committing to illegal outpost evacuation, the government declared its intention to authorize the illegal outposts that could be authorized (i.e. on land that is not considered privately owned Palestinian land).

In practice, authorizing an illegal outpost means the establishment of a new settlement. This position is unpopular with the public and is subject to severe international criticism. Therefore, the government has chosen to avoid, as much as possible, officially authorizing the illegal outposts and declaring new settlements and, instead, chose to consider them "neighborhoods" of existing settlements. Once again, as in the illegal outpost method, the government prefers to mislead the public, conceal its true policy and present a false pretense of "merely" a formal approval of illegal construction, and not the establishment of a new settlement with far greater construction rights.

2012 – Present: New settlements and new illegal outposts

After almost seven years in which no new illegal outpost was established, three new ones were erected in 2012: Nahlei Tal, west of Ramallah, Tzofim Tzafon (north of Qalqilya) and Nahlat Yossef, northeast of Nablus. Infrastructural work was conducted in these outposts, access routes have been paved, and mobile structures have been introduced and connected to electricity and water lines – enabling the establishment of the new illegal outposts.

Concurrently, the government began to “authorize” illegal outposts, mainly those subject to an HCJ petition. Such authorization is not limited to authorization, but actually the establishment of a real settlement, as specified above.

In addition, for the first time since the Sasson Report, the government approved the establishment of two new settlement-points, agricultural farms, near A-Nahla, south of Bethlehem (“Givat Eitam”) and near Kafr A-Dik, close to Qalqilya (“Shacharit”). Based on past experience, settlements established as agricultural farms eventually become actual settlements with dozens of residents and any agricultural link is eventually forgotten (for example: Mevo'ot Jericho, Mitzpeh Yair, Sdeh Boaz, Havat Skali, HaRoeh and more).