

GUILTY!

Construction of Settlements upon Private Land – Official Data

Main findings:

According to official and up-to-date data from the Civil Administration:

- * 131 settlements are completely or partially situated on private land.¹
- * Only 31 settlements are “clean” of private land.
- * Over 32% of the land dominated by the settlements is private land.

Background

On 21 November 2006, the Peace Now Settlement Watch team published a report entitled “*One offense begets another*”² which dealt with the phenomenon of the construction of settlements on private Palestinian land. The basis for report was the database of the Civil Administration which, to the best of our knowledge, was last updated in 2004, and which Peace Now obtained unofficially.

Reminder: In 2005, the Peace Now Settlement Watch team officially asked the Civil Administration to provide the information in a systematic manner. When the request was refused, Peace Now and the Movement for the Freedom of Information appealed to the Israeli High Court of Justice, asking to receive the data. Two months after the publication of the above report, the Court ruled that the Civil Administration must immediately transmit the database to Peace Now. The present report is based upon data received pursuant to that ruling, from the spokesperson of the Civil Administration,³ and it reinforces the findings of Peace Now’s report, “One offense begets another”.

Information received from the Civil Administration

Peace Now asked the Civil Administration to provide all information regarding the status of the land on the West Bank, including private Palestinian land, survey land, State land and

¹ This number includes all of the civilian entities on the West Bank: settlements, outposts and industrial zones.

² See: <http://www.peacenow.org.il/site/he/peace.asp?pi=61&fld=191&docid=2024&pos=2>

³ In the letter accompanying the database (GIS layer), the spokesperson for the Civil Administration asked that when publicizing the information, we include the following reservations:

- a. Land owned by Israelis was not mentioned separately in the GIS layer.
- b. The GIS layer inevitably contains inaccuracies and discrepancies, the sources re the records and the basic law have to be checked with relation to land rights. Providing the GIS layer data should not in any way constitute any admission on the part of the Civil Administration and/or the State of Israel re rights of any kind to the land in the areas included in the GIS layer and/or a waiving of claims submitted by the Civil Administration and/or the State of Israel, as they are obligated to do according to the law.
- c. The GIS layer data includes technical inaccuracies that are the result of GIS limitations – GIS (Geographical Information System) is a computerized system that analyzes maps and geographic data.
- d. No claim shall be placed against the Civil Administration and/or the State of Israel on the basis of the information submitted in this GIS layer.

land owned privately by Jews. The information which was in fact transferred to us points out private land in Area C, without distinguishing between privately owned Palestinian land and land owned by Jews.

Throughout the correspondence that preceded the hearing regarding Peace Now's petition to receive the data, the State claimed that "*the information requested in very sensitive information which could affect foreign relations of the State of Israel*". It turns out that the persons involved were very well aware that the situation in which Israel made use of privately-owned Palestinian land for the establishment of settlements constitutes a serious moral, political and legal blot on the manner in which the State conducted all aspects of protecting the rights and lands of the Palestinian residents of the West Bank, and that these grim findings might not be able to withstand supreme court scrutiny.

Only one conclusion can be deduced from the official data that the State gave us: **The State of Israel established and systematically continues to establish settlements on land that is privately owned by Palestinians.**

It is important to point out that in an attempt to avoid incriminating itself, the State tried to disguise information which, in the end, it was nevertheless obliged to give to Peace Now. Therefore, in the GIS layer data which was provided to Peace Now, there is no mention of whether the private land is owned by Palestinians or by Jews. As a result, the State can claim that the lands were, in fact, acquired by Jews. Nevertheless, all evidence points to the fact that most of the land that is marked here as private land is, in fact, privately-owned Palestinian land.

Comparison with data contained in the "One Offense Begets Another" report

The data received officially from the Civil Administration reinforce the data published by Peace Now. An examination of the table specifying the amount of private land in every settlement shows that the data is analogous, with only slight differences.

According to the unofficial data of 2004, which was previously published by Peace Now, there is private land in 132 of the settlements, while according to the up-to-date data of the end of 2006, there is private land in 131 settlements.⁴

Moreover, there are settlements where the official data show that the situation is even more serious than had been published in our previous report entitled "One offense begets another". For example, in Kochav Ha-shachar, there are 868 dunams of private land more than in the data published in our original report ("One offense begets another"); in Kochav Yaakov, there are approximately 404 more dunams of private land, and in Ro'i, over 1,360 dunams more.

Small and minor differences: most of the differences are very small, amounting to a few dunams in each settlement, and these are apparently the result of inaccuracies in the computerized system, or as the Civil Administration said: "*The GIS layer data includes technical inaccuracies resulting from limitations of the GIS (Geographic Information System).*"⁵

Intrinsic differences: along with these small differences, there are a few settlements where intrinsic differences were discovered. Areas marked as private land in the original




⁴ For details regarding the manner in which settlement land is defined, see page 14 of the "One offense begets another" report: http://www.peacenow.org.il/data/SIP_STORAGE/files/8/2568.pdf

⁵ Taken from the letter from the spokesman of the Civil Administration re the official GIS layer data.

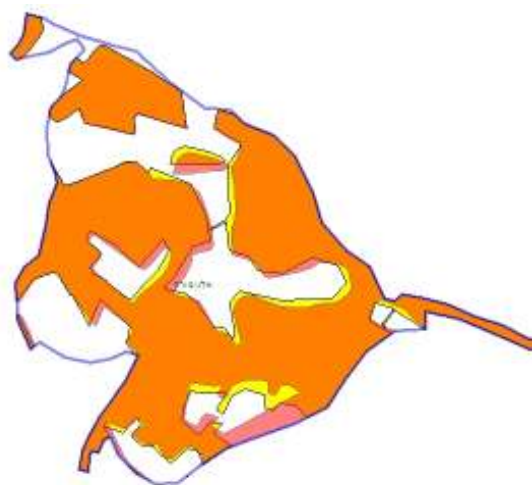
report, which is based upon 2004 data, are not marked as such here, but rather quite the opposite: Areas marked as private land here appeared in the previous report to be marked as State land.⁶

For example, see the following maps:

Legend:

	Land recorded as "private" in both the 2004 and 2006 data
	Land recorded as "private" only in the 2006 data
	Land recorded as "private" only in the 2004 data

Alon Moreh:



The differences between the maps come to 7.13 dunams.

⁶ Apparently, these differences stem from the time that has passed between the data of the previous report (valid up to 2004) and the up-to-date data that we now received. In addition, we should not completely ignore the possibility that there were a number of land acquisitions during those years, or, that some of land was declared to be State land.

Another explanation for the differences relate to the work carried out by the "Blue Line Team" which was recently established in the Civil Administration. The duties of this team are to reexamine the areas in which there is an outline plan and to determine the status of the land in the settlements. This team redresses mistakes and inaccuracies that appeared in the previous data of the Civil Administration; some of the changes that have occurred since 2004 might be the result of adjustments made by the Blue Line team.

Kedumim:



The differences between the maps come to 1.32 dunams

Pesagot:



According to the updated data, the private area in Pesagot is larger than in the data presented in the “One offense begets another” report by 160 dunams.

Ma'aleh Adumim:



The main difference between the two reports refers to the land on which Ma'aleh Adumim, a large settlement, sits. According to the “One offense begets another” report, approximately 10,965 dunams are land which is privately owned by Palestinians (constituting 86.4% of the area of Ma'aleh Adumim). In comparison, according to the up-to-date data which was officially received from the Civil Administration, only 69 dunams are private land (constituting 0.54% of the total area of the settlement). This great disparity has a significant effect upon the total amount of private land in all of the settlements.⁷

In conclusion: The most important and fundamental point was and still is: even according to official data provided by the Civil Administration, most of the settlements are situated upon privately-owned Palestinian land, and a large part of the lands of the settlements are Palestinian-owned. Contrary to the official claims of the State of Israel, and in contravention of its undertaking before the Supreme Court (HCJ Alon Moreh 1979), the State of Israel continues to establish settlements on privately-owned Palestinian land.

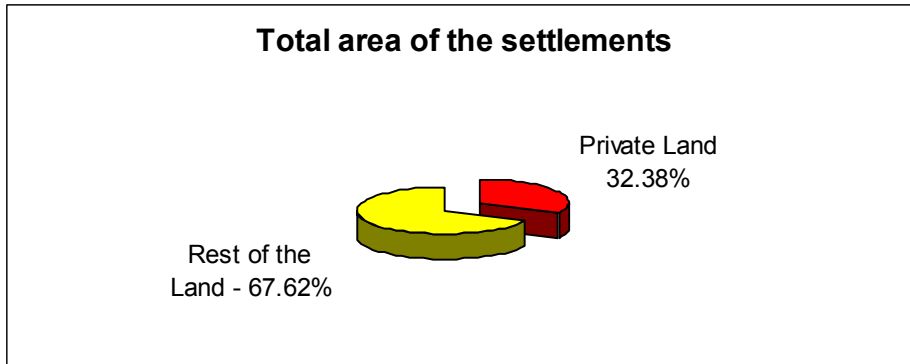
Peace Now intends to request that the Civil Administration explain the disparities in the above information.

⁷ The difference between the “One offense begets another” report and the up-to-date data comes to only 1% if one does not include the data re Ma'aleh Adumim.

Details of the findings:

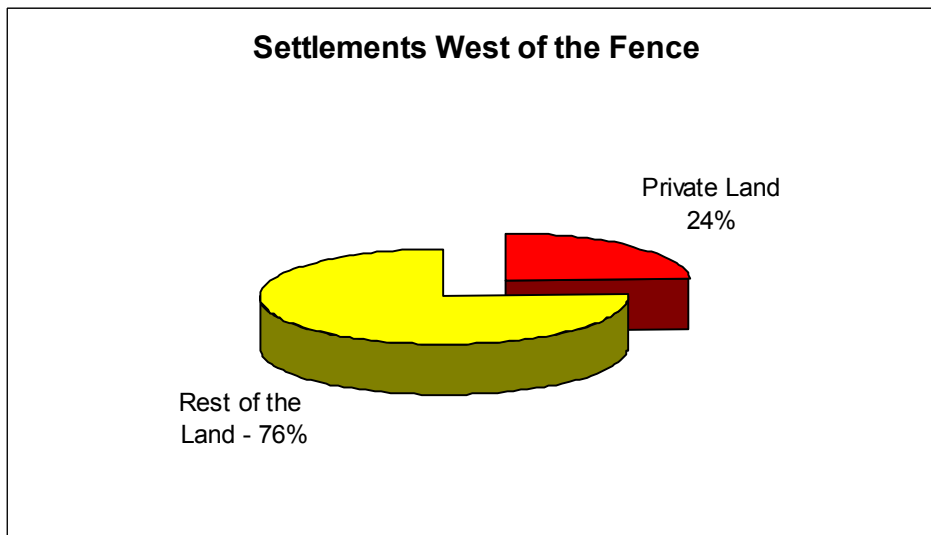
1. Total area of Israeli settlements, outposts and industrial zones in the West Bank:

	Area	Percentage
Total area	157 km ² (167,591 dunams)	100%
Private land	51 km ² (51,033)	32.38%



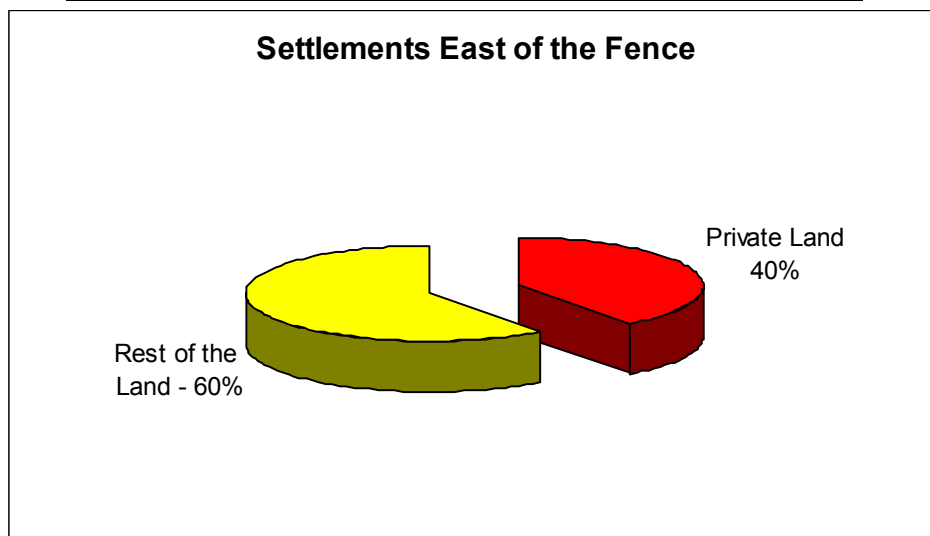
2. In the “settlement blocs” located on the “West” side of the separation fence:

	Area	Percentage
Total area	74 km ² (74,098 dunams)	100%
Private land	17 km ² (17,792 dunams)	24.01%



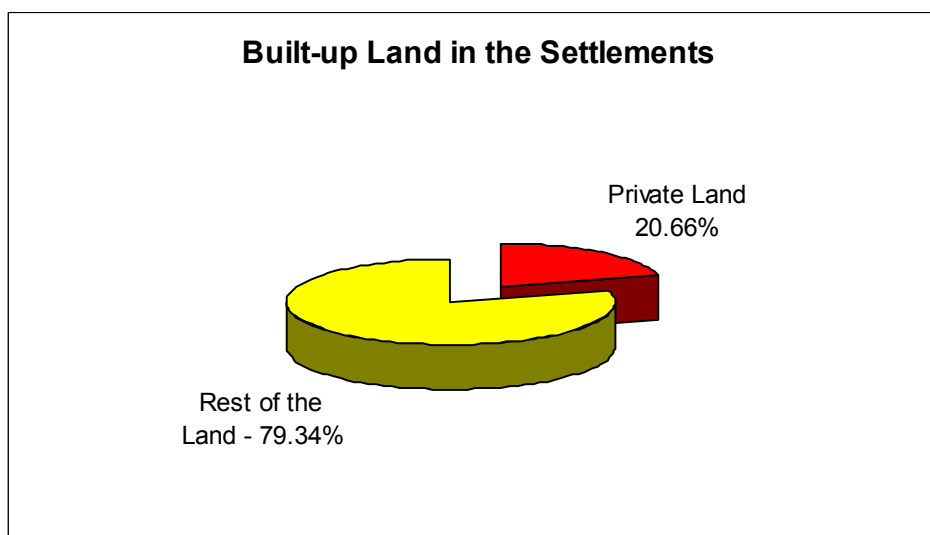
3. Settlements East of the Fence

	Area	Percentage
Total area	83 km ² (83,493 dunams)	100%
Private land	33 km ² (33,241 dunams)	40%



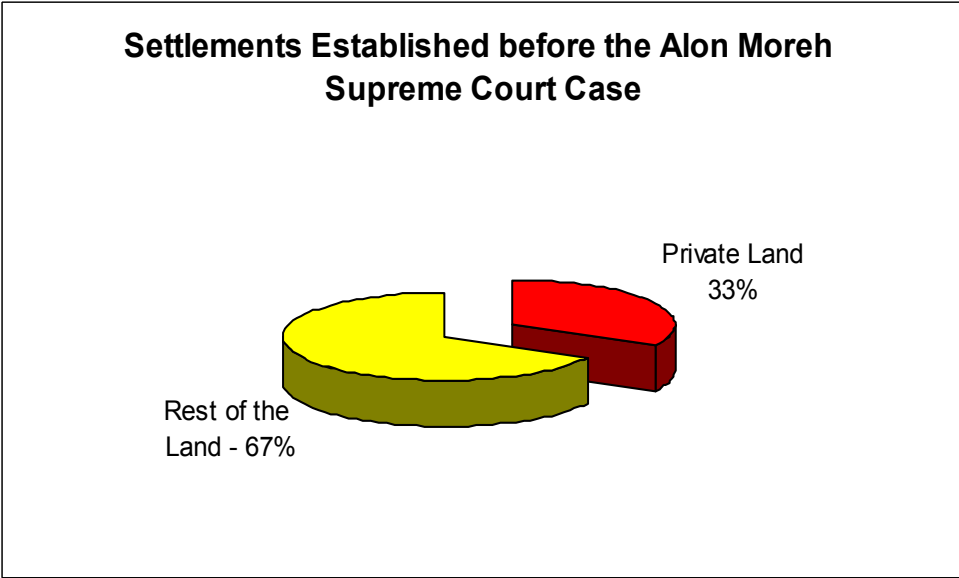
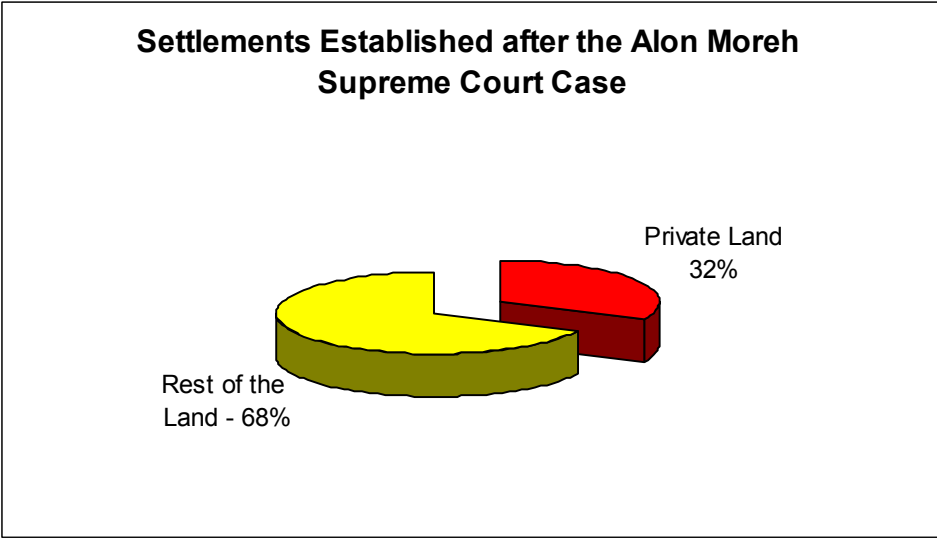
4. Built-up land in the settlements:⁸

	Area	Percentage
Total area	52.9 km ² (52,941 dunams)	100%
Private land	10.9 km ² (10,940 dunams)	20.66%



⁸ The built-up land in the settlements only includes those areas upon which there are structures or development, and not all of the area upon which the settlement is actually situated.

5. Settlements built before and after the 1979 Alon Moreh Case: 47 settlements had already been established before the 1979 ruling by the Supreme Court regarding the settlement of Alon Moreh. In this case, the Court ruled that the seizure of private land for establishing settlements was illegal. While there is indeed privately owned Palestinian land within the boundaries of these 47 settlements, the case can be made that they should be considered separately from the other settlements, since their situation pre-dates the Court decision. However, even after the Supreme Court's verdict regarding the Alon Moreh case, settlements continued to be built on privately-owned Palestinian land.



Full List of Settlements and their lands

(Note: The column "barrier" refers to the location of the settlement east or west of the separation barrier built by Israel.)

Settlement Name	Fence	Settlement Area			Private Land			
		km ²	Acres	Dunam	km ²	Dunam	Acres	Percent
Adei Ad	East	1.109	277.26	1,109	0.349	348.81	87.20	31.45%
Adora	East	0.360	89.98	360	0.130	129.62	32.41	36.01%
Ahiya	East	0.082	20.49	82	0.000	0.00	0.00	0.00%
Alei Zahav	West	0.376	93.93	376	0.044	44.44	11.11	11.83%
Alfei Menashe	West	2.576	643.91	2,576	0.667	667.10	166.78	25.90%
Alfei Menashe Industrial Area	West	0.052	13.12	52	0.003	3.32	0.83	6.33%
Alfei Menashe Nirit	West	0.049	12.29	49	0.043	42.58	10.64	86.62%
Almog	East	0.375	93.86	375	0.000	0.00	0.00	0.00%
Almon	West	0.452	112.97	452	0.196	196.49	49.12	43.48%
Alon	West	0.276	68.89	276	0.000	0.17	0.04	0.06%
Alon Shvut	West	0.850	212.55	850	0.234	234.14	58.54	27.54%
Alonei Shilo	West	0.021	5.30	21	0.000	0.00	0.00	0.00%
Argaman	East	0.355	88.87	355	0.000	0.00	0.00	0.00%
Ariel	West	7.181	1,795.35	7,181	2.252	2,252.02	563.00	31.36%
Asa'el	East	0.072	18.04	72	0.003	2.85	0.71	3.95%
Asfar	East	0.487	121.64	487	0.202	201.67	50.42	41.45%
Ateret	East	0.774	193.56	774	0.454	454.10	113.53	58.65%
Avigayil	East	0.037	9.31	37	0.001	1.49	0.37	4.01%
Avnei Hefetz	East	0.894	223.53	894	0.075	74.61	18.65	8.34%
Baron Industrial Area	East	0.771	192.79	771	0.379	379.22	94.80	49.17%
Barqan	West	0.585	146.22	585	0.107	107.38	26.84	18.36%
Barqan Industrial Area	West	1.902	475.62	1,902	0.253	252.72	63.18	13.28%
Bat Ayin	West	1.229	307.24	1,229	0.311	311.08	77.77	25.31%
Beit Arie	West	1.340	335.09	1,340	0.023	22.74	5.69	1.70%
Beit El	East	2.404	600.90	2,404	2.399	2,399.11	599.78	99.81%
Beit Ha'arava	East	0.537	134.20	537	0.000	0.00	0.00	0.00%
Beit Hanotzrim	East	0.006	1.57	6	0.006	6.28	1.57	100.01%
Beit Horon	West	0.334	83.59	334	0.104	103.84	25.96	31.06%
Beitar Illit	West	3.891	972.82	3,891	0.370	370.08	92.52	9.51%
Binyamin Industrial Area	East	0.284	70.91	284	0.000	0.18	0.04	0.06%
Bqa'ot	East	2.461	615.33	2,461	0.309	308.77	77.19	12.54%
Bracha	East	0.608	152.02	608	0.042	42.22	10.55	6.94%
Bruchin	West	0.265	66.15	265	0.015	15.47	3.87	5.85%
Carmel	East	0.329	82.33	329	0.025	24.59	6.15	7.47%
Chemdat	East	0.246	61.61	246	0.000	0.00	0.00	0.00%
Dolev	East	0.766	191.53	766	0.236	235.84	58.96	30.78%
Efrata	West	2.299	574.79	2,299	0.623	623.33	155.83	27.11%
Einav	East	0.989	247.31	989	0.243	242.66	60.67	24.53%
Elakana	West	1.444	360.95	1,444	0.763	763.21	190.80	52.86%
El'azar	West	0.446	111.42	446	0.128	128.19	32.05	28.76%

Settlement Name	Fence	Settlement Area			Private Land			
		km ²	Acres	Dunam	km ²	Dunam	Acres	Percent
Eli	East	4.151	1,037.64	4,151	2.266	2,265.57	566.39	54.58%
Elon Moreh	East	2.190	547.43	2,190	1.439	1,438.98	359.74	65.72%
Esh Kodesh	East	0.256	63.88	256	0.047	47.26	11.82	18.50%
Eshkolot	West	0.141	35.18	141	0.010	10.26	2.56	7.29%
Etz Efraim	West	0.243	60.68	243	0.243	242.72	60.68	100.00%
Geva Binyamin (Adam)	East	1.856	463.91	1,856	0.443	443.01	110.75	23.87%
Gilad Farm	East	0.031	7.80	31	0.031	31.19	7.80	100.00%
Gilgal	East	0.629	157.37	629	0.000	0.00	0.00	0.00%
Gitit	East	0.885	221.28	885	0.046	45.99	11.50	5.20%
Givat Assaf	East	0.094	23.44	94	0.094	93.75	23.44	100.00%
Givat Harel	East	0.326	81.51	326	0.215	215.33	53.83	66.05%
Giv'at Ze'ev	West	3.634	908.41	3,634	1.804	1,803.60	450.90	49.64%
Givon	West	0.112	27.89	112	0.020	19.57	4.89	17.54%
Gush Etzyon Industrial Area	West	0.428	107.04	428	0.009	9.32	2.33	2.18%
Gva'ot	West	0.134	33.61	134	0.001	0.51	0.13	0.38%
Haggai	East	0.850	212.61	850	0.337	336.95	84.24	39.62%
Halamish	East	0.760	189.88	760	0.251	250.75	62.69	33.01%
Hamra	East	0.912	227.95	912	0.000	0.17	0.04	0.02%
Har Adar	West	1.202	300.43	1,202	0.238	238.13	59.53	19.82%
Har Gilo	West	0.474	118.57	474	0.312	311.82	77.96	65.75%
Har Hemed	West	0.047	11.66	47	0.014	13.80	3.45	29.60%
Har Shmuel	West	0.285	71.31	285	0.012	11.52	2.88	4.04%
Haroeah	East	0.057	14.35	57	0.034	34.15	8.54	59.51%
Hashmonaim	West	1.053	263.27	1,053	0.122	122.37	30.59	11.62%
Hermesh	East	0.460	114.88	460	0.318	318.03	79.51	69.21%
Hinanit	West	0.761	190.33	761	0.000	0.14	0.03	0.02%
Imanuel	West	1.287	321.81	1,287	0.795	794.91	198.73	61.75%
Itamar	East	4.780	1,194.98	4,780	2.154	2,154.50	538.62	45.07%
Kalia	East	0.610	152.42	610	0.000	0.00	0.00	0.00%
Karmeit Tzur	East	0.268	66.96	268	0.073	72.96	18.24	27.24%
Karnei Shomron	West	3.131	782.82	3,131	1.455	1,454.81	363.70	46.46%
Kedumim	West	2.100	525.01	2,100	1.001	1,000.55	250.14	47.64%
Keidar	West	0.256	64.11	256	0.013	13.28	3.32	5.18%
Kfar Adumim	West	1.096	273.89	1,096	0.042	42.37	10.59	3.87%
Kfar Etzion	West	0.866	216.58	866	0.092	91.87	22.97	10.61%
Kfar Ha'oranim (Menorah)	West	0.614	153.54	614	0.460	460.13	115.03	74.92%
Kfar Tapuah	East	0.439	109.82	439	0.098	97.62	24.41	22.22%
Kiryat Arba	East	1.720	429.98	1,720	1.016	1,015.90	253.97	59.07%
Kiryat Netafim	West	0.331	82.86	331	0.184	183.66	45.91	55.41%
Kochav Ha'shachar	East	2.545	636.34	2,545	2.350	2,349.64	587.41	92.31%
Kochav Ya'acov	East	2.430	607.44	2,430	0.987	986.58	246.64	40.60%
Ma'ale Adumim	West	12.694	3,173.54	12,694	0.069	69.14	17.28	0.54%
Ma'ale Amos	East	0.498	124.46	498	0.028	27.87	6.97	5.60%
Ma'ale Efraim	East	1.746	436.61	1,746	0.049	49.00	12.25	2.81%
Ma'ale Hagit	East	0.060	15.01	60	0.006	6.13	1.53	10.21%
Ma'ale Levona	East	0.562	140.44	562	0.107	107.48	26.87	19.13%
Ma'ale Shomron	West	0.853	213.37	853	0.264	264.06	66.02	30.94%
Ma'aleh Michmash	East	1.516	379.09	1,516	1.301	1,300.74	325.18	85.78%

Settlement Name	Fence	Settlement Area			Private Land			
		km ²	Acres	Dunam	km ²	Dunam	Acres	Percent
Magen Dan	West	0.088	21.89	88	0.007	7.12	1.78	8.14%
Ma'on	East	0.717	179.16	717	0.111	110.90	27.72	15.47%
Maoz Zvi	East	0.018	4.59	18	0.000	0.00	0.00	0.00%
Maskiyot	East	0.039	9.82	39	0.000	0.00	0.00	0.00%
Masu'a	East	1.120	279.96	1,120	0.086	85.90	21.47	7.67%
Mechola	East	0.800	200.09	800	0.738	737.51	184.38	92.15%
Mechora	East	1.027	256.68	1,027	0.926	925.71	231.43	90.16%
Meitarim Industrial Area	East	0.146	36.44	146	0.019	18.67	4.67	12.81%
Metzadot Yehuda	West	0.879	219.75	879	0.265	264.65	66.16	30.11%
Mevo Dotan	East	0.828	206.97	828	0.112	111.64	27.91	13.49%
Mevo Horon	West	1.476	368.96	1,476	0.000	0.00	0.00	0.00%
Mevo'ot Yericho	East	0.331	82.71	331	0.000	0.00	0.00	0.00%
Migdal Oz	West	0.460	115.05	460	0.008	7.87	1.97	1.71%
Migdalim	East	0.231	57.79	231	0.053	53.31	13.33	23.06%
Migron	East	0.360	90.02	360	0.360	360.08	90.02	100.00%
Mitzpe Shalem	East	0.271	67.81	271	0.000	0.00	0.00	0.00%
Mitzpe Yair	East	0.209	52.35	209	0.030	29.59	7.40	14.13%
Mitzpe Yericho	East	0.768	191.90	768	0.000	0.00	0.00	0.00%
Modi'in Illit	West	4.125	1,031.18	4,125	1.958	1,957.80	489.45	47.47%
Mor Farm	East	0.088	21.99	88	0.010	9.85	2.46	11.20%
Na'aleh	East	0.763	190.73	763	0.004	3.57	0.89	0.47%
Na'ama	East	0.657	164.27	657	0.000	0.00	0.00	0.00%
Nahliel	East	0.151	37.80	151	0.000	0.00	0.00	0.00%
Negohot	East	0.322	80.54	322	0.070	69.64	17.41	21.62%
Netiv Ha'gdud	East	1.027	256.67	1,027	0.227	226.64	56.66	22.08%
Neve Daniel	West	0.457	114.36	457	0.080	79.57	19.89	17.39%
Neve Daniel North	West	0.011	2.79	11	0.004	3.76	0.94	33.72%
New Givon	West	0.228	56.89	228	0.058	57.66	14.42	25.34%
Nili	East	0.619	154.78	619	0.034	34.09	8.52	5.51%
Niran	East	0.393	98.18	393	0.000	0.00	0.00	0.00%
Nofei Nehamia	East	0.270	67.60	270	0.110	110.11	27.53	40.72%
Nofim	West	0.638	159.42	638	0.000	0.00	0.00	0.00%
Nokdim	East	1.529	382.16	1,529	0.457	457.48	114.37	29.93%
Ofarim	West	0.439	109.78	439	0.000	0.00	0.00	0.00%
Ofra	East	4.669	1,167.20	4,669	3.990	3,990.34	997.59	85.47%
Oranit	West	1.513	378.24	1,513	0.850	850.16	212.54	56.19%
Otniel	East	0.592	147.99	592	0.177	176.67	44.17	29.85%
Ovnat	East	0.076	18.96	76	0.000	0.00	0.00	0.00%
Pedu'el	West	0.594	148.54	594	0.038	38.47	9.62	6.48%
Petzael	East	1.196	299.04	1,196	0.003	3.34	0.84	0.28%
Pnei Hever	East	0.542	135.39	542	0.106	106.27	26.57	19.62%
Psagot	East	0.665	166.35	665	0.663	663.47	165.87	99.71%
Rechelim	East	0.739	184.71	739	0.416	415.85	103.96	56.28%
Reihan	West	0.401	100.34	401	0.044	44.23	11.06	11.02%
Revava	West	0.593	148.33	593	0.135	135.36	33.84	22.81%
Rimonim	East	0.308	77.12	308	0.307	307.16	76.79	99.58%
Ro'i	East	1.380	345.02	1,380	1.380	1,380.10	345.02	100.00%
Rosh Tzurim	West	0.442	110.39	442	0.000	0.19	0.05	0.04%

Settlement Name	Fence	Settlement Area			Private Land			
		km ²	Acres	Dunam	km ²	Dunam	Acres	Percent
Rotem	East	0.029	7.25	29	0.000	0.00	0.00	0.00%
Sal'it	West	0.682	170.54	682	0.443	442.90	110.72	64.93%
Sansana	West	0.196	48.99	196	0.000	0.00	0.00	0.00%
Sha'arei Tikva	West	0.987	246.75	987	0.226	225.59	56.40	22.86%
Shachak Industrial Area	West	0.339	84.87	339	0.018	18.48	4.62	5.44%
Shadmot Mehola	East	1.099	274.67	1,099	0.043	42.98	10.75	3.91%
Shaked	West	0.404	101.04	404	0.057	57.49	14.37	14.22%
Shani	West	0.060	15.05	60	0.000	0.18	0.04	0.30%
Shavei Shomron	East	0.941	235.15	941	0.658	657.90	164.48	69.94%
Shilo	East	3.362	840.46	3,362	0.959	959.07	239.77	28.53%
Shim'a	East	0.187	46.85	187	0.003	3.48	0.87	1.85%
Sneh Yaacov	East	0.073	18.31	73	0.012	11.75	2.94	16.04%
Susiya	East	1.689	422.19	1,689	0.777	777.02	194.26	46.01%
Tal Menashe	West	0.312	77.93	312	0.030	29.59	7.40	9.49%
Talmon	East	2.436	608.89	2,436	0.903	903.14	225.78	37.08%
Telem	East	0.209	52.23	209	0.014	13.53	3.38	6.48%
Tene	East	0.366	91.62	366	0.069	69.06	17.26	18.84%
Tko'a	East	1.258	314.60	1,258	0.141	140.65	35.16	11.18%
Tomer	East	0.419	104.68	419	0.000	0.00	0.00	0.00%
Tzofin	West	0.785	196.29	785	0.247	246.54	61.64	31.40%
Vered Yericho	East	0.565	141.21	565	0.031	30.74	7.68	5.44%
Yafit	East	1.297	324.20	1,297	0.000	0.00	0.00	0.00%
Yair Farm	West	0.108	26.97	108	0.013	13.46	3.37	12.48%
Yakir	West	0.569	142.19	569	0.014	14.06	3.51	2.47%
Yitav	East	0.491	122.63	491	0.118	118.09	29.52	24.08%
Yitzhar	East	1.663	415.67	1,663	0.584	584.08	146.02	35.13%
Total		157.591	39,402.44	157,591	51.033	51,032.94	12,758.23	32.38%