

## Escalation in Israel's Settlement Policy: The Creation of De-Facto Annexation

The past few months have seen unprecedented developments promoting settlement construction in the West Bank and East Jerusalem, causing severe damage to the chances of a two-state solution. Added to these developments are continued attacks on opponents of the settlement policy as well as changes in the legal interpretation of what is permitted in the context of the occupation. These trends yield a worrying and dangerous situation that could close the window of opportunity for resolving the Israeli-Palestinian conflict.

The current political environment provides an opportunity to the Israeli government, which seems to be taking advantage of the facts that the opposition in Israel is weak, the US administration presents no clear policy or defense of the two-state solution, and Europe is showing less involvement in the region. **Presently, the Netanyahu government is quickly advancing de-facto annexation of Area C to prevent the establishment of a Palestinian state alongside Israel.**

Netanyahu has no interest in actually declaring de jure annexation. Just as in the past he has refrained from verbally cancelling the Oslo Accords while in practice preventing their implementation, so too is he acting today towards de facto annexation while avoiding formal declarations that would raise the attention of the international community or the Israeli opposition. The implications of this are far-reaching for Israel, the Palestinians, and the region as a whole.

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Recent dangerous developments in Israel's settlement policy include the following:

### **A. Promotion of plans and tenders in West Bank settlements**

- **Significant increase in planning:** At the beginning of the year, Netanyahu announced that from now on, the Civil Administration's High Planning Committee meetings would be held four times a year in order to enjoy respite from public and international criticism, that would be concentrated in those days alone. The Planning Committee meetings were held in January, February, June, and October and advanced (for either depositing or validation) 88 plans that include 6,742 housing units in 59 different settlements. About two-thirds of them—4,471 housing units—are in settlements that Israel will likely have to evacuate within the framework of an agreement, as they are located outside the Geneva Initiative proposed border.

By comparison, in 2016, plans for 2,613 housing units were advanced; in 2015, 1,732 units were advanced; and in 2014, 6,929 units were advanced.

For details and expansion, see here: [October advancements](#); [June advancements](#); [January-February advancements](#).

- **A peak in tender publication:** Since the beginning of the year, tenders have been issued for the construction of 3,154 housing units in the settlements (excluding an additional tender for the construction of 130 residential units in East Jerusalem). About half of the tenders (1,533 units) were in settlements outside the route of the border proposed by the Geneva Initiative. For comparison, in 2016 tenders were

published for 42 housing units, in 2015 - 560 units, and in 2014 - 2,359 units. [For a graph of the tenders by year see here.](#)

- **Noteworthy plans:**

- **The new settlement of [Amihai](#)** - On March 30, 2017, the government officially approved the construction of [a new settlement in the West Bank, Amihai](#), with the pretext of setting up an alternative site for the evacuated settlers of Amona. This is the first time since 1991 that the government has officially established a new settlement, with the exception of [settlements established by retroactive legalization of illegal outposts](#).
- **Additional new settlements and "neighborhoods"** - Additional new settlements approved this year are [the "temporary" settlement for the settlers of the outpost of Nativ Ha'avot](#), on the lands of El Khader, and the [new Migron settlement](#) for evacuees from Migron; [Shvut Rachel II](#), and [Kerem Re'im](#). These settlements were established on the pretext of compensating the settlers for the evacuation of outposts that the High Court of Justice ordered to evict, along with the retroactive legalization of illegal construction. The Netanyahu government's policy of retroactive legalizations and compensating construction offenders sends a clear message that the illegal construction and the creation of facts on the ground are worthwhile.
- **A new settlement in Hebron** - On October 14, 2017, the Civil Administration's Subcommittee for Licensing approved a [building permit for the construction of 31 housing units](#) in the heart of Hebron, in the area that used to be the central bus station in Hebron and today serves as a military base. This far-reaching development, would comprise the expansion of the Israeli settlement in Hebron by about 20%, in the heart of one of the tensest areas, and in which the security measures taken by Israel to protect the settlers cause serious damage to the basic rights of the Palestinians in the city. This joins the [establishment of the independent administration of the Hebron settlers](#) and the government's decision [to allow the settlers who invaded the Abu Rajab house in Hebron to remain in the building](#) (a matter that is pending before the High Court of Justice).

## **B. Promotion and expansion of roads**

One way to thicken the settlements and the number of settlers in them is to create convenient and quick access roads. Highways shorten the travel time from the settlements to the main cities in Israel and allow the settlers a high quality of life at a relatively low price. Past experience shows that once a bypass road is paved, there is a sharp increase in the construction of settlements along it (e.g. see [analysis of the implications of Lieberman road](#)).

This month it was reported that Prime Minister Benjamin Netanyahu approved a [budget of 800 million NIS to promote roads](#). According to media reports, roads included in the said plan, which are already earmarked for the budget for 2018, are: the [Hawara bypass road](#), [the bypass road to Al 'Arrub](#), [the Qalandiya underpass](#), [the Lubban bypass road](#), and the [doubling of Route 446](#). For the far-reaching implications of the development of these roads, [see here](#).

On top of these plans, the Ministry of Transportation's five-year plan is set for the paving and expansion of additional roads throughout the West Bank. According to this plan, roads are being promoted for settlements deep inside the West Bank—which Israel will have to evacuate in the framework of a future agreement—of which the following are currently in the works:

- [The eastern ring road](#) between the Palestinian communities of al-Za‘ayyim and ‘Anata, in order to enable a new entrance to Jerusalem from the east, ease traffic to the settlements north of Jerusalem, and create a transportation continuum for Palestinians that will enable Israel to excuse problematic construction in E1, which is a red line for the international community. For [more details, see here](#).
- Doubling of the Tunnels Road - Currently tests and detailed planning are underway to excavate an additional tunnel to the Tunnels Road, to enable the accelerated development of the settlements in the Bethlehem area, to connect them to Jerusalem, and to save traffic congestion on the current road.
- A public transportation route from the Hizma checkpoint to Pisgat Ze'ev, currently under construction, is intended to facilitate entry into Jerusalem for settlers to the north of Jerusalem and east of Ramallah.
- A [grade separation in Adam Square](#) - currently under construction. The movement from north to south (mostly settlers) will pass on a highway beneath the existing junction, which will continue to serve traffic towards Qalandiya (mostly Palestinians). It is intended to ease the traffic jams of the settlers north of Jerusalem and east of Ramallah.
- [Nabi Elias bypass](#) - These days work is being completed on the Nabi Elyas bypass road, near Qalqiliya, intended to ease the movement of settlers around Karnei Shomron and the surrounding area.

Likewise, in September the [Rosmarin Interchange](#) was inaugurated on route to the Tunnels Road, which allows settlers from the settlements south of Bethlehem a continuous route without traffic lights from the center of the country to Gush Etzion.

It should be noted that the construction of roads involves the expropriation of extensive areas of Palestinian land. All roads are planned from the Israeli point-of-view of the development of the settlements, and even if in some cases the Palestinians may benefit from these roads, they are not paved according to a planning conception of Palestinians' needs, and therefore most of the roads are used by settlers and very few Palestinians. This raises the question of Israel's legal excuse for expropriating land in order to build roads in the Occupied Territories, claiming that the roads will also serve the protected Palestinian population.

### **C. Developments in East Jerusalem**

[On September 5, 2017, the Shamasna family was evicted](#) from its home in Sheikh Jarrah, following a claim by settlers who purchased the property with the assistance of the Israeli General Custodian. The evacuation apparently took place after the government allowed a five-year-old verdict against the family to be implemented. The evacuation marked the opening of the floodgates to various plans that threaten the future of Jerusalem and the

chances of a compromise of two capitals in Jerusalem. On July 16, [four plans for settlements were approved in the heart of the Palestinian neighborhood of Sheikh Jarrah](#). In tandem, plans were approved for [some 2,000 units](#) in Israeli neighborhoods in East Jerusalem.

In October, the Jerusalem Municipality approved a [building permit for the construction of 176 housing units](#) for settlers in the heart of the Jabel Mukaber neighborhood. In October, it was revealed that work had begun on [preparing the tender for construction on Givat Hamatos](#) - a plan considered lethal and a red line in terms of the chances of a two-state solution.

If this were not enough, initiatives [to remove Palestinian neighborhoods from Jerusalem](#) and establish municipalities for them (like the Bantustans of South Africa) began to be promoted in the Knesset. After the proposed annexation law—which called for the expansion of the municipal boundary of Jerusalem to include about 130,000 settlers in the settlements around Jerusalem—[was removed from the agenda](#) under American pressure, [Minister Elkin announced the promotion of the initiative](#) to separate Palestinian neighborhoods from Jerusalem.

In addition, it was recently reported that the Ministry of Finance transferred millions of shekels to the Housing Ministry for [planning a new settlement of 10,000 housing units in Atarot](#), in the heart of the Palestinian continuum between Kafr Aqab and Beit Hanina.

All these developments, if realized, will create a situation that will make it very difficult for a future Israeli government to evacuate the settlements needed to allow the establishment of a Palestinian capital in East Jerusalem, and thus constitute a real threat to the two-state solution. If according to the Clinton parameters the Jewish neighborhoods in Jerusalem will be part of the capital of Israel and the Palestinian neighborhoods will become the future Palestinian capital, the Israeli government is now actively working to increase the number of settlers living in the heart of Palestinian neighborhoods, thus making it difficult for a future compromise in the city.

#### **D. Accelerated growth in the settler population that Israel will have to evacuate in an agreement**

One of the important elements that will affect the ability to reach a two-state solution is the number of settlers Israel will have to evacuate within the framework of the agreement. Data from the Central Bureau of Statistics (CBS) in recent years indicate a worrying trend of accelerated growth in settlements that Israel will likely need to evacuate based on the Geneva Initiative proposed border. According to CBS data released last September, as of December 31, 2016, there are 399,300 settlers in the West Bank (excluding East Jerusalem), 172,185 of whom live in settlements east of the Geneva Initiative proposed border.

In 2016, 13,400 settlers were added to the settlements, 6,427 of them (48%) in settlements that Israel will likely have to evacuate. Since Netanyahu was elected prime minister in 2009, 43,604 settlers have been added, whom Israel will probably have to evacuate (constituting 40.3% of the total number of settlers added in those years).

In addition to the four aforementioned trends, there is **a change in the legal interpretation** of the government and the Attorney General regarding questions of what is permitted and

prohibited in the settlements. This includes, for example, the [authorization to use abandoned properties for the benefit of a settlement](#), dissolving a partnership for this purpose, and [various other proposals](#) enabling the [actual expropriation of land](#). These changes and the massive authorization of settlers' illegal construction effect the normalization of the settlements and send the message that the settlements are part of Israel for all intents and purposes.

At the same time, the trend of reducing the Palestinian presence and increasing the scope of house demolitions of Palestinians in East Jerusalem and Area C continues. Recall the announcement to the High Court of Justice on September 24, 2017, of the intention to [demolish Palestinian homes in Khan al-Ahmar until April 2018](#). These measures, intended to prevent the physical presence of Palestinians in areas under Israeli control, along with initiatives to remove the Palestinian neighborhoods east of the separation barrier in Jerusalem, as well as granting special status to Hebron settlers, are part of creating a separate system for Israelis and Palestinians in the Occupied Territories.

To all these must be added the attacks on democracy and on those who try to oppose these moves. In recent weeks, [Netanyahu has announced that a parliamentary committee of inquiry](#) will be set up for organizations working on human rights and settlement issues that are receiving funding from donor countries as well as the promotion of a new NGO law. He also announced his support for a bill that would allow the closure of organizations defined by the law as working “against the IDF.”

### **Summary**

All of the abovementioned developments attest to a quantum leap in the promotion of annexation and the blocking of the possibility of a two-state solution. With the speed of developments all across the West Bank and East Jerusalem—and as red lines are being crossed—we are approaching the final stretch before a two-state solution will be almost impossible, and the anticipated situation will be the long years of bloody conflict of Israeli rule over the Palestinians without hope for change. Thus even with the lack of a final status agreement in sight, it is our duty today to prevent silent annexation efforts and to assure the possibility of a two state solution on the ground.