

# Return of the Outpost Method

## 32 new unauthorized settlements under the Netanyahu government

*Settlement Watch, Peace Now, July 2019*

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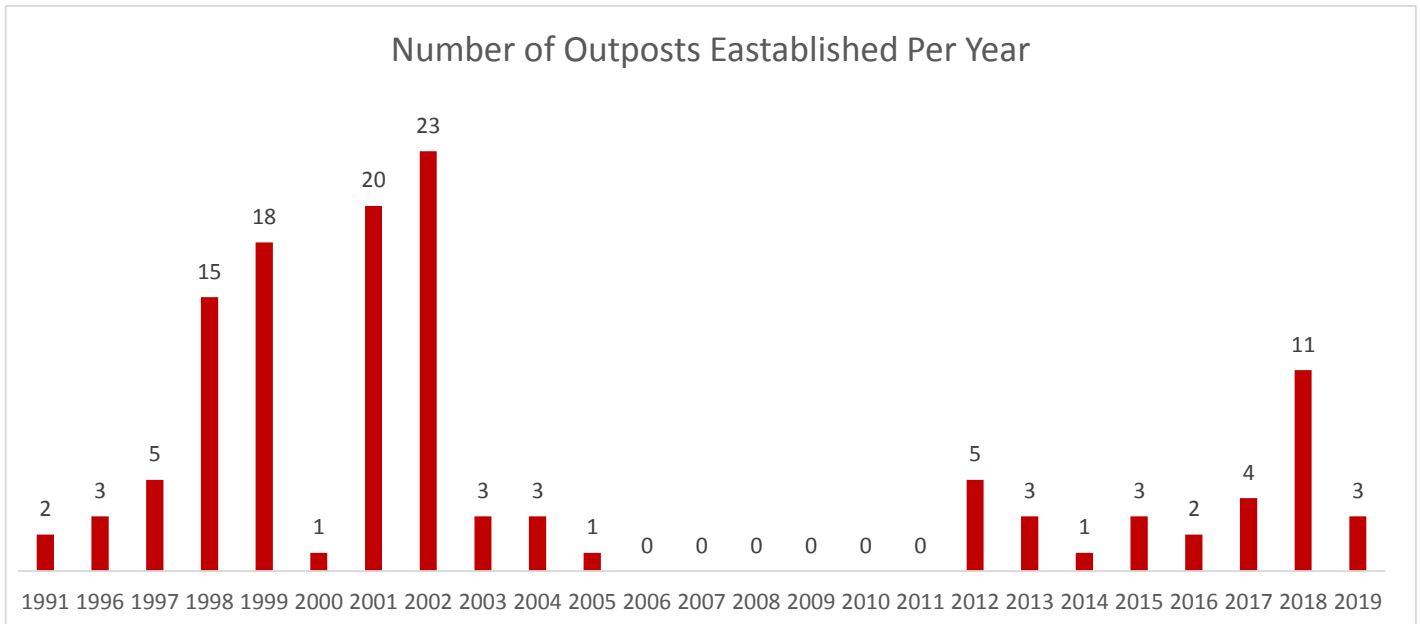
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### A. Summary

Quietly, far from public attention, facts on the ground are being created that are changing Israel’s political position in the West Bank, without official decisions and in defiance of the law. Settlement organizations are establishing new outposts, or unauthorized settlements, with the direct assistance of the authorities and often financed by public funds. The government, for its part, encourages such construction by promising support and working to legalize these outposts, while refraining from enforcing the law against them.

- **Since 2012, 32 new outposts have been established, the majority of which after President Trump was elected.** All of the new outposts (except one) are located deep inside the West Bank, in areas that Israel will likely have to evacuate within the framework of a permanent agreement.
- **21 of the outposts are agricultural farms,** which take over large areas for pasturing and cultivation, while their settlers work to remove Palestinian shepherds and farmers from the vicinity.
- Around some of the new outposts there is **an increase in violence and attacks against Palestinians.**
- The outposts are established in an organized fashion **with the involvement of the local settlement authorities, Amana and the Settlement Division.**
- At the same time, the government is working to retroactively legalize existing outposts. To date, **15 outposts have been legalized** (“regularized”) as independent settlements or "neighborhoods" in existing settlements. **At least 35 additional outposts are undergoing the legalization process.**
- One of the outposts established in 2012, Kerem Re'im, has already been legalized, thus becoming an official settlement with nearly 70 families living in dozens of permanent homes.



\* Significant parts of the information in this report were first exposed by Dror Etkes of [www.keremnavot.org](http://www.keremnavot.org)

## B. The New Outposts: Agricultural Farms

In recent years, a method has been developed to rapidly establish settlements with relatively low investment and with the ability to take over very large stretches of land by founding agricultural farms—a [method first exposed by the Kerem Navot organization](#). 21 of the new outposts established since 2006 have been agricultural farms, primarily for sheep and cattle, while some were for land cultivation.

In a letter sent to the residents of the Alon settlement, which was [exposed by Amira Hass in Ha'aretz](#), this method is summarized as follows:

*“In accordance with the desire to keep in the council’s jurisdiction the state land around the settlement and in Gush Adumim, and in continuing the farming activity developing the area (the olive groves and flock of sheep grazing at Mishor Adumim), another flock has been set up that will graze from Alon Road east to Mitzpeh Yericho, on the border of Wadi Qelt, and up to Route 1. All this is part of the desire to create a contiguity of settlements from Mishor Adumim to Mitzpeh Yericho.”*

*“Since the flock already exists and all the permits for the pen’s final location have not been obtained, we have asked for a temporary permit to place the flock east of the settlement (in the academy’s future location). This is a temporary solution for only three months in which the flock will graze and get used to the place. We point out that a grazing permit has been obtained from the legal authorities and the Civil Administration. The entire flock numbers some 200 sheep, in addition to two Jewish families with children who will live in trucks on wheels [sic], with youths who will look after the flock.”*

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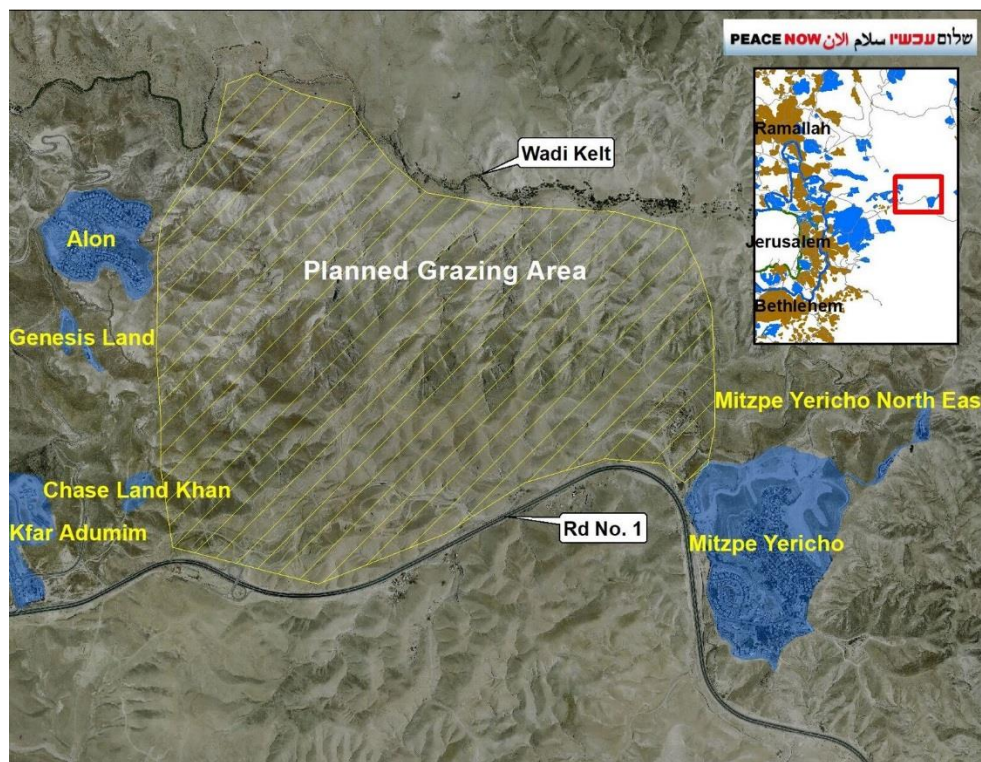
“To maintain the families and the flock, basic infrastructure work will be carried out – a road, water and the like. Boaz Ido and Zambish [Ze’ev Hever] of Amana [the settling agency of the Gush Emunim settler movement] were partners to carrying out the idea, financing the enterprise and implementing it.”

“The program is in coordination with and has the approval of the settlement’s security coordinator,

*Yishai. The settlement’s secretariat, Srulik the settlement secretary.”*

**Objective: Taking over land (and expelling the Palestinian presence)** – The letter notes that the construction of the outpost with the flock is to further the desire to "preserve state land." In the vernacular used by settlers, the preservation of state lands means the removal of a Palestinian presence from the area. The presence of settlers with a flock of sheep is intended to disrupt the Palestinian shepherds in that area. These Israeli settler shepherds act as self-appointed "wardens" whose job, among other things, is to drive out nearby Palestinians. In almost all the newly established farm outposts there have been several cases in which the settlers have expelled Palestinian farmers and shepherds from the area, as will be articulated below.

**A vast area** - The letter describes the grazing area of the flock, "from Alon Road east to Mitzpeh Yericho, on the border of Wadi Qelt, and up to Route 1" – more than 6,000 dunams:



**Creating a contiguous string of settlements** – "All this is part of the desire to create a contiguity of settlements from Mishor Adumim to Mitzpeh Yericho" – This comment indicates that the presence of the flock is part of an attempt to connect settlements geographically, forming an intrusive, contiguous string.

**Illegal, but ...** *"Since the flock already exists and all the permits for the pen's final location have not been obtained, we have asked for a temporary permit to place the flock east of the settlement. . . . We point out that a grazing permit has been obtained from the legal authorities and the Civil Administration."* – In order to establish an agricultural farm, a goat pen, a residence for the staff, etc., a building permit is required. Much of the activities of the Civil Administration inspectors and the demolitions carried out on a daily basis in Area C consist of demolishing pens and animal structures of Palestinian shepherds' communities that were built without permits.

The settlers did not receive a construction permit as required, and they note that they *"asked for a temporary permit"* (i.e. they have not actually received a construction permit) to place the flock. The letter notes that *"a grazing permit has been obtained from the legal authorities and the Civil Administration"* – This may be the allocation of land from the Settlement Division.

The Settlement Division, which is a non-governmental body, has received control of most of the "state land"—that is, public land—in the occupied West Bank, and allocates it to the settlers without any oversight, tenders, charging money, or apparently attaining approval from the government. For further information on the Settlement Division, [see here](#). The "permit" from the Settlement Division does not make the buildings legal, but grants the settlers certain rights on the land, which makes the legal struggle against them difficult (see, for example, the case of the Ras Karkar farm outpost below).

**A small number of settlers** – according to the letter, all that is needed is *"two Jewish families with children" and several "youths who will look after the flock"* – As this description implies, there is no need to find a large number of people to establish a settlement. This is not a residential solution but rather a workplace that enables extensive land grabs.

**Trucks as housing to avoid demolition orders** – According to the letter, families will live in *"trucks on wheels."* The reason for this is to evade demolition orders and immediate evacuation, because a truck on wheels is not considered in of itself a structure that requires a building permit. In practice, the trucks serve as a fixed structure and do not move around.



*A truck converted into permanent living quarters in Negohot Farm, 24 October 2018*



*Trucks converted into housing, Shirat Haesevim, December 2017*

**Infrastructure and roads** – *"To maintain the families and the flock, basic infrastructure work will be carried out – a road, water and the like."* Especially in recent months, settlers have built many new, illegal access roads for outposts throughout the West Bank.

**Funding and initiative** – *"... Ido and Zambish of Amana were partners to carrying out the idea, financing the enterprise and implementing it."* – The farms are not a local initiative, but an organized and well-funded process backed by **the Amana movement**. Amana is a private body (a cooperative society) with abundant funds, and is behind the founding and construction of dozens of illegal settlement structures and outposts. For more information on Amana, its methods and its sources of funding, [see here](#).

*"The program is in coordination with and has the approval of the settlement's security coordinator, Yishai. The settlement's secretariat, Srulik the settlement secretary."* The secretariat of the Alon settlement and the security coordinator (*heb. Ravshatz*) of the settlement are partners in initiating and organizing the establishment of the outpost, despite the fact that they have no authority to approve such an initiative.

## C. Educational Institutions and Tourist Sites

Apart from agricultural farms and outposts that are residential communities, other kinds of outposts that have been established are educational institutions and tourist sites.

**Educational institutions** - Three of the new outposts serve as educational institutions. An educational institution is a quick and easy way to establish a settlement. All that is needed is an educational staff and students, that enjoys the legitimacy of caring for students. For example, the "**Jewish Shepherd**" (**Haro'eh Ha'ivri**) **outpost** established in the Khan al-Ahmar area, serves as an educational farm for youth at risk, benefiting from a [generous budget from the Ministry of Education](#).

**Brosh outpost in the northern Jordan Valley** began as a Nahal army base that was abandoned, followed by a vacation village that operated illegally and was also abandoned. In 2013 some families and young adults organized to settle in the area but they failed to hold out and develop the settlement. In 2016, an educational institution of a boarding school for youth at risk ("Neve Sraya") entered the place. An [initial plan prepared by the Ministry of Housing](#) designated the area for 100 housing units was replaced by an educational institution program that was approved for depositing by the Higher Planning Committee in May 2018. The discussion of the approval of the plan reveals that the goal was to retroactively legalize the outpost and that it was specially tailored to the size of the Neveh Sraya boarding school which is already operating on the site illegally. On Wikipedia it was written that the boarding school was established to "*prepare the place for a future settlement.*" Peace Now as well as Palestinians living in the area filed an objection to the plan, which now awaits a decision.

However, the settlers did not wait for a government approval nor for construction permits before illegally setting facts on the ground. Expenditure data on the Settlement Division that was published recently reveals that the [Settlement Division funded the renovations of structures in the Brosh outpost with NIS 311,736 in 2017.](#)

**Gadi Camp** in the Jordan Valley is an abandoned military camp. In the summer of 2018, a pre-army preparatory program students (Liel Preparatory Program) invaded it, and [it receives visits and support](#) from the regional council, the JNF and other bodies.

**Tourist Sites** – In 2012, the Khan Eretz Hamirdafim (aka Chase Land Khan) outpost was established in the area of Alkhan al-Ahmar. The outpost is in fact a commercial business that offers a camping site and tents for travelers and those looking for a desert vacation.

**Oz VeGaon** - In the summer of 2014, following the murder of the three youth, settlers from the Gush Etzion area with direction from "Women in Green" set up a tourist site in a forest west of Beit Fajjar. The settlers conduct daily activities for children and youths, offer a camping site for groups and individuals and maintain constant presence in the area.

On the holiday of Sukkot, 2018, settlers began to pave a new road southeast of the Oz VeGaon outpost. The settlers made sure to work during the night or during the holiday in order to avoid inspectors from the Civil Administration. The Palestinian landowners filed a complaint with the police and called the Civil Administration, which stopped the work for a few hours, but then the settlers returned to work. At the end of October 2018, the settlers completed the road and erected a new lookout point in the nearby hill in memory of Ari Fuld, who was murdered at the Gush Etzion junction in September 2018.

## D. Involvement and Assistance by the Authorities

As outpost activity is illegal by nature, it is very difficult to obtain information on who is behind their establishment, where the money originates, and what portion have the various authorities contributed to them. Sometimes a [legal battle is required](#) to obtain information. The authorities are not interested in exposing their involvement in the illegal activity (see, for example, the [response of the Jordan Valley Regional Council](#) to an attempt to obtain information on its involvement in building new outposts). Peace Now's research has shown that [most of the illegal construction is carried out in an organized manner](#) by officials and with extensive funding from the public coffers, mainly through local settlement authorities, Amana and the Settlement Division.

It is important to note that apart from these bodies, the government directly assists in such activity through a policy of lack of enforcement, compounded by extensive efforts to waive the building offenses and grant

[generous compensation packages](#) in case the court orders settlers to be evicted. The government's message to the settlers is clear: You may establish facts on the ground illegally, and we will expunge your crimes.

The founding of the farm in Ras Karkar reveals some of the mechanisms and factors that help in the establishment of the outposts:

1. **The IDF provides protection for illegal work** – On 19 August 2018, residents of the village of Ras Karkar, west of Ramallah, discovered that settlers had begun on working on a new access road through private Palestinian land in Jabel al-Risan near the village. The residents went to [try to stop the bulldozers](#). The Civil Administration representatives who arrived at the scene stopped the work, which was done without any permit. However, a few days later the settlers returned, this time accompanied by an IDF force, and resumed their work. Palestinian residents who tried to stop the bulldozers were [repulsed by the army](#), which dispersed any demonstrations, and the settlers soon began to plant olive trees and build the outpost.
2. **The inspection unit does not stop the work** – On 30 August 2018, the landowners filed a petition to the High Court demanding that the work be stopped. Only following the petition, on 5 September, did the Civil Administration inspectors issue a stop-work order for the access road. However, the work on the road had already ended and the settlers began building the outpost, all the while using the new road.
3. **The Dolev settlement is the initiator of the works** – From the responses of the settlers and the government to the High Court of Justice, it became clear that the official entity behind the works was the cooperative association of the Dolev settlement (the economic entity that brings together the residents of the settlement). The cooperative association received land rights from the Settlement Division on August 8, 2018. It invited Amana to carry out the work, and it submitted a request for a permit from the Civil Administration for agricultural work and an access road.
4. **Amana carries out the outpost work** – In response to the Palestinian petition, Amana admitted that it had carried out the work, but argued before the court that it had been done with permits. (Only after a clarification by the Civil Administration that there had been no approval did Amana retract its statement, writing to the court that it had become clear only after the fact that its actions had required a permit, and that it had immediately applied for a permit retroactively. The permit request was later rejected).
5. **The Settlement Division grants rights to the land** – From the state's response to the petition it emerged that in 1984 the Custodian of Government Property under the Civil Administration (parallel to the Israel Lands Authority) allocated an enormous area of 3,600 dunams, which were declared state land for the Settlement Division in the area around Ras Karkar. On 8 August 2018, 34 years after the allocation, the Settlement Division decided to give the Dolev settlers land allocation for agriculture. The allocation of the land was granted without any tender or publication and as far as we know without knowledge and certainly without approval from the government. Thus, a non-governmental body determines Israel's land policy in the territories, without a democratic decision and without supervision. For the Settlement Division's role as Land Manager, [see here](#).



*The founding of the outpost near Ras Karkar, 2 October 2018*

Usually after efforts and even legal battles in order to obtain budget information from the authorities, the information is revealed only after the action has been taken on the ground. Therefore, for most of the new outposts we still do not have evidence of the involvement from various authorities, but the information that nonetheless exists here indicates that the following bodies are involved in the establishment of the outposts: the settlers local authorities, Amana, the Settlement Division, and even the Ministry of Education (see details at the list of the new outposts below).

## E. Direct Implications of the Outposts on Nearby Palestinians

The establishment of the outposts, particularly the farms, has directly harmed the lives of Palestinians nearby. The settlers in some of the new outposts are working to drive out Palestinians from the area, to pasture their own flocks, and kick out the Palestinian flocks, and to frighten Palestinians from ever approaching the area.

Peace Now has heard testimonies of settler attacks and threats against Palestinians from the vicinity. For example, since the establishment of the Itamar area Hill 573 (also known as Itamar's Farm), Palestinians in the area have reported that they have stopped coming to work their land near the outpost, and do not come with their flocks to the spring nearby. One Palestinian family that lived nearby has abandoned its home.

In the Jordan Valley area, the Palestinians adjacent to the new outposts are often intimidated by threats, harassment, theft and even violence by settlers. The authorities refrain from enforcing the law and keeping the settlers away. There have been cases of [theft of sheep](#), [shooting of flocks](#), the [driving out of flocks](#), and more.

Similar events were also [recorded near Shabtai's Farm](#) in the southern Hebron hills, and in many other places.

Peace Now has learned of at least one case in which one of the local Palestinians was forced to sell his herd of cows because he could not go out to graze for fear of attack, while the cost of feeding the cows in the cowshed—the one alternative—was too high.



## F. History of the Outpost Method and Current Status

### 1. 1996 – The Beginning of the outposts system: The Netanyahu Government

In November 1992, the Rabin government decided to change the national budget priorities in Israel: to invest more inside Israel and [to stop construction in most of the settlements](#) and not to establish new settlements ("Resolution No. 360"). In the elections that took place in 1996 after Rabin's assassination, Benjamin Netanyahu won and established a new government, which decided to return to settlement expansion. At the same time, the Netanyahu government decided that no new settlements would be established except by an official government decision. This decision was immediately breached when dozens of new settlements were illegally established in the territories (illegal according to the laws set by the Israeli government) and contrary to the government's decision. Through this method, more than 100 illegal settlements ("outposts") were established, while the Israeli governments could continue to claim that it was not establishing new settlements and that all the new outposts that had been established were illegal and should be evacuated.

### 2. 1998-2002 – Pressure to evacuate the outposts

In 1998, Peace Now Secretary General Mossi Raz and MK Dedi Zucker petitioned the High Court of Justice demanding the evacuation of all of the outposts (HCJ 8287/98). The response to the petition was delivered after the 1999 elections, when Prime Minister and Minister of Defense Ehud Barak announced the "Outpost Agreement" with the settler leaders, according to which most of the outposts would be evacuated while some would be approved. The court dismissed the petition because of this governmental promise to take care of the outposts (eventually, on the ground, almost none of this agreement was implemented). In 2002, when no outpost was evacuated and they continued to be built, Peace Now again petitioned for the evacuation of all of the outposts (HCJ 6431/02); however, the court rejected it, ruling that each outpost should be discussed separately and not all at once.

### 3. 2005 – The outpost method is discontinued

Over the years, illegal outposts became a controversial issue in Israel and abroad, and the pressure on the Israeli government to evacuate the outposts increased:

1. **2003 – The Road Map** – In March 2003, the government decided to accept the Quartet's "Road Map" plan. One of the obligations included the freezing of all settlement construction and the evacuation of all the outposts established after March 2001 (when Ariel Sharon became prime minister). American pressure was focused primarily on the cession of outpost building.
2. **2003 – The State Comptroller's Report** – [The State Comptroller's Report \(no. 54b\) on the Housing Ministry](#) revealed many illegal transfers of funds to building outposts. The Attorney General clarified in a letter to the Housing Ministry dated 13 April 2004 the severe prohibition against budgeting for outposts.
3. **2005 – Talia Sasson Report** – Following American pressure on the outposts, Prime Minister Ariel Sharon appointed Attorney Talia Sasson to examine the issue. [The Sasson report](#), submitted to the government in 2005, detailed the involvement of some authorities in building the outposts and included a series of recommendations to prevent the phenomenon. Although the report was validated by a government decision and a ministerial team was set up to examine its recommendations, the team was later dissolved before it could execute any policy change.
4. **2005 – Peace Now petitions on specific outposts** – Peace Now began filing petitions against illegal construction in certain outposts, which forced the government to address the phenomenon. Following these petitions and those of other organizations, almost no new structures were erected on private Palestinian land.

All these factors led to a halt to the establishment of new outposts. In 2005, the last outpost was established (Einot Kedem in the Jordan Valley) and this phenomenon was discontinued for several years.

#### 4. 2006-2011 – Declared policy: Illegal outposts will be removed

From 1996 to 2005, approximately 100 illegal outposts were established, and the position of all of the successive Israeli governments was that the outposts should be evacuated. In the state's response to petitions to evacuate the outposts it promised to do just that, but asked the court for time to deal with the issue, all the while giving various excuses to draw out the process. At the beginning of 2006, nine structures built on private land in the Amona outpost were demolished following a Peace Now petition to the High Court of Justice, while the other petitions were still proceeding at a slow pace and the government was repeatedly requesting postponements.

#### 5. 2011 - Netanyahu's government changes policy: Outposts will be legalized

At the end of 2009, Netanyahu was elected prime minister. In March 2011, the state notified the High Court of Justice of [a change in policy toward the outposts](#), declaring that it intends to legalize as many outposts as possible, and that in cases where an outpost cannot be legalized because it is on private land, the government will evacuate it.

The message to the settlers was evident: the government has no intention of enforcing the law, and in fact it is "permitted" to establish facts on the ground and the government will come and approve the given outpost retroactively. At the same time, the government began to build outposts, promote construction plans for existing ones, declare land as state land to make room for more, and even to make official decisions on the establishment of five entirely new settlements (other outposts were authorized under the pretext of being existing "neighborhoods" of the nearest settlement).

#### 6. 2012 – The outpost method makes a comeback

The government's message was well received by the settlers. Beginning in 2012 and with assistance from settlement regional councils and the government, settlers began to establish new outposts, primarily agricultural farms. Since then, 32 outposts have been established, mainly in the more remote and isolated areas of the West Bank.

As of the beginning of 2019, 15 outposts have been retroactively authorized, while at least 35 more are currently undergoing the legalization process. Four of the legalized outposts received an official government decision to designate them as a new settlement, adding to another brand new settlement, [Amichai](#), which the government established for the evicted Amona outpost settlers.

#### Official decisions on the establishment of new settlements:

- April 2012 – [Sansana, Bruchin, Rehelim](#)
- March 2017 – [Amichai](#)
- February 2018 – [Havat Gilad](#)

7. List of new outposts

	<b>Outpost</b>	<b>Date Established</b>	<b>Type of Outpost</b>	<b>Side of the Potential Border (Geneva Initiative)</b>	<b>Authorities Involved</b>
1	<a href="#">Khan Eretz Hamirdafim</a>	2012	Tourism	East	
2	<a href="#">Kashuela Farm</a>	2012	Farm	West	<a href="#">Gush Etzion Regional Council</a>
3	<a href="#">Kerem Reim</a>	2012	Residential	East	<a href="#">Amana, Binyamin Regional Council</a>
4	Nahalat Yossef	2012	Farm	East	
5	Tzofim North	2012	Residential	East	<a href="#">Shomron Regional Council</a>
6	Itamar 573	2013	Farm	East	<a href="#">Settlement Division</a>
7	Brosh (Bitronot)	2013	Educational Institute	East	<a href="#">Settlement Division</a>
8	Maale Amos West	2013	Farm	East	
9	Oz VeGaon	2014	Tourism	East	
10	Malachei HaShalom	2015	Residential	East	
11	Haroe Haivri	2015	Educational Institute	East	<a href="#">Ministry of Education</a>
12	Shaharit	2015	Farm	East	<a href="#">Shomron Regional Council</a>
13	Um Zuka	2016	Farm	East	
14	Shirat Haesevim	2016	Farm	East	
15	Shabtai's Farm	2017	Farm	East	
16	Pnei Kedem Farm	2017	Farm	East	<a href="#">Gush Etzion Regional Council (via Gush Etzion Foundation)</a>
17	Neve Achi	2017	Residential	East	
18	Kedem Arava	2017	Residential	East	<a href="#">Megilot Regional Council, Settlement Division</a>
19	Gadi Base	2018	Educational Institute	East	
20	Givat Eitam	2018	Farm	East	<a href="#">Efrat Local Council</a>
21	Mishol Hamaayan Farm	2018	Farm	East	
22	Negohot Farm	2018	Farm	East	
23	Ras Karkar Farm (Sde Ephraim)	2018	Farm	East	Amana, Settlement Division
24	Kochav Hashahar East	2018	Farm	East	
25	Pnei Hever South	2018	Farm	East	
26	Beintayim Farm	2018	Farm	East	
27	Kida East	2018	Farm	East	
28	Gilad Farm South	2018	Farm	East	
29	Asael West	2018	Farm	East	
30	Tkoa E	2019	Farm	East	
31	Nofei Prat South 324	2019	Farm	East	
32	Susiya East	2019	Farm	East	

**8. Legalized and Demolished Outposts**

	<b>Legalized Outposts</b>	<b>Established</b>
1	Shvut Rachel	1991
2	Rehelim	1991
3	Horesh Yaron	1997
4	Givat Habrecha	1997
5	Tal Menashe	1998
6	Sde Bar	1998
7	Bruchin	1999
8	Elisha	1999
9	Sansana	1999
10	Givat Hadagan	2000
11	Elmatan	2002
12	Givat Hatamar	2002
13	Mizpe Eshtamoa	2003
14	Migron (a new site)	2012
15	Nahalei Tal (Kerem Reim)	2012

	<b>Demolished Outposts</b>	<b>Established</b>
1	Migron	2002
2	Amona	1997

G. Map of the New Outposts

