

**Between Political Statements and Reality on the Ground:
Eighteen Months Since the Annapolis Conference**

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1. INTRODUCTION

“The territorial question will be discussed as part of the final peace agreement. In the meantime, we have no intention to build new settlements or of expropriating additional land for existing settlements.” These words were pronounced by the Israeli Prime Minister, Benyamin Netanyahu, during his much-anticipated policy speech on 14 June 2009. A naive listener could be satisfied by this statement and think that Netanyahu wants to find a real solution to the Israeli-Palestinian conflict. But, as often happens in this conflict, the facts on the ground are radically different – and more important - than all the speeches and rhetoric.

According to a recent article published by the Israeli newspaper *Yedioth Ahronoth*, 3,200 housing units were built in settlements between the beginning of 2008 and to June 2009.¹ And according to researchers at the Applied Research Institute – Jerusalem, the data for the 2008 settlement expansion is an even higher number.²

Since November 2007, 104 Palestinian houses were demolished in the West Bank governorates. Between 2003 and 2009, 93 outposts were built in the West Bank, increasing the number of outposts here to 232 (ARIJ GIS database 2009).³

Later we will analyze more deeply the settlement expansion numbers, but first it is important to focus on the meaning of this expansion in the so-called peace process. This will help us understand the real meaning behind Netanyahu’s words.

We cited numbers from the beginning of 2008 for a specific reason: the last international stage of the peace process was the Annapolis Conference of November 2007. This was a moment defined in Annapolis’ statement of joint understanding as the beginning of a “new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition; to propagate a culture of peace and nonviolence.”⁴ Those agreeing to the joint understanding further committed themselves to immediately implement their respective obligations under the Roadmap.⁵ And the Roadmap of 2003 was very clear on the settlement issue, particularly in the section dedicated to the “Phase I”: “Israel also freezes

1 “Immense Construction Boom in the West Bank,” Ofer Petersburg and Zvi Singer, *Yediot Aharonot*, June 9, 2009. For full text, <http://peacenow.org/entries/wp201>

2 “‘Natural Growth’ of the Israeli Settlements in the Occupied Palestinian Territories,” ARIJ 20/6/09, http://www.poica.org/editor/case_studies/view.php?recordID=1983

3 “232 Obstacles to the Peace Process,” ARIJ 12/6/09, http://www.poica.org/editor/case_studies/view.php?recordID=1970

4 Statement of Joint Understanding, <http://georgewbush-whitehouse.archives.gov/news/releases/2007/11/20071127.html>

5 *Ibid.*

all settlement activities, consistent to the Mitchell Report.” And, again, in the section dedicated to the settlements: “Consistent with the Mitchell Report, (Israel) freezes all settlement activity (including natural growth of settlements).”

In the Mitchell Report of 2001,⁶ the connection between settlement expansion and the violence of the Palestinian’s reaction was underlined. The report also quotes United Nations Security Council (UNSC) Resolution 1397, which demands an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction.

There are several UNSC Resolutions mentioned by the Roadmap that demand withdrawal of Israeli forces and an end to their control over the Occupied Palestinian Territories (among others Resolutions 242, 338, and 1397), all of which are included in the 2003 Roadmap. In addition to all of these elements, it is important to bear in mind that settlements are a breach of Article 49 of the Fourth Geneva Convention relative to the protection of civilian persons in time of war: “The occupying power shall not deport or transfer part of its own population into the territories it occupies.”

Therefore the concept of “freezing the settlements” is not an invention of the participants of the Annapolis Conference, or of the Quartet (UN, EU, US and Russia) which endorsed the Roadmap. It is a crucial point of the peace process that is grounded in international law, UN resolutions, and only as a consequence, included in political agreements developed over the years. The facts on the ground created by Israeli policy are ongoing breaches of international law, even if the speeches and words of Israeli leaders appear to point in a different direction.

International law is also the framework in which the Alternative Information Center (AIC), as a joint Palestinian/Israeli organization, works in order to build a just peace. Ten years ago we began our Settlement Watch Project, reporting on land confiscations, illegal building, the expansion of settlements, construction of bypass roads, uprooting of trees, violence of settlers and the resistance by and impact of this on Palestinian communities throughout the OPT. Through our analyses we can affirm that in spite of the peace conferences, the Roadmap, and speeches, the Israeli Government has not fulfilled its commitments and the settlement project continues to rapidly increase, presenting one of the major obstacles to peace. The settlement issue is the reason for the big question mark on the future direction of the peace process.

This report provides the AIC’s analysis of the Annapolis process 18 months after it took place. The aim of the publication is to provide a realistic picture of the situation on the ground, creating a tool for those interested in promoting a

⁶ http://news.bbc.co.uk/2/hi/in_depth/middle_east/2001/israel_and_the_palestinians/key_documents/1632064.stm#why%20did%20it%20happen

real and just peace between Palestinians and Israelis.

In the following pages we will present data and details of the settlement project that increasingly affects the lives of the people of the region, destroying the possibility of a hopeful future.

One and a half years after the Annapolis Conference of November 2007, it is possible to analyze the settlement issue according to three different perspectives that are affecting both the so-called peace process and daily life for Palestinians: the ongoing expansion of the settlements, the impact and the effects of the Separation Wall, and settler violence.

2. THE ONGOING EXPANSION OF THE SETTLEMENTS

2.1 Authorization and Construction of New Housing Units and Settlement Infrastructure

Several weeks have passed since U.S. President Barack Obama called for a halt to settlement building, but facts on the ground demonstrate that this call remains unheeded. This becomes apparent when examining news sources from the weeks immediately following the meeting between Obama and Netanyahu. On 28 June the Stop the Wall Campaign reported that a new road will be constructed between the two settlements of Betar Illit and Bani Bietkha.⁷ The Stop the Wall Campaign further reports that approximately 6,000 new housing units have been approved for the settlement of Ma'ale Adumim.⁸ On 23 June the Israeli daily *Haaretz* reported that Defense Minister Barak authorized 300 new housing units for the settlement of Talmon.⁹

The proposals and authorizations for new settlement construction can be issued by the Israeli Ministry of Housing and Construction, the Israeli Ministry of Interior, the Israeli Land Administration, the Israeli Civil Administration, and the Municipality of Jerusalem. In some cases the expansion happens *de facto* through different religious organizations. The core of the issue is the same in each case: the settlement project is not going through a freeze.

On 20 June 2009 the Palestinian daily *al-Ayyam* published a statement made by the Negotiations Affairs Department of the PLO. The statement affirmed that Israel, since the Annapolis Conference of 2007, issued plans for the construction of 9,617 housing units in its East Jerusalem settlements. The Negotiations Affairs Department claimed that “Since Israelis and Palestinians renewed their respective commitments under the Road Map at the Annapolis Conference on 27 November 2007, Israel has failed to implement any of its Road Map obligations...Since November 2007, the Israeli Government contracted out hundreds of calls for tenders, especially in the area of East Jerusalem.”¹⁰

This is not merely a political statement from the PLO; it is a well-documented truth. Through the analysis of the figures of 2008 and the beginning of 2009, it is possible to see the continuous development of the settlement project in spite of the commitment made by the Israeli Government on 27 November 2007

7 <http://stopthewall.org/latestnews/1998.shtml>

8 <http://stopthewall.org/latestnews/1998.shtml>

9 <http://www.haaretz.com/hasen/spages/1095031.html>

10 “Israeli Road Map Violations Since Annapolis,” PLO Negotiations Affairs Department, <http://www.nad-plo.org/news-updates/IsrRMViolations18mthsummary.pdf>

during the Annapolis Conference. This commitment promised “freezes [on] all settlement activity (including natural growth of settlement).”

One of the most significant sources of information on this subject comes from a report published by the Applied Research Institute in Jerusalem (ARIJ). Released at the end of 2008, the report is entitled *One Year after Annapolis—The Applied Research Institute lists the Israeli Colonization Activities in the Occupied Palestinian Territory after the Annapolis Peace Summit*.¹¹ Collecting all figures presented in the ARIJ report, the AIC counted 36,896 housing units that are either built, approved, or pending authorization during this time. If the period immediately after the Conference (December 2007 to January 2008) is taken as an example, the numbers are striking. The ARIJ document states that “On December 19th, 2007, the Israeli Minister of Housing and Construction gave the green light to commence the construction of the new neighborhood in East Jerusalem close to Qalandya Airport, in the Atarot area. The new neighborhood will include the construction of 11,000 housing units which is considered the largest Jewish neighborhood to be constructed on the lands of the illegal redrawn municipal boundary of Jerusalem city.”¹² The same source reports that on 23 December 2007, the Israeli Ministry of House and Construction announced the allocation of EUR 18 million to expand the Ma’ale Adumim and Har Homa settlements.

The total number of this type of authorizations issued in the two-month period that we are examining reaches 20,347 housing units.

The phenomenon remains constant for the entire period analyzed by the ARIJ in 2008. The AIC counted 7,602 episodes connected to the building of housing units in March 2008, 510 in April, 2,844 in May, 2,150 in June, 1,830 in July, 1,581 in August, 32 in September and 4,690 in November.

B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories and Stop the Wall Campaign, in addition to the Israeli dailies *Yedioth Ahrnoth* and *Haaretz*, present a collection of numbers about the expansion of settlements in 2008 and 2009.¹³ The *Palestine Monitor* stated that the tenders for construction of new settlements increased by 550% from 2007.¹⁴ According to Peace Now, by March 2009 the master plans for building in the settlements included 35,380 housing units.¹⁵

11 http://www.poica.org/editor/case_studies/view.php?recordID=1969

12 *Ibid.*

13 **B’Tselem**, <http://www.btselem.org/english/Settlements/Statistics.asp>; Ynet, “Immense Construction Boom in the West Bank,” Ofer Petersburg and Zvi Singer, *Yediot Aharonot*, June 9, 2009, <http://peacenow.org/entries/wp201>; *Haaretz*, <http://www.haaretz.com/hasen/spages/1037270.html>; **Electronic Intifada**, <http://electronicintifada.net/v2/article9606.shtml>

14 <http://www.palestinemonitor.org/spip/spip.php?article1>

15 http://www.peacenow.org.il/data/SIP_STORAGE/files/1/4041.pdf

Each organization gives a different number of housing units approved or already built, but there is one unifying certainty. Abdel Hadi Hantash, well-known expert of the Land Defense Committee of the West Bank, told the AIC that “The Israeli Government is not respecting the agreement of Annapolis. Examining the facts on the ground, it is possible to see every day new constructions and the issuing of military orders for the expansion of Area C, with the excuse of the ‘close military zone,’ the necessary requirement to prompt the Palestinian farmers to abandon their land and therefore to start construction of new outposts or settlements.”

2.2 The Strategy of the Settlement Project—Demographic, Geographic and Political Aims

All of the settlement housing units approved by Israel are located in strategic areas. The plans and tenders are concentrated in and near Jerusalem (76% of the approved plans) and the Bethlehem District (23%). According to ARIJ and other experts, Jerusalem lies at the core of Israel’s settlement project, where there are three primary goals:

- 1) To impact the demography of Jerusalem, ensuring that the number of Palestinians will not exceed $\frac{1}{4}$ of the total population of the city;
- 2) To influence the geography of Jerusalem, isolating it from the West Bank and thus undermining the idea of a Palestinian state with Jerusalem as its capital;¹⁶
- 3) To preclude the territorial contiguity of the West Bank. This it is attained through the further division of Jerusalem, the separation of Bethlehem from Hebron and the continued control of the Jordanian border, thanks to settlements located along the Jordan Valley.

These aims also explain the continued expansion of existing settlements such as Ma’ale Adumim, Har Homa (East Jerusalem), and Efrat (between Bethlehem and Hebron).

During the 1990s the built-up Israeli settlement area was recorded at 69 km². In 2008, after the Annapolis Conference, the number increased to 188 km². We are dealing then with an increase of 173%.¹⁷

A similar increase is also seen in the number of Israeli settlers. They numbered 240,000 during the 1990s and in 2008 were more than 500,000--an increase of

16 EU Heads of Mission Report on East Jerusalem, 15/12/08, <http://euobserver.com/9/27736>

17 ARIJ, “The Israeli settlements built up areas exceeds that of the Palestinians in the Occupied Palestinian Territory,” http://www.poica.org/editor/case_studies/view.php?recordID=1876

109%.¹⁸

This comprises the “natural growth” justification that is currently being used by Benjamin Netanyahu to justify Israel’s non-commitment to the freezing of the settlements as required by the Roadmap and Annapolis statements. The Land Defense Committee, exposed to the AIC the falsehood behind the natural increase justification: “Twenty to twenty-three percent of the housing units in the settlements are empty. They can be filled only through special tax breaks and special terms for the poorest parts of the Israeli population.”

18 *Ibid.*

3. IMPACTS OF THE SEPARATION WALL

The continued expansion of the settlements is occurring in parallel with the construction of the so-called separation barrier, approved by the Israeli government in 2002. The project is proceeding in spite of the International Court of Justice advisory opinion against it.¹⁹ The advisory opinion in 2004 stated: “The construction of the wall being built by Israel [...] in the occupied Palestinian Territory, including in and around East Jerusalem [...] [is] contrary to international law. Israel is under obligation... to dismantle forthwith the structure [...] [and] make reparation for all damage caused [...]”

The Wall, presented by the Israeli government as a measure to defend the security of its citizens, is in reality a tool to expand the borders of Israel into the Occupied Palestinian Territories and to surround the settlements and annex more land owned by Palestinians. It is not a coincidence that the most significant number of housing unit construction approved since the Annapolis Conference lies in Jerusalem and the Bethlehem District. If the Wall will follow the path that was planned in 2002, 385,000 settlers in 80 settlements will be included between the Green Line and the Wall.²⁰

Currently, approximately 409 kilometers (or 57%) of the planned route have been built. Sixty-six kilometers (or 9%) are under construction. And construction has not yet begun on 248 kilometers (or 34%) of the planned route.²¹ In the major part of the affected areas, the Wall enters Palestinian land between 6 and 10 km deep. This means that 90% of the route is inside the Green Line.

One of the most affected areas is the District of Qalqilya, from which 20,000 dunams have already been confiscated.²² The area contains some of the most fertile agricultural land in the West Bank. Fifty-two percent of the water sources of the West Bank are located in this area. Due to land confiscations and the construction of the Wall, Palestinians will lose around 80% of their water resources, which will be taken by settlers. Thirty water wells of Qalqilya and Tulkarem will be inside the Wall.

According to research done by the Land Defense Committee and Stop the Wall, around 71 Palestinian villages (15 in the District of Qalqilya alone), 40 water wells and 320 schools will be isolated from the rest of the West Bank.²³ This means that the inhabitants of these villages are submitted to a permit

19 International Court of Justice, <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>

20 <http://reliefweb.int/rw/rwb.nsf/db900sid/MYAI-7PA4R3?OpenDocument>

21 <http://www.palestinemonitor.org/spip.php?article4>

22 Land Defense Committee

23 <http://www.stopthewall.org/downloads/pdf/ThreatenedvillagesFS.pdf>

regime, restrictions on the use of main roads, random checkpoints, curfews, and age and gender restrictions.

Therefore, the eight-meter-high Wall snaking in and around the settlements east of the Green Line deeply affects the lives of Palestinians. The hypothetical Palestinian state has a *de facto* border, different from everything stated in the preceding agreements and broken into several pieces. The land of the farmers near the Wall is often cut off from use, not only because of the Wall itself, but because of all the tools of Occupation: concrete slabs, trenches, barbed wire “buffer zones,” electrified fencing, and numerous watch towers. These make it so that even when farmers can keep their land and are not forced to abandon their homes, they are little more than refugees, displaced in their own land.

According to testimony by Abdel Hadi Hantash of the Land Defense Committee, 1,200 dunams in the Hebron area are currently being confiscated for the construction of the Wall. Since the beginning of its construction, 3,500 families have been affected by the Wall, which has rendered many homeless.

4. SETTLER VIOLENCE

The freezing of settlement expansion would be an important step in the building of a real and just peace. Not only because the building of new settlements is based on the grab of Palestinian land and because the presence of the Wall divides Palestinian land and negatively impacts Palestinians' lives. The increasing number of settlers in the Occupied Palestinian Territories has also led to an increase in the number of violent episodes perpetrated by settlers against Palestinian residents and their properties.

According to reports published bimonthly by the Alternative Information Center, the number of violent incidents occurring during the whole of 2008 and the first part of 2009 is significant.²⁴ This period saw at least 16 attempts to build new outposts and 65 unauthorized demonstrations by Israeli settlers, often occurring to prevent Palestinians from reaching their land or properties. Three people were killed and at least 140 aggressive incidents occurred in which people sustained injuries. At least 40 houses and buildings were damaged. ARIJ recently reported that 8,000 fruit trees were uprooted or burnt by the settlers, together with hundreds of dunams of land damaged.

Because of the presence of the settlers in the West Bank, we can identify at least two different breaches of the Fourth Geneva Convention.

In the part relative to the protection of civilian persons in time of war, Article 49 states: "the occupying power shall not deport or transfer part of its own population into the territories it occupies."²⁵ The presence of approximately 500,000 settlers is an evident breach. In addition to this article, the Convention also obliges the Occupying power to protect civilians from violence. The AIC's records of violent settler attacks show that the military regularly cooperates with the settlers.

The daily attacks affect the lives of Palestinians in various ways. There are recorded incidents of fields that have been burnt. There are settler invasions into certain areas in order to set up tents and start new outposts. There are night-time attacks against Palestinian homes.

The dramatic nature of settler violence is particularly evident in Hebron and the southern hills of the district. There are families who have seen their homes burnt, people that were sleeping in tents whose lives were endangered when settlers set their tents on fire. There are families who lost entire incomes because their fields were destroyed and their olive trees uprooted.

Phase I of the Roadmap of 2003, which forms the basis of the Annapolis

²⁴ <http://www.alternativenews.org/publications/settler-violence.html>

²⁵ <http://www.unhcr.ch/html/menu3/b/92.htm>

statement, states clearly that “Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.”

The complicity of the Israeli military with the settlers directly contradicts this statement. The fact that the soldiers often help settlers give life to new outposts is a violation of the above commitment. The fact that in Hebron, for example, the army does not intervene immediately to stop settler attacks against Palestinians is a violation of this commitment.

The non-freezing of the settlement expansion is causing more and more problems for Palestinians in the affected areas, not only due to the Wall and restricted access as we have seen, but also as the presence of settlers is becoming increasingly violent in nature.

5. CONCLUSION

During May 2009, the international community and the media were filled with great hope for a possible resolution to the Palestinian-Israeli conflict. President Obama's call to end settlement expansion seemed a great achievement. Netanyahu's mention of a "Palestinian state" appeared a culminating moment for the peace process. But once again, digging under the surface of the two leaders' speeches, it is clear that the rhetoric and the facts do not overlap. Reality on the ground shows that Obama's call is not such a revolutionary step; it is merely a call for the respect of relevant UN Resolutions, the peace treaties and Road Map.

Netanyahu offered the possibility for the creation of a Palestinian state. He pronounced the words: "Let us meet, let us talk about peace. Let us begin peace negotiations immediately without prior conditions." He spoke about the Palestinian state.

But he also said that such a state would be required to recognize Israel as a Jewish state, that it would be demilitarized, that Israel has to have defensible borders, that Jerusalem is the indivisible capital of Israel and that the refugee issue would have to be solved outside the borders of Israel. These issues, he said, are pre-conditions for the creation of a Palestinian state. But it is the AIC's position that a Palestinian state with 40% covered by settlements, bypass roads and military zones is not a viable state or solution.

This text produced by the AIC is an analysis of available data and existing research. It is also an invitation for the international community to closely examine politicians' words in the framework of the facts on the ground.

Between Political Statements and Reality on the Ground: Eighteen Months to the Annapolis Conference

18 months after the Annapolis Conference, at which Israel re-committed itself to halt construction of settlements in the Occupied Palestinian Territories (OPT), the AIC demonstrates in this new report that settlement construction and expansion continue unabated in the OPT.

This report analyzes the settlement issue in three main areas – the ongoing expansion of the settlements, the impact and the effects of the Separation Wall, and settler violence. It shows that settlement construction, the Wall, and settlers' attacks are increasingly destructive to the health and safety of Palestinian communities. If left unchecked, Israel's settlement project will prove an insurmountable obstacle to establishing a just and lasting peace between Palestinians and Israelis.

The Alternative Information Center (AIC) is an internationally oriented, progressive, joint Palestinian-Israeli activist organization. It is engaged in dissemination of information, political advocacy, grassroots activism and critical analysis of the Palestinian and Israeli societies as well as the Palestinian-Israeli conflict.

The AIC strives to promote full individual and collective social, economic, political and gender equality, freedom and democracy and a rejection of the philosophy (ideology and praxis) (weltanschauung) of separation.

The most urgent regional task is to find a just solution to the century-old colonial conflict in Palestine and confront the ongoing Israeli occupation-regime within its international framework. The AIC method of action develops from the awareness that local struggle must be practically and analytically situated within the framework of the global justice struggle.