

# This Is Ours - And This, Too

Israel's Settlement Policy in the West Bank



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March 2021

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## Israel's Settlement Policy in the West Bank

March 2021

The State of Israel is enforcing a regime of Jewish supremacy in the entire area between the Jordan River and the Mediterranean Sea. The fact that the West Bank has not been formally annexed does not stop Israel from treating it as if it were its own territory, particularly when it comes to the massive resources Israel invests in developing settlements and establishing infrastructure to serve their residents. This policy has enabled the establishment of more than 280 settlements and outposts now populated by more than 440,000 Israeli citizens (excluding East Jerusalem). Thanks to this policy, more than two million dunams [1 dunam = 1,000 square meters] of Palestinian land have been stolen, by official and unofficial means; the West Bank is crisscrossed with roads linking the settlements to one another and to Israel's sovereign territory, west of the Green Line; and the area is dotted with Israeli industrial zones. All these have transformed the geography of the West Bank beyond recognition over the decades.

This report addresses the financial, legal and planning mechanisms that Israeli authorities have been employing for more than half a century to enable the establishment and expansion of settlements and sustain them. It centers on two key aspects:

First, the effort invested by various state authorities to encourage Jews to move to settlements and develop financial ventures in and around them. The state offers a slew of benefits and incentives to settlers and settlements, through both official and unofficial channels – extensively reviewed here. Housing benefits are the most significant, allowing families that lack capital or substantial sources of income to buy homes in settlements. These benefits partly explain the rapid population growth in the large ultra-orthodox settlements in the West Bank - Modi'in Illit and Beitar Illit. In addition, significant tax benefits of up to NIS 200,000 (~USD 60,500) per taxpayer are offered to residents of about 30 settlements, some of which are affluent.

Further benefits and incentives are offered to industrial zones in the West Bank, including discounted land fees and employment subsidies. These drive consistent growth in the number of factories there. Israel also encourages Jews to set up new outposts, which operate as agricultural farms and enable extensive takeover of Palestinian farmland and pastureland. Forty such farms have been established in the past decade, effectively taking over tens of thousands of dunams.

Second, the report analyzes the spatial impact of two settlement blocs that cut across the West Bank. One bloc, built south of Bethlehem, stretches from the urban settlements of Beitar Illit and Efrat to the west and the settlements belonging to the Gush Etzion Regional Council, which encircle Bethlehem and the villages around it, to the settlement of Nokdim and its environs on edge of the Judean Desert, to the east. The other bloc is located in the center of the West Bank and consists of the settlements of Ariel, Rehelim, Eli, Ma'ale Levona, Shilo and the outposts built around them. This bloc also cuts across the West Bank, reaching the hillsides overlooking the Jordan Valley.

Israel devotes relentless efforts to increasing the population in these two blocs and to extending their geographical footprint. This is pursued by planning new neighborhoods, developing infrastructure, and preparing plans and land reserves for future building and development. These steps have already resulted in an accelerated population growth rate in both blocs over the past decade. The population of Efrat is expected to double, if not triple, in the coming decades. Beitar Illit's population is expected to grow by 20,000 settlers, and Ariel's by about 8,000.

The impact of the two blocs extends far beyond their built-up areas (which cover about 20,000 dunams) and the size of their population (a combined total of about 121,000 settlers). Their existence stifles any possibility of sustainable development for Palestinians in the area, and directly impacts the livelihood and future of tens of thousands of Palestinians in dozens of communities.

- The bloc south of Bethlehem stretches from the Green Line in the west to the edge of the Judean desert in the east, edging the southern municipal boundaries of Jerusalem – including parts of the West Bank Israel annexed weeks after the occupation – and spreading south all the way to al-‘Arrub Refugee Camp. The settlements and outposts in this bloc divide Palestinian space by cutting the Bethlehem area off from the area of Jerusalem in the north and from Hebron and its environs in the south. They also fragment the Bethlehem area itself, turning villages into isolated islands, preventing the city’s future development and controlling Route 60 – the major traffic artery traversing the West Bank from north to south and connecting between Jerusalem, Bethlehem and the southern West Bank.

- The central bloc bisects the West Bank from west to east, disrupting the contiguity of a string of Palestinian communities. The settlements of Eli and Shilo and the outposts around them were built in one of the most populous and fertile areas in the West Bank, which served for generations as a Palestinian rural hub, with residents relying on intensive cultivation of the land for their livelihoods. Settlers in this area have gradually and doggedly dispossessed Palestinians of thousands of dunams of farmland, robbing them of their livelihoods.

Following the establishment of these two settlement blocs, Palestinians have lost access to thousands of dunams of agricultural land, whether directly (in areas declared “state land” or closed by military order) or as a result of the chilling effect of state-backed settler violence, which deters many Palestinians from trying to access their land. Around the settlements of Tekoa and Nokdim, Palestinians have lost access to at least 10,000 dunams. In the vicinity of Shilo, Eli and their satellite outposts, their access is barred to at least 26,500 dunams.

The report should be read in the context of B’Tselem’s recently-published position paper asserting that the

Israeli regime, which strives to promote and perpetuate Jewish supremacy in the entire area between the Jordan River and the Mediterranean Sea, is an apartheid regime. The regime’s policy of Judaizing space is not confined to the two settlement blocs discussed in this report. It is implemented throughout the entire area, based on the mindset that land is a resource meant to primarily benefit the Jewish population. Accordingly, land is used to develop and expand existing Jewish settlements and build new ones, while Palestinians are dispossessed and corralled into small, crowded enclaves. This policy has been practiced with respect to land within sovereign Israeli territory since 1948, and applied to Palestinians in the Occupied Territories since 1967.

While de-jure annexation of the West Bank may have been shelved, this is immaterial in practice – as the report demonstrates yet again. Construction and infrastructure work has recently been carried out in the West Bank on a scale not seen in decades. This large-scale development is designed to facilitate another significant spike in the number of settlers living in the West Bank, which settlement leaders predict will reach one million in the near future.

This massive investment further entrenches Israel’s hold on the West Bank, clearly demonstrating the regime’s long-term plans. These include cementing the position of millions of Palestinians as subjects denied rights and protection, who are deprived of any ability to influence their own future and forced to live in disconnected, dwindling, economically suppressed enclaves. They are forced to look on as they are dispossessed of more and more land, while communities and infrastructure are built for Jewish citizens. Two decades into the 21st century, Israel appears more determined than ever to continue upholding and perpetuating an apartheid regime throughout the area under its control, well into the coming decades.

# Introduction

In August 2020, Israel decided to shelve its plan to officially annex more parts of the West Bank, at least for the time being. This was the first time Israel had openly declared such plans since annexing about 70,000 dunams [1 dunam = 1,000 square meters] and adding them to Jerusalem's municipal boundaries several weeks after the occupation of the West Bank and the Gaza Strip in 1967. The international community, relieved it would not have to deal with this public step, quickly rekindled its warm relationship with Israel.

In truth, however, the question of de-jure annexation has become largely moot over the years, as Israel has already annexed large parts of the West Bank de-facto. It already operates in these areas as if they were part of its sovereign territory and implements a single regime between the Jordan River and the Mediterranean Sea.

The fact that Israel treats most of the West Bank as if it were its own territory is most acutely reflected in the massive resources Israel invests in developing settlements and establishing infrastructure to serve their residents. This policy, pursued by various authorities for more than half a century, has enabled the establishment of more than 280 settlements and outposts and made it possible for more than 440,000 Israeli citizens to live in them comfortably. It is the reason why more than two million dunams of Palestinian land have been stolen – officially and unofficially – and why the West Bank is now crisscrossed with roads linking the settlements to one another and to central Israel, and industrial zones have been built.<sup>1</sup> All these have transformed the geography of the West Bank beyond recognition over the decades.

Israel exploits the West Bank for its own purposes while almost entirely ignoring the needs and wants of more than 2.7 million Palestinians who live there. The settlements have turned Palestinian communities into fragmented enclaves without development prospects. They have destroyed the livelihoods of thousands of

farmers who have lost their lands and their ability to keep making a living off it. The location of settlements is the main determinant of where checkpoints are installed, what lands Palestinian owners can access and what roads they may use. It was also the main factor in determining the route of the Separation Barrier.

Following on reports published over the years by B'Tselem and Kerem Navot providing reviews and analysis of Israel's settlement policy,<sup>2</sup> this report focuses on two aspects:

First, the benefits and incentives Israel offers settlers, settlements and various business and agricultural ventures in the West Bank. These perks encourage the accelerated population growth in the settlements – most apparent in the ultra-orthodox cities of Modi'in Illit and Beitar Illit, where nearly a third of all settlers currently live. They also encourage the expansion of industrial zones built near settlements and drive takeovers of Palestinian farmland and tens of thousands of dunams of pastureland.

The second aspect addressed in the report is the spatial impact of two settlement blocs that cut across the West Bank: the bloc built south of Bethlehem, which includes Beitar Illit and the Gush Etzion Regional Council, and the bloc in the center of the West Bank, which includes the settlements of Ariel, Rehelim, Eli, Ma'ale Levona and Shilo, and the outposts built around them.

The report should be read in the context of B'Tselem's recently published position paper asserting that the Israeli regime, which strives to promote and perpetuate Jewish supremacy in the entire area between the Jordan River and the Mediterranean Sea, is an apartheid regime.<sup>3</sup> The pages below shed light on various ways in which this organizing principle is implemented with respect to, and by means of, settlements in the West Bank.

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1. This report addresses only the parts of the Occupied Territories that have not been officially annexed to Israel. Therefore, it does not contain figures on takeover of land and establishment of settlements in the tens of thousands of dunams Israel officially annexed in 1967. For more on these, see B'Tselem, [East Jerusalem](#).

2. See, e.g., Kerem Navot, [Israeli Settlers' Agriculture as a Means of Land Takeover in the West Bank](#), August 2013; [A Locked Garden - Declaration of Closed Areas in the West Bank](#), March 2015; B'Tselem, [By Hook and by Crook: Israeli Settlement Policy in the West Bank](#), July 2010; [Land Grab: Israel's Settlement Policy in the West Bank](#), May 2002.

3. B'Tselem, [A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#), January 2021.

# Chapter 1: Figures

## Population

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As of the end of 2020, the entire population of the Israeli-controlled area stretching from the Jordan River to the Mediterranean Sea is about 14 million. Roughly 6.87 million (48.7 percent) are Jews, of whom some 6.2 million live within the Green Line and some 662,000 in the West Bank (including annexed East Jerusalem). Some 6.76 million (47.9 percent) are Palestinians, of whom about 1.6 million are Israeli citizens, about 350,000 are residents of East Jerusalem, some 2.75 million are subjects in the West Bank, and about 2.05 million are subjects in the Gaza Strip. The rest are Israeli citizens “without a religious classification and non-Arab Christians.”<sup>4</sup>

At the end of 2019, 441,619 settlers were living in the West Bank, excluding the area Israel annexed in 1967 and added to the municipal boundaries of Jerusalem. They accounted for about 13.8 percent of all people living in the West Bank.<sup>5</sup> According to the Israeli Central Bureau of Statistics (CBS), the population of the “Judea and Samaria Area,” a term the CBS uses to refer to Israeli citizens and permanent residents living in the West Bank, grew by 3.2 percent in 2019 – 68 percent more than the overall population growth rate for Israeli citizens and residents in that year, which was just 1.9 percent.<sup>6</sup>

The population of the settlements has grown by 42 percent since 2010, when it numbered 311,136, and by 222 percent compared to 2000, when it stood at 198,315. These figures represent a much faster growth rate than that measured in other CBS-monitored districts. As

an example, in the Jerusalem district, which has the second fastest growth rate, the population grew by 22 percent over the last ten years and by 91 percent over the last twenty.<sup>7</sup>

At the end of 2020, the two largest settlements – the ultra-orthodox cities of Modi’in Illit and Beitar Illit – had a combined population of 140,053, comprising nearly a third of all settlers in the West Bank. These settlements also have the fastest growing populations: they have grown by 62 percent since 2010, when the combined population numbered 86,200, and by 435 percent since 2000, when they had 32,200 residents.<sup>8</sup>

## Settlements and outposts

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As of the end of 2020, there are more than 280 settlements in the West Bank. Israel officially recognizes 138 of them (excluding the 12 neighborhoods it built in the areas annexed to Jerusalem), and about 150 outposts, which are not officially recognized. About fifty of these were established in the past decade, and most of them are small agricultural or shepherding farms.

In the past decade, the government approved the establishment of one new official settlement, Amichay – built for the settlers of the evacuated outpost of Amona – and retroactively approved two outposts, Havat Gilad and Mevo’ot Jericho.<sup>9</sup> The decision in the matter of Havat Gilad has not been implemented to this day. Fifteen additional outposts were retroactively authorized by way of approving building plans that brought them within the jurisdictions of nearby settlements, although they

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4. See Central Bureau of Statistics, [Population of Israel on the Eve of 2021 – 9.3 Million](#), 31 December 2020; Jerusalem Institute for Policy Research, [2020 Statistical Yearbook](#); Palestinian Central Bureau of Statistics, [Estimated Population in Palestine Mid-Year by Governorate, 1997-2021](#). The number of East Jerusalem residents was deducted from the number of West Bank residents based on figures released by the Palestinian Central Bureau of Statistics.

5. Central Bureau of Statistics, Population by District and Sub-District, Population Group, Age and Gender, 2019-2000 (end of year) (Hebrew); Palestinian Central Bureau of Statistics, [Estimated Population in Palestine Mid-Year by Governorate, 1997-2021](#).

6. Central Bureau of Statistics, Sources of Population Growth by District, Population Group and Religion, 2017 (Hebrew); B’Tselem, [By Hook and by Crook](#), supra note 2, p. 9.

7. Central Bureau of Statistics, Table 2.13, Sources of Population Growth, [Statistical Abstract of Israel 2020 – No. 71](#) (Hebrew); Population by District and Sub-District, Population Group, Age and Gender, 2019-2000 (end of year) (Hebrew).

8. Central Bureau of Statistics, Population in Communities with 2,000 Residents or More – Temporary Estimates for the End of October 2020 (Hebrew).

9. Government Resolution No. 3015 regarding the Establishment of a Community and Temporary Residence Site for Amona Evacuees in the Mateh Binyamin Regional Council, 3 September 2017 (Hebrew). Tal Shalev and Maya Horodniceanu, “Government Authorizes Proposal to Sanction Gilad Farm Following Terror Attack”, [Walla!](#), 4 February 2018 (Hebrew); Government Resolution No. 4963 regarding the Establishment of a New Community in the Jordan Valley Regional Council – Mevo’ot Jericho, 15 September 2019 (Hebrew). See, also, Noa Landau and Netael Bandel, “Two Days to Election, Netanyahu Government Green Lights Legalizing Jordan Valley Outpost”, [Haaretz English edition](#), 15 September 2019.



continue to function as independent communities.<sup>10</sup> The State has also told the High Court it intends to retroactively authorize four more outposts – Haresha,

Hayovel, Ma'ale Rehav'am and Giv'at Haro'eh.<sup>11</sup> The retroactive authorization has not yet been undertaken at the time of writing.

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**10.** The outposts are: Bruchin, Sansana, Rehelim-Nofei Nehemia, Shvut Rachel, Tal Menashe, Sde Bar, Mitzpe Danny, Migron, El Matan, Giv'at Sal'it, Mitzpe Lachish, Mitzpe Eshtamoa, Giv'at Habreicha, Nahalei Tal and Zayit Ra'anana.

**11.** Updating Affidavit on behalf of Respondents 1-4 in HCJ 9051/05, **Peace Now v. Minister of Defense**, dated 22 August 2011. See, also, judgment in HCJ 9051/05 **Peace Now v. Minister of Defense**; HCJ 5285/19 **Dror Bar Levav et al. v. State of Israel et al.**; HCJ 7891/07 **Peace Now et al. v. Minister of Defense et al.** (Hebrew).

## Chapter 2: Economic benefits and incentives for settlements and settlers

Under international law, an occupying power is prohibited from transferring its population into the occupied territory. One argument Israel uses as a defense against the charge that the settlements breach this prohibition is that its citizens move to the settlements freely, on their own initiative, allegedly making both their establishment and expansion legal.<sup>12</sup>

However, for more than five decades, all Israeli governments have openly and officially encouraged Jews to move to the settlements and develop financial ventures in and around them. The policy is implemented via two types of financial benefits and incentives: those offered to settlers on an individual basis, and those given to settlements, discriminating in their favor compared to Israeli local councils west of the Green Line.

The main types of benefits on offer are housing benefits. These can amount to hundreds of thousands of NIS per family and make it possible for families of lesser means to purchase a residence. Further benefits, which can amount to as much as NIS one million per person, are given to entrepreneurs and farmers living in both settlements and outposts – which may have been established without official authorization, but almost always with help and support from the state.<sup>13</sup> These benefits and incentives, which are offered in addition to the state's ongoing investment in the infrastructure that serves the settlements and their maintenance, disqualifies Israel from eschewing its responsibility for the establishment of settlements or arguing its citizens move there on their own "private initiative."

One of the main agencies used for funneling government funding to settlements and settlers is the Settlement Division of the World Zionist Organization, which is considered a national institute in Israel.<sup>14</sup> The Settlement Division has served as the government's executor in the "rural expanse" since 1971, and is now responsible for managing about 450,000 dunams in the West Bank – nearly eight percent of the West Bank territory Israel has not officially annexed. Most of the division's work is kept from the public. Its guidelines for allocating land are unknown, and its public work plan is phrased in vague terms. Additionally, the Settlement Division has been subject to the Freedom of Information Act since 2016, but only on financial matters. Yet in this area, too, it does not operate with full transparency.<sup>15</sup>

This section of the report lists the benefits and incentives the government offers both directly and indirectly towards improving settlers' standard of living and developing industrial and agricultural ventures in the West Bank.<sup>16</sup> A number of metrics demonstrate that, on average, the settler population enjoys a higher standard of living than the overall population of Israel – among other things, thanks to these benefits and incentives – even when accounting for the population in ultra-orthodox settlements, which largely fits in the lowest socioeconomic cluster.

According to a CBS survey from 2015, settlers placed third in average gross income per household and average gross work income per household – NIS 23,290 and NIS 18,969 a month, respectively. The Tel

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12. Israeli Ministry of Foreign Affairs, [Israeli Settlements and International Law](#), 30 November 2015.

13. The [Opinion Concerning Unauthorized Outposts](#) (full version available in Hebrew only) authored by Adv. Talya Sasson in 2005 (the Sasson Report) identifies four conditions for a settlement to be formalized: a government resolution, rights to the land (the land must either be declared state land or lawfully purchased), jurisdiction, and detailed building plans pursuant to which building permits may be issued. See p. 19-21.

14. [World Zionist Organization Law – Jewish Agency \[Status\]](#) 1952.

15. See Peace Now, "[Settlement Division Continues to Finance Illegal Projects](#)", 27 May 2019. For more on the Settlement Division see, Peace Now, [Unraveling the Mechanism behind Illegal Outposts](#), January 2017; Knesset Research and Information Center, Department of Budgetary Control, [Settlement Division Budget Description and Analysis](#), 9 November 2014 (Hebrew); Yonatan Levi, Liat Schlesinger & Avichai Sharon, [The Secret Budget of the Settler Right: Direct funding by the Settlement Division revealed and analyzed](#), Molad Center for the Renewal of Israeli Democracy, 2014; Knesset Research and Information Center, Department for Budget Supervision, [Description and Analysis of the Settlement Division's Budget](#), 9 November 2014 (Hebrew). See, also, Chaim Levinson, "[Settlement Division Says It Gave Settlements 17 Mil, Ministry of Finance Says 83](#)," [Haaretz](#), 10 March 2015 (Hebrew); Yotam Berger, "[Revealed: Israeli Taxpayers Helped Bankroll Illegal West Bank Outposts for Decades](#)," [Haaretz English edition](#), 25 October 2018.

16. For information about past implementation of the policy, see B'Tselem, [Land Grab: Israel's Settlement Policy in the West Bank; By Hook and by Crook](#), supra note 2, p. 2.

Aviv and Central districts placed first and second. The national average at the time was NIS 18,671 and NIS 14,470 per month, respectively. According to CBS figures for 2018, 89.6 percent of households in the settlements included employed individuals, higher than the average in Israel, which was 79.8 percent. Residence ownership among settlers is also relatively high at 76 percent, placing sixth out of 17 districts surveyed by the CBS. Settlers place third in proportion of individuals with memberships at pools and sports facilities, with 17.23 percent, after the Tel Aviv and Central districts. The average district grade achieved by students in settlements in the Growth and Effectiveness Measures for Schools (GEMS) standardized testing is the second highest (58.3), after students in the Tel Aviv district (69.2).<sup>17</sup>

The section does not cover all benefits and incentives or their annual and cumulative costs, as these figures are not readily available, but are rather spread across a plethora of governmental and semi-governmental mechanisms, criteria, allocations and budgets. Therefore, there are many more mechanisms not covered in this report. Additionally, the section does not address the extensive investment of billions of NIS per year in physical infrastructure to serve the settlements throughout the West Bank, including road building and maintenance, development for construction, the establishment of education and healthcare facilities, and the development of water, communications, power and tourism infrastructure. Spending on security forces deployed to protect settlements, estimated at hundreds of millions of NIS per year, is also outside the scope of the section.

## A. National Priority Areas

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One of the tools the government uses to channel resources to residents of the settlements is defining most settlements as a National Priority Area, which entitles residents to benefits, mainly in housing, education and welfare. Over the years, the government

has made changes to the list of communities included in the list of National Priority Areas and in the benefits extended to them, but the original intent behind the designation of National Priority Areas remains clear. A government resolution from 2002 defines the goal as follows:

To establish National Priority Areas in the Negev, Galilee, Jerusalem and the Judea and Samaria Area. A variety of benefits and incentives will be offered in these areas with the aim of aiding their advancement, reducing gaps in development and standard of living between National Priority communities and the rest of the communities in the country, encouraging next generations to settle in National Priority communities, [and] encouraging new immigrants and veteran residents to settle in National Priority communities, while implementing government policy with respect to planned distribution of the population throughout the country.<sup>18</sup>

The determination of National Priority Areas has undergone several incarnations over the years. In 1988, the Knesset passed the Development Cities and Areas Law. The law was intended to “encourage settlement in and social and economic development of development cities and areas and their residents.” It enshrined a series of benefits, including grants for local councils, municipal tax discounts, and education and housing benefits. For various reasons, the law was never implemented. Instead, benefits were extended to communities defined as “development towns,” based on government resolutions or resolutions passed by various ministerial committees – a practice that resulted in an unequal distribution of benefits. In February 1998, a government resolution reclassified National Priority Areas and communities, with the aim of producing a uniform government policy by which all ministries would be bound.<sup>19</sup>

Following the resolution, Adalah-The Legal Center for Arab Minority Rights in Israel and the High

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17. Central Bureau of Statistics, Households: Economic Characteristics and Housing Density, Based on Labour Force Surveys 2018; [Table 57: Households and Households With Employed Persons, by District and Sub-District of Residence and Ownership of Dwelling](#), 8 March 2020.

18. [Government Resolution No. 2228](#) (Hebrew) (the resolution was passed before the implementation of the disengagement plan, and therefore includes settlements in the Gaza Strip).

19. For a description of the chain of events see, HCJ 2918/93 [Kiryat Gat Municipality et al. v. Government of Israel et al.](#) (Hebrew).

Follow-Up Committee for Arab Citizens in Israel filed a petition with Israel's High Court of Justice (HCJ), arguing the list discriminated against Arab communities inside Israel, particularly in terms of education benefits.<sup>20</sup> In 2003, owing to various developments, an amended petition was filed. In that year, 553 communities were included in the National Priority Area map. Only four of them were Arab communities.<sup>21</sup>

In February 2006, a seven-justice High Court panel accepted the petition. The court ruled that education benefits and incentives in National Priority Areas were based on wrongful discrimination and ordered their revocation within a year. Although the ruling addressed education benefits and incentives, Aharon Barak, then president of the Supreme Court, who wrote the main opinion, clarified that the normative finding in the judgment reflected on the designation of National Priority Areas as a whole, meaning the alternative arrangement designed by the government "should be expected" to produce an "overall correction" of National Priority Areas and the benefits and incentives given to them.<sup>22</sup>

The state asked for several stays in the implementation of the judgment, until it ultimately decided to circumvent it with the enactment of the Arrangements Law in July 2009, which included a section on National Priority Areas.<sup>23</sup> The explanatory notes for the bill state that the law was necessary "given the need to continue providing benefits to areas recognized by the government as National Priority Areas" through primary legislation – in response to the High Court ruling.

The law itself is vaguely worded so as to give the government broad discretion in decisions concerning the classification of communities. For instance, it neglects to define what constitutes a National Priority Area or prescribe the type of benefits to be offered and timelines for their provision. The law also stipulates that "the Government may decide that a certain area is a National Priority Area with respect to a particular matter or for a particular period of time."<sup>24</sup>

Formally, the Arrangements Law does not apply in the West Bank, which is not part of the sovereign State of Israel. The government nevertheless decided to "follow the spirit of the law" and apply it to settlers and settlements "pursuant to the principles of administrative law and subject to relevant state policy considerations," without officially annexing the area.<sup>25</sup> Accordingly, the list of National Priority Areas and communities released by the government in December 2009 included settlements.<sup>26</sup> This decision is in line with the efforts made by all governments in recent decades to apply Israeli law to the settlements and their residents, by treating them as Israeli "islands" that are detached from their Palestinian surroundings.<sup>27</sup>

The new list was approved by the government twice, in August 2013 and in April 2018. It now includes 110 settlements, 76 of which are considered National Priority Area A, and all six Israeli regional councils in the West Bank. The only settlements excluded from benefits are those located west of the Separation Barrier route and the settlements in the Gush Adumim area. The current government resolution is set to expire at the end of September 2021.<sup>28</sup>

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20. [Petition in HCJ 2773/98](#) High Follow-Up Committee for Arab Citizens in Israel et. al. v. Binyamin Netanyahu, Prime Minister of Israel (Hebrew).

21. [Petition in HCJ 11163/03 High Follow-Up Committee for Arab Citizens in Israel v. Prime Minister of Israel](#).

22. [HCJ 11163/03 High Follow-Up Committee for Arab Citizens in Israel v. Prime Minister of Israel](#).

23. For more, see Adalah, [Exclusion of Arab Towns from the National Priority List \(NPL\)](#).

24. [The Economic Efficiency Bill](#) (Legislative Amendments for Implementing the Economic Plan for 2009-2010) – 2009, Government Bills – 436, 16 June 2009 (Hebrew); see section 24. See, also, Adalah, [On the Israeli Government's New Decision Classifying Communities as National Priority Areas](#), Position Paper, February 2010.

25. Subsection on Security Threat Level – Judea and Samaria Area, in [Government Resolution No. 1060](#), dated 13 December 2009 (Hebrew); Threatened Communities in [Government Resolution No. 667](#), dated 4 August 2013 (Hebrew); Section 3, Threatened Communities in [Government Resolution No. 3738](#), dated 15 April 2018 (Hebrew).

26. Government Resolution No. 1060, supra note 25.

27. See, the Association for Civil Rights in Israel, [One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank](#), November 2014, pp. 15-30.

28. Government Resolution No. 3738, supra note 25.

The government applies several criteria to the settlements that allow for their inclusion in the list. Ninety-two settlements are recognized as “threatened communities” as they are located east of the Separation Barrier. Fourteen are defined “border communities” that are “within threat range.... given the security challenges they face.” These include Jordan Valley settlements located near the international border with Jordan, a country with which Israel has had a peace treaty for more than 25 years. Another 35 settlements in the Jordan Valley and South Hebron Hills were defined as communities in the “geographic periphery”, and 11 settlements were defined as “social periphery,” including affluent settlements such as Efrat (socioeconomic cluster 6) and the large ultra-orthodox settlements of Modi’in Illit and Beitar Illit (both in the lowest socioeconomic cluster – 1). All six regional councils – Gush Etzion, Mount Hebron, Megilot, Mateh Binyamin, Jordan Valley and Samaria – are also included in this final category thanks to the “contiguity principle,” which is designed to create geographic contiguity among nearby communities.<sup>29</sup>

## B. Benefits and incentives according to the National Priority Map

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The Economic Efficiency Law allows government ministers to independently establish ministry-specific criteria for benefits and incentives to be given to communities on the National Priority Map.

**Housing benefits:** These benefits award 1,500 (out of a possible 2,200) merit points to individuals purchasing their first home in National Priority Area A, inside Israel or in settlements. Recipients are automatically eligible for state-funded mortgages from Israeli mortgage banks and a “locality loan” in the sum of NIS 100,000 per family at a relatively low and subsidized interest rate of 4.5 percent for 20 years. In addition, recipients are exempt from penalties and capitalization fees in case of mortgage prepayment. The Ministry of

Construction and Housing also subsidizes development costs (planning, development, management and supervision) for construction in settlements on the National Priority Map, up to NIS 160,000 per family.<sup>30</sup>

These benefits also allow families that lack capital or substantial sources of income to buy homes. They are particularly significant in the ultra-orthodox settlements, where the average cost of a three-bedroom apartment currently ranges from NIS 1.3 million for a previously-owned property to NIS 1.5 million for a newly-constructed one. By offering housing solutions beyond the Green Line, the state is essentially exploiting the in the ultra-orthodox community’s low socioeconomic status and housing shortage to serve its own needs and further its agenda.

One of the most significant housing benefits concerns land. The initial cost of land in settlements is low. Having been seized (rather than purchased) by virtue of administrative decisions and, it is worth repeating, in defiance of international law, the cost fails to reflect the land’s true value. To that, the Israel Land Authority adds another benefit in the form of a 31 to 51 percent discount on the value of the land in residential leasing fees in settlements defined as National Priority communities. For one- or two-story homes, the discount is 21 to 41 percent of the value of the land, capped at NIS 450,000.<sup>31</sup>

Even these discounted levies are not always collected. In 2013, the State Comptroller found that the Civil Administration had not collected leasing fees estimated at hundreds of millions of NIS from settlers living in 87 settlements established by the Settlement Division of the World Zionist Organization – a matter already noted in the State Comptroller’s 2005 report. The fees were not collected in the time between the establishment of the settlements and the publication of the State Comptroller’s report, purportedly due to a staffing shortage at the office of the Commissioner

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29. [List of Communities on National Priority Map according to Government Resolution No 3738](#) (Hebrew).

30. [Government Resolution No. 4302](#) regarding the Determination of National Priority Areas for Purposes of Construction and Housing Benefits given by the Ministry of Construction and Housing to National Priority Communities, dated 25 November 2018 (Hebrew) – on the website of the Ministry of Construction and Housing.

31. Israel Land Authority Board Decision No. 1490, dated 9 November 2016, and Decision No. 1505, dated 16 January 2017 (Hebrew).

of Governmental Property and Abandoned Lands.<sup>32</sup> Following the State Comptroller's report, the prime minister appointed a committee in February 2016 to examine "the management of state land in the rural sector of the Judea and Samaria Area," with emphasis on the operations of the Settlement Division. The committee has yet to release conclusions and the government has never revisited the issue.<sup>33</sup>

**Industrial zone benefits:** Various bodies provide support for industrial zones in National Priority Areas, as well as business subsidies. The Israel Land Authority provides a 31 to 51 percent discount on land leasing fees during the construction of a new factory or the expansion of an existing one.<sup>34</sup> Plants considered a "priority technological plant" also receive a corporation tax reduction, which sees their rate drop from 23 to 7.5 percent, and dividend taxes are reduced from 30 to 20 percent.<sup>35</sup>

The Ministry of Economy and Industry also offers a slew of benefits to industrial zones in National Priority Areas. The ministry undertakes development and builds infrastructure and facilities;<sup>36</sup> provides entrepreneurs with grants of up to 20 percent of the corporation's investment under the Encouragement of Capital Investments Law;<sup>37</sup> and helps absorb new hires in the high-tech sector, including the research, development and computer industries – subsidies that apply to high-paid employees, as well.<sup>38</sup>

In addition, the Production and Procurement Directorate at the Ministry of Defense prioritizes suppliers from National Priority Areas, even if their tender submission is pricier than submissions by suppliers from other areas. For example, tenders of up to NIS 360,000 with two bids by suppliers from National Priority Areas accept no more submissions.<sup>39</sup>

Cumulatively, these benefits, in combination with the higher availability of land in West Bank industrial zones compared to central Israel, have resulted in the significant expansion of West Bank industrial zones over the past decade.<sup>40</sup>

**Agriculture and agricultural venture benefits:** The Ministry of Agriculture is promoting several agricultural ventures in National Priority Areas. In settlements, these benefits help settlers take over areas for agricultural cultivation or for sheep, goat and cattle herding.<sup>41</sup>

The ministry provides new farmers with financial support of up to NIS 1 million, and up to nearly NIS 80,000 per herd for open field livestock grazing. It also provides up to NIS 2 million to farming cooperatives for the assimilation of new farmers.<sup>42</sup> The ministry is also responsible for "supporting volunteer groups in rural areas engaging in significant agricultural work in National Priority Areas," with NIS 13.5 million allocated for this purpose in 2018.<sup>43</sup> That same year,

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32. State Comptroller Report 63B, 17 July 2013, pp. 165-171 (Hebrew). See, also, [Proposed Resolution](#) (Hebrew) by the Knesset State Control Committee following the State Comptroller's report and asking Deputy Attorney General (Civilian), Adv. Erez Kamintz, to review the legal report prepared on the matter by the Civil Administration and the Israel Land Authority, and present his findings to the committee.

33. Prime minister's letter to the ministers of defense, finance and agriculture and rural development regarding the appointment of a commission to examine the management of state land in the rural sector in the Judea and Samaria Area dated, 3 February 2016 (Hebrew).

34. Israel Land Authority Board Decision No. 1490, dated 9 November 2016 (Hebrew).

35. Amendment 73 to the Encouragement of Capital Investment Law, entered into effect 1 January 2017 (Hebrew).

36. Ministry of Economy and Industry, Infrastructure Development for Industrial Zones and Project Implementation by Local Councils in National Priority Areas, Work Protocol (Hebrew).

37. Ministry of Economy and Industry, [Assistance via Grant Track under Encouragement of Capital Investment Law](#) (Hebrew).

38. Ministry of Economy and Industry, [Ministry of Economy and Industry continues assisting employers in National Priority Areas and in Jerusalem with the absorption of new employees at high pay](#), 1 December 2019 (Hebrew).

39. Ministry of Defense website, [Economic Outlook: Supporting the Periphery](#) (Hebrew).

40. See, for example, Batel Coleman, "[Despite BDS: Shahak Industrial Zone in Samaria Expanding](#)", **Makor Rishon**, 18 November 2018 (Hebrew). Nimrod Busso, "Ma'ale Adumim Industrial Zone to be Expanded by more than 1,400 Dunams, Becoming Largest Beyond Green Line", **Calcalist**, 28 March 2019 (Hebrew).

41. Freedom of Information application regarding benefits and incentives provided by the Ministry of Agriculture, sent by B'Tselem on 16 August 2020. No response received at the time of writing.

42. Ministry of Agriculture and Rural Development, Agriculture's Next Generation: Protocol for Support for New Farmers and New Residents in the Periphery for 2019, 7 March 2019 (Hebrew); Open Area Support Through Shepherding and Application Submission Criteria for 2020, 12 May 2020 (Hebrew).

43. [Government Resolution No. 3446](#) regarding Support for Volunteer Groups in Rural Areas engaging in Significant Agricultural Work in National Priority Areas – Government Resolution Amendment dated 15 January 2018 (Hebrew).

the ministry also released the draft of a program to “educate and encourage the younger generation to engage in farming work in National Priority Areas,” which includes support for housing expenses, project manager and counselor wages, and transportation costs for institutions that offer agricultural mentoring programs. The draft did not cite exact sums.<sup>44</sup>

**Education benefits:** The Ministry of Education has a system of special incentives and rewards in place for teachers and principals in National Priority Areas, mostly in mathematics, English, the sciences and technology, given in the form of up to a 70 percent wage increase (unless they are hired as part of two national educational reform programs known as Ofek Hadash and Oz LeTmura). These benefits are given for up to four years and a total of NIS 120,000.<sup>45</sup>

The settlements were also among the first Israeli communities to benefit from the application of the Compulsory Education Law from age three. The law was first implemented in settlements in 2001, but throughout Israel only in the 2014-2015 academic year.<sup>46</sup>

**Tax benefits:** Most residents of the settlements enjoyed an income-tax reduction of seven percent until it was canceled by the Economic Recovery Plan of 2003. Over the years, the list of settlements whose residents are entitled to an income tax reduction has shrunk, but in 2020 and 2021, residents of some 30 settlements defined as “beneficiary communities” were still given a seven to 12 percent reduction in income tax, with amounts ranging from NIS 131,640 to NIS 203,400 a year per taxpayer. Eleven additional settlements will enjoy this reduction until mid-2021. The settlements

receiving these benefits are located in the Jordan Valley, the northern Dead Sea, Gush Etzion and the South Hebron Hills. Some are affluent communities located in the higher clusters of the CBS socioeconomic index, such as Massu’a and Argaman (cluster 8) and Ro’i, Eshkolot and Sansana (cluster 7). Eleven other settlements in the Jordan Valley, including affluent communities such as Tomer (cluster 9), Beka’ot, Netiv Hagedud and Petza’el (cluster 8), and Almog, Hamra and Mechora (cluster 7), had access to this reduction in the first six months of 2020 only.<sup>47</sup>

Additionally, the Israel Tax Authority reduced the corporate tax rate from 23 to 7.5 percent for “priority” plants in Development Area A.<sup>48</sup> The authority has also canceled the levy on employing migrant workers in agriculture in “beneficiary communities.”<sup>49</sup>

## C. Further benefits for settlements

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A study by the Adva Center looked into central government subsidies for regular municipal budgets earmarked for social services from 1997 to 2017. The study compared subsidies for “the Forum of 15” (the most affluent local authorities), development towns, Arab communities, and both ultra-orthodox (Beitar Illit, Modi’in Illit and Immanuel) and non-ultra-orthodox settlements.<sup>50</sup>

The study report found that over the years, financing for non-ultra-orthodox settlements had consistently remained the highest compared to other local authorities inside Israel, with NIS 3,623 per capita in 2017 (an increase of 71 percent relative to 1997, when subsidies stood at NIS 2,123 per capita), compared to

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44. Criteria for Grant of Support by the Ministry of Agriculture and Rural Development to Educate and Encourage Young Generations to Engage in Farming Work in National Priority Areas – draft for public comments (Hebrew).

45. Special Incentive and Reward Arrangements – 2019-2020 Academic Year, Accountant’s Office, Ministry of Education, Teaching Staff Salary Senior Field, 18 August 2019 (Hebrew).

46. **By Hook and by Crook**, supra note 2, p. 42.

47. [List of Beneficiary Communities, Benefit Rate and Benefit Ceiling](#) (Hebrew). See, also, Central Bureau of Statistics, Localities (Municipalities, Regional Councils, Localities within Regional Councils) in Ascending Order of Socioeconomic Index 2015: Index Value, Cluster Rating and Changes Compared to 2013, 5 August 2019 (Hebrew).

48. Income Tax Circular 09/2017 – Tax Authority Concerning: Amendment 73 to Encouragement of Capital Investment Law, 5 November 2017 (Hebrew).

49. List of Beneficiary Communities, Benefit Rate, Benefit Ceiling for 2020 and 2021 (Hebrew).

50. Adva Center, [Central Government Subsidies of Municipal Budgets, 1997-2017](#), August 2019 (Hebrew). Summary in English available here: <https://adva.org/en/local-authorities-budgets-19972017/>.

NIS 2,326 per capita in development towns and NIS 3,054 per capita in Arab communities. Government subsidies in ultra-orthodox settlements are low, at NIS 1,726 per capita, as many educational institutions in these communities are classified as “recognized, unofficial education.” As such, government financing delivered for these institutions directly to local authorities is 55 to 75 percent of the support given to recognized educational facilities.

In addition to subsidies for social services, the government gives low-income local authorities “balancing grants.” The grants are supposed to be calculated according to a list of criteria, including the local authority’s socioeconomic ranking and demographic composition, but the Ministry of Interior automatically gives settlements a four percent increase, regardless of socioeconomic conditions.

The Ministry of Interior provides many additional grants, including the Minister of Interior grant, a deficit reduction fund, the “Oslo grant” (given as “compensation” to local authorities in the West Bank), a senior citizen grant, a participation pension grant (given when local authority employees switch from unfunded pension funds to participation pension funds) and the Minister of Interior award for proper executive and financial management. According to the Adva study, between 2012 and 2017, non-ultra-orthodox settlements received the highest grants. In 2017, these communities received NIS 459 per capita – double the amount given to development towns, four times the amount given to ultra-orthodox settlements, and seven times the amount given to Arab communities.

## D. Benefits and allocations for outposts

While all the settlements in the West Bank violate international law, outposts are also unlawful under Israeli law. As such, they are not supposed to receive any government support and their residents certainly

are not supposed to enjoy the benefits enumerated above. Yet over the years, various government ministries have found ways to make benefits and funding accessible to outposts without formalizing them in government resolutions and official budgets, in order to encourage the founding of outposts and help them become established. Among other things, support has been provided through vague ministry arms, as well as public agencies and authorities such as regional councils in the West Bank, the Amana arm of the Gush Emunim movement and the Settlement Division of the World Zionist Organization, which plays a key role in the establishment and funding of outposts.<sup>51</sup>

The most significant benefit outpost settlers receive is the land itself. Most of the outposts are built on land that was never officially allocated to them, and without their residents having acquired any right to use it, either for construction or for agriculture. This has not stopped the Settlement Division from occasionally allocating land, including land that was never handed over to it for management, using a legal document known as a Bar Reshut Contract, or Authorization Certificate, which the settlers used to purchase or build homes. These contracts are used by settlers or the Amana construction company when they submit mortgage applications to banks. In other cases, the Settlement Division has itself given settlers mortgages, even when they took over privately-owned Palestinian land.<sup>52</sup>

The Settlement Division also funds agricultural takeovers by outpost settlers even in land that the state recognizes as privately-owned by Palestinians, or in firing zones where entry is barred. Funding continues even in cases in which the Civil Administration has already issued evacuation or demolition orders against the settlers. For instance, in 2004, the Settlement Division gave Yigal Naveh, one of three founders of a company named Eretz Zayit Premium Oil, a loan to set up an olive press in the industrial zone in the

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**51. Sasson Report** supra note 13, p. 28.

**52.** See Yotam Berger, “[Overstepping Authority, State Body Advances Illegal Israeli Settlement Construction in West Bank](#),” **Haaretz English edition**, 9 March 2017; “[World Zionist Organization Gave Private Palestinian Land to West Bank Settlers](#),” **Haaretz English edition**, 13 November 2017; “[Israeli West Bank Authority Challenges Settlement Body Over ‘Illegal’ Construction](#),” **Haaretz English edition**, 23 November 2016. See for instance, Deed/Mortgage Agreement (Hebrew) between the Tefahot Bank and the Bar Amana company regarding lots in the outpost of Amona dated 3 November 2002, and [Deed/Mortgage Agreement](#) (Hebrew) between the same parties with respect to lots in the Migron outpost dated 24 December 2002. All the lots in question were privately-owned Palestinian property.



settlement of Shilo. The company markets its products under the brand name Meshek Achiyah.<sup>53</sup> As of early 2021, six evacuation orders are pending against the company over trespassing into lands spanning a total of 365 dunams east of Shiloh, which were cultivated by residents of the Palestinian villages of Jalud and Qaryut.<sup>54</sup> In 2010, the Settlement Division gave a 99-year mortgage to Elad Movshoviz, the owner of Drimia Winery in the settlement of Susiya, who had planted a vineyard on about 18 dunams of land cultivated by Palestinians from Yatta. An evacuation order issued by the Civil Administration is also pending against Movshoviz for the trespass.<sup>55</sup> In 2014, the Settlement Division gave Akiva Cohen, a settler from the outpost of Giv'at Shalhevet, west of the settlement of Yitzhar, a 99-year mortgage for additional grinding equipment for his flour mill. Three of the structures Cohen built are under pending demolition orders issued by the Civil Administration.<sup>56</sup> That same year, Ran Segal from the outpost of Giv'at Arnon, built inside a Firing Zone 904A east of the settlement of Itamar, also received a 99-year mortgage for winemaking equipment.<sup>57</sup>

Agricultural farms established throughout the West Bank also enjoy government support. Forty such farms have been established over the last decade, with government support provided both directly, via Ministry of Agriculture benefits described above, and indirectly, for example via support given an organization named Guardians of Judea and Samaria, described as devoted to "increasing personal and economic security... of

farmers and shepherds... with volunteer guards." Between 2018 and 2020, the Ministry of Agriculture transferred some NIS 2 million to this organization.<sup>58</sup> The Ministry of Education and the Estate Committee of the Ministry of Justice provide support to an NGO named Kedma, which, among other things, "works towards establishing student and entrepreneur villages in the West Bank and the Golan Heights, in order to develop regional education, culture and social fabric," and cooperates with Guardians of Judea and Samaria with respect to security for outposts and farms.<sup>59</sup> This organization received NIS 6.8 million from government ministries between 2016 and 2019.<sup>60</sup>

The benefits go beyond allocating land to settlers or refraining from removing settlers who invade land not allocated to them, and extend to construction on these lands. Most outposts have access roads and water and power infrastructure. Some even have public facilities such as synagogues, child care centers, schools, 'mikvas' (religious baths) and playgrounds. Peace Now has collected testimonies from outpost residents describing ongoing support from regional councils in installing these facilities and infrastructure using Non Recurring Expenses (NRE) budgets funded through government support or the Settlement Division, which is, itself, entirely government funded.<sup>61</sup> The full sum of these budgets is unknown, but the Sasson Report of March 2005 determined that until 2004, the Rural Construction Administration within the Ministry of Housing had given at least NIS 105 million towards

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53. Mortgage No. 2004125313 in the name of the World Zionist Organization for an olive press was registered on 24 October 2004 (Hebrew).  
54. Shuki Sadeh, "Planting Seeds: No Need to Build in the Territories when You Can Just Farm," *The Marker*, 4 September 2013 (Hebrew). In October, 2015, the Palestinian landowners petitioned the High Court demanding enforcement of the removal orders, HCJ 6174/15 and 6898/15 **Fawzi Ibrahim 'Abed Haj Muhammad et al. v. Head of the Civil Administration in the West Bank, Beit El et al.** Appeals filed by Eretz Zayit Premium Oil against the Disruptive Use orders issued against it by the Civil Administration were rejected (Appeals 35/08 and 17/09). Appeals 139-141/12, filed by the same company remain pending before the Military Appeals Committee.  
55. Mortgage No. 2010015162 in the name of creditor – the World Zionist Organization, registered on 24 October 2010 (Hebrew). See, also, decisions of Head of Civil Administration, Brig. Gen. Moti Almoz with respect to Order regarding Land (Disruptive Use of Private Land) (Judea and Samaria Area) (No. 1586) 2007 against Movshovitz dated 17 March 2017 and 4 August 2013 (Hebrew).  
56. Mortgage No. 2014206469 in the name of creditor – the World Zionist Organization, registered on 1 October 2014 (Hebrew). Demolition Order S-062/09, S-106/13, S-107/13 (Hebrew).  
57. Mortgage No. 2014014318 in the name of creditor – the World Zionist Organization, registered on 20 October 2014 (Hebrew). See also, Nadav Shragai, "The Outposts / Hill 777 Residents Face Being Forced Out a Second Time," *Haaretz English edition*, 16 June 2006.  
58. For a list of government supports for Guardians of Judea & Samaria (Hebrew), see Israel charity website [Guidestar](#). See also, announcement by the Ministry of Settlement Affairs, "Keeping Eretz Yisrael Farmers and Land Safe!," 24 August 2020 (Hebrew).  
59. See Hagar Shezaf, "Israeli Students in State-Funded Scholarship Program Guard Illegal West Bank Outposts," *Haaretz English edition*, 22 September 2020.  
60. See list of government supports for Kedma on [Guidestar](#) (Hebrew).  
61. **Unraveling the Mechanism behind Illegal Outposts**, supra note 15, pp. 15-19. See, also, Hagar Shezaf, "Israeli Settler Group Funneled Half a Million Dollars in Public Money to Illegal Settlements," *Haaretz English edition*, 16 December 2020.

building infrastructure and public facilities, making zoning plans and purchasing pre-fabs, through regional councils.<sup>62</sup> Regional councils also make sure outpost settlers are able to access mortgages for homes built on stolen land by giving them fictitious building permits.<sup>63</sup>

Over the past decades, the state has been forced to remove several outposts, in every case after lengthy legal battles waged by the Palestinian owners of the lands on which they were built.<sup>64</sup> These cases brought to light the degree to which the violent takeover of Palestinian land is also a profitable real estate scheme for these settlers: the state gave them temporary housing, allocated them free land, laid infrastructure for them and financed the development costs – while they were required to pay nothing, including the cost of their evacuation and the demolition of the outpost.

Take, for example, the outpost of Migron, which was established on land privately-owned by Palestinians from the villages of Deir Dobwan and Burqah and dismantled at the end of August 2012. The settlers received a special “compensation package” that included the establishment of a new settlement at a site known as Giv’at Hayekev some two kilometers south of the outpost. The cost of building a temporary site for the 45 families that had lived in Migron was about NIS 33 million.<sup>65</sup> The new site was added to the settlement of Kochav Ya’akov in May 2012, even though it is located about two kilometers to the west, and construction was approved in an exceptional expedited procedure. A plan allowing for the construction of 86 housing units on the site was later approved.<sup>66</sup> In late 2018, about six and a half years after the outpost was

removed, the state transferred an additional NIS 14 million to the Binyamin Regional Council for what was defined as “compensation for damage caused by the evacuation of Migron.”<sup>67</sup> In recent years, 40 housing units have been built at the site, part of which were populated by late 2020.

The outpost of Amona, established on land privately-owned by Palestinians from the village of Silwad, was removed in early 2017. In March of that year, the state pledged to build a new settlement for the former residents near the settlement of Shilo. By October, the masterplan for the new settlement, Amichay, was approved, and by the end of 2018, the settlement had some 200 residents.<sup>68</sup> The cost of removing the old outpost and building the new settlement reached was estimated at NIS 200 to 250 million.<sup>69</sup> Likewise, the 17 homes in the outpost of Derech Ha’avot, built on land privately-owned by Palestinians from the village of al-Khader, were demolished in June 2018, after which the government approved an approximately NIS 60 million “compensation package” that included direct payment to the families for the structures demolished and for building a temporary housing site.<sup>70</sup>

Agricultural takeovers require a great deal of water. To that end, outpost settlers use resources allocated by the Water Authority and water facilities developed by the National Water Corporation, Mekorot. A Mekorot representative told the Environmental Subcommittee of the Civil Administration Supreme Planning Council that the company was planning to set up water reservoirs in the Northern Mountain Range for the settlements of Yitzhar, Har Bracha and Itamar. The project was designed to “serve communities and the agricultural

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62. **Sasson Report** supra note 13, p. 28.

63. **Unraveling the Mechanism behind Illegal Outposts**, supra note 13, pp. 10-15.

64. HCJ 8887/06 **Yusef Musa 'Abd a-Razeq a-Nabut v. Minister of Defense et al.**; HCJ 9949/08 **Maryam Hassan 'Abd al-Karim Hammad et al. v. Minister of Defense et al.**; HCJ 8255/08 **'Ali Muhammad 'Issa Musa et al. v. Minister of Defense et al.**; HCJ 7292/14 **'Ali Muhammad 'Issa Musa et al. v. Minister of Defense et al.**

65. Chaim Levinson, “The Government Secretly Approved an Extra 7.6 Million Shekels for the Temporary Site for the Migron Evacuees”, **Haaretz**, 22 July 2012 (Hebrew).

66. Masterplan 250/2, approved by the Supreme Planning Committee on 10 November 2017 (Hebrew).

67. “Government Gives Binyamin NIS 14 Million: Compensation for Migron Evacuation Damage”, **Srugim**, 4 December 2018 (Hebrew).

68. Government Resolution No. 2583 regarding the Establishment of a Community and Temporary Residence Site for Amona Evacuees in the Mateh Binyamin Regional Council, 3 March 2017 (Hebrew); Masterplan 252/1 Mateh Binyamin – Amichay, approved on 18 October 2017 (Hebrew). Central Bureau of Statistics, **Localities in Israel, 2018 – Media Release**, 11 November 2019 (full version available in Hebrew only).

69. Yotam Berger, “Israel’s PM Seeks Huge Budget Hike for Relocation of West Bank Settlement”, **Haaretz English edition**, 18 August 2017.

70. Yotam Berger, “Israel Approves \$17 Million Budget to Evacuate 15 Families from Illegal West Bank Outpost”, **Haaretz English edition**, 25 February 2018.

hillsides in that area and the communities in it.”<sup>71</sup> The phrase “agricultural hillsides” is code for an extensive takeover of farmland that Palestinians have cultivated for decades.

Every year, at least since 2001, the Water Authority has allocated tens of thousands of cubic meters of water to settlers in outposts, including those involved in illegal, violent land takeovers. Some of the allocated water is provided to the outposts, and some to individual settlers or private corporations. For example, in 2014, the Kashuela farm, established in 2012 west of the settlement of Alon Shvut, was allocated 33,900 cubic meters of water. In 2015 and 2016, it was given 83,900 cubic meters, and in 2017, 67,570 cubic meters. All structures on this outpost have pending demolition orders issued by the Civil Administration. The outpost

of Neve Daniel North (Sde Boaz), built in 2002, was given 17,000 cubic meters of water a year between 2014 and 2017. All the structures on this outpost, too, have pending demolition orders issued by the Civil Administration. In 2017, Sharona Ran, a settler in the outpost of Gva’ot Olam, was allocated 111,000 cubic meters of water. The settlers in this outpost, established east of the settlement of Itamar, have taken over hundreds of dunams of land in the area.<sup>72</sup> Itamar Cohen, who started a cattle farm in 2014 on land belonging to the village of ‘Aqraba, within an area declared Firing Zone 904A east of the settlement of Itamar, was allocated about 3,000 cubic meters of water in 2017.<sup>73</sup> All the structures on this outpost, too, have pending demolition orders issued by the Civil Administration.

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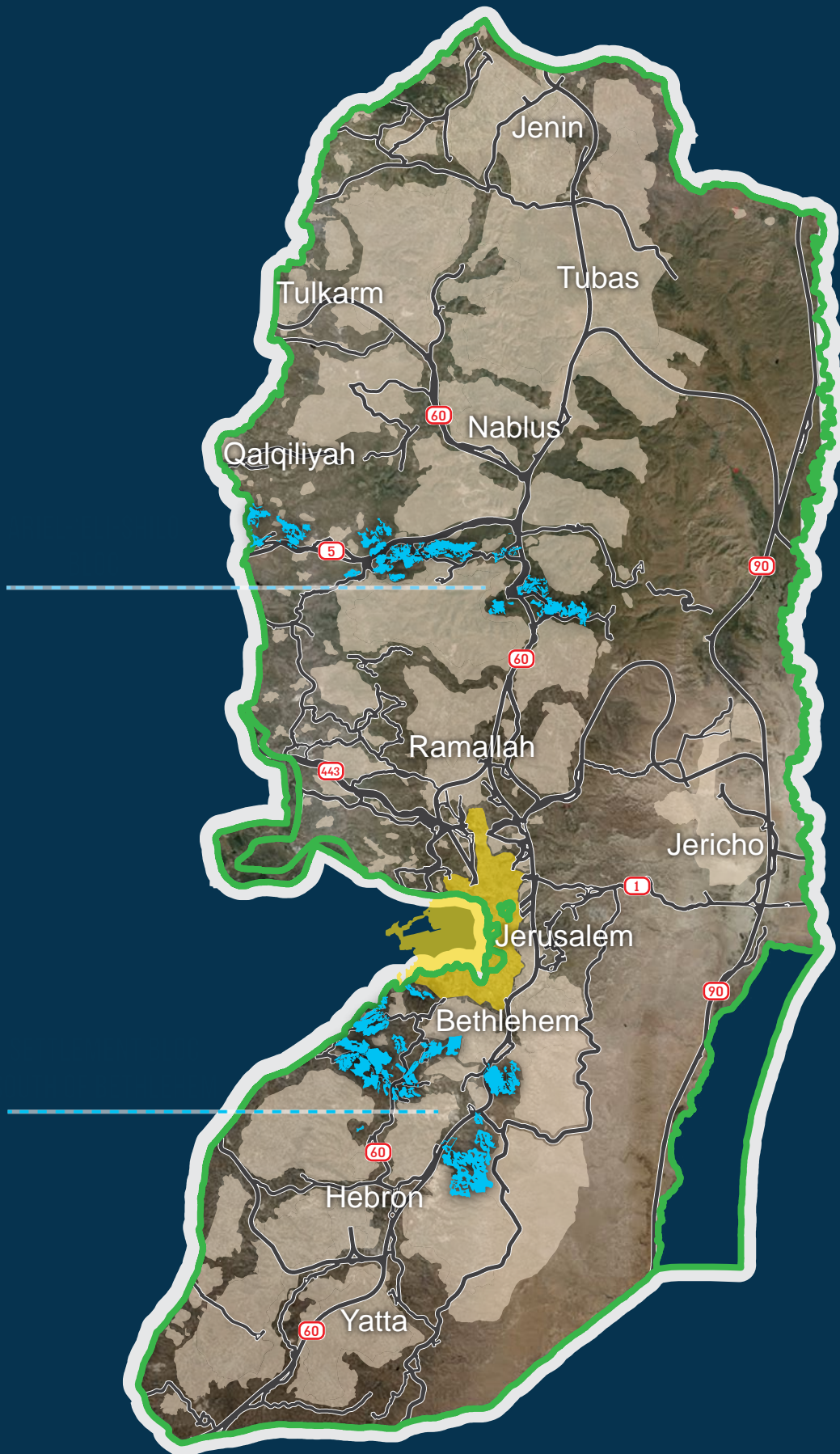
**71.** Discussion of Plan 169/0 in the Environmental Subcommittee of the Civil Administration Supreme Planning Council, 19 June 2019 (Hebrew). Plan JSA 169/3 for Yitzhar Reservoir, Published for Validation on 30 November 2020 (Hebrew).

**72.** Figures based on the Water Authority’s annual water allocation books. For more on the outpost, see Aviv Lavie, “[The Sheriff](#),” **Haaretz English edition**, 8 April 2003.

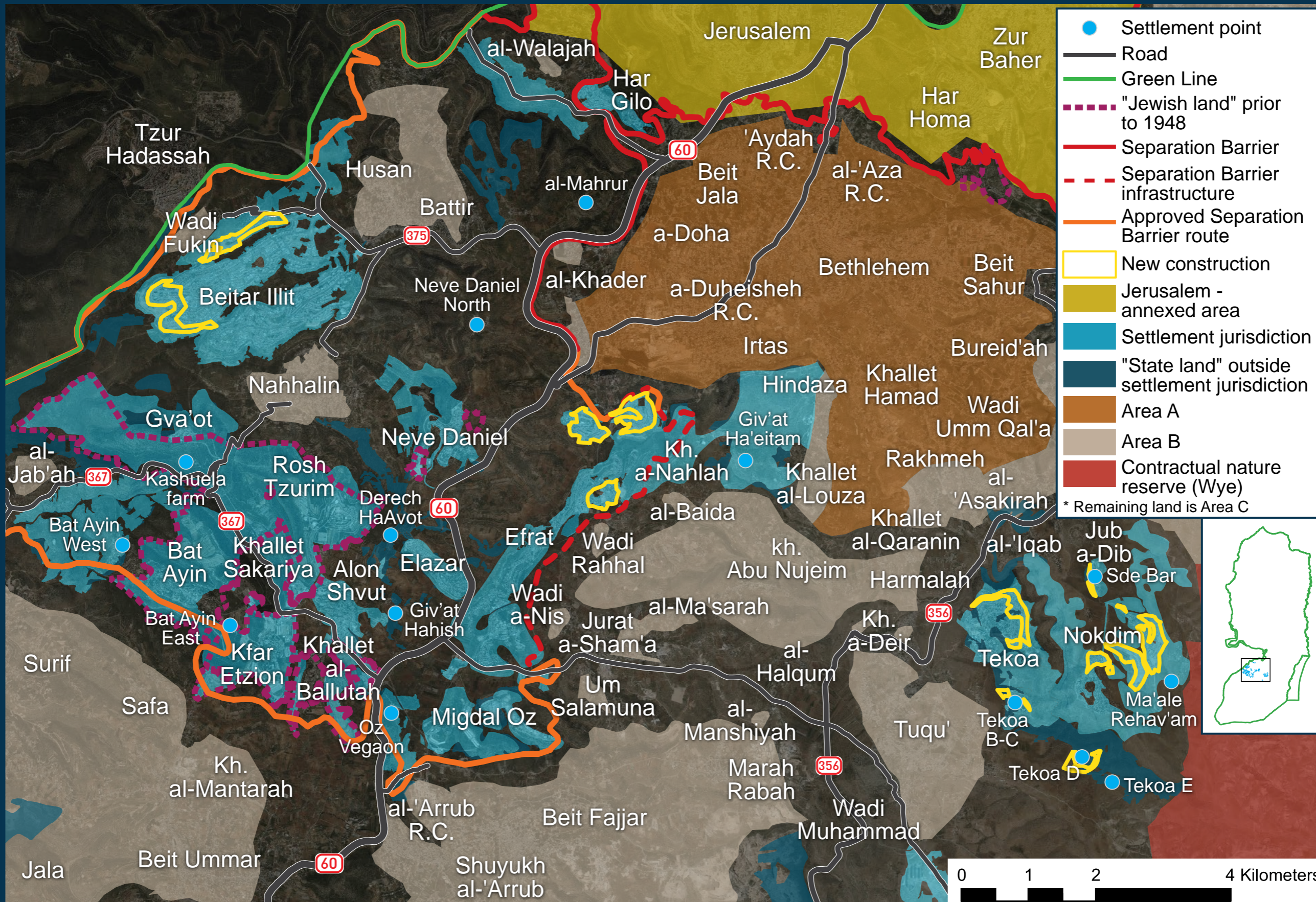
**73.** See Kerem Navot, “[‘Firing Zone’ 904A – Welcome to the Heart of Darkness](#),” 29 October 2018.

**MAPS**

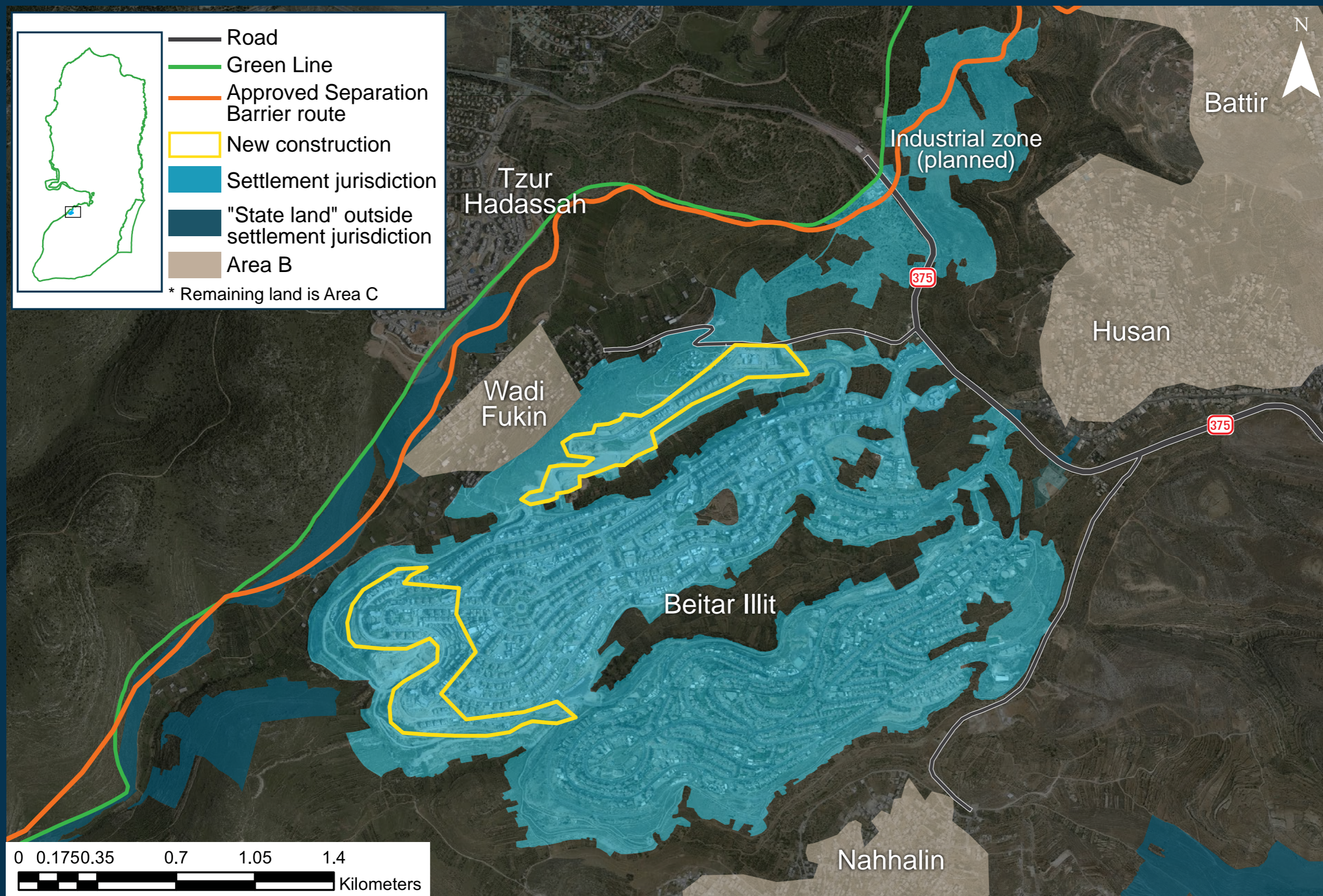
# West Bank Transverse Settlement Blocks



# Settlement Bloc South of Bethlehem Built-Up Area Expansion 2019-2010

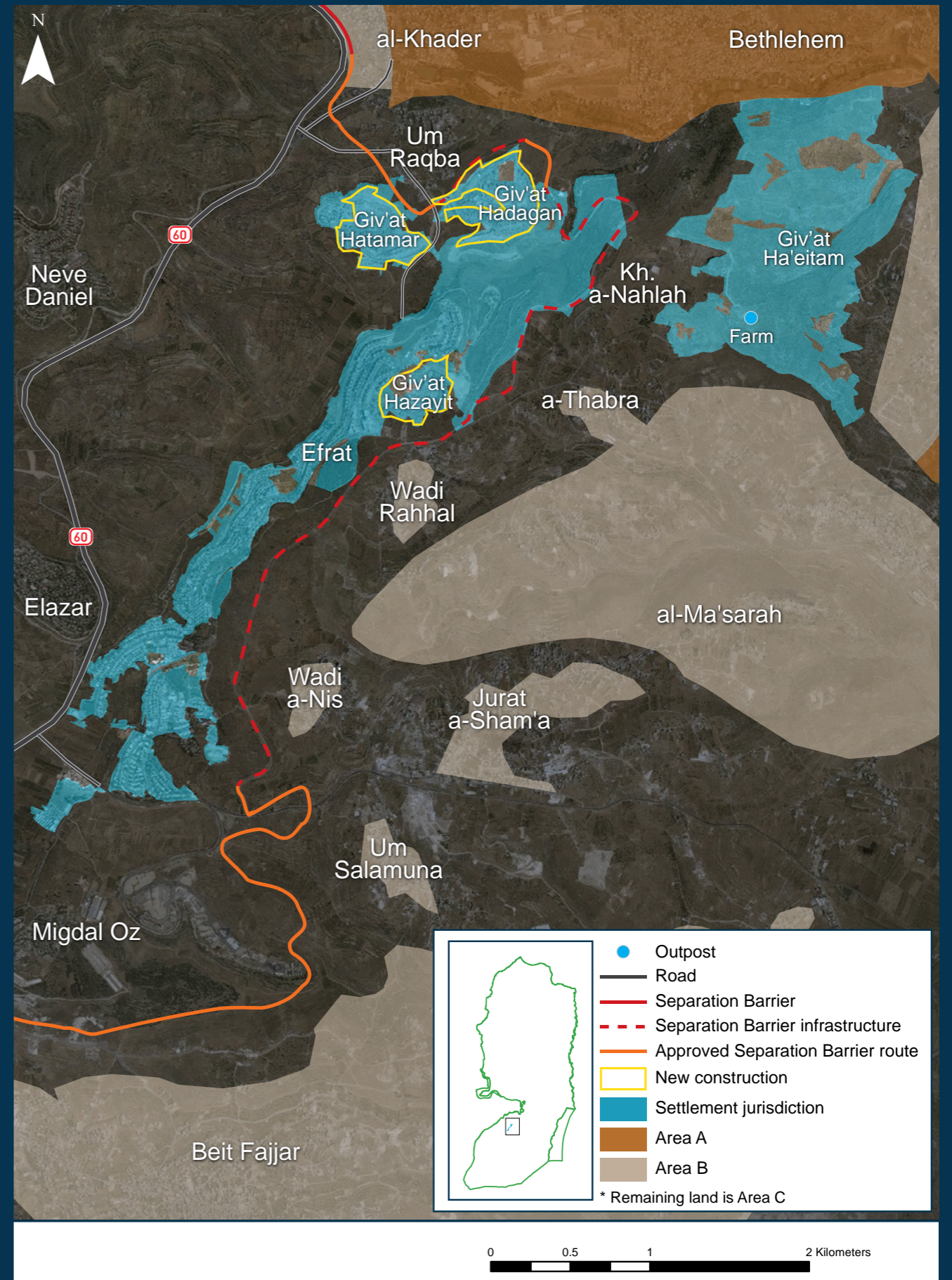


# Beitar Illit Built-Up Area Expansion 2010-2019



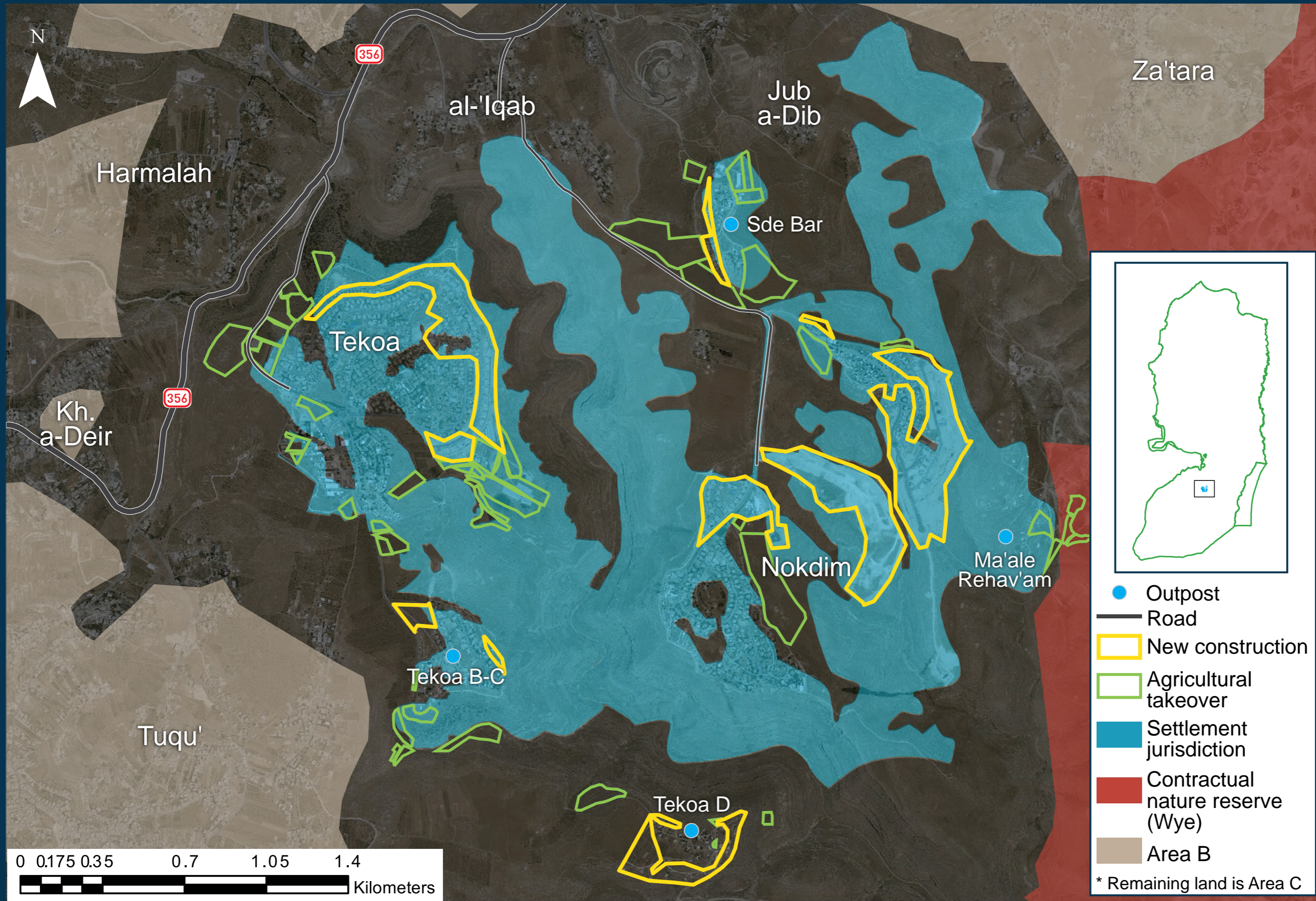
# Efrat

## Built-Up Area Expansion 2010-2019



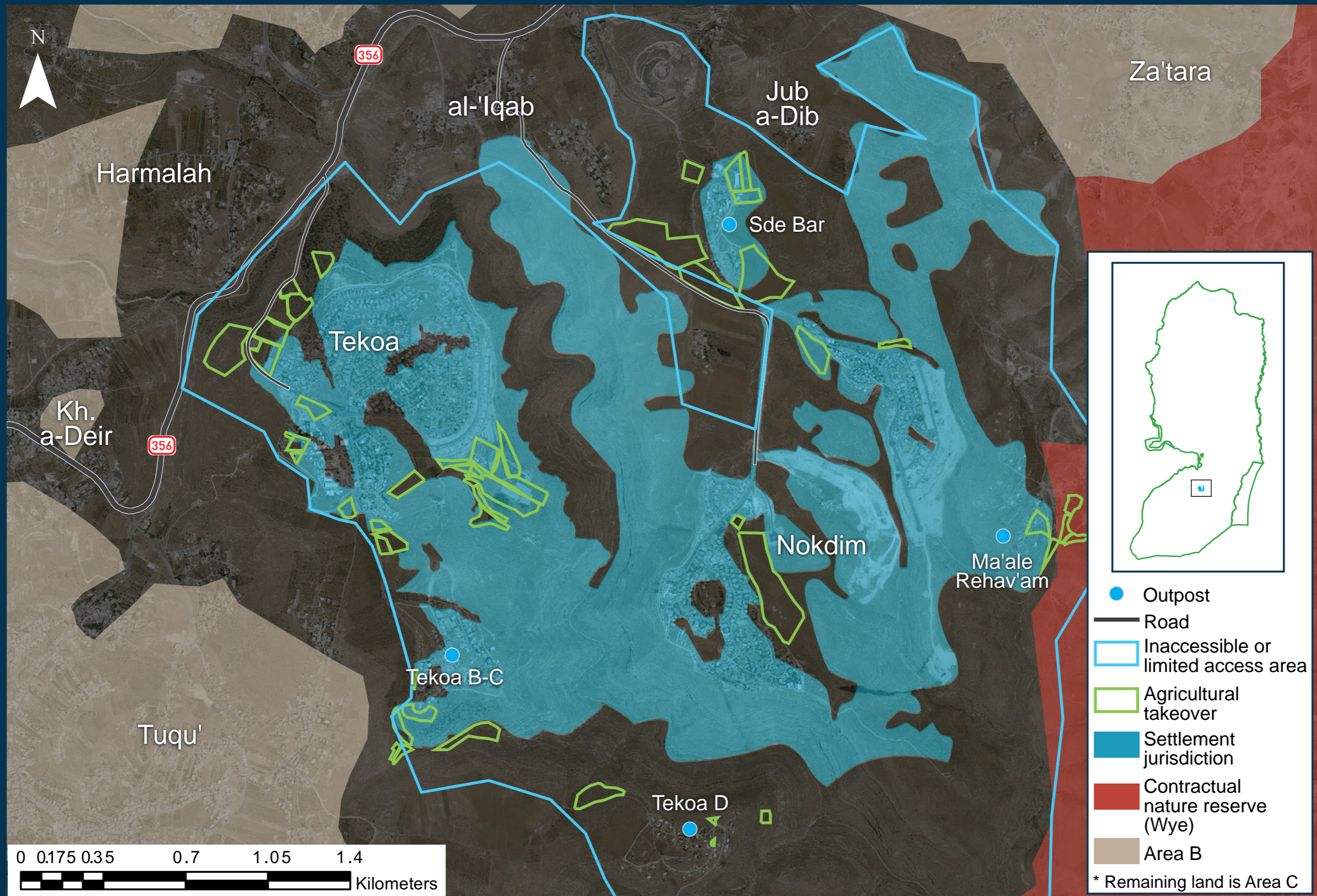


# Tekoa and Nokdim Built-Up Area Expansion 2010-2019



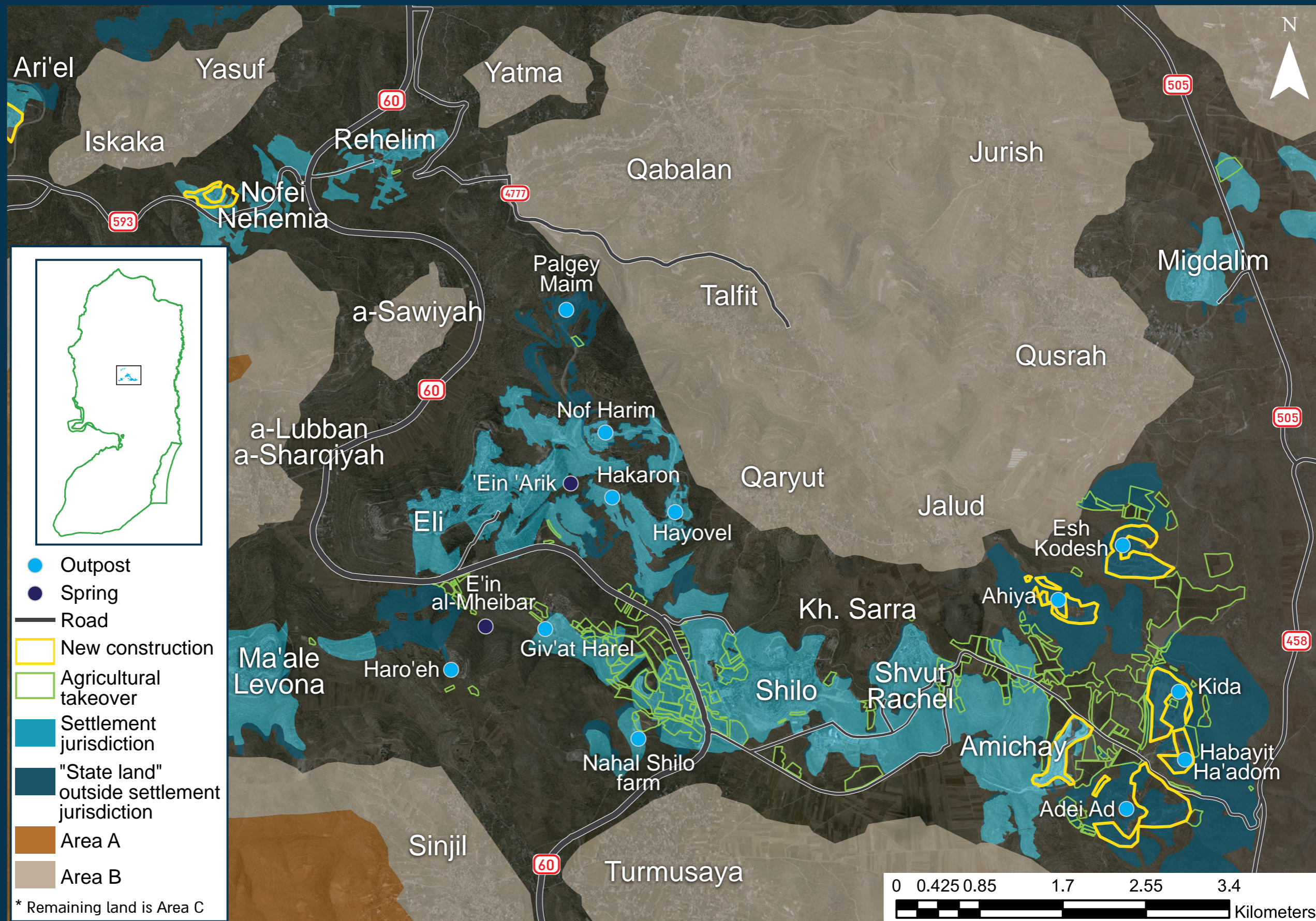
# Tekoa and Nokdim

## Areas Effectively Inaccessible to Palestinians and Takeover of Farmland

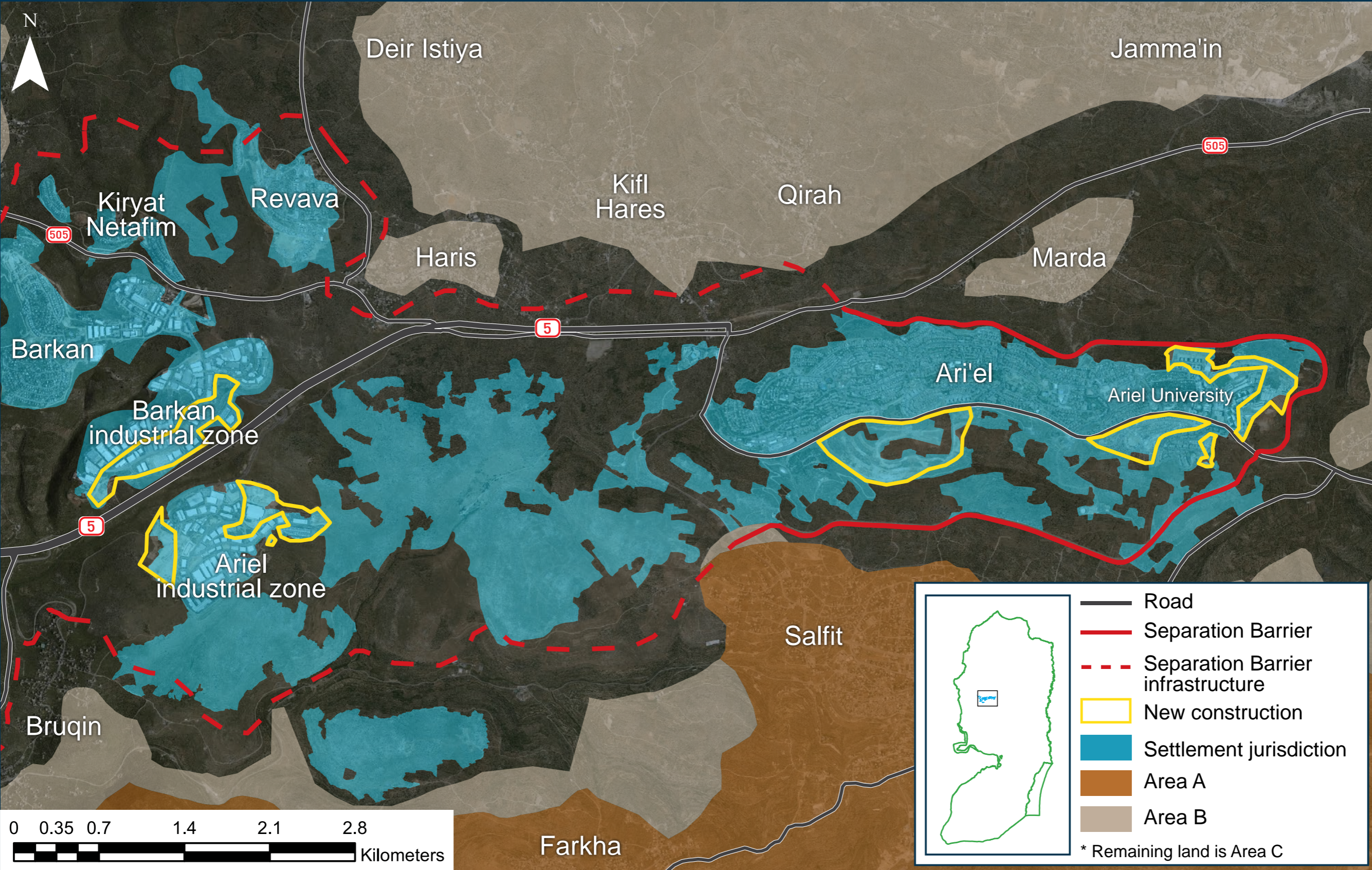


# Ariel - 'Eli - Shilo Bloc

## Built-Up Area Expansion 2010-2019



# Ariel and Barkan Industrial Zones Built-Up Area Expansion 2010-2019



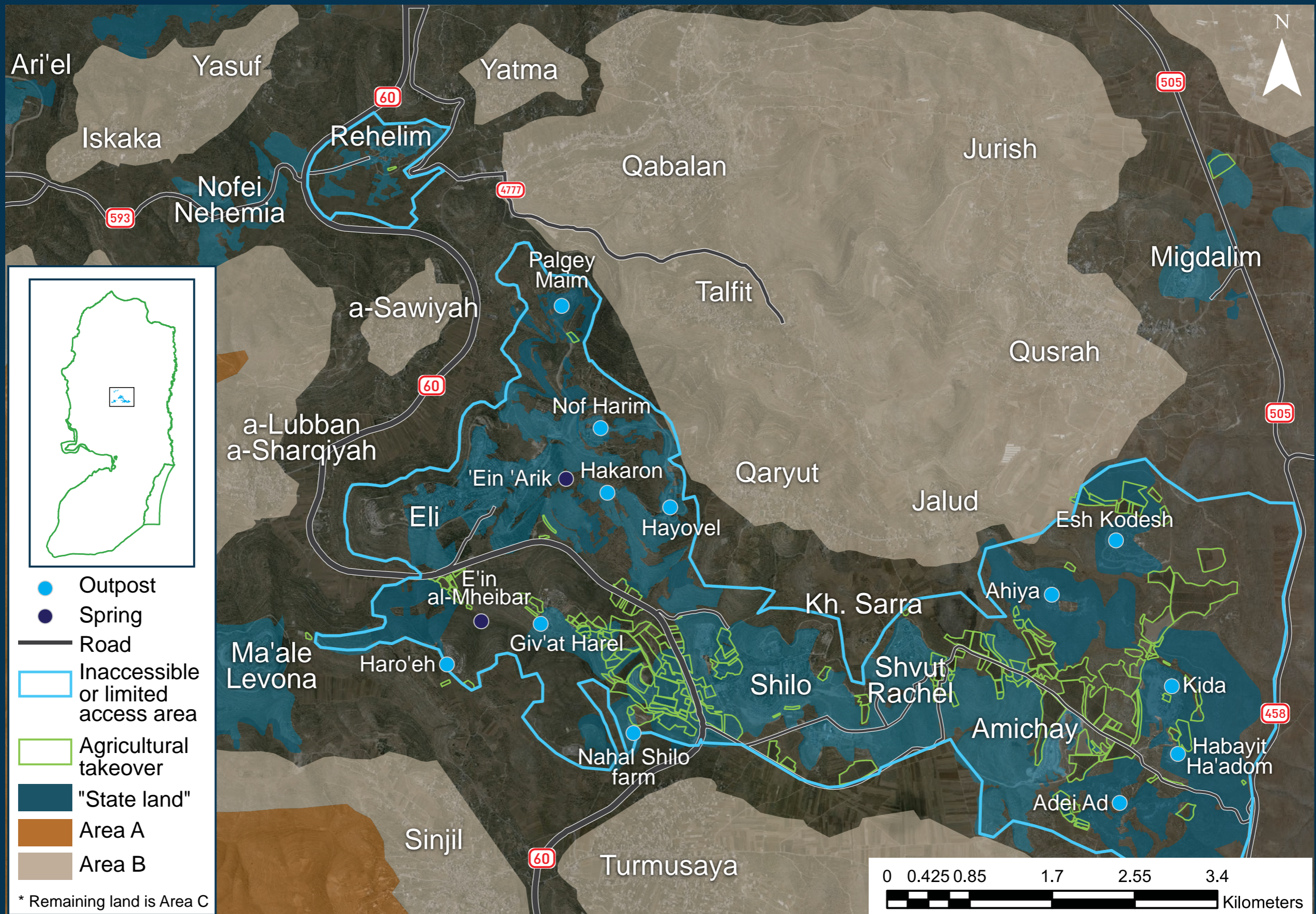
0 0.35 0.7 1.4 2.1 2.8  
Kilometers

	Road
	Separation Barrier
	Separation Barrier infrastructure
	New construction
	Settlement jurisdiction
	Area A
	Area B

\* Remaining land is Area C

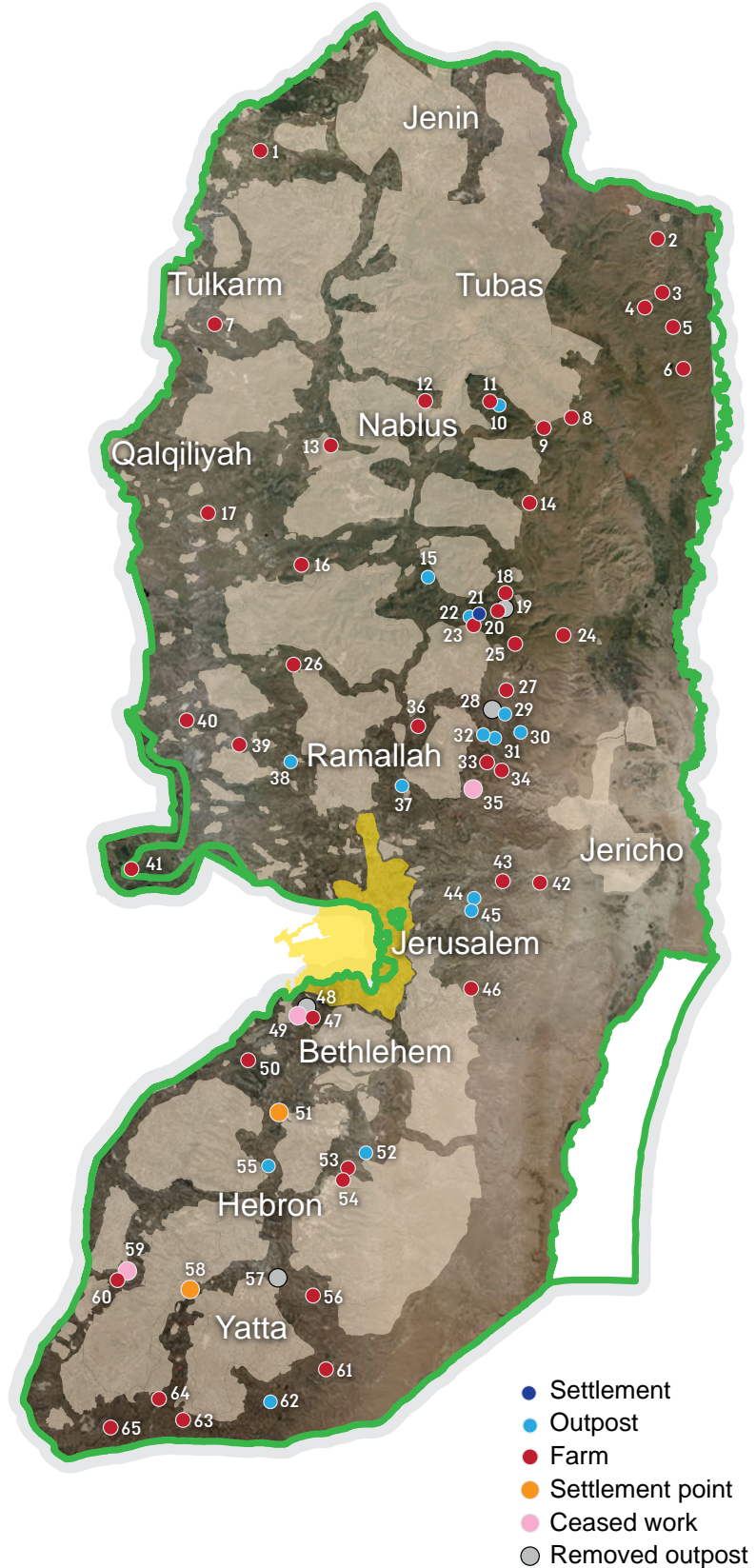
# Ariel - 'Eli - Shilo Bloc

## Areas Effectively Inaccessible to Palestinians and Takeover of Farmland



# New Outposts Since 2010

1. El Neveh farm
2. Shirat Ha'asabim farm
3. Maskiyot farm
4. Eretz Shemesh farm
5. Uri Cohen Um Zuqa farm
6. Goshen-Hemdat farm
7. Meged Ha'aretz farm
8. Moshe's farm-Hamra
9. East of Beit Dajan
10. Nahalat Yosef
11. Hashkedim farm
12. Har Eival-Meshulami
13. Yetedot farm
14. Itamar Cohen farm
15. North of 'Eli
16. Nof Avi farm (new)
17. Bidya-Uri Eretz Ahavati
18. Nahal Shilo farm
19. Nof Avi farm (old)
20. Qida sheep farm
21. Amichay
22. Ge'ulat Zion
23. South of Amichay
24. East of Malachei Hashalom
25. Malachei Hashalom
26. Tzvi Bar Yosef farm
27. Micha's farm (new)
28. Micha's farm (old)
29. North of Kochav Hashachar
30. Baladim
31. South of Ma'ale Shlomo
32. Ma'ale Ahuvya
33. Nerya's farm-Rimmonim
34. Extension of Nerya's farm
35. Heimanuta Ma'ale Mikhmas
36. Ahavat Olam
37. Oz Zion
38. Mitzpe Rina
39. Sde Efrayim farm
40. Magnezi farm (west of Nili)
41. Addis Alam farm
42. Lechatchila Mitzpe Yeriho farm
43. Etzel Ruty farm
44. Haro'eh Ha'ivri
45. Mitzpe Yehuda-al-Muntar
46. Hill 324
47. Neve Uri-al-Mahrur
48. al-Mahrur West
49. al-Mahrur
50. Kashuela farm
51. Beit Bracha
52. Arugot / Tzurei Ye'elim farm
53. Pnei Kedem
54. Asfar South
55. Ma'alot Halhul
56. Yosef Or Pnei Hever farm
57. Kiryat Arba
58. Adorayim emergency center
59. North of Negohot
60. Nissim farm
61. Issachar Mann farm
62. Susiya West
63. Asa'el farm
64. Yehuda farm
65. Shabtay's farm



## Chapter 3: Settlement blocs cutting across the West Bank

In the West Bank, Israel has created several settlement blocs that cut up Palestinian space and dominate vast areas now used exclusively by settlers. It has also built a road system traversing the length and breadth of the West Bank, which serves the settlers and connects the settlement blocs to one another and to communities inside Israel's sovereign territory.<sup>74</sup>

These blocs were created, in part, by establishing dozens of outposts – settlements that the state has admitted, primarily in court, were built in violation of Israeli law.<sup>75</sup> In fact, as detailed in the previous section, most of these outposts were established with active support from Israeli authorities, including financial benefits extended to residents directly or indirectly, license to systemically and violently take over Palestinian farmland coupled with a ban on Palestinian construction and development in these areas, and restrictions on the access of Palestinian farmers and shepherds to land near outposts.<sup>76</sup> This support enabled the construction of about 50 outposts during the first wave, mostly in 1997 and 1998, in the years after the Oslo Accords were signed. Fifty more were established during the second wave, between 2001 and 2003, at the height of the second intifada.

Israel has stated its intention to take enforcement measures against the outposts at some point in the future. Nevertheless, over the last decade, it has introduced fast-track procedures to retroactively approve many of them. This pivot in policy was presented to the High Court in March 2011, when the state created a distinction between outposts built on so-called state land, which it intended to retroactively approve, and outposts built on privately-

owned Palestinian land, which it would remove. Most of the latter are still standing.<sup>77</sup> This policy received backing in the 2012 report of the Committee to Examine the Status of Building in Judea and Samaria, chaired by retired Supreme Court Justice Edmund Levy. The committee stated that the West Bank was “territory meant to serve as a national home for the Jewish people”, that the outposts were built “with the knowledge and encouragement of the most senior political echelon... and, accordingly, this conduct is to be considered tantamount to implied consent,” and that action should be taken to approve them. While the government stopped short of officially adopting the report, its actions have been guided by the committee's conclusions.<sup>78</sup>

The distinction Israel makes between private and public lands when addressing the issue of the settlements defies international law, which flatly prohibits building communities for citizens of the occupying power in occupied land and instructs that public land is meant to serve the protected persons rather than the occupier's citizens. This is certainly pertinent when the “state land” is declared by means of legal manipulations, in contravention of the basic rules of due process.<sup>79</sup> Nevertheless, Israel's High Court has accepted the state's position and, in a December 2014 decision, declined to intervene in the discretion of law enforcement agencies regarding construction in outposts that were not built on privately-owned Palestinian land.<sup>80</sup>

The policy change has produced a third wave of outposts in recent years. According to a tally by Kerem

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74. \_Israeli Center for Public Affairs and Breaking the Silence, [Highway to Annexation – Israeli Road and Transportation Infrastructure Development in the West Bank](#), December 2020.

75. According to the **Sasson Report**, supra note 13, pp. 19-21, building a new settlement requires a government resolution, land rights (declaration of state land or legal purchase), determination of jurisdiction and a detailed masterplan enabling the issuance of building permits.

76. In the past decade, more than 8,300 stop work and demolition orders were issued against Palestinian structures in Area C. During that time, 11 evacuation orders for settler invasions into some 250 dunams of Palestinian owned land were issued. The total number of invasions during this time was about 530, and the area seized was up to 5,320 dunams. Information about the ownership status of the land and the number of evacuation orders against settlers is based on information produced by the Civil Administration geographic information system and provided to Kerem Navot.

77. Complementary Response Affidavit on Behalf of the State Attorney's Office in HCJ 7891/07 **Peace Now et al. v. Minister of Defense et al.**

78. [Report on the Status of Construction in the Judea and Samaria Area](#), June 2012, pp. 12-13 and 83-85 (Hebrew). See, also, Yesh Din, [Unprecedented: A legal analysis of the report of the Committee to Examine the Status of Building in Judea and Samaria \[The Levy Committee\]](#), May 2014.

79. See B'Tselem, [Under the Guise of Legality: Declarations of State Land in the West Bank](#), March 2012.

80. HCJ 7891/07, **Peace Now v. Minister of Defense**. See, also, Chaim Levinson and Barak Ravid, [“Israel Vows to Raze All Illegal Outposts Built on Private Palestinian Land.”](#) *Haaretz English edition*, 28 February 2011.

Navot and B'Tselem, some 50 new outposts have been established throughout the West Bank in the past decade, about 40 of them agricultural farms that center on grazing livestock. The majority of these farms were established on land registered as state land before 1967 or declared state land by Israel as of the early 1980s. Most of them control areas ranging from hundreds to thousands of dunams, in most cases including or neighboring extensive farmland cultivated by Palestinians. Some of these farms and the routes leading to them lie within areas declared as firing zones, mostly along the Alon Road. Many of the settlers in these outposts violently prevent Palestinian shepherds and farmers from grazing their flocks, cultivating their land or moving around in them.

The rationale behind the establishment of these farms, which necessitates minimal resources, was encapsulated by the Minister of Settlement Affairs, Tzachi Hanegbi, who described the process of establishing them:

*How did the Jews manage to reinforce their hold on the land from 1967 to this day? Not with speeches and not in international courts. We simply went up on those hills, set up a generator and dug a path. We are against the establishment of a Palestinian state, but we don't want to control Area A, while over Area C we aspire to apply Israeli sovereignty. The purpose of the agricultural farms is to keep that option open for us.*

He added that these farms “are meant to help us keep our finger on the pulse throughout the area. That Jewish shepherd won't be able to prevent Palestinian construction, but he can report it. His flock roams across massive swathes of land and he notices what's going on in his area. He's basically a human drone.”

Avi Naim, until recently director general of the Ministry for Settlement Affairs, also explained that the goal is “to prevent Palestinian territorial contiguity in order to prevent the establishment of a Palestinian state”. According to Naim,

*they took Area C and divided it into areas and established farms that, with minimal manpower,*

*prevent Palestinian invasions. That's actually how several dozens of farms popped up throughout Judea and Samaria over the last four years. You take people who believe in that goal as a pioneering mission and let them spearhead the work to keep control of land reserves in Judea and Samaria.<sup>81</sup>*

This section of the report focuses on two settlement blocs that cut across the West Bank. The first bloc lies south of Bethlehem, stretching from the urban, ultra-orthodox settlement of Beitar Illit in the west, through the settlements of the Gush Etzion Regional Council southwest of Bethlehem and the settlement of Efrat, to the settlements of Nokdim, Tekoa, Ma'ale Amos and Asfar at the edge of the Judean Desert in the east, and the outposts established around them. The second bloc, located in the center of the West Bank, starts with the urban settlement of Ariel in the west, stretches east to the outpost of Nofei Nehemia and the settlement of Rehelim, continues southward to the settlements of Eli, Ma'ale Levona and Shilo, and from there back east to the settlements and outposts east of Shilo, all the way to the mountain ranges overlooking the Jordan Valley. The first outposts in both blocs were built in the 1990s, while the Oslo Accords were being implemented.

This section contains a detailed review of the legal and planning bureaucracy involved in the building of settlements and outposts, including declarations of state land and of settlement jurisdictions, preparation of masterplans, retroactive approval of outposts and even, in a handful of cases, issuance of evacuation orders against settlers. The section also addresses the cases in which the state has refrained from all these and allowed settlers to take over Palestinian land and build on it without bothering to concoct a legal justification. The information contained in this review has no bearing whatsoever on the legality of any of the settlements or of the landgrab. This review is undertaken because it provides insight into the colossal bureaucratic efforts made by state authorities to advance the settlement enterprise while manufacturing, when possible, a veneer of legality for their actions.

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81. Oded Shalom and Elisha Ben Kimon, “The Price of the Hague”, **Yediot Aharonot weekend supplement**, 12 February 2021 (Hebrew).



The two settlement blocs currently have a combined population of about 121,000 settlers. At first glance, they do not appear to constitute a significant demographic mass compared to the West Bank's roughly 2.7 Palestinian residents, or even compared to the number of Palestinian residents in the districts where the two blocs lie. Their built-up area, less than 20,000 dunams, is negligible compared to the overall size of the West Bank (about 5.6 million dunams). However, the impact of the two blocs goes far beyond these figures. The numbers do not reflect the extent of the settlements' spatial impact, and even more so, their impact on the Palestinian residents, their livelihoods and their future. The southern settlement bloc severs Palestinian space between Bethlehem and Hebron and separates Bethlehem from its rural backland. The central settlement bloc commands some of the most fertile farmland in the West Bank. The two blocs also command the main longitudinal and latitudinal roads in the area, thus fragmenting the West Bank into separate geographical units.

## A. The settlement bloc south of Bethlehem

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In recent decades, the Gush Etzion Regional Council has been trying to rebrand itself under the name "Israeli Home," in an attempt to create the impression that its communities are reincarnations of Jewish communities destroyed during the 1948 war and that it lies within Israeli sovereign territory. In truth, the settlement bloc south of Bethlehem – which includes the Gush Etzion Regional Council and the settlements of Efrat and Beitar Illit – stretches from the Green Line in the west to the edge of the Judean Desert in the east, and from the Jerusalem city line in the north to the settlement of Carmei Tzur, built between the Palestinian communities of Beit Ummar and Halhul, to the south.

The settlements and outposts in this bloc divide Palestinian space by separating the Bethlehem-Jerusalem area in the north from the Hebron area

in the south. They also fragment the Bethlehem area itself, turning villages into isolated islands, preventing the city's future development and controlling Route 60 – the major traffic artery traversing the West Bank from north to south and connecting between Jerusalem, Bethlehem and the southern West Bank.

Four Jewish communities were built between 1943 and 1948 in an area lying about ten kilometers southwest of Bethlehem. When the 1948 war broke out, they had a combined population of several hundred.<sup>82</sup> The four communities were built on lands Jews had purchased from residents of Palestinian villages in the area beginning in the latter half of the 1920s. According to Civil Administration figures, the land purchased in the area spans around 10,500 dunams.<sup>83</sup> The communities were seized and destroyed by the Jordanian military in May 1948.

The first Israeli settlement in the West Bank, Kfar Etzion, was built in this area in September 1967, some three months after Israel occupied the West Bank. Thirteen years later, in 1980, the military commander of the West Bank signed the Gush Etzion Regional Council map, which set the council's official jurisdiction at almost 300,000 dunams. The Oslo Accords designated about 120,000 dunams within this area as Areas A and B, leaving the part of the regional council's territory remaining under Israeli control 17 times the size of the land purchased by Jews prior to 1948.

Over the years, Israel has invested a great deal of effort in expanding the Bethlehem area settlement bloc eastward, to the edge of the Judean Desert. These efforts received a major boost when the Herodium archeological site was declared a national park in 1985. The site serves as a main tourist attraction in the area, drawing even more interest after the discovery of King Herod's tomb in 2007.<sup>84</sup> As part of the expansion trajectory, attempts have been made since the 1980s to build another settlement southeast of Qedar, the northernmost settlement in this bloc. The settlement

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82. Kfar Etzion was built in 1943, Masu'ot Yizhak in 1945, Ein Tzurim in 1946 and Revadim in 1947.

83. Akiva Eldar, "Gush Etzion is 7 Times its Historical Size," *Haaretz*, 31 July 2009 (Hebrew). This calculation includes the area of a-Duheisheh R.C., which was mostly built on about 300 dunams purchased by Jews prior to 1948 and registered as absentee land under Jordanian rule. The refugee camp is now located in Area A.

84. Emek Shaveh, [The role of ancient sites in the political struggle in the Bethlehem area \("Gush Etzion"\)](#), 2015, pp. 4-13.

would cover an area of 420 or so dunams alleged to have been privately purchased from Palestinians, and would contain about 4,400 housing units for the ultra-orthodox public. No plans for its construction have been submitted to planning committees as yet.<sup>85</sup>

In recent years, settlements in the bloc have also been expanding north, inching closer to the Jerusalem city line. In October 2020, the Civil Administration Supreme Planning Council approved the promotion of a plan that would enable building 560 new housing units in the settlement of Har Gilo, south of the al-Walajah bypass road – more than doubling the number of units in the settlement, which is currently 400.<sup>86</sup> About a year earlier, the outpost of Neve Uri was built in this area, east of the Palestinian village of Battir.<sup>87</sup>

The mechanisms used to take over land in this area are the same ones Israel has used to build settlements and outposts throughout the West Bank:<sup>88</sup> seizure orders for “security purposes,” expropriation for public needs, and since the 1980s, mostly declaration of “state land”.<sup>89</sup> In Bethlehem, state land declarations continued into 2014, over the course of which about 5,000 dunams were declared “state land.”<sup>90</sup> As in the rest of the West Bank, alongside official channels for taking over land, unofficial takeovers are also booming. These actions are carried out with the consent of Israeli authorities and with financial, logistical and security backing given to the settlers both officially and unofficially.<sup>91</sup>

The construction of roads that bypass the center of Palestinian communities and connect settlements to

one another, to Jerusalem and to the areas west of the Green Line plays a critical role here. The first road Israel built in the West Bank, Route 367, connected the new settlements of Kfar Etzion, Rosh Tzurim (1969) and Alon Shvut (1970) with the Elah Valley to the west, and from there with the Bet Shemesh area and central Israel. This road still serves as a major traffic artery for thousands of settlers.

Route 398, which bypasses the village of Beit Sahur (also known as the Liberman Road, after MK Avigdor Lieberman, who lives in the settlement of Nokdim), which opened for traffic in 2008, is another key artery here. This road connects the settlement neighborhood of Har Homa in southeast Jerusalem, built on West Bank land annexed by Israel, to the Herodium National Park and the settlements of Tekoa and Nokdim.

The Gush Etzion Regional Council is planning to build another latitudinal road that would connect its settlements to the Dead Sea. According to the plan, this road would connect to Route 80, the southern extension of the Alon Road. If the plan goes through, it would create a quick connection from the coastal plains to the northern Dead Sea via Gush Etzion settlements. As a statement of intent, Route 80 has been included in the blueprint for West Bank roads, which states it would be promoted by 2045.<sup>92</sup>

Over the course of 2020, Israel began expanding a 19.5-kilometer segment of the Jerusalem-Hebron Road (Route 60), from the Rosmarin interchange (in the neighborhood of Gilo, inside the area annexed to Jerusalem) all the way to the settlement of Kiryat

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85. Expert opinion by Architect Gideon Harlap provided to the United Jerusalem Foundation with respect to Giv'at Adumim – Mitzpe Yehuda, 21 October 2010, and letter from former head of the Gush Etzion Council, Davidi Perl, with respect to Mitzpe Yehuda (Qedar East) of 28 April 2014 (Hebrew). See, also, Dror Marmur, [“How to market land near Jerusalem for a settlement that was never established,”](#) *Globes*, 21 August 2016 (Hebrew).

86. Plan JSA 401/4/1 Har Gilo East – Composition, discussed by the Supreme Planning Council on 14 October 2020. See Hagar Shezaf, [“Israel Approves 2,804 New Settlement Homes after 8-Month Lull,”](#) *Haaretz*, 15 October 2020 (Hebrew).

87. See Yuval Abraham, [“‘I want Battir to go to hell’: Settlers move in on Palestinian World Heritage site,”](#) *+972 Magazine*, 29 July 2020. For information about the first attempt to establish the outpost see Peace Now, [“Settlers Found New Outpost on Palestinian Land near Battir,”](#) 24 December 2018. See, also, Amira Hass, [“Israel’s War of Attrition on a Christian Palestinian Town,”](#) *Haaretz English edition*, 21 September 2019.

88. See B’Tselem, *Land Grab*, pp. 50-56 and *By Hook and by Crook*, pp. 21-36, supra note 2.

89. B’Tselem, *Under Guise of Legality*, supra note 79; Kerem Navot, [“Seize the Moral Low Ground: Land seizure for “security needs” in the West Bank,](#) December 2018.

90. Chaim Levinson, [“Israel Set to Legalize West Bank Outpost, Taking Over Private Palestinian Land,”](#) *Haaretz English edition*, 13 April 2014; Chaim Levinson, [“Israel Appropriates Massive Tract of West Bank Land,”](#) *Haaretz English edition*, 31 August 2014.

91. For more, see above, section 2.

92. Detailed Ministry of National Infrastructure Masterplan No. 912/3 (Hebrew). See also, *Highway to Annexation*, supra note 74, p. 35; Amir Ettinger, [“Good news for residents: Route 80 and new roads in Judea and Samaria,”](#) *Srugim*, 8 November 2020 (Hebrew).

Arba, in an attempt to ease congestion on this road and encourage population growth in the settlements near Bethlehem and Hebron. The project will see the Tunnel Road double in size, at the cost of about NIS 1 billion. The road is set to open for traffic in 2022.<sup>93</sup> Further south along Route 60, in November 2020, construction began on the al-'Arrub bypass road (Lev Yehuda Road). In April 2019, 401 dunams of land belonging to the Palestinian village of Beit Ummar and town of Halhul were expropriated for this road. This new road is designed to divert Route 60 south of the Beit Fajjar intersection (the "Gush intersection") all the way to Kiryat Arba and upgrade it to a four-lane road. The cost of this project is estimated at around NIS 320 million. The road is set to open for traffic in 2023.<sup>94</sup>

In the late 1990s, construction began on a new industrial area between the settlements of Efrat and Migdal Oz, on an area spanning some 460 dunams. The lands belonged to Beit Ummar until they were declared "state land" in 1987 and put under the jurisdiction of Migdal Oz. This industrial zone has significantly grown in the last decade, with dozens of businesses and factories currently in operation.

The Gush Etzion Regional Council website lists 22 settlements in its jurisdiction. There are an additional 19 outposts, built with support from the regional council and other public authorities.<sup>95</sup> Some of these outposts, mostly those built in recent years, feature a combination of sheep and goat herding, farming and tourism.<sup>96</sup>

Using shell companies, settlers purchased a 40-dunam compound known as Beit Bracha near al-'Arrub R.C.

The compound is meant to create a Jewish settlement point along Route 60, between the settlements in the pre-1948 Gush Etzion area and the southernmost settlement in the regional council, Carmei Tzur. In 2015, then-Minister of Defense Moshe Ya'alon ordered the compound added to the jurisdiction of the Gush Etzion Regional Council.<sup>97</sup>

At the end of 2020, the settlements of the Gush Etzion Regional Council had a combined population of 24,399.<sup>98</sup> The municipal and geographic expanse of the Gush Etzion Regional Council contains two other municipally independent settlements: the ultra-orthodox settlement of Beitar Illit, with a population of 61,298 as of the end of 2020, and the settlement of Efrat, a local council unto itself, which had 11,421 residents at the end of 2020.<sup>99</sup> Altogether, the municipal expanse of the Gush Etzion Regional Council now has a population of 97,118 settlers, who make up 22 percent of the total settler population of the West Bank (excluding East Jerusalem).<sup>100</sup>

The vast majority of this population lives in settlements located west and southwest of Bethlehem. This area is rich in traditional hillside farming and is home to the Palestinian villages of al-Walajah, Battir, Husan, Wadi Fukin and Nahhalin, as well as several smaller communities with dozens of residents each. Another significant bloc of settlers is located southeast of Bethlehem, in the settlements of Tekoa, Nokdim, Ma'ale Amos, Asfar and the outposts around them. The northernmost settlement, Qedar, is located south of Ma'ale Adumim, on the outskirts of the Palestinian town of al-'Eizariyah.<sup>101</sup>

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93. See Tunnel Road [Route 60] on the Moriah website (Hebrew).

94. [Confiscation Order to Pave New Bypass Road South of Bethlehem](#), *Peace Now*, 25 April 2019. See also, Efrat Forsher, "[Work begins on al-'Arrub bypass road](#)," *Israel Hayom*, 3 November 2019 (Hebrew).

95. List of settlements on Gush Etzion Regional Council website (Hebrew). The outposts are: Bat Ayin West, Bat Ayin East, Derech Ha'avot, Giv'at Hahish, Neve Daniel North, Old Massu'ot Itzhak, Ma'ale Rehav'am, Pnei Kedem, Sde Boaz, Tekoa B, Tekoa C, Tekoa D and Tzur Shalem. The farms are: Neve Uri, Ha'eitam, Kashuela, Tekoa E, Pnei Kedem and Qedar.

96. See below for Ha'eitam farm. See Gush Etzion Regional Council website for [Kashuela farm](#) and [Pnei Kedem farm](#). See, also, Yotam Berger, "[Israeli Official Declares Plot State Land, Then Turns It Into Illegal Outpost](#)," *Haaretz English edition*, 28 June 2018.

97. "[Ya'alon Approves Adding Compound near Route 60 to Gush Etzion](#)," *Haaretz*, 1 October 2015 (Hebrew).

98. Central Bureau of Statistics, Population in Localities by Municipal Status and Population Groups, end of 2019, (Hebrew).

99. Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020 (Hebrew).

100. Central Bureau of Statistics, Population by District and Sub-District, Population Group, Age and Gender, end of 2019 (Hebrew).

101. In 2009, the Ministry of Interior appointed a "[Committee of Inquiry into the Municipal Jurisdiction of the Ma'ale Adumim Municipality and the Gush Etzion Local Council](#)" (Hebrew). The committee looked into the possibility of transferring the settlement of Qedar to the municipal boundaries of the settlement of Ma'ale Adumim, given the geographic proximity of the two, and the fact that Qedar is geographically cut off from the rest of the Gush Etzion Regional Council. Although the committee recommended the amalgamation, it was never carried out.

## Beitar Illit

The ultra-orthodox settlement of Beitar Illit is located at the northwestern edge of the settlement bloc, near the Green Line and adjacent to Route 375 – the road connecting the communities of Mevo Beitar and Tzur Hadassah, which lie within the Green Line, to Route 60. The settlement's roots go back to a government resolution from August 1980 to build an urban settlement on lands belonging to the villages of Husan, Wadi Fukin and Nahhalin, which had been declared "state land." Development and construction began in 1988; occupancy began in the summer of 1990; and in 2001, Beitar Illit was declared a city.<sup>102</sup>

Beitar Illit's municipal jurisdiction covers 5,117 dunams. It is now the second most populous settlement in the West Bank, after the ultra-orthodox settlement of Modi'in Illit. These two localities also have the highest population growth rate among West Bank settlements. In the past decade, the population of Beitar Illit grew by 1.6, reaching 61,298 by the end of 2020.<sup>103</sup> According to the settlement's masterplan, the aim is to reach 80,000 residents in the next 20 years.<sup>104</sup> The settlement is in the lowest cluster of the socioeconomic index – cluster 1. The average monthly wages in Beitar Illit (salaried or self-employed) range between 60 and 65 percent of the average monthly wages for self-employed and salaried workers inside Israel.<sup>105</sup>

Beitar Illit stretches across three hills: Hill A, in the southeast, where the settlement's first neighborhoods

were built; Hill B, in the northwest, where construction has continued since the late 1990s; and Hill C, in the west, where occupancy began in 2019. The first masterplan for Beitar Illit was approved in January 1988, allowing for the construction of 7,600 housing units on the three hills. Subsequently approved plans expanded future planning capacity, which now stands at 10,400 units. A plan to add 3,000 units was deposited for objections in November 2020.<sup>106</sup>

The Ministry of Transportation has plans to expand Route 375 into a four-lane road, beginning in 2022. The expansion would inevitably include the expropriation of land along the existing route. In a discussion about the expansion plan, one of the officials involved in the planning process stated that without the expansion, it would be impossible to implement plans to build 12,000 housing units on both sides of the Green Line, including thousands of units in Beitar Illit.<sup>107</sup>

The Beitar Illit Municipality is currently pursuing plans for an industrial zone spanning a total of 633 dunams, including some 400 that have been declared "state land" and added to the settlement's jurisdiction in 2006.<sup>108</sup> The industrial zone is set to house factories and workshops, as well as a cemetery and sports and leisure facilities for settlement residents.<sup>109</sup>

The settlement has had a profound impact on lives and livelihoods in the three neighboring Palestinian villages (Wadi Fukin, Husan and Nahhalin). After thousands of

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**102.** See, [The City's Establishment](#), Beitar Illit website (Hebrew). See also, Government Resolution No. 875, HT/30 regarding Beitar, Urban Settlement in Gush Etzion, dated 22 August 1982 (Hebrew); Government Resolution KB/156 regarding the Settlement of Beitar, dated 11 April 1990 (Hebrew).

**103.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020, and Population Figures in Localities with More than 2,000 Residents (Hebrew).

**104.** ["On the road to financial independence: Beitar Illit builds industrial zone," Kikar Hashabat](#), 4 November 2014 (Hebrew).

**105.** The average monthly wage for a salaried employee in Beitar Illit was NIS 6,470, and 7,240 for the self-employed, compared to NIS 10,774 for a salaried employee and 11,135 for self-employed inside Israel. [Statistics for Beitar Illit](#), National Insurance Institute website (Hebrew).

**106.** Plan 426 Beitar Illit, Zoning for an Urban Settlement in Beitar, approved for validation by the Settlement Subcommittee of the Supreme Planning Council on 27 January 1988 (Hebrew). See also Masterplan 426/1/1 to 426/8 [Engineering Information Website – Beitar Illit](#) (Hebrew). Hagar Shezaf, ["5,400 New Settlement Housing units to be Promoted this Month," Haaretz](#), 4 October 2020 (Hebrew).

**107.** Comprehensive Traffic Plan for Judea and Samaria Area, Ministry of Transport and Road Safety, February 2018 (Hebrew). See, also, statements made by planner Shimon Farhang of LandUse during a session of the Road Subcommittee of the Civil Administration Supreme Planning Council regarding application for permit JSA/HT/7005040794, construction on the Husan al-Khader section of Route 375, within the area of LabC 950, 27 November 2019 (Hebrew).

**108.** Amos Harel, ["Minister of Defense Peretz to Reconsider Expansion of Four Settlements," Haaretz](#), 21 May 2006 (Hebrew); Efrat Weiss, ["GOC Central Command Approves Beitar Illit Expansion," Ynet](#), 21 May 2006 (Hebrew).

**109.** Plan JSA 426/9 was discussed on 9 November 2020 and 23 November 2020 at the Objections Subcommittee of the Civil Administration Supreme Planning Council. The subcommittee had decided to allow objectors to respond to the responses given by the Beitar Illit local committee. ["On the road to financial independence: Beitar Illit builds industrial zone," Kikar Hashabat](#), 4 November 2014 (Hebrew).

dunams were declared “state land” and assigned to the settlement’s jurisdiction, more than ten Palestinian farming enclaves the state was unable to declare “state land” remained in or near the settlement, and entry into them became restricted or impossible over the years. Two were completely destroyed due to excess dirt dumping. Another enclave, roughly 20 dunams in size, in the center of Hill B, has been used as a municipal park since 2007.<sup>110</sup>

In addition to the landgrab, at least since 2006, the settlement has been routing raw sewage from several locations into farmlands belonging to Wadi Fukin and Nahhalin, contaminating fields and springs and causing long-term damage to crops and groundwater.<sup>111</sup> In 2019, the Ministry of Environmental Protection filed an indictment against Beitar Illit Mayor Meir Rubinstein over the settlement’s neglected sewage system. The trial is still underway.<sup>112</sup> That same year, several residents of Wadi Fukin sued the municipality of Beitar Illit over damage the raw sewage caused to their lands and crops, and filed a request for a stop-work order to stop the routing of the sewage. These actions are also still underway.<sup>113</sup>

## Efrat

The settlement of Efrat was established in 1980 as a national-religious community and declared a local council in 1983. Efrat is located on a long, narrow mountainous ridge, on lands seized from the Palestinian village of al-Khader by military order in

1979 and declared, along with additional areas not included in the original seizure order, as “state land” in the 1980s.<sup>114</sup>

At the end of 2020, Efrat had a population of 11,421, a 53 percent increase since 2010.<sup>115</sup> If plans to expand the settlement in the Giv’at Haeitam area, about a kilometer northeast of the settlement’s current area, go ahead, its population is set to double or even triple.

**The neighborhoods of Giv’at Hadagan, Giv’at Hatamar and Giv’at Hazayit** – In July 1992, building plans were approved for three new neighborhoods in the northern part of Efrat, which borders on the Palestinian villages of al-Khader and Irtas: Giv’at Hadagan and Giv’at Hatamar – which are cut off from the remaining built-up part of Efrat – and Giv’at Hazayit.<sup>116</sup> The plans provided for 1,052 housing units, mostly one- or two-story homes as in other parts of Efrat. Three months later, in November 1992, the government put a moratorium on all settlement construction and about two years later, suspended the permit for earthworks and road clearance in Giv’at Hatamar.<sup>117</sup>

In 1995, settlers set up an outpost at Giv’at Hadagan, which has been housed with students of the Siah Yitzhak Yeshiva. Another outpost was built in December 2001 at Giv’at Hatamar, housing the Neta Sorek religious preparatory program.<sup>118</sup> The two outposts subsequently became neighborhoods of Efrat, and construction in them began in 2014.<sup>119</sup> In Giv’at Hadagan, construction

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110. Kerem Navot, [Blue and White Make Black](#), December 2016, p. 30.

111. B’Tselem, [Foul Play Neglect of Wastewater Treatment in the West Bank](#), June 2009, pp. 34-36; Ariel Cohen, [Monitoring Judea and Samaria Area Streams, Assessment Based on Sample Findings 2014-2015](#), Ministry of Environmental Protection, Israel Nature and Parks Authority, Civil Administration Environment Staff Officer, 2016, p. 28 (Hebrew).

112. IM (J-M) 61235-08-19, [Meir Rubinstein v. State of Israel](#). See, also, Yossi Eli, [“Sewage runs to the valley: Unprecedented indictment against mayor of Beitar Illit,”](#) *Hadashot 13*, 26 September 2019 (Hebrew).

113. CC 60316-01-19 [Ibrahim al-Manasreh et al. v. Beitar Illit Municipality](#), CC 18935-12-19 [Ibrahim al-Manasreh et al. v. Beitar Illit Municipality](#), CC 48172-12-20 [Ibrahim al-Manasreh et al. v. Beitar Illit Municipality](#) (Hebrew).

114. Government Resolutions No. 145 HT/25 regarding Planning of Regional Center Gush Etzion (Efrata), dated 13 November 1977; No. 470 HT/11 regarding Construction Commencement in Efrat, dated 7 February 1979; and No. 56 dated 14 October 1979, whereby “the previous seizure order issued for the construction of the city of Efrat” would be revoked and “Efrat would be built on state land, in accordance with the opinion of the Attorney General and the map on file with the Government Secretariat” (all in Hebrew).

115. Central Bureau of Statistics, [Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020](#) (Hebrew).

116. Plan 410/5 Efrata, approved for validation at the Settlement Subcommittee of the Civil Administration Supreme Planning Council on 1 July 1992.

117. Government Resolution No. 360 regarding Construction Cessation dated 22 November 1992 and Government Resolution No. 4576 regarding Groundwork in Efrat B, Giv’at Hatamar dated 2 January 1995 (both in Hebrew).

118. Peace Now, [Outposts and Settlements](#), 18 June 2010.

119. Transcript of Efrat Local Council Meeting, 1 December 2014 (Hebrew).

followed the original plan of one- or two-story homes (with the number of units increasing from 374 to 395). In Giv'at Hatamar, however, the model was switched to higher density housing in three- to four-story buildings, alongside one- or two-story homes. The number of units grew from 410 to 527.<sup>120</sup> Occupancy in these two neighborhoods began in 2016 and is still ongoing. The construction on these two hills increased the settlement's built-up area by some 1,500 dunams.

Efrat's northern access road, leading to the neighborhoods of Giv'at Hadagan and Giv'at Hatamar, runs through the homes of Um Raqba, a neighborhood in the village of al-Khader. The Palestinian neighborhood has about 30 homes, which lie 150 to 200 meters away from the homes of Giv'at Hadagan and Giv'at Hatamar. The Civil Administration issued demolition orders for 25 homes in Um Raqba, housing about 140 people, and has blocked the neighborhood from installing water infrastructure. Appeals against the demolition orders are pending.<sup>121</sup>

Building plans in the neighborhood of Giv'at Hazayit have also been expanded, with 939 housing units built in eight-story buildings.<sup>122</sup> In April 2018, a plan to build another neighborhood, east of Giv'at Hazayit, to be named Moradot Mizrah was deposited for objections. In a break from previous planning models in Efrat, the neighborhood is set to have eight- to 17-story buildings with a total of 974 units.<sup>123</sup>

**Giv'at Ha'eitam** – The most significant construction planned in the settlement is in Giv'at Ha'eitam, located about a kilometer northeast of Efrat, east of the planned route of the Separation Barrier. Construction of the barrier in the area began in 2004, but has never been completed. Giv'at Ha'eitam is detached from Efrat, with the Palestinian village of Khirbet a-Nahlah in-between the two. Its total area is about 1,600 dunams, 309 of which were registered in the name of Himanuta, a Jewish National Fund (JNF) subsidiary. The rest of the land belongs to residents of the Bethlehem area and of the village of Irtas. It was declared "state land" in August 2004 and assigned to Efrat.<sup>124</sup>

Between 2007 and 2018, 46 evacuation orders were issued against Palestinians in the area of Giv'at Ha'eitam, on the grounds they had invaded state land or survey land.<sup>125</sup> About half of the orders have been executed.<sup>126</sup> Three of the orders were issued in 2012 for plots whose evacuation would have aided an easier connection between Efrat and Giv'at Ha'eitam. During a hearing in appeals filed by the farmers, Civil Administration Inspector Harel Bar admitted it had been impressed upon him that the corridor between Giv'at Hazayit and Giv'at Ha'eitam was an "important area." Military Judge Advocate Maj. Meir Vigiser ultimately allowed the Civil Administration to evacuate one of the three plots.<sup>127</sup>

In late 2011, Minister of Defense Ehud Barak authorized the establishment of an "agricultural" farm in Giv'at

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120. Plan 410/5/1 Efrata, supplements for Giv'at Hazayit, Giv'at Hadagan and Giv'at Hatamar, approved for validation at the Settlement Subcommittee of the Civil Administration Supreme Planning Council on 28 January 1998. See, also, [Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers](#), Peace Now, March 2015.

121. See B'Tselem, "Um Raqba, al-Khader – 25 homes and a school face demolition," 3 April 2014.

122. Plans 410/5/2 and 410/5/3 were approved for validation by the Settlement Subcommittee at the Supreme Planning Council on 7 January 1998. Plan 410/5/4 was approved for validation by the Settlement Subcommittee at the Supreme Planning Council on 19 January 2000.

123. Plan 410/5/7 – Efrata Eastern Slopes Neighborhood was depositing for objections by the Settlement Subcommittee at the Supreme Planning Council on 4 April 2019.

124. Peace Now, [The New Settlement in E2 \(Nahla\) – A Significant Threat to the Two States Solution](#), September 2014. See, also, HCJ 2676/09 **Sidqi Muhammad Abu Kamal et al. v. Custodian of Government Property in the Judea and Samaria Area**, in which the motion to revoke the declaration of Giv'at Ha'eitam as "government property" was denied, and HCJ 339/16 **Peace Now et al. v. Head of Civil Administration et al.**, in which the state declared "an intention has been formulated to engage in a certificate agreement with the Ministry of Housing for the purpose of building a residential neighborhood in Giv'at Ha'eitam." See, also Nadav Shragai, "West Bank Settlement Gets Green Light for Major Expansion," [Haaretz English edition](#), 15 February 2009.

125. The term 'survey land' refers to land that the Custodian of Government Property in the Civil Administration has marked as land that can be declared "state land", although the declaration has not yet been issued.

126. Haqel and Kerem Navot, [Out of Order - Civil Administration Eviction Orders from 'State Land' 2005-2018](#), December 2019, p. 38.

127. Testimony of Civil Administration Inspector Harel Bar in Appeal 84/12 'Abd a-Rahman Ibrahim Suliman al-Haj et al. v. Custodian of Government Property in the Judea and Samaria Area, 14 September 2014 (Hebrew); letters of Nir Cohen-Alloro, Yehuda District Director, Civil Administration Enforcement Unit, to Head of Unit regarding invasion in "survey land corridor connecting Giv'at Ha'eitam and Giv'at Hazayit in Efrat," 15 July 2012 (Hebrew).

Ha'aitam. It was occupied by several guards hired by the Efrat local council.<sup>128</sup> Over the course of 2013, the outpost was abandoned. The local council continued to pay Palestinian guards to watch the site for about a year. In recent years, the local council has paid for security patrols in the area.<sup>129</sup>

In early July 2014, settlers cleared a road to Giv'at Ha'aitam north of Khirbet a-Nahlah, but it was blocked. The road was cleared again in September 2018 by settlers who established the outpost of Havat Ha'aitam there, with the help of Rujum – Zionist Entrepreneurship.<sup>130</sup> The Efrat local council budgeted NIS 5 million towards clearing roads and building agricultural structures at the outpost over the course of 2019–2020.<sup>131</sup>

In 2013, the Ministry of Housing explored the construction of about 2,500 housing units at Giv'at Ha'aitam. It issued a tender for the initial planning of 840 units, which was shelved shortly after publication.<sup>132</sup> In 2016, the Efrat local council was given a NIS 3 million budget from the JNF to begin planning in Giv'at Ha'aitam, as part of which the possibility of constructing 15- to 25-story buildings in the neighborhood was considered.<sup>133</sup>

In August 2018, the head of the Efrat local council, Oded Revivi, told council members that discussions were underway with the Ministry of Housing and Construction to transfer planning at Giv'at Ha'aitam to the council, with about 4,500 units planned.<sup>134</sup> In May 2020, as his term as defense minister was drawing to an end, Naftali Bennett approved the allocation of "state land" in Giv'at Ha'aitam for planning by the

Ministry of Housing, noting it would be possible to build about 7,000 units at the site.<sup>135</sup> Peace Now filed a High Court petition against this allocation.<sup>136</sup>

Bethlehem and the nearby Palestinian towns – Beit Sahur to the east and Beit Jala to the west – are already hemmed in from the east and west by bypass roads Israel has built. To the north, Bethlehem borders on Jerusalem's municipal boundary, which encompasses parts of the West Bank annexed to Israel. Construction at Giv'at Ha'aitam would block Bethlehem from the south. This would trap the city from all sides, ending any possibility of Palestinian development in the area and severing Palestinian contiguity between the city and the villages to its south. In addition, the area declared "state land" at Giv'at Ha'aitam is dotted with nine Palestinian farming enclaves whose owners can currently reach them. However, access to the Palestinian enclaves remaining inside Efrat's current territory has been blocked, and access to the enclaves within Giv'at Ha'aitam will be blocked if the building plans go forward.<sup>137</sup>

### **Tekoa – Nokdim**

The settlement of Tekoa was established in 1975, and Nokdim in 1982. Both settlements lie southeast of the city of Bethlehem, between the Palestinian villages of Za'tara to the north and Tuqu' to the west. Along with two smaller settlements built to the south, Ma'ale Amos and Asfar, they form a chain over a ten-kilometer stretch on the edge of the Judean Desert. This chain breaks up Palestinian contiguity in the area, blocks development options for Palestinian villages in the southeast section of the Bethlehem District, and prevents agricultural use of vast areas to their east.

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**128.** Chaim Levinson, "[IDF Agrees to Expansion of West Bank Settlement](#)," **Haaretz English edition**, 11 December 2011.

**129.** Transcript of Efrat Local Council Meeting, 25 May 2015, pp. 27-31 (Hebrew). The Efrat budget and workplan for 2017 commits NIS 222,000 to "land security" at Giv'at Ha'aitam. The 2020 plan notes Ha'aitam farm is the responsibility of the local council's security coordinator.

**130.** See Ha'aitam farm on the Rujum – Zionist Entrepreneurship website (Hebrew).

**131.** See Efrat Local Council [2019 Annual Budget](#) and [2020 Annual Budget](#) (Hebrew).

**132.** Peace Now, [The New Settlement in E2 \(Nahla\) – A Significant Threat to the Two States Solution](#), supra note 124.

**133.** Transcript of Efrat Local Council Meeting, 20 April 2015, pp. 21-25 (Hebrew).

**134.** Transcript of Efrat Local Council Meeting, 26 August 2018, pp. 50-53 (Hebrew). See also, Transcript of Efrat Local Council Meeting, 9 December 2019, pp. 19 (Hebrew).

**135.** Hagar Shezaf, "[Israel Approves 7,000 Home Expansion for West Bank Settlement](#)," **Haaretz English edition**, 6 May 2020.

**136.** HCJ 3303/20 **Peace Now et al. v. Minister of Defense**. For further information, see: <https://peacenow.org.il/en/peace-now-submits-petition-to-block-allocation-of-a-nahla-e2-land-to-build-settlement>.

**137.** Yotam Berger, "[Settlement of Efrat Illegally Builds Two Public Structures Outside Its Jurisdiction](#)," **Haaretz**, 28 June 2017 (Hebrew); Yotam Berger and Yarden Zur, "[State Transferring Hundreds of Thousands of Shekels to Illegal Agricultural Farms in West Bank](#)," **Haaretz**, 24 June 2018 (Hebrew).

As part of the settlers' ongoing attempts to take over more land using fencing, construction and cultivation, seven outposts have been established around Tekoa and Nokdim since the 1990s. Settlers have also taken over another plot of land near the outpost of Sde Bar, which they claim they have been cultivating for years and therefore have possessory title to. Based on these claims, the military denies access to the plot's Palestinian owners pending completion of legal proceedings in the matter.<sup>138</sup>

B'Tselem and Kerem Navot estimate that Palestinians are barred access to an area spanning a total of at least 10,000 dunams around the settlements of Tekoa and Nokdim. This includes about 6,000 dunams declared "state land" between 1980 and 1984, most of which were assigned to the jurisdictions of these settlements. Palestinian villages in the area have effectively lost access to an additional 4,000 dunams they previously used for farming and grazing, whether because of the proximity of these areas to settlements and outposts or because Palestinians themselves refrain from accessing them due to fear of settler violence.

As in the rest of the West Bank, instead of preventing the violence, the military sometimes prefers an arrangement whereby Palestinian landowners coordinate their arrival at their plots with the military in advance and ostensibly receive its protection while there. During the last olive harvest season, for example, the military coordinated access to about 360 dunams in this area for Palestinian farmers.<sup>139</sup> The coordination mechanism, however, falls far short of meeting farmers' needs: the number of days the military is willing to coordinate is insufficient for the agricultural work required. Soldiers do not always

arrive, and when they do, in many cases, instead of protecting Palestinians, they drive them out of the plots when settlers arrive. Since the coordination mechanism prevents landowners from cultivating their land as needed, these areas gradually turn barren.<sup>140</sup>

The settler population in this area has grown significantly in the past decade, partly as a result of Route 398 (Lieberman Road), which opened in 2008. Since then, the settler population of Tekoa, Nokdim, Ma'ale Amos and Asfar has grown by 2.6 – from 3,190 at the end of 2008 to 8,369 in November 2020. According to Peace Now, from 2008 to 2012, the years immediately following the opening of Route 398, 450 new housing units were already added to the existing 916 in these settlements – a 150 percent increase.<sup>141</sup>

In 2019, Moriah, a subsidiary of the Jerusalem Municipality, began construction on the southern section of the eastern beltway, which is set to connect Route 398 to Jerusalem's central road system, giving the settlers of Nokdim and Tekoa easy access to southwest Jerusalem and the northern West Bank. Construction on this section is scheduled to conclude throughout 2021.<sup>142</sup>

**Tekoa** – The settlement of Tekoa was originally established as a Nahal brigade encampment in 1975, after the military commander of the West Bank signed a closure order for Area 23 spanning 743 dunams, including vast farmlands cultivated at that time by Palestinian landowners.<sup>143</sup> In November 1977, the encampment became a civilian community, and in the early 1980s, an additional 1,630 or so dunams of land that had been declared state land were allocated to the settlement.<sup>144</sup>

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**138.** HCJ 7718/15 **Musa 'Asakrah et al. v. Minister of Defense et al.**

**139.** GOC Central Command Maj. Gen. Tamir Yadai signed a slew of military orders declaring these areas closed military zones on 17 September 2020 [Order regarding Security Provisions [Incorporated Version] (Judea and Samaria Area) (1651) – 2009, Declaration regarding Zone Closure [Prohibition on Access and Stay] – 2020] (Hebrew). The orders were valid until 31 December 2020.

**140.** For more, see B'Tselem, "[2020 olive harvest – another year of severe, state-backed settler violence](#)", December 2020.

**141.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of November 2020 – Locality Files 2003-2019 (Hebrew). See, also, Peace Now, [The Impact of Bypass Roads on the Development of Settlements](#), 7 October 2015.

**142.** **Highway to Annexation**, supra note 74. See, also, Hagar Shezaf, "[Highways to Annexation: Across the West Bank, Israel Is Bulldozing a Bright Future for Jewish Settlers](#)", **Haaretz English edition**, 11 December 2020.

**143.** The military order is marked on a GIS layer provided to Kerem Navot by the Civil Administration in 2014.

**144.** As a result of mapping undertaken by the Blue Line team in early 2019 and published in October 2020, an area of 173 dunams was detracted from the settlement. Over the years, about 80 houses were built in this area. In addition, 219.5 dunams were added to the settlement, meaning it grew by 47 dunams. See notice by settlement of Tekoa, "Resident Update – Blue Line," 7 August 2020 (Hebrew). Yehuda Yifrah, "[Anti-Zionist terror attack: Civil Administration team a danger to settlements](#)," **Makor Rishon**, 7 August 2020 (Hebrew).



Tekoa is considered a mixed community with both secular and religious residents. At the end of 2020, it had a population of 4,189, a 231 percent increase compared to its population of 1,806 in 2010.<sup>145</sup> The settlement's masterplan allows for the construction of 915 housing units, all one- or two-story homes.<sup>146</sup>

In the late 1990s, two outposts were established south of the settlement's jurisdictional boundaries: Tekoa B and Tekoa C. In 2002, another outpost, Tekoa D, was established about a kilometer southeast of Tekoa B and C. This outpost is located in part on farmland cultivated by residents of the Palestinian village of Tuqu'. In 2014, the outpost of Tekoa E was established about 500 meters east of Tekoa D. The outpost was evacuated several months later, but was reestablished in 2018. Takeover of Palestinian land in this area has gained momentum in recent years, especially around Tekoa D and Tekoa E, and around the settlement's western access road. In 2020, as part of these takeovers, roads were cleared and an irrigation system was installed in a 60-dunam area.

The expansion of Tekoa and its satellite outposts has had a dramatic impact on Palestinians in the nearby village of Tuqu', many of whom used to rely on farming and shepherding for their livelihoods. Residents of the settlement and outposts are now cultivating about 260 dunams of land, all of which belonged to village residents (about 100 dunams are located outside the settlement's jurisdiction).

**Nokdim** – The settlement was initially established in 1982 under the name El David, south of Herodium and east of the settlement of Tekoa. In the first half of the 1990s, the name was changed to Kfar Eldad. It was later absorbed into the settlement of Nokdim,

which was being built at the time about a kilometer to the southwest. With this amalgamation, Nokdim was formed as two non-contiguous compounds connected by a road partly built inside cultivated Palestinian farmland, which was expropriated for this purpose.<sup>147</sup>

About 3,400 dunams of land were declared state land prior to the settlement's establishment and were later allocated to it. These state land declarations created enclaves of Palestinian farmland inside the settlement's jurisdiction. In 1997, the JNF built a public park for Nokdim residents in one such enclave, located in the heart of the settlement and stretching over about 20 dunams. The residents now call it "the Founders' Park".<sup>148</sup>

Over the past decade, the population of Nokdim increased by 83 percent, from 1,415 to 2,585.<sup>149</sup> Approved building plans for the settlement currently allow for 298 housing units, all one- or two-story homes. In February 2020, the Civil Administration Supreme Planning Council approved a plan for 105 additional housing units in Kfar Eldad.<sup>150</sup>

The first Nokdim outpost – Sde Bar, an agricultural boarding school for teenage boys – was built in the late 1990s about a kilometer north of the site where the permanent settlement was established a few years earlier. In late 2001, the outpost of Ma'ale Rehavam was established about a kilometer east of Nokdim. As the outpost was built subsequent to Prime Minister Ariel Sharon's commitment to remove all outposts built after March 2001, a demarcation order was issued against it. Nevertheless, the government avoided removing the outpost and, in 2013, announced it was planning to retroactively approve it – a process that has not been completed to this day.<sup>151</sup> In May 2014,

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**145.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020, and Localities in Israel – Locality Files 2003-2019 (Hebrew).

**146.** Plan 412/4/1 was approved for validation by the Settlement Subcommittee at the Civil Administration Supreme Planning Council on 14 May 1997; Plan 414/4/2 was approved for validation by the Settlement Subcommittee on 25 February 1998.

**147.** Expropriation Order 5/91 of 11 September 1991.

**148.** Kerem Navot, *JNF Shady Business*, 13 September 2019 (Hebrew).

**149.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020 (Hebrew).

**150.** Plan 411 Gush Etzion, Demarcation of Nokdim Jurisdiction, approved for validation at the Objections Subcommittee at the Civil Administration Supreme Planning Council on 12 July 1989. Plan 411/5 was approved for validation at the Settlement Subcommittee on 19 August 2015. Plan 416/3/1, published for validation on 13 June 2018. See, also, Peace Now, "[Givat Hamatos Tender for 1077 Units Published; More than 1148 West Bank Settlement Units to be Approved This Thursday](#)," 24 February 2020.

**151.** See, also, [Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers](#), Peace Now, March 2015.

following a High Court petition filed by Peace Now, eight outpost structures built on land cultivated by Palestinians were removed.<sup>152</sup> The regional council submitted a plan to build 395 housing units in the outpost and turn it into a “neighborhood” of Nokdim. The plan has yet to be approved.<sup>153</sup>

Agricultural takeover of Palestinian land is rampant around Nokdim, as well, mostly near Sde Bar. Settlers from the area currently cultivate about 500 dunams of land, the vast majority of it cultivated in the past by Palestinians.

## B. The Ariel–Eli–Shilo settlement bloc

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This section addresses the bloc that consists of one urban settlement Ariel, five settlements (Rehelim-Nofei Nehemia, Eli, Ma’ale Levona, Shilo and Amichay), and about ten outposts built east and southeast of Ariel. The bloc is located in the heart of the West Bank, along a central segment of Route 60 that connects Ramallah and Nablus. Together with the settlements built along the Trans-Samaria Road (Route 5), which connects Ariel with the Green Line, the bloc forms a Z shape, splicing the northern West Bank and disrupting the contiguity of a string of Palestinian communities. The bloc currently has a population of about 32,000 settlers, most of them in Ariel, Shilo and Eli.

Eli, Shilo and the outposts around them were built in one of the most populous and fertile areas in the West Bank, which served for generations as a Palestinian rural hub, with residents relying on intensive cultivation of the land for their livelihoods. The takeover of Palestinian farmland by settlers has peaked in this part of the West Bank, carried out by fencing off plots, blocking agricultural access roads,

assaulting Palestinian farmers and driving them off their lands, damaging or cutting down trees and destroying crops. The state allows this violence to continue nearly unabated, systemically and continually refraining from protecting Palestinian residents, their land and their property.<sup>154</sup>

All this has transformed the area within a few generations: settlers have gradually and doggedly dispossessed Palestinians of many of their farmlands and robbed them of their livelihoods. The immediately affected Palestinian communities are Iskaka, Yasuf, Yatma, a-Sawiyah, a-Lubban a-Sharqiyah, Qaryut, Jalud, Sinjil, Turmusaya, al-Mughayir, Duma and Qusrah. These 12 communities are home to some 34,000 residents.

The harm to Palestinians and their livelihoods is not only the result of direct takeovers. Fear of settler violence has driven Palestinian farmers to scale back how often they access a growing number of their lands, and some have stopped going to their plots altogether. Palestinian farmers who insist on cultivating plots near settlements and outposts face settler violence towards them and vandalism of their property. The dirt paths leading to their lands are often blocked and soldiers prevent or severely restrict them from accessing their land.<sup>155</sup>

B’Tselem and Kerem Navot estimate that the settlements of Shilo and Eli and the outposts around them have resulted in the loss of Palestinian access to at least 26,500 dunams of land. More than 12,500 of these have been declared state land. Palestinians have also been explicitly denied access to some 7,700 dunams of land that lie within the settlements’ areas of jurisdiction. Palestinian farmers also cannot access

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152. HCJ 7891/07 **Peace Now et al. v. Minister of Defense et al.** See, also, Chaim Levinson, [“Israeli Forces Begin Razing Outpost after Court Rejects Settlers’ Ownership Claims,”](#) **Haaretz English edition**, 14 May 2014.

153. See remarks in HCJ 5285/19 **Dror Bar Levav et al. v. State of Israel et al.**

154. See B’Tselem, [State-Backed Settler Violence](#). See, also, Yesh Din, [The Road to Dispossession: A Case Study - The Outpost of Adei Ad](#), February 2013, pp. 126-141.

155. See, e.g.: Elior Levy, [“Palestinians show ‘live bullet inside injured man,’”](#) **ynet**, 23 February 2013 (Hebrew); Yigal Mosko, [“Esh Kodesh: A chronology of violence,”](#) **N12**, 1 March 2013 (Hebrew); Amira Hass, [“In Jalud There’s Fire at the End of the Tunnel,”](#) **Haaretz**, 19 October 2013 (Hebrew); Chaim Levinson and Jack Khoury, [“Jewish Settlers Caught and Beaten After Trespassing in Palestinian Village,”](#) **Haaretz English edition**, 7 January 2014; Amira Hass, [“A Fire Racks a Palestinian Village. Israeli Firefighters Act Only When It Nears a Settlement,”](#) **Haaretz English edition**, 15 June 2019; Shai Nir, [“Walk Ends in Gunfire,”](#) **Davar**, 30 November 2017 (Hebrew), Yossi Gurvitz, [Special Project: It’s not the writing on the wall](#), Yesh Din, 9 June 2014 (Hebrew). See also testimony of a captain in the Nahal 50th Battalion, [“People from Esh Kodesh descended towards Qusrah,”](#) *Breaking the Silence*, 2012 (Hebrew).

parts that settlers have taken over in practice, and are afraid of entering others due to settler violence. Fieldwork and aerial photo analysis of the area reveal that residents of Shilo, Eli and their outlying outposts have directly commandeered almost 3,000 dunams for agricultural use – almost 800 in the last decade alone. The land in question lies on either side of Route 60, and most of it had been cultivated by Palestinians. Taking over extensive farmland requires a great deal of water. To meet this need, the Mateh Binyamin Regional Council initiated a NIS 300 million plan to connect the settlements to Israel's National Water Carrier. Mekorot subsidiary EMS Mekorot Projects inaugurated the Trans-Samaria Main, which extends to the Tapuah Junction area, in 2020. The main connects the local water infrastructure to the national system, allowing an increase of water supplied to the settlements by at least eight times compared to the amount they received previously from water sourced by Israel inside the West Bank.<sup>156</sup>

This settlement bloc, like others in the West Bank, was built along the traffic arteries that sustain it. In this case, these are the longitudinal Route 60 and the shorter Route 593 that connects it to the eastern outskirts of Ariel. Israel built this road network back in the early 1990s, on Palestinian farmland expropriated from its owners. The roads transformed the local geography, allowing settlers to travel at much higher speeds and volumes than previously possible.

The land expropriations for this road, spanning about 1,230 dunams, were carried out using four military orders. The first order was issued in 1991 for an area of about 500 dunams, for the purpose of building a new bypass road from the entrance to Sinjil to the

entrance to a-Lubban a-Sharqiyah.<sup>157</sup> The second order, issued in late 1998, covered about 200 dunams used to build another segment of Route 60, from the entrance to a-Sawiyah to Tapuah Junction.<sup>158</sup> The third expropriation took place in 1999 in order to build Route 593.<sup>159</sup> The fourth expropriation order, issued in 2002, was designed to facilitate the completion of this road, which allowed connecting the settlement to the route that had already been cleared.<sup>160</sup>

These roads created a traffic continuum that connects the settlements in this bloc with the Tel Aviv Metropolitan Area via Route 5. The road has also enabled a 60 percent population growth in the bloc, from about 19,525 in 2000 to 31,389 by the end of 2019.

### Ariel

The settlement of Ariel was established in 1978 on a 4.5-kilometer-long mountain ridge south of Route 5 (Trans-Samaria). Its location cuts off the Palestinian villages to its north from the district's main town, Salfit, which serves as their governmental, administrative and commercial hub, to its south.<sup>161</sup>

The lands on which Ariel was built belong to the Palestinian villages of Kifl Hares, Marda and Iskaka and to the district town, Salfit. They were originally seized by military order.<sup>162</sup> Later, they were declared state land. After a fence was built around the settlement between 2004 and 2008, the Special Security Area created by it trapped some 1,800 dunams of privately-owned Palestinian lands that are no longer accessible to their owners.<sup>163</sup>

Ariel was declared a city in 1998. At the end of 2020, it had a population of 20,511, a 16 percent increase

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**156.** [Water supply trouble in Shilo Eli bloc](#), Mateh Binyamin Regional Council website, 3 July 2016 (Hebrew). Mekorot Freedom of Information Officer reports for 2018 and 2019 (Hebrew). See, also, Facebook [post](#) (Hebrew) by EMS Mekorot Projects, 24 January 2019. Ido Ben Porat, "New water system for Shilo bloc, **Israel National News**, 5 June 2017 (Hebrew); "Applying sovereignty de facto: Judea and Samaria Area connected to national water system," **Kipa**, 16 June 20.

**157.** Expropriation Order 4/91, 1 July 1991.

**158.** Expropriation Order 5/98, 4 November 1999.

**159.** Expropriation Order 1/99, 23 March 1999.

**160.** Expropriation Order 1/02.

**161.** Government Resolutions HT/14 dated 30 October 1977, 262 dated 3 January 1978, 56 dated 14 October 1979 and 755 dated 25 May 1980 (Hebrew). See also, **Land Grab**, supra note 2, pp. 117-131.

**162.** Seizure Order 22/79, 11 July 1979. The order covers 4,279 dunams.

**163.** For more on special security areas, see, B'Tselem, [Access Denied: Israeli measures to deny Palestinians access to land around settlements](#), September 2008.

compared to its population in 2010, which was 17,657.<sup>164</sup> So far, a relatively small proportion of Ariel's municipal jurisdiction has been used for construction. Some 4,000 housing units were built on an area spanning about 3,500 dunams – slightly less than a third of the settlement's municipal jurisdiction, which has been expanded over the years to reach roughly 11,600 dunams.<sup>165</sup>

In October 2020, the Supreme Planning Council approved the construction of 839 housing units in a 443-dunam area on the southwest hill of Ariel. The municipality is already planning public facilities for the growing neighborhood.<sup>166</sup> Another neighborhood is planned in the settlement's western edge, where Ariel's largest land reserve is located. Because there is no contiguity between this section and the rest of the settlement's built-up area, connecting it to the city will require more land expropriation in the future. The neighborhood, which will border the Ariel industrial zone that lies more than 3.5 kilometers west of the city, is slated to have 722 housing units. A new access road into the settlement will go through the neighborhood.<sup>167</sup> The Ariel Municipality is also seeking to promote an urban renewal plan, whereby existing construction in one of the settlement's older neighborhoods would be torn down and replaced with 28-story high-rises.<sup>168</sup>

In the last few weeks of 2020, a new outpost sprang up inside Ariel's jurisdiction, based on grazing a flock on a hill located some two kilometers away from the western outskirts of the settlement's built-up area. The outpost had originally been built in an army base east of Shilo and relocated to Ariel after the military ordered it evacuated.

The Ariel industrial zone (Ariel Industrial Park) was established in 1996. It is one of the two linchpins for the city's economic development. The park currently spans about 950 dunams, with some 45 factories – compared to about 20 at the beginning of the decade. Seven more factories are in planning or under construction. The Ariel Municipality is planning to expand the industrial zone by 1,350 dunams and market it as the largest industrial land reserve in central Israel.<sup>169</sup> Like all other industrial zones established in the West Bank, Ariel's enjoys Development Area A status. This means a 24 percent grant for facilities and equipment, a corporate tax exemption for the first two years, and a reduced corporate tax rate for the following five years. The municipal tax rate collected from factories in this area is about half the rate in the Tel Aviv Metropolitan Area.

The city's second economic linchpin is Ariel University. Originally a technical college, it was founded in 1982 on an area spanning about 70 dunams and has since developed into a large 611-dunam campus.<sup>170</sup> Every Israeli government over the past two decades has helped support and promote this institution, which now has a student body of about 16,000, about 3,000 of whom live in Ariel. To change the college's status to a university, GOC Central Command Gadi Shamni signed a special military order in 2008 to establish a Council for Higher Education with powers in the West Bank only. Then-Minister of Defense Ehud Barak approved the council's recommendation to upgrade the college's status from "higher education center" to university in 2012.<sup>171</sup> In 2019, the university received approval to open a medical school.<sup>172</sup>

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**164.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020 (Hebrew).

**165.** Plans 130/1 for Quarter A for 1,600 housing units, 130/1/7 for southern neighborhoods in Quarter A for 250 housing units, 130/2/1 for Quarter B for 638 housing units, 130/2/2 for Quarter B for 1,086 housing units, and 130/2/4 for Quarter B South for 422 housing units.

**166.** Plan 130/8, discussed in session No. 2020007 of the Settlement Subcommittee of the Civil Administration Supreme Planning Council on 15 October 2020. See, also, transcripts of Ariel Council Meeting No. 10, 1 September 2019 (Hebrew).

**167.** Transcripts of Ariel Council Meeting No. 51, 2 July 2017 (Hebrew). See [Ariel Industrial Park](#) on the Ariel Municipality website (Hebrew). See, also, transcripts of Ariel Council Meeting No. 51, 3 September 2017, and Ariel Council Meeting No. 20, 5 July 2020 (Hebrew).

**168.** Guy Nardi, "Waiting for Trump: Ariel dreams of 80,000 more residents," *Globes*, 22 May 2017 (Hebrew).

**169.** See Ariel Industrial Park, *supra* note 167. See, also, transcripts of Ariel Council Meeting No. 51, 3 September 2017, and Ariel Council Meeting No. 20, 5 July 2020 (Hebrew).

**170.** Plan 130/4/5 – Ariel University, approved for validation on 26 December 2018.

**171.** Order regarding Management of Local Councils [Judea and Samaria Area] (No. 892) – 1981, Appointment of Members of Higher Education Council [Judea and Samaria Area], signed by GOC Central Command Gadi Shamni on 6 April 2008 (Hebrew). See, also, Itamar Fleishman, "It's official: Ariel University recognized," *Ynetnews*, 25 December 2012.

**172.** Shira Kadari-Ovadia, "Med School in West Bank Settlement Gets Green Light Pending High Court Appeal," *Haaretz English edition*, 11 April 2019; Or Kashti, "West Bank Council Unanimously Approves Ariel University Medical School," *Haaretz English edition*, 14 February 2019.

In October 2020, Prime Minister Binyamin Netanyahu and the US Ambassador to Israel at the time, David Friedman, signed a scientific cooperation agreement between the two countries, paving the way for American investment in the university.<sup>173</sup> Even prior to this agreement, the government compensated the university for international agreements that confined international research grants to academic institutions within the Green Line. This has included tender-exempt contracts with the Ministry of Education worth tens of millions of NIS and “boycott grants” given to researchers by the Ministry of Science and Technology.<sup>174</sup>

### **Rehelim – Nofei Nehemia**

The outpost of Rehelim was built in 1991 on land belonging to the Palestinian village of a-Sawiyah, adjacent to the old Ramallah-Nablus road. In the early years, a Nahal brigade encampment operated at the site, but it gradually became a permanent civilian outpost lacking official status. Sitting on the side of the road that, at the time, served as the main longitudinal traffic artery between the two major Palestinian cities of Ramallah and Nablus, the outpost served as a link between the settlements of Eli and Kfar Tapuah established in the 1980s, and signaled the start of the eastward and southward expansion of this settlement bloc into the heart of the West Bank.

In 2002, another outpost began developing on a hill dominating the road from the north, just several hundred meters south of the homes of Palestinian villages Iskaka and Yasuf. Ultimately named Nofei Nehemia, the outpost was established halfway between Ari’el and Rehelim, about two kilometers away from each, on land then considered “survey land.”

In early 2004, the Civil Administration declared about 950 dunams in this area state land, including both outposts. The declaration included several non-contiguous plot clusters between Rehelim and Nofei Nehemia, designed to connect the two in the future. In 2012, the GOC Central Command signed the Rehelim jurisdictional boundary map, which included this land. The outpost of Nofei Nehemia was included as its “western neighborhood.”<sup>175</sup> Some hundred dunams of undeclared cultivated land lie within the fenced-off area around the settlement, now inaccessible to their owners. Kerem Navot and B’Tselem estimate that there are at least another 750 dunams of farmland previously cultivated by Palestinians around the settlement. The farmers now have limited access to this land, and avoid entering it for fear of settler violence.

In 2017, the Civil Administration Supreme Planning Council approved a masterplan for the settlement of Rehelim, which did not include the Nofei Nehemia “neighborhood”. Nevertheless, dozens of permanent housing units have been built in it in recent years.<sup>176</sup> In January 2021, the Supreme Planning Council authorized a plan adding 94 housing units in Rehelim and approving 118 housing units in Nofei Nehemia.<sup>177</sup> The population of Rehelim-Nofei Nehemia is currently 800.

### **Ma’ale Levona**

The settlement was originally established in 1983 as a Nahal brigade encampment on lands belonging to the Palestinian villages of Sinjil, a-Lubban a-Sharqiyah and ‘Ebwein, seized for military purposes in 1982 and 1983.<sup>178</sup> In March 1983, the government decided to turn it into a civilian settlement.<sup>179</sup> To that end, in 1984, two separate, non-contiguous land clusters

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**173.** Noa Landau, Hagar Shezaf and Shira Kadari-Ovadia, “[Netanyahu, Ambassador Friedman Ink Deal Expanding Scientific Cooperation to Settlements](#),” **Haaretz English edition**, 28 October 2020. See, also, [U.S. Embassy in Israel press release](#), 28 October 2020.

**174.** Shaul Amsterdamski, “[NIS 50 million given to Ari’el University, 1.4 to Weizmann Institute](#),” **Calcalist**, 5 February 2014 (Hebrew); Shlomo Pyuterkovsky, “Hershkovitz gives ‘boycott grants’ to researchers,” **Israel National News**, 13 January 2011 (Hebrew).

**175.** The Rehelim jurisdiction map was signed on 19 December 2012.

**176.** LabC No. 171 approved for validation on 17 November 2017. Plan 171/1 discussed by Civil Administration Supreme Planning Council on 17 January 2021.

**177.** Hagar Shezaf, “[Israel Announces New Settlement Construction Days Before Biden Inauguration](#),” **Haaretz English edition**, 11 January 2021.

**178.** Seizure Orders 13/82 of 5 September 1982 and 6/83 of 20 February 1983, and an additional order for a road to settlement, 13/83. On the seizure orders issued after the Elon Moreh case, see, **Seize the Moral Low Ground**, supra note 89, pp. 28-30.

**179.** Government Resolution B/4 regarding “Turning the Ma’ale Levona Nahal Encampment on the Ramallah-Nablus Road into a Civilian Community, Provided it is Located Exclusively on State Land,” 20 March 1983.

spanning a total of about 1,750 dunams were declared state land.

The settlement's masterplan was approved in 1991, seven years after it was established. The plan, which has since been fully implemented, permitted the construction of 252 one- or two-story homes on a 326-dunam area.<sup>180</sup> In 2012, another plan was approved for the settlement, with 17 dunams allocated for a girl's religious seminary.<sup>181</sup> The Civil Administration's Blue Line Team has mapped out an additional 60-dunam area east of the settlement, indicating plans to build there in the future.

Ma'ale Levona is located on a 750-meter-high hill with sharp slopes, making construction in the settlement challenging and expensive. As a result, population growth has been slower than in the two neighboring settlements of Eli and Shilo. According to the CBS, in 2019, Ma'ale Levona had 906 residents, an increase of nearly 32 percent compared to 2010, when the population stood at 687.<sup>182</sup>

### **Eli and its outposts**

In 1983, an area spanning about 2,170 dunams of land belonging to the Palestinian villages of a-Sawiyah, a-Lubban a-Sharqiyah and Qaryut was declared state land. A year later, in 1984, the settlement of Eli was established on these lands. The government resolution approving the settlement's establishment noted that 250 housing units would be built, with the possible addition of 30 units later on.<sup>183</sup>

Hundreds of permanent homes have been built in this settlement over the years, with no approved masterplan and with no accurate mapping of the

status of land inside the settlement. Some of the homes were constructed on Palestinian farmland, which meant that no masterplans could be promoted to retroactively approve construction in the settlement, including a plan to build 2,500 housing units.<sup>184</sup> Despite all this, construction in the settlement continued, with population growth to match. At the end of 2010, Eli had 3,110 residents. In 2020, it had 4,486 – a 44 percent increase.<sup>185</sup>

In 2011, two petitions were filed against several housing complexes built on land belonging to a-Lubban a-Sharqiyah and a-Sawiyah without approved building plans.<sup>186</sup> This prompted the state to embark on a retroactive approval process for construction in the settlement. The first stage was re-mapping the land Israel had declared state land in 1983. When the Blue Line Team had completed the process, it emerged that at least 166 homes in the settlement stood on farmland previously cultivated by Palestinians.<sup>187</sup>

Eli's first masterplan was deposited for objections in February 2013, allowing for the construction of about 620 housing units, most of which had already been built. The plan was designed to retroactively approve these houses, ignoring the fact that some were built on the remaining enclaves of cultivated land inside the settlement. The local councils of three Palestinian villages – Qaryut, a-Lubban a-Sharqiyah and a-Sawiyah – challenged the plan in a High Court petition filed with human rights organizations, arguing that the landowners had not been given an opportunity to appeal the new declaration of their lands as state land, and the court issued an interim order. In February 2020, the High Court cancelled the order and allowed the state to advance the plan, with the exception of

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**180.** Plan 229 – Mateh Binyamin, approved for validation at the Settlement Subcommittee of the Supreme Planning Council on 1 May 1991.

**181.** Plan 229/3 – Mateh Binyamin, approved for validation at the Settlement Subcommittee of the Supreme Planning Council on 13 June 2012.

**182.** Central Bureau of Statistics, Localities in Israel – Locality Files 2003-2019 (Hebrew).

**183.** Government Resolution No. 594 (HT/23) regarding Eli (Giv'at Levona) – New Community, dated 26 April 1984 (Hebrew).

**184.** Plan 237 for 240 housing units was discussed for validation in October 1991. It was not promoted due to the objection of the Civil Administration Archeology Staff Officer. Plan 237/1, which included 2,500 housing units, was authorized by the Minister of Defense in December 1998 after a review discussion, but it could not be promoted due to intrusions into privately-owned Palestinian land. See Uri Blau, "[Secret Israeli Database Reveals Full Extent of Illegal Settlement.](#)" **Haaretz English edition**, 1 February 2009.

**185.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020 – Locality Files 2003-2019 (Hebrew).

**186.** HCJ 3819/11 **Mahmoud Hassan As'ad Ahmad et al. v. Minister of Defense et al.**; HCJ 1936/11 **Jamal Daraghme Head of a-Lubban a-Sharqiyah Village Council et al. v. Minister of Defense et al.**

**187.** Chaim Levinson, "[At Least 166 Homes in Israeli Settlement Built on Private Palestinian Land.](#)" **Haaretz English edition**, 28 January 2013.

the areas discussed in the petition. Regarding these areas, the state undertook to enable the residents to appeal the new declarations.<sup>188</sup>

The Eli masterplan was ultimately approved in March 2020.<sup>189</sup> In October of that year, the Civil Administration Supreme Planning Council authorized an additional plan to be deposited for review. This plan allows for the construction of 629 housing units in the Neve Shoham neighborhood of the settlement, on a 411-dunam area.<sup>190</sup>

In order to retroactively approve some of the construction in Eli, which, as stated, had been pursued without building permits, and to allow for its future expansion, in March 2017 Israel declared an additional area around the settlement spanning about 1,000 dunams as state land.<sup>191</sup>

Beginning in the latter half of the 1990s, several outposts have been built on the hills around Eli, greatly expanding the areas effectively under its control. The outpost of Nof Harim was established in the mid-1990s on Qaryut village land, with permanent construction beginning at the end of that decade. Some 40 houses have been built in the outpost over the years, about a quarter of them on farmland Israel has not declared state land.

The outpost of Hayovel was built in 1998, also on Qaryut land declared state land in 1983. Work to clear lots for permanent construction began at Hayovel several years after its establishment, outside the area declared state land. In 2005, Peace Now filed a petition demanding the outpost's removal. The state responded that it was planning to do so, but never did.<sup>192</sup> In early 2010, the state notified the High Court it had changed its position and would now seek to retroactively approve the outpost. In July 2011, 189

dunams of land were declared state land in order to retroactively approve permanent construction in the outpost and the road connecting it to Eli.<sup>193</sup>

This paved the way for retroactive approval of most of the outpost, leaving out homes built on Palestinian farmland, which the High Court ordered demolished. The judgment excluded the home of the widow of Maj. Eliraz Peretz, who was killed in Gaza in 2010, providing no relevant legal argument as to why the home should be spared from demolition.<sup>194</sup> Even today, six years after the judgment was handed down, the outpost has yet to be retroactively approved. Construction, however, has continued, and more than 30 permanent housing units were built there in 2017 and 2018.

The outpost of Palgey Maim was built about 1.5 kilometers north of Eli in 2001, on land of residents of the Palestinian village a-Sawiyah. In 2017, Israel declared most of the area covered by the outpost state land with a view to retroactively approving it, but no valid masterplan has been drawn up for the site to date. Construction continued at this outpost, too, over the past decade, and it now has dozens of pre-fabricated and permanent homes.<sup>195</sup>

In 2002, the outpost of Giv'at Haro'eh was built south of Eli, on the other side of the Ramallah-Nablus Road (Route 60). In 2005, a demarcation order was issued against the outpost; it has been renewed several times since. During hearings in a petition Peace Now filed against the failure to enforce the order, the state said it was planning to retroactively approve construction in the outpost, which it claimed had been built on "survey land." While the outpost's access road had been built within Palestinian farmland, the state undertook to build an alternate road, which it did in 2016. Following

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**188.** HCJ 7986/14 **Head of Qaryut Village Council et al. v. Head of Civil Administration et al.** Hagar Shezaf, "[HCJ Revokes Order Preventing Retroactive Approval of Eli Construction](#)," **Haaretz**, 19 February 2020 (Hebrew).

**189.** Plan JSA 237, approved 23 March 2020.

**190.** Plan JSA 237/3, discussed in session No. 2020007 of the Supreme Planning Council on 15 October 2020.

**191.** See Kerem Navot, "[Ali Baba: The declaration of Government Property around the settlement of 'Eli' On 3/30/2017](#)," January 2018.

**192.** HCJ 9051/05 **Peace Now et al. v. Minister of Defense et al.**

**193.** Chaim Levinson, "[Israel Expropriates Palestinian Land in Order to Legalize West Bank Settlement](#)," **Haaretz English edition**, 7 July 2011.

**194.** HCJ 9051/05 and 2759/09 **Peace Now et al. v. Minister of Defense et al.**

**195.** Or Kashti and Chaim Levinson, "[Israel's Head of Building-Law Enforcement Lives in Illegal West Bank Outpost](#)," **Haaretz English edition**, 19 January 2017.

this notice, the petition for the outpost's removal was dismissed.<sup>196</sup>

Eli settlers have overtaken a major freshwater spring in the area, 'Ein al-'Arik, which belongs to the village of Qaryut. Until then, Palestinians from the village had used the spring's water for their crops and livestock. The settlers have renamed it Ma'ayan Hagvura (Spring of Heroism) and have been working to turn it into a tourist attraction. In 2018, the outpost of Havat Hama'ayan was built near the spring. It was removed in 2019.<sup>197</sup>

Kerem Navot and B'Tselem estimate that consequent to the establishment of Eli and its outposts, Palestinians from the four villages of Qaryut, a-Sawiyah, a-Lubban a-Sharqiyah and Sinjil lost access to about 8,500 dunams of farmland and pastureland, some 3,200 of which were declared state land. Most of the lost land, about 2,600 dunams, belongs to residents of Qaryut. Residents of a-Sawiyah and a-Lubban a-Sharqiyah lost about 2,500 dunams per village, and residents of Sinjil lost the remaining roughly 900 dunams. Access to these areas has been either forbidden as a result of the establishment of settlements and outposts on the land or abandoned by Palestinian farmers for fear of settler violence.

In this area, too, the military requires special coordination from Palestinian farmers wishing to access their land for the yearly olive harvest, in return for protection from settlers – a special mechanism that falls far short of meeting the farmers' needs. In the last olive harvest, from October to November 2020, the military coordinated Palestinian farmers' access to some 1,950 dunams of land.

### **Shilo and its outposts**

The settlement of Shilo was built in 1979 east of Route 60, after two military seizure orders were issued. The first order concerned a 116-dunam area and allowed the seizure of Khirbet Seilun, which belonged to residents of Qaryut.<sup>198</sup> This site is currently operating as Tel Shilo, an archeological park run by Mishkan Shilo-the Center for Research and Development of Ancient Settlement in Eretz Yisrael – an organization established by residents of the settlement in 2010.<sup>199</sup> The second order concerned a 760-dunam area, part of which was land belonging to the villages of Qaryut and Turmusaya. This was the original site of the settlement.<sup>200</sup> At the end of 2020, Shilo had a population of 4,592, a 211 percent increase compared to its population of 2,172 in 2010.<sup>201</sup>

From the early 1980s to the early 1990s, Israel declared about 9,300 dunams in the Shilo area state land, including the land of six villages: Qusrah, Sinjil, Qaryut, Turmusaya, Jalud and al-Mughayir. The area encompassed most of the land seized by military orders in 1978 and 1979, and includes the settlements of Shilo, Shvut Rachel and Amichay, as well as most of the structures in the string of outposts built in the area since the 1990s, west and mostly east of Shilo. The outpost of Giv'at Harel was built in 1998 on land belonging to Sinjil, several hundred meters west of Route 60 and across from the settlement of Shilo.

Most houses in the outpost were built on cultivated Palestinian farmland that Israel had not declared state land, and all houses have pending demolition orders that are yet to be executed. Around the outpost and along the road connecting it to Route 60 and to the settlement of Shilo, settlers have planted vineyards and

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**196.** The removal of Giv'at Haro'eh was brought to the High Court of Justice by Peace Now in 2005 and 2007. Peace Now demanded the court order the state to enforce the demarcation orders issued for this and five other outposts. In 2014, the High Court dismissed Peace Now's second petition in the matter, accepting the state's argument that it would retroactively approve the site. See, HCJ 7891/07 **Peace Now H. v. Minister of Defense et al.**

**197.** United Nations Office for the Coordination of Humanitarian Affairs [OCHA], [How dispossession happens: the takeover of Palestinian water springs by Israeli settlers](#), March 2012.

**198.** Seizure Order No. 1/78, signed on 1 January 1978. The order had no expiry date and has remained valid ever since it was issued.

**199.** The High Court dismissed a petition filed by the Qaryut Village Council together with Yesh Din and Emek Shaveh against the privatization of the archeological site and its handing over to the organization. See HCJ 6679/15 **Head of Qaryut Village Council et al. v. IDF Commander in the West Bank.**

**200.** Seizure Order No. 15/79, signed on 5 June 1979. This order also has no expiry date.

**201.** Central Bureau of Statistics, Population in Localities with 2,000 Residents or More – temporary estimates for the end of December 2020 – Locality Files 2003-2019 (Hebrew).



olive groves on roughly 800 dunams of land belonging to Qaryut and Sinjil, only about a quarter of which have been declared state land.<sup>202</sup> In the final months of 2020, groundwork began to make way for more permanent housing on lands belonging in part to residents of Sinjil and in part to residents of a-Lubban a-Sharqiyah. Together with Giv'at Haro'eh, which lies on the other side of the valley, Giv'at Harel dominates the 'Ein al-Muheibar Spring – which, until the two outposts were built, served residents of a-Lubban a-Sharqiyah. The settlers have renamed the spring Maayan Oz (Spring of Might).<sup>203</sup>

In late 2020, the Nahal Shilo farm outpost was established about a kilometer west of Shilo, on Turmusaya land declared state land. The outpost lies on a hill that overlooks the original access road Israel paved for the settlement in the late 1970s. It bolsters the settler takeover of the area west of Route 60 between Ramallah and Nablus.

East of Shilo, the outpost of Shvut Rachel was built in 1991 on land declared state land in the 1980s. Dozens of permanent structures had been built in the outpost over the years, with no valid masterplans. In 2011, Peace Now petitioned the High Court against construction at the site. The state responded that it was planning to retroactively approve the outpost.<sup>204</sup> A masterplan for the site was, in fact, approved in November 2015, retroactively authorizing the construction of 94 housing units and turning Shvut Rachel into a “neighborhood” of Shilo.<sup>205</sup>

In the latter half of the 1990s, several outposts were built east of Shvut Rachel, on land declared state land earlier that decade. This resulted in settler takeover of vast farmlands downhill. Settlers also appropriated an agricultural dirt road that had been, until then, used by residents of Qaryut and Jalud. They turned it into an internal road connecting the settlement of

Shilo in the west to the Alon Road in the east (Gideon Road). Early in the second intifada, settlers blocked off the way and Palestinians have been barred from using it since.<sup>206</sup>

The outposts of Ahiya and Adei Ad were built in 1997 on two hills located about two kilometers apart, east of Shilo.<sup>207</sup> During the second intifada, three more outposts were built east of Shilo: Esh Kodesh in 2001, Habayit Ha'adom in 2002 (later renamed Yishuv Hada'at) and Kida in 2003. The latter, built some 2.5 kilometers east of Shvut Rachel, grew with time and effectively united with the outpost of Habayit Ha'adom.

In 2015, settlers established an outpost named Malachei Hashalom inside an abandoned military base east of Alon Road, about seven kilometers east of Shilo. Set up as a sheep and goat farm, the outpost was evacuated by the military but later rebuilt at a nearby site, where it remains to this day. In 2020, settlers established another outpost about eight kilometers east, on the farmland of the Palestinian village of Duma. The outpost was built mere meters outside the area declared Firing Zone 906. The military has not used almost any part of this area for years, and the way to the outpost runs through it. The existence of both outposts prevents the residents of al-Mughayir and Duma from grazing flocks and cultivating land east of them, as they did prior to their establishment. Kerem Navot and B'Tselem estimate that due to the establishment of these two outposts, residents of both villages have lost all or most of their access to more than 10,000 dunams of land to date.

In September 2017, the government passed a resolution to establish a new settlement named Amichay, designated for residents of the outpost of Amona that had been removed earlier that year.<sup>208</sup> A week prior to the decision, the GOC Central Command signed an order marking the settlement's jurisdiction, which

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202. On this, see Kerem Navot Facebook [post](#) of 26 August 2019 (in Hebrew and Arabic).

203. **How dispossession happens: the takeover of Palestinian water springs by Israeli settlers**, supra note 197.

204. See HCJ 1813/11 **Peace Now et al. v. Minister of Defense et al.**

205. Plan 250/2/1 – Mateh Binyamin, rezoning from agricultural to residential for 94 housing units in the Shvut Rachel neighborhood, approved for validation on 18 October 2015.

206. See, on this, Appendix I in **Israeli Settlers' Agriculture as a Means of Land Takeover in the West Bank**, supra note 2, pp. 89-105. See, also, **Road to Dispossession**, supra note 154, pp. 126-144.

207. **Road to Dispossession**, supra note 154, pp. 57-59; **Israeli Settlers' Agriculture as a Means of Land Takeover in the West Bank**, supra note 2, pp. 89-105.

208. [Government Resolution No. 3015](#) of 3 September 2017 (Hebrew).

spans some 570 dunams about 1.5 kilometers east of Shvut Rachel. The area includes lands belonging to the villages of Jalud and Turmusaya declared state land in 1991. In October 2017, a masterplan was approved for Amichay, allowing the construction of 102 housing units on about 200 dunams.<sup>209</sup> At the end of 2018, 198 people were living in Amichay.<sup>210</sup>

The jurisdictional boundaries assigned to Amichay include the outpost of Ge'ulat Zion, which currently has no connection to water or power infrastructure. Since 2018, three more outposts operating as shepherding farms have been built east of Shilo. One of these, set up in 2020 inside an abandoned military camp, was evacuated at the end of the year on orders from the military and relocated to a site southwest of Ariel, on land belonging to Salfit.

Kerem Navot and B'Tselem estimate that Palestinians from seven villages in the area – Jalud, Turmusaya, Qaryut, Sinjil, al-Mughayir, Duma and Qusrah – have lost access to some 18,000 dunams of farmland and pastureland in the area, about half of which have been declared state land. Palestinian farmers once grew grains, legumes, almonds and olives in this area, located between Route 60 and Alon Road. Most of the land lost belonged to the village of Jalud (about 9,700 dunams), followed by Turmusaya (about 3,300 dunams), Qaryut (some 2,000 dunams), Sinjil (about 1,400 dunams), al-Mughayir (about 700 dunams), Duma (about 600 dunams) and Qusrah (some 300 dunams). As a result, Palestinian farmers cannot cultivate their land, which remains neglected and yields less. Fear of settler violence deters farmers from accessing hundreds more dunams, and other areas that are still accessible are largely rocky terrain not suitable for farming.<sup>211</sup>

Here, too, as in other parts of the West Bank, instead of taking preventive action against settler violence, the military employs a special mechanism for the yearly olive harvest, requiring Palestinian farmers to coordinate entry to their land in return for promised

protection against violent settlers. In the last olive harvest, between October and November 2020, the military demarcated about 1,750 dunams of land in the area of Shilo in which farmers had to coordinate their arrival – a mechanism that falls far short of their needs and does not enable them to properly cultivate their land.

In addition to the establishment of the outposts, in the early days of the second intifada, the settlers and the military blocked access to land lying east of Shvut Rachel from Palestinian landowners living in the villages of Turmusaya, Qaryut, Qusrah, Jalud and al-Mughayir. This has enabled settlers to take over hundreds more dunams in the area, where they mostly planted grapevines and olive groves. Most of this land has been taken over by Eretz Zayit Premium Oil, a company started in 2003, which markets its products under the brand name Meshek Achiyah. Six evacuation orders issued by the Civil Administration between 2008 and 2012 are currently pending against the company. The orders, which have yet to be enforced, order the evacuation of 360 dunams – less than half the size of the area the company cultivates in practice.<sup>212</sup>

Meshek Achiya may be the largest business connected to land takeover in the area, but it is not the only one. Mapping carried out by Kerem Navot indicates that some 2,900 dunams of land taken over by settlers are currently being cultivated in the vicinity of Shilo. About 75 percent of the area had been intensively cultivated by Palestinians, who were driven away from their land over the years. Other than the six evacuation orders against Meshek Achiya, the Civil Administration has issued only two others – against agricultural takeovers by settlers who planted vineyards on Palestinian lands. One concerns a 12-dunam area near the outpost of Adei Ad, and the other is for a 16-dunam area near the outpost of Esh Kodesh. While these two orders have been enforced, Palestinian landowners still cannot access the land without a military escort, due to settler violence.

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209. Plan 252/1 Mateh Binyamin – Amichay, approved on 18 October 2017.

210. Central Bureau of Statistics, Localities in Israel, 2018 – Media Release, 11 November 2019 (full version available in Hebrew only).

211. **Road to Dispossession**, supra note 154, pp. 126-144.

212. Kerem Navot Facebook post of 29 August 2019 (in Hebrew and Arabic). See, also, HCJ petitions regarding these orders: HCJ 6174/15 **Fawzi Haj Muhammad et al. v. Head of the Civil Administration et al.**; HCJ 6898/15 **Chen Ben Eliahu v. Head of Civil Administration et al.**

## Conclusions

This report examines the Israeli regime's settlement policy in the West Bank. This policy, which has gained momentum since the first settlements were established mere months after June 1967, is destroying the fabric of Palestinian life in the West Bank and serves as a major tool in the effort to oppress Palestinians and dispossess them of their lands and livelihoods.

The report focuses on two central aspects of the settlement enterprise. The financial aspect includes a slew of benefits and incentives offered by the state, whether officially or otherwise, to encourage citizens to move to settlements, take up farming there and set up industrial zones on the occupied land. These are the mechanisms driving demographic growth in settlements in general, and in ultra-orthodox settlements in particular. They are also what has enabled the massive settler takeover of Palestinian farmland and pastureland, as well as the consistent growth in the number of factories in settlement industrial zones.

The second aspect addressed in the report is the spatial impact of two settlement blocs that bisect the West Bank. One lies south of Bethlehem, stretching from Beitar Illit to Efrat and Gush Etzion, after from there to Tekoa, Nokdim and the nearby outposts. The other is located in the center of the West Bank, stretching from Ariel to Rehelim and Ma'ale Levona, and from there to Eli and Shilo and the outposts built east of them. Both settlement blocs have robbed the Palestinians of land reserves, roadways, farmland and commerce areas that served their communities for generations. Demographically, the number of residents in the settlements and outposts in these two blocs is negligible compared to the West Bank's overall population. Yet the two blocs bisect Palestinian space and block any possibility of its development. Israel's policies regarding the settlements are a clear expression of the Israeli apartheid regime, which employs various methods to promote and perpetuate the supremacy of one group – Jews – over another group – Palestinians – in the entire area between the Jordan River and the Mediterranean Sea. A key tool used to pursue this goal is engineering space

differently for each of the two groups. This report describes methods Israel uses to engineer space in the parts of the West Bank it has not officially annexed, which are particularly blatant in the scale of violence and dispossession involved. These methods have been implemented over the years with backing and financing from all state authorities. In the two blocs discussed in this report, these methods have served Israel to create contiguous spaces that also dominate the main roads traversing the West Bank from north to south and from east to west. This has pushed the Palestinians into fragmented, disconnected enclaves, weakening their grip on their lands and undermining their sources of economic subsistence.

The Israeli regime's policy of Judaizing space is not confined to the two blocs discussed in this report. It is implemented throughout the area between the Jordan River and the Mediterranean Sea, based on the mindset that land is a resource meant to primarily benefit the Jewish population. Accordingly, land is used to develop and expand existing Jewish settlements and to build new ones, while Palestinians are dispossessed and corralled into small, crowded enclaves. This principle has been applied with respect to land within sovereign Israeli territory since 1948, and applied in the Occupied Territories since 1967.

Palestinian subjects in the West Bank have been dispossessed of more than 2 million dunams of land, including farmland and pastureland, by using various pretexts and methods. Israel uses these lands for various purposes, including establishing and expanding settlements' built-up areas, jurisdictions, agricultural lands and industrial zones.

The settlers, who live on occupied land, run their lives much like any other Israeli citizen. Not only are their civil and political rights – the very same rights Israel denies Palestinians – protected, but they also benefit from excess funding and enormous state investment. These benefits ensure a much higher standard of living than most Israelis experience, and infinitely higher than the standard of living experienced by Palestinian residents of the West Bank, who often

live just a few dozen meters away from settlers' homes. In addition to all this, settlers have access to better water, electricity and road infrastructure than the Palestinian population. These services are designed to support Jewish population growth in the settlements and extend their geographical footprint, while dispossessing Palestinians.

When it comes to Palestinian subjects, on the other hand, Israel invests ongoing efforts in suppressing any form of sustainable development. To achieve this, Israel has instituted a separate planning system for Palestinians, chiefly designed to prevent construction and development. Large swathes of land are unavailable for construction, having been declared "state land", a "firing zone", a "nature reserve" or a "national park." The authorities also refrain from drafting adequate masterplans reflecting the present and future needs of Palestinian communities. This planning system focuses its efforts on demolishing structures Palestinians build without permits for lack of an alternative. This has left most Palestinians trapped in dozens of densely populated enclaves, with development outside them – whether for residential or public use, including infrastructure – almost completely banned.

While de-jure annexation of the West Bank may have been shelved, as the report shows – this is immaterial in practice. Construction and infrastructure work has recently been carried out in the West Bank on a scale not seen in years. This large-scale development is designed to facilitate another significant spike in the number of settlers living in the West Bank, which settlement leaders predict will reach one a million in the near future.<sup>213</sup>

Israel's massive investments further entrench its hold on the West Bank, clearly demonstrating the regime's long-term plans. These include cementing the position of millions of Palestinians as subjects denied rights and protection, who are deprived of any ability to influence their own future and are forced to live in disconnected, dwindling, economically suppressed enclaves. They are forced to look on as they are dispossessed of more and more land, while communities and infrastructure are built for Jews. Two decades into the 21st century, Israel appears more determined than ever to continue upholding and perpetuating an apartheid regime throughout the area under its control, well into the coming decades.

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213. See, e.g., Efrat Forsher, "[Demographic Turnaround in Judea and Samaria](#)," *Israel Hayom*, 2 February 2020 (Hebrew); Shlomi Eldar, "[Israeli Right-Wing Party Aims at 1 million Settlers](#)," *al-Monitor*, 30 August 2018.

