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ISRAELI SETTLEMENT POLICY IN THE WEST BANK SINCE 2005: AN ANNOTATED BIBLIOGRAPHY

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Exercise Solo Flight

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EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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Maj M.D. Ramessar

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INTRODUCTION

The goal of this annotated bibliography is to provide a comprehensive list of sources that examine the nature and evolution of the Israeli settlement policy in the West Bank since the 2005 disengagement in Gaza. There is an incredible quantity of literature on the subject of settlements, ranging from encyclopaedias to books to articles and blogs. The documents selected for this bibliography have been drawn from a variety of sources in an attempt to present the spectrum of data, analysis, opinion and emotion. The compilation seeks to clarify the Israeli settlement policy itself, the motivations of settlers, the benefits to Israel and the settlers domestically, the impact on Israel's foreign policy, the international community's response to the settlements and the impact the settlements have on the prospects of future peace or conflict.

One of the main challenges in preparing this document was the scarcity of unbiased analysis. On one side, the belief in the requirement to establishment a Greater Israel and biblically ordained rights leads settlers and government policies down one path. On the other side, current human rights violations, historical land possession and the end of colonialism lead down another path. Somewhere in the middle, there is a conversation about security, law and potential peace. Or is there? "International law" forms the basis of the many arguments calling for the cessation and withdrawal of settlements. However, upon review of the counter arguments, it became apparent that the interpretation of the law is inconsistent. On one hand, the majority of the international community and Palestinians base a significant portion of the argument against settlements on Article 49 of the Geneva Convention. Conversely, a majority of the population in support of the settlements interprets that same text in a completely different manner which, in their eyes, delegitimizes their opponents' claims. Similarly, "potential peace" means different

things to different people, including a two-state solution and multiple variations of a one-state solution: a Jewish state, a Palestinian state, or a heterogeneous state.

Many articles and books rely heavily on assumptions or common perceptions without questioning their validity. The documents selected for this bibliography therefore consist of a mix of relatively balanced analysis, some biased articles and others that attempt to substantiate or validate some of the assumptions. One example of these assumptions is the unbreakable link between settlements and the viability of a two-state solution. Since a large portion of Western literature starts with that assumption, it was important to also provide sources that discuss the link of settlements to the two-state solution. In order to accommodate the aforementioned overlapping themes, this annotated bibliography is divided into three sections. Internal to each section, references are together based on themes or chronology for ease of reading.

The first section consists of references that provide the context of the events leading up to and surrounding the Gaza withdrawal. The second section includes the sources that highlight the advantages of the settlements, both to the settlers themselves and the Israeli government. This section includes references that focus on ideological or religious reasons, as well as references that may be critical of the settlement policy, but show how the construction is gradually facilitating the establishment of a Greater Israel. This section also includes references that highlight perceived security benefits and critiques of the Palestinian population or Authority. The final section comprises the references that oppose the settlements, whether from a legal, humanitarian or economic perspective. This section also includes references that highlight the damage that the settlements cause towards future negotiations where they have shown that a two-state solution is essential.

All citations have been constructed in accordance with the Chicago Manual of Style.

ANNOTATED BIBLIOGRAPHY

Section 1: The Gaza Disengagement and Context

Tenenbaum, Karen and Ehud Eiran. "Israeli Settlement Activity in the West Bank and Gaza: A Brief History." *Negotiation Journal* 21, no. 2 (04, 2005): 171-175.
<https://search.proquest.com/docview/205185278?accountid=9867>.

This article offers a concise, yet relatively thorough, history of settlement activity. The article divides settlement history into three periods: 1967 to 1977 when the Likud government formed, from 1977 until the Oslo Peace Process and the period following 1993. The article highlights common and different trends throughout the periods, the former of which include the strategic placement of settlements to prevent Palestinian contiguity and the differing but complementary nationalist and religious incentives. Visible trends following the Oslo Accords include the development of settlements and manipulation of semantics to ensure that the letter of the law or accord were followed, but at the expense of the spirit of the law.

Bickerton, Ian J., and Carla L. Klausner. *A History of the Arab-Israeli Conflict*. 5th ed. Upper Saddle River, N.J: Pearson Prentice Hall, 2007.

Although broad in scope, this book provides a distinct advantage: it contains reprinted documentation of agreements, accords and resolutions from the history of the settlement program. This text aims to answer the question: how can the Arab-Israeli conflict be explained? In order to answer this question, its authors recognize the oversimplified, narrowly-focused or bias nature of a large portion of the literature. Their goal, therefore, is to provide a well-balanced history of the conflict by presenting factual evidence and a balance of partisan interpretations. The authors acknowledge a possible unintended bias in the way that they have selected the evidence to present, but it is evident that the analysis in the book has achieved an admirable level of objectivity. The theme of the book centres on the authors' claim that the conflict is multi-dimensional, consisting of religious, ethnic, nationalist, security, territorial, imperial, transitional

and random factors. It includes excerpts of key correspondence, including, for example, letters between Arab chiefs and European politicians, recommendations of various British Commissions during the mandate, speeches by Nasser and Eban in 1967, detailed memorandums following the Oslo Accords about the transfer of land between Areas A and B and letters between politicians. Throughout, the author traces the evolution of the settlement policy, challenges and nuances, ending with the Gaza Withdrawal Plan.

Zertal, Idith, Akiva Eldar, and Vivian Sohn Eden. *Lords of the Land: The War Over Israel's Settlements in the Occupied Territories, 1967-2007*. New York: Nation Books, 2007.

This book examines the history of the settlements following the Six-Day War. Following the history of the settlements, the authors examine the key religious and ideological reasons for the settlement movement. Finally, the text analyzes the events leading up to the unilateral disengagement in Gaza. Throughout, the authors note two themes: the religious settler movement, and the shift from state-centric institutions to ideology-based policies extending to the military and law. The authors dedicate a complete chapter to the legal dimension of the settlements; the text analyzes the process taken to legalize settlement existence in domestic law. It is in part due to the shift towards ideology and the legalization process that lead the authors to conclude that the withdrawal from Gaza was in no way a step towards new Israeli-Palestinian negotiations, nor was it a means to focus efforts on the West Bank. Rather than propose an alternate explanation, the authors simply present statistics and recount the events, using evidence from primary sources.

"Quarterly Update on Conflict and Diplomacy." *Journal of Palestine Studies* 33, no. 1 (Fall, 2003): 116-138. <https://search.proquest.com/docview/220645318?accountid=9867>.

This article was written prior to the announcement of disengagement from Gaza and, as such, provides illumination on the issues that were seen to be crucial in the conflict. It highlights

several issues including: Sharon's proposal to withdraw the Israeli Defence Force (IDF) from one West Bank city and northern Gaza if the Palestinian Authority agreed to ensure security against military groups, the increasing level of violence by Hamas and the IDF and finally, the reluctance to implement the road map.

Renee, Montagne. "Profile: Israeli Prime Minister Sharon Plans Withdrawal From Gaza." *Morning Edition (NPR)* (n.d.): *Newspaper Source Plus*.
<http://search.ebscohost.com/login.aspx?direct=true&db=n5h&AN=6XN200410261001&site=ehost-live>.

This article, the transcript from a media review of Sharon's withdrawal announcement, provides translated clips of Sharon's speech as well as a sampling of reactions from Israeli citizens. Sharon's comments highlight the perceived benefit of the withdrawal, notably that it was expected to strengthen Israel. Public comments included in this article are generally favourable in support of the withdrawal, describing the event as necessary for peace.

Weisburd, David; Lernau, Hagit. "What Prevented Violence in Jewish Settlements in the Withdrawal from the Gaza Strip: Toward a Perspective of Normative Balance." *Ohio State Journal on Dispute Resolution* 22.1 (2006): 37-82. Last accessed 22 April 2017.
<http://heinonline.org/HOL/Page?handle=hein.journals/ohjdr22&collection=journals&page=37#>.

This article reviews the main security concerns leading up to the withdrawal and suggests several justifications as to why these concerns did not materialize. The article also examines key differences between Gaza and the West Bank. Prior to the Gaza disengagement, Israeli news reported the protests, suicides and murder being committed in objection of the withdrawal. Large amounts of settler violence were expected and in their absence, the author asks if the same could be achieved in the West Bank. The author first reviews a brief history of the settlements and settler violence, emphasizing the role of Gush Emunim and ideology in both. The author subsequently describes the plan for disengagement and highlights key differences between the

West Bank “now” and Gaza at that time, including the key motivators for settlement in each area (economic in Gaza, religious in the West Bank) and the importance and relevance of Sharon personally in settlement history. In the study conducted to determine settler opinion, the author suggests that while the interviewed settlers nearly all believed that the withdrawal was a violation of values and religious norms, an overwhelming amount denounced any form of unprovoked violence and most did not support violence even in self-defence. The author concludes by exploring the “normative balance” in the settlements as an explanation for the lack of violence. This theory suggests that the rabbis and fundamental religious and normative beliefs of non-violence outweighed the opposition to the withdrawal.

Gatehouse, Jonathon. "No Peace, no Truce." *Maclean's* 118, no. 33 (15 August 2005): 30-33.
<https://search.proquest.com/docview/1437791024?accountid=9867>.

This article provides a perspective from Hamas sympathizers in Gaza following the Israeli withdrawal. Following an interview with one such sympathizer, the article suggests that Hamas' ability to impact the Israeli economy and pose a credible security threat led to the Israel's government withdrawal. The author further supports the rationale by describing the increased security protocols put in place around Gaza following the withdrawal.

Jacobson, Dan. "Lessons from the Disengagement." *Palestine - Israel Journal of Politics, Economics, and Culture* 12, no. 2-3 (12, 2005): 120-122.
<https://search.proquest.com/docview/235715317?accountid=9867>.

This article highlights four areas of “lessons” or observations from the withdrawal from Gaza and suggests their relevance to future negotiations. The four areas include the successful democratic control of the IDF despite ideological differences, the inability of the political right to counter the government's plan, the importance of Palestinians and Hamas' cooperation and, finally, the reality that settlements can be removed without civil war. The author examines

various public opinion polls to suggest that although the successful Gaza disengagement does not imply that the same could be repeated in the West Bank, it has revealed considerations to be made for any future withdrawal or drawdown. These considerations include the importance of the public's opinion of the Palestinian Authority and the emotional toll that the disengagement took on the public.

Marshall, Rachele. "The Gaza Settlements May Go, but the Occupation Remains." *The Washington Report on Middle East Affairs* 24, no. 5 (07, 2005): 7-9.
<https://search.proquest.com/docview/218762955?accountid=9867>.

This article argues that the withdrawal from Gaza in 2005 was a cost-saving measure, not the compromise that was articulated by the Israeli and other state governments. To support this claim, the author first discusses the emotional language used by Prime Minister Sharon, other government leaders in Israel and internationally, as well as the media. The author also examines the discontent of the right-wing Israelis and proposes that the domestic and international controversy caused by the withdrawal worked in Sharon's favour. Specifically, it created enough anger within the pro-settlement community that it provided a public legitimacy to increase or maintain settlements in the West Bank. Further, it reduced the requirement for cash payments of up to \$500,000 for each family in Gaza. Most importantly, the author argues that the removal from Gaza gained international favour and gave the illusion that the Roadmap to Peace was more than rhetoric. The author is an American free-lance writer and member of the Jewish International Peace Union.

Section 2: The Path from Settlements to a Greater Israel

Galchinsky, Michael. "The Jewish Settlements in the West Bank: International Law and Israeli Jurisprudence." *Israel Studies* 9, no. 3 (Fall 2004): 115-136.
<https://search.proquest.com/docview/195266277?accountid=9867>.

This text articulates the tensions between international and Israeli law as it relates to the establishment and continuation of settlements. To do so, the author first explores the more “grey areas” of the relevant international law, such as the Fourth Geneva Convention and the International Bill of Rights, demonstrating that the interpretations of these laws are not as clear cut as most academics or politicians imply. The author proposes several reasons as to why Israel does not respect international law, including its lack of enforceability and the previously perceived misuse of power or terminology in the UN. The author also attempts to suggest why Israeli law seems to trump international law; he proposes that the lack of enforcement capability and the politicization of religion have created an insular governance approach by the Israeli government. The article further expands on Israel’s resulting interpretation of international law, explaining why the Fourth Geneva Convention should not be applied to the settlements.

Baker, Alan. "The Settlements Issue: Distorting the Geneva Convention and the Oslo Accords." *Jewish Political Studies Review* 23, no. 3/4 (Fall2011 2011): 32-39.
<http://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=79462473&site=ehost-live>.

This article examines the legality of the settlement policy, the Fourth Geneva Convention and its interpretations, followed by the unique agreements that have been signed between Israel and Palestine. The author argues that claims of illegality are rooted in an erroneous interpretation of the Fourth Geneva Convention, which is not relevant to Israel’s situation or settlements. The author proposes that the Convention refers to the settlement of a coerced population, and states that the Arab states have acknowledged this nuance. To support this claim, the author refers to the International Committee of the Red Cross (ICRC) interpretation of Article 49, which the author narrowly interprets to be an inhibition of the forcible transfer of one’s own population. However, the original ICRC clarification text does not mention forcible transfers; rather it seeks

to inhibit population transfer for political or racial reasons, colonization and the threat to a native population's existence or economic situation. The author cites several other interpretations of Article 49 in support of his own view but fails to address the text of the ICRC's clarification itself.

The author offers an additional reason to disregard Article 49: the Israeli-Palestinian situation is unique and, most importantly, recent history and agreements are more important. The article explores briefly the agreements signed between 1993 and 1999 concerning governance and jurisdictions, suggesting that they have a high level of relevance and legitimacy since both Israeli and Palestinian parties signed them. The article was a response to an attempt by Palestinian representatives to draft a UN resolution declaring the settlements illegal.

Lustick, Ian. "Israeli state-building in the West Bank and the Gaza Strip: Theory and Practice." *International Organization* 41, no. 1 (Winter 1987): 151-171.
<http://search.ebscohost.com/login.aspx?direct=true&db=mth&AN=5189615&site=ehost-live>.

This text examines the way that Israel used the development of settlements in the West Bank and Gaza Strip as state-building process from 1967 to 1987. Although it does not ignore the security, ideological or diplomatic aspects, it claims that Israel's settlement establishment is effectively leading it towards the establishment of a "Greater Israel." The author uses three models of state building – Haim Tzaban, Meron Benvenisti and his own – to combine state-building theories of European and Third World character, enabling him to simultaneously consider postcolonial difficulties of cultural heterogeneity, the inflexibility of borders and the establishment of national governance and nationalist plans. The author also discusses the work and role of the Land Settlement Department of the Jewish Agency and its intent to ensure that the West Bank was inseparable from Israel by 2010. The author examines the methodology employed in settlement placement throughout the West Bank and presents a new model by

building on the two aforementioned models. This model describes three phases of state-building: an incumbency stage characterized by territorial conflict, a regime stage during which struggles over governance and legitimacy are greatest, and the final stage when ideological hegemony has been attained, resulting in secession. The author then uses this model to examine the role of settlements in the establishment of a “Greater Israel.”

Abadjiev, Nikolay. "The Return to Judea and Samaria: Analysis on the Dynamics of Israeli Settlements in West Bank and East Jerusalem." Order No. 1581804, Webster University, 2015. <https://search.proquest.com/docview/1727739788?accountid=9867>.

This text is a thesis prepared at the School of Liberal Arts of Webster University during the completion of a Master of Arts in International Relations degree. The only thesis in this annotated bibliography, it has been included due to its unique and recent perspective on the internal Israeli dynamics and benefits of settlement establishment in the West Bank. The author seeks to clarify the reasons that Israel to continue its settlement expansion despite the perception that this process is self-defeating. The author argues that the Israeli government is acting as a rational actor and, in accordance with the Rational Actor Model, has determined that the benefits of settlement expansion outweigh the costs. The author also offers the caveat that this balance could evolve and, at a given time in the future, the costs may outweigh the benefits, thus causing the Israeli government to change its policy. The primary costs discussed in the text are: decreased international standing for the Israeli state, increased violence and civil unrest between Israelis and Palestinians and the disapproval from a portion of the domestic population. The main benefits discussed include the political popularity of the government with the conservative members of the population, the control gained over the West Bank as a buffer zone between its Arab neighbours, access to natural resources and a counterintuitive increase in international trade despite critique from those same trade partners.

Halkin, Hillel. "What the Settlements Have Achieved." *Commentary* 124, no. 5 (December 2007): 62-66. <https://search.proquest.com/docview/195883620?accountid=9867>.

This article is a response to Zertal and Eldar's *Lords of the Land* and the political left mentality that the author claims it represents. In the response, the author presents evidence to counter Zertal and Eldar's arguments, but also to provide a deeper analysis of the situation. The author proposes that although ideological motivation to secure a "Land of Israel" was a significant factor, there was also a desire to redraw Israel's pre-1967 borders. The author expands on the various proposals and political dynamics for the thirty years following the Six Day War, highlighting its relevance to the current situation in the West Bank. The author then proposes that these political developments have superseded the Alon Plan and many of the original border-related plans. The article states that the greatest advantage that Israel has gained due to its West Bank settlements is the way in which the international community has had to react. Both the UN and US have repeatedly stated the requirement to consider and accommodate the Jewish population in the West Bank in all future plans, which essentially supports the two original settlement motivations. The author concludes by suggesting that the greatest flaw of the settlement policy is that there was no coherence or strategic placement, leading to the loss of both settler and Palestinian lives.

Rubenberg, Cheryl. *Encyclopedia of the Israeli-Palestinian Conflict: Settlements*. Boulder, Co: Lynne Rienner Publishers, 2010.

This chapter provides a brief overview of settlement history preceding 2005, followed by a description of settlement activity from 2005 to 2010. The author draws from a number of sources, including Israel's Central Bureau of Statistics and various NGOs. The chapter shows a steady increase in housing units in the West Bank, as well as a steady budget commitment from the Israeli government to enable the construction and compensation to settler families. The

author suggests that the settlements are illegal according to international law and examines several legal loopholes and historical methods of land appropriation that have enabled the settlement process. Finally, the author suggests that the election of Netanyahu marked a change in approach to the settlements; whereas the government had previously only expanded existing settlements, Netanyahu created new settlements and adjusted the policy to undermine the peace effort.

Ben-Meir, Alon. "Getting it Settled." *World Today* 65, no. 8/9 (August 2009): 20-22.
<http://web.b.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=aae97440-22b1-48b6-befe-016fceb18236%40sessionmgr103&vid=2&hid=123>.

This article proposes that a temporary settlement moratorium was required at the time of publishing in order to increase the viability of peace negotiations while limiting settler violence. The author provides a somewhat balanced perspective that a settlement *freeze* will not achieve its desired effect as it does not address the concerns of the primary settlers: those who seek a higher quality of life, ideological settlers and the ultra-orthodox. The author suggests that due to the important nature of the US-Israeli relationship, US leadership can influence a temporary moratorium to redefine settlement borders. These amended borders would increase security, decrease government expenditures in secure areas, while accommodating natural settlement growth. The author is a senior fellow at the New York University's Center for Global Affairs.

Kurtzer, Daniel C. "Do Settlements Matter? An American Perspective." *Middle East Policy* 16, no. 3 (Fall, 2009): 89-95.
<https://search.proquest.com/docview/203673813?accountid=9867>.

The article provides an overview of the main arguments used by either side in the settlement debate. The arguments in support include the idea of settlements as a means of defence against Arab aggression, the biblical borders and the idea that the West Bank is disputed, rather than occupied, territory. The author also mentions several less factual, but equally

important perceptions – important due to the power of the individuals with the perceptions – including that of the former deputy National Security Advisor for President G.W. Bush, Elliot Abrams. Abram had proposed that the settlements did not affect the peace process, nor did they have a significant impact on Palestinian life. The primary arguments against settlements presented include the illegality under international law, the inequality due to the division of jurisdiction, the economic strains due to population increase, impact on Palestinian’s quality of life, indirect radicalization and, most importantly, the normalization of settlement establishment and tolerance by the Israeli government. The author then presents a history of various US presidents’ view on settlement activity, all of whom have been against the construction of settlements.

Congressional Research Service. “Settlements.” *Israel: Background and US Relations in Brief*. 24 February 2017. <http://congressional.proquest.com/congressional/docview/t21.d22.crs-2017-fdt-0139?accountid=9867>.

The Congressional Research Service is an American think tank that provides policy advice to Members of Congress as well as Congressional committees. Its reports are intended to provide nonpartisan advice to Congress members and its committees. The Review of Israel discussed the historical, economic, political and security context. This particular review is of specific interest as it follows the inauguration of President Trump and the US policy shifts that it entails. The report thus suggests that settlement plans and construction efforts increased in the last month of the Obama administration in the expectation that the Trump would be less critical of settlements.

Mnookin, Robert H., and Ehud Eiran. “Discord Behind the Table: The Internal Conflict Among Israeli Jews Concerning the Future if Settlements in the West Bank and Gaza.” *Journal of Dispute Resolution* 2005, no. 1 (2005): 11–44.
<http://heinonline.org/HOL/Page?handle=hein.journals/jdisres2005&collection=journals&page=11#>.

This article focuses on the role that the settlements have played in stalling or obstructing the peace process, with special attention to the national religious settlers and the Israeli government's corresponding response. The authors describe the nature of the settlements and the religious settlers' role in expansion, describing the differences of ideology even amongst the religious settlers themselves and highlighting the importance of the expansionists' leadership roles in the settlements. They then examine in closer detail the influence of the settlers on the Israeli government, suggesting that concepts such as the "Law of Return" and a Jewish nation hold significant political weight despite other Israeli concerns over democratic legitimacy and oppression. Finally, the article examines the then forthcoming withdrawal from Gaza and the efforts by the settlers to stall the evacuation.

Eiran, Ehud. "Explaining the Settlement Project: We Know More, But What More Should We Know?" *Israel Studies Forum* 25, no. 2 (December 2010): 102-115.
<http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=66661480&site=ehost-live>.

This article provides a brief analysis of the settlement policy and concludes by highlighting the gaps in current literature on the subject. The author proposes that the explanations in support of the settlements can be grouped into four categories. The first two categories, Gush Emunim's religious push and the natural progression of Zionism, cite ancient history and pre-independence factors that account for the ideological and religious motivations. The author purports, however, that the statistics and slow population growth within the settlements do not support a dominance of these first two explanations. The third category is institutional forces, in which the current government simply reacts to the measures established by previous governments, both in the management of existing settlements and the plans for expansion. The author argues that although this explanation is plausible, there is little evidence to confirm it. The last category examines the advantage created by the settlements, including – from

an Israeli government perspective – increased legitimacy, a local Jewish constituency that could become part of the local bureaucracy, providing safe havens, and ensuring a non-contiguous occupied region. In this last category, the author questions the validity of the claim that the settlements are a bargaining chip for Israel.

Finally, the author identifies two areas that he believes should receive further research and analysis. The first is the role of the international community and international law; the author suggests that research must be conducted in this area to identify why a seemingly illegal occupation has continued for fifty years with little consequence. The second area for further research is the Palestinian perspective itself, including detailed reactions to settlement expansion and the economic effects on the local Palestinian populations. The author also offers additional areas in which he believes there is no research, yet the existing current literature is in this annotated bibliography. For this reason, this last section is of questionable reliability, as it suggests that the author grounded his analysis on an incomplete literature. However, the analysis of the settlement policy, which ultimately suggests different reasons in support of the settlement policy, remains useful as it is based on facts in addition to analysis.

Handel, Ariel. "Gated/gating community: the settlement complex in the West Bank." *Transactions Of The Institute Of British Geographers* 39, no. 4 (October 2014): 504-517. <http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=98352046&site=ehost-live>.

This article presents an analysis of infrastructure and governance to suggest that the settlements are not, as commonly described, gated communities; rather, they together form one large Israeli gated community with smaller gated Palestinian communities inside. The author considers the placement of the various settlements, the land use and the ability to navigate between different areas before concluding that the settlements are not simply an aggregate of

individual settlements, but through the exclusiveness and design of road networks and land use form one large settlement. Neither the evidence nor the analysis show that one consolidated settlement was part of an original explicit plan; rather, the author argues that it is a result of the second Intifada with its checkpoints and blocked movements. Means of control over movement, speed of access and infrastructure, in addition to the supporting military and economic factors have thus increased since 2005 to enable a new type of colonialism.

Usher, Graham. "Letter from the UN: After the U.S. Veto on Settlements." *Journal of Palestine Studies* 40, no. 3 (Spring, 2011): 74-83.
<https://search.proquest.com/docview/884303051?accountid=9867>.

This article was written following a veto by the US against a resolution that was otherwise supported by the other fourteen Security Council members and 123 cosponsoring countries. The resolution would have denounced the settlement policy. The article draws specific attention to the benefits and costs that the settlements create for the US and, by extension, implies that the US has an interest to be seen by both Israelis and Palestinians to support their respective causes. Specifically, the author proposes that the US must be seen to keep the two-state solution possible which, most believe, is directly related to the settlement policy, in order to maintain diplomatic relations with the Arab states. Conversely, the US has, in practice, has been seen to support Israel's settlement policy, through its vetoes and funding, in order to satisfy its domestic audience.

Washington Institute. "Netanyahu's New Settlements Policy: Advantages and Limitations." Last modified 5 April 2017. <http://www.washingtoninstitute.org/policy-analysis/view/netanyahus-new-settlements-policy-advantages-and-limitations>.

The author of this article, Makovsky is a former journalist who has also served in the Office of the US Secretary of State and published several reports on the Middle East Peace Process. He is currently a distinguished fellow at the Washington Institute. This article was

written following Netanyahu's 30 March 2017 direction to his security cabinet to restrain settlement activity. The author proposes that the new policy would include four stipulations: no new outposts or settlements (with one pre-arranged exception), establishing limits on existing settlements and no annexation. The author also proposes that the current Israeli political situation had a heavy influence on this decision; specifically, Netanyahu maintained an ability to expand the settlements to a degree, appeasing his right-wing party coalition members and constituents, while maintaining the international appearance that a two-state solution could be viable.

Torossian, Ronn. "There is No Such thing as 'Occupied Territory' in Israel." *The Algemeiner*. Last modified 3 July 2014. <https://www.algemeiner.com/2014/07/03/there-is-no-such-thing-as-occupied-territory/>.

This article is a selected sampling from Jewish-American media that describes the perspective of Jewish historic entitlement to the West Bank. Although the main justifications offered are religious, Bible-based ideologies, the author also suggests two other factors: Palestine has never existed as a country and Palestinians did not make any effort to form a state while under Jordanian rule.

Pollak, Noah. "The B'Tselem Witch Trials." *Commentary* 131, no. 5 (May 2011): 15-23. <http://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=60464831&site=ehost-live>.

This article is a critique of the B'Tselem, a Jerusalem-based human rights organization. The stated motives of the article are to shed light on the poor practices employed by B'Tselem when gathering evidence; this is deemed by the author to be essential due to the credibility that B'Tselem holds in the international community. The author is an executive director for the Emergency Committee for Israel, an American political advocacy group that seeks to educate American citizens and influence US-Israel policy. The article first questions the group's legitimacy and impartiality, instead proposing that B'Tselem has a political agenda to influence

Israeli policy. The author draws attention to a key difference between himself and B'Tselem and, by extension between the pro-settlement and anti-settlement group, which is the choice to define the West Bank as an *occupied* rather than a *disputed* territory. The author cites several examples, from the nature of the Gaza disengagement to the use of statistics and choice in language to show that B'Tselem is a highly partial and polarized group.

Section 3: Settlements as Illegal and Inhumane Inhibitors of Peace

International Committee of the Red Cross. *Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Article 49*. Geneva, 1949. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=77068F12B8857C4DC12563CD0051BDB0>.

Frequently cited as the international law that declares the settlements illegal, Article 49 of the Fourth Geneva Convention states that forcible transfers or deportations of protected people to occupied territory or any other country are prohibited. Allowances are made for evacuations required for security as long as the return occurs as soon as possible. The article also states, separately, that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”¹

United Nations General Assembly. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*. 5 November 2008. http://www.un.org/ga/search/view_doc.asp?symbol=a%2F63%2F519&Submit=Search&Lang=E_

This Special Committee report provides an update to the General Assembly on settlement policies, offering the legal justification from the International Court of Justice which determined

¹International Committee of the Red Cross, *Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Article 49* (Geneva, 1949), <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=77068F12B8857C4DC12563CD0051BDB0>.

that the construction of settlements and associated activities are illegal. The report then provides a brief review of settlement activity in the previous 2 years, showing an increase in the rate of construction. The report also highlights concerns with the government's prioritization of alleged security over human rights and further explores aggravating factors including the construction of the security barrier, bypass roads and checkpoints. Finally, the report recommends that the Government of Israel ceases settlement activity.

United Nations General Assembly. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*. 24 August 2016.
http://www.un.org/ga/search/view_doc.asp?symbol=a%2F71%2F355&Submit=Search&Lang=E.

This Special Committee report for the General Assembly provides an update on settlement activity and offers the committee's perspective on the legality of the settlements and government's actions. This 2016 report reiterates the view that international law prohibits the settlements and recommends that Israel stop then reverse the development activity. The report provides statistics on the construction started in 2014-2015, showing an offset of government-sponsored plans by private initiatives. Finally, the report describes the settlement activity as a war crime before describing the contextual government activity that supports settlements, including the delivery of public service, economic activity and retroactive approval of unauthorized construction.

United Nations General Assembly. Human Rights Council. *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*. Annual Report 9 March 2015.
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/28/44.

This Human Rights Council report reviews the development of new settlements and related activity, focusing on the human rights and legal effects on the Palestinian population.

Specifically, it provides a summary of settlement action and highlights areas in which the settlements were constructed on privately-owned Palestinian land or have purchased Palestinian property, allegedly without Palestinian approval. The report then explains the denial and restriction of Palestinian access to agricultural land and facilities, suggesting that there are several complementary factors in place: closed military zones, physical barriers and settlement roads. Finally, the report concludes with a case study on the olive harvest, showing a sixty percent decrease in yield and increased violence due to newly constructed settlements.

United Nations Security Council. *Resolution 2334*. New York: UN, 2016.
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2334\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2334(2016)).

This resolution, the first successful resolution in numerous years mentioning the settlements, condemns the construction and expansion of settlements and associated activities, making specific mention of the relevance of international humanitarian law, 1967 borders, and the importance of the settlements to the viability of a two-state solution. This report also includes a list of previous relevant Security Council Resolution (UNSCR); the last time settlement legality was mentioned in a UNSCR is in Resolution 465, published in March 1980.

Lein, Yehezkel. *Land Grab: Israel's Settlement Policy in the West Bank*. B'Tselem, May 2002.
https://www.btselem.org/sites/default/files2/publication/200205_land_grab_eng.pdf

B'Tselem is an independent Israeli human rights organization based out of Jerusalem. Its goal is to educate both policy makers and the public about the situation in the Palestinian territory and to influence change in Israeli policy towards the territories. This article examines Israeli settlement policy in the West Bank and draws implications for human rights and international law. The author's evidence presented throughout the article is framed to show that by the establishment settlements in the particular method used by the Israeli government, the possibility for an independent Palestinian state is not viable. The article focuses on the

bureaucratic process of settlement establishment and land seizures, the status of settlements under international law, economic incentives and settlement governance amongst others. The author argues that the settlements violate international humanitarian law by virtue of their existence as well as indirectly, by impeding Palestinian equality, access to property, freedom of movement and standard of living. The author also provides evidence to support the claim that the Israeli government has a systemic policy to encourage Jewish migration to the West Bank, including financial support through six government ministries. Finally, the author concludes that the settlements are unlawful and that although the Israeli legal framework has allowed it to proceed, the settlements must be vacated, and land returned to the Palestinians.

Hareuveni, Eyal. "by Hook and by Crook: Israeli Settlement Policy in the West Bank,"
Jerusalem, July 2010.
https://www.btselem.org/sites/default/files2/201007_by_hook_and_by_crook_eng.pdf

The report was created as an update to the B'Tselem May 2002 report, *Land Grab: Israel's Settlement Policy in the West Bank*, and focuses on the means employed by Israel to gain control of land. The author compiles the evidence of numerous Israeli state reports, state mechanisms and statistical data to arrive at a strong statement on the illegality of the settlements and violation of human rights. The author argues that the establishment of settlements has consistently violated international law since the inception of the "settlement enterprise." The framework of Israeli law and the use of the Israeli military have enabled the seizure of privately controlled land in an unethical and "criminal" way. The author explores current (at the time of writing) benefits to settlers, which extend beyond financial benefits to education and quality of life. Finally, the author concludes that Israel's use of false claims and distortion of fact in relation to its settlement policy has resulted in its overall loss of legitimacy within the international community.

Rudoren, Jodi. "Netanyahu Wants Talks with Palestinians on Settlements, Officials Say." New York Times Company. New York: New York Times Company. May 26, 2015. <http://search.proquest.com/docview/1713628524?pq-origsite=summon>.

This news article was written during the period leading up to Netanyahu's fourth term as prime minister. The article briefly explores the possibility of Netanyahu's desire to negotiate which settlements should be occupied by Israel. The stated goal of this process was, according to the prime minister's office, to seek legitimacy of certain building areas. Palestinian reaction was not supportive, describing the move as a "token move" or land grab.

Esposito, Michele K. "Quarterly Update on Conflict and Diplomacy: 16 November 2006-15 February 2007." *Journal of Palestine Studies* 36, no. 3 (Spring, 2007): 132-160. <https://search.proquest.com/docview/220630431?accountid=9867>.

This article covers a wide range of various topics in the Israeli-Palestinian conflict during a three month period, including internal Palestinian politics, the separation barrier, regional affairs and international influence. Its section on *Settlers and Settlements*, however, describes the actions of the Israeli government to initiate new settlements in the West Bank in December 2006, the first officially approved settlements since 1992. The author states that the Israeli government attempted to justify the new settlement as a replacement for the homes lost during the Gaza disengagement.

Seitz, Charmaine. "A Review of Israeli Settlements Underway." *Jerusalem Quarterly* no. 24 (Summer, 2005). <https://search.proquest.com/docview/880729853?accountid=9867>.

This article focuses on the development of one particular settlement area, E-1, to the East of East Jerusalem and the valley of Silwan, nearby. The author reviews the costs to Palestinians in terms of economics, housing and the impact on future negotiations. The article highlights the economic importance of East Jerusalem to Palestinians and suggests that the settlements to its East are specifically designed to cut off the Palestinians from the city. The author also describes

the villages and surrounding neighbourhoods that must be demolished to enable the settlements, as well as the legal inequalities surrounding the construction.

Lein, Yehexkel and Alon Cohen-Lifshitz. “Under the Guise of Security: Routing the Separation Barrier to Enable the Expansion of Israeli Settlements in the West Bank.” Jerusalem, December 2005.
https://www.btselem.org/sites/default/files2/publication/200512_under_the_guise_of_security_eng.pdf.

This report examines the separation barrier and its role in Israeli settlements. Following an analysis of ongoing and planned expansion, the author finds that fifty-five settlements exist in the unique area that is in the West Bank but west of the barrier. The author presents geographic evidence of planned settlements and the barrier route plan to show that the barrier construction was not focused on ensuring security. Rather, the author argues that the barrier’s placement in fact compromised security in order to enable settlement expansion.

The Reut Institute. “Israel’s National Security Concept is Irrelevant.” Last accessed 1 May 2017.
<http://reut-institute.org/data/uploads/PDFVer/20070115%20-%20Israel's%20National%20Security%20Concept%20is%20Irrelevant.pdf>.

The Reut Institute is an Israeli think tank which seeks to influence the Israeli state and Jewish World. This report draws attention to several themes that potentially undermine Israel’s National Security Concept and, by extension, the strength of the Israeli government. The article examines several gaps between policy and regional realities, including domestic attitudes and actions as well as the intentions of two major players: Iran and the United States. Most relevant to the settlement issue is the description of the National Security Concept, which includes the Israeli’s state’s interpretation of the Palestinian perspective of the occupation. The author purports that the Israeli state believes that its control over the Palestinian territory provides leverage in negotiations, whereas in reality, the territorial disputes aid the Resistance Network

and Iran to gain legitimacy and will eventually lead to the implosion of the Israeli state, similar to the Soviet Union.

Weiss, Hadas. "Immigration and West Bank Settlement Normalization." *Polar: Political & Legal Anthropology Review* 34, no. 1 (May 2011): 112-130.
<http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=60538014&site=ehost-live>.

This article uses the case study of the Ariel settlement to show how the settlement process over time has normalized immigration to the West Bank and how settler attitude has shifted from ideology to pragmatism. The author argues that this shift, due to market fluctuations, job opportunities and politics amongst other reasons, has created a community of settlers and would-be settlers who are neither ideological nor messianic. Rather, their primary concern is their own well-being and they are attracted by the possibility of self-realization in the settlements. The author suggests that this pragmatism is actually indifference disguised and that the settlers are only assisting in a degrading situation between Israelis and Palestinians.

Aronson, Geoffrey. "Settlement Monitor." *Journal of Palestine Studies*. 2004-2013.

This collection of articles from eleven years is one of the most comprehensive references. At least two issues each year offer insight into the settlement policy, its impact on domestic policy or vice versa, religious nuances and construction; as such, all articles have not been listed here. The "Settlement Monitor" is a special section in the *Journal of Palestine Studies* and includes a selection of articles followed by a review of recent amendments or news to the settlement policy in the West Bank and Golan Heights. The report seeks to draw from a variety of sources, including domestic, regional and international news sources, NGOs, UN reports and resolutions to provide an update on new settlements and demolitions. In doing so, it provides a

wide array of views on the settlement policies from the settlers themselves as well as government institutions.

The report also provides periodic updates on specific issues such as the division of land in Area C, water availability absentee property law and legalization of outposts, enabling a review of the subjects' evolution over the course of the reports. Finally, the author-editor normally reserves one article of the report for his own analysis, in which he focuses on settlement development trends, spanning the use of Israeli Defence Force to protect the settlement, road design between the settlements. Aronson is one of the few authors to distinguish between the settlements and the viability of a two-state solution. However, the nature of the articles selected for inclusion are generally unsupportive of the settlements.

Palestinian State Study Team, The RAND. *Building a Successful Palestinian State*. Santa Monica, CA: RAND Corporation, 2007.
https://www.rand.org/content/dam/rand/pubs/monographs/2007/RAND_MG146-1.pdf.

This report focuses on a scenario in which an independent Palestinian state is created, exploring the steps necessary to enable a successful state. It does so without considering how such a scenario could arise and in doing so, ignores the way in which the reasons could influence the scenario itself. Despite this, RAND is able to examine the areas of governance, security, economic viability, demography, natural resources, health and education from a perspective of an independent Palestinian state. In doing so, it includes relevant discussion about the settlements' potential impact on the hypothetical state, and drawing attention to the way in which the settlements hinder the peace process. The report covers the complications that the settlements would pose, not only due to their presence at the time of independence, but due to the existing damage to the Palestinian Authority's legitimacy at their inability to halt settlements. Other challenges include the financial costs to Palestine for territorial dispensation, permanent Israeli

presence to ensure security, and access to water resources for Israel. While focused on a possible future scenario, this report provides significant historical context for each area of concern and in doing so, sheds light to the advantages gained by Israel due to its settlements. The text concludes by presenting a recommended road map and associated costs to implement the strategy.

Patton, Bruce, Michael Ignatieff, Brian Mandell, Eric Berger, and et al. "Legal Issues and Human Rights Dimensions of the Israeli Settlements Issue: Victims and Spoilers." *Negotiation Journal* 21, no. 2 (April 2005): 221-230.
<https://search.proquest.com/docview/205151002?accountid=9867>.

This article was written to summarize a panel discussion on the relocation of settlers in order to implement a two-state solution. In doing so, the underlying, yet unstated, assumption is that Jewish settlements or communities would have no place in a Palestinian state. The panel consisted of five participants, three of whom are professors at Harvard University's School of Government, another of which, David Matz, is the director of Dispute Resolute Graduate Programs at the University of Massachusetts and the last, Yishai Blank, a law professor at the Tel-Aviv University. The panel participants all provide similar brief perspectives on the importance of settler legitimacy and the impact of their image on the Israeli government, Jewish diaspora and, consequently, the US government. Throughout the discussion, panelists mention numerous points in favour of the settlements, including the gap between Israeli and international interpretation of international law and security. The panel members often suggest that the international community has not grasped the intricacies of each argument, thereby undermining its attempt to counter them. Blank suggests that aside from the discussion of a Palestinian state, the settlements themselves represent poor and discriminatory governance, with disproportionate power in the hands of a few settlement leaders. Thus, in a possible withdrawal, compensation mechanisms would not only need to be territorial and economical, but political as well.

AbuZayyad, Ziad and Hillel Schenker. "Israeli Settlements and the Two-State Solution." *Palestine - Israel Journal of Politics, Economics, and Culture* (10, 2009): 1-16. <https://search.proquest.com/docview/235672326?accountid=9867>.

This article summarizes a round-table discussion of Israeli, Palestinian and international experts to discuss what actions are necessary to maintain the viability of a two-state solution. The participants conclude that the settlement project must be ceased and reversed to enable a two-state solution. The article suggests that the territorial contiguity and governance is essential to a viable Palestinian state and that the presence of settlements or outposts impedes both requirements. The participants also propose several recommendations to enable this course of action, including action by local (US) lobby groups, the Palestine Liberation Organization and the Israeli government.

"Israel Okays Building of 3,000 Units in J'lem, W Bank." *Jerusalem Post*, 20 November 2012. <http://www.jpost.com/Diplomacy-and-Politics/Israel-okays-building-of-3000-units-in-Jlem-W-Bank>.

This news article describes the way in which the new housing approvals were granted in the contentious E1 area, against US requests, in response to the approval of the Palestinian bid for non-member status. Although not explicitly stated by the author, the article implies that the Israeli state chose this action as a means of foreign, not only domestic, policy.

Congressional Research Service. *The Palestinians: Background and U.S. Relations*. 15 November 2012. <http://congressional.proquest.com/congressional/docview/t21.d22.crs-2012-fdt-0755?accountid=9867>.

The Congressional Research Service is an American think tank that provides policy advice to Members of Congress as well as Congressional committees. Its reports are intended to provide nonpartisan advice to Congress members and its committees. The Review of Palestine provides a historical context and discusses future considerations for the region, including issues such as international assistance, militancy and terrorism and Palestinian self-governance. This

report focuses on US-Palestinian relations, including policy, financial aid and concerns following the US veto of a UN Security Council resolution condemning Israel's settlement actions. Of particular interest is an updated map of the West Bank showing new Jewish Settlements and the 1995 designations of Areas A, B and C.

Congressional Research Service. "Settlements." *Israel: Background and US Relations in Brief*. 28 October 2016. <http://congressional.proquest.com/congressional/docview/t21.d22.crs-2016-fdt-0677?accountid=9867>.

The Congressional Research Service is an American think tank that provides policy advice to Members of Congress as well as Congressional committees. Its reports are intended to provide nonpartisan advice to Congress members and its committees. The Review of Israel discussed the historical, economic, political and security context. The "settlement" section of the above report highlights the security challenges of settler protection by the IDF, subtle changes to the settlement construction.

Brownfeld, Allan C. "Finally, Israel's Settlements Policy, Turn Toward Extremism Making Impact on Jewish Opinion." *The Washington Report on Middle East Affairs* 30, no. 2 (03, 2011): 50-51. <https://search.proquest.com/docview/853716364?accountid=9867>.

This article presents two different viewpoints. The first, that the Jewish public is becoming more critical of the settlement policy, seems to oppose or, at a minimum, be superseded by the second view that there is no sense of urgency within the public. On the first viewpoint, the author presents several news articles and speeches in which Jewish-Israelis criticized the government's policies, focusing on the ethical and moral perspective. On the other hand, the author suggests that the decrease in the Israeli public interest in politics has facilitated an increase in settlement activity and extremism. Several examples are used to show a shift towards ultra-orthodox mentality, including a ruling that prohibits the sale of land or a house to a

Gentile and an increase in racist activity towards non-Jews. The two viewpoints are supported by surveys and polls, indicating not a shift one way or the other, but a polarization amongst the public.

Rubenberg, Cheryl. *Encyclopedia of the Israeli-Palestinian Conflict: Settlements in the West Bank and Gaza Strip*. Boulder, Co: Lynne Rienner Publishers, 2010;2009.

This chapter focuses on several key aspects of the settlements in the West Bank: their history and ideological purpose, settler motivation including quality of life, the ambivalence of the Israeli government towards settlers and the impact on Palestinians. Finally, the author suggests that the Gaza disengagement was a “test-run” for a larger disengagement and that the construction of the separation barrier has disadvantaged not only the Palestinians, but settlers as well.

Bahour, Sam, and Tony Klug. "Israel Can't Have It Both Ways." *Tikkun* 30, no. 4 (Fall 2015): 26. <https://search.proquest.com/docview/1732957449?accountid=9867>.

This article seeks to identify the required action in the context of previous failed negotiations and a potentially escalating situation. The authors suggest that Israel should be given a deadline of June 2017, fifty years of occupation, to decide whether it wants to grant Palestine independence or establish a democratic country. Either way, the requirement is to stop denying equal rights and enable self-determination. In the discussion, the authors draw specific attention to one of the fundamental yet implicit source of contention in the overall settlement debate: is Palestine an occupied territory? The authors briefly propose that the Israeli government is unsure itself, and picks when it will act as an occupying power and when it will not; this ambiguity benefits Israel and has devastating results for the Palestinians.