
If You Build It, They Will Come

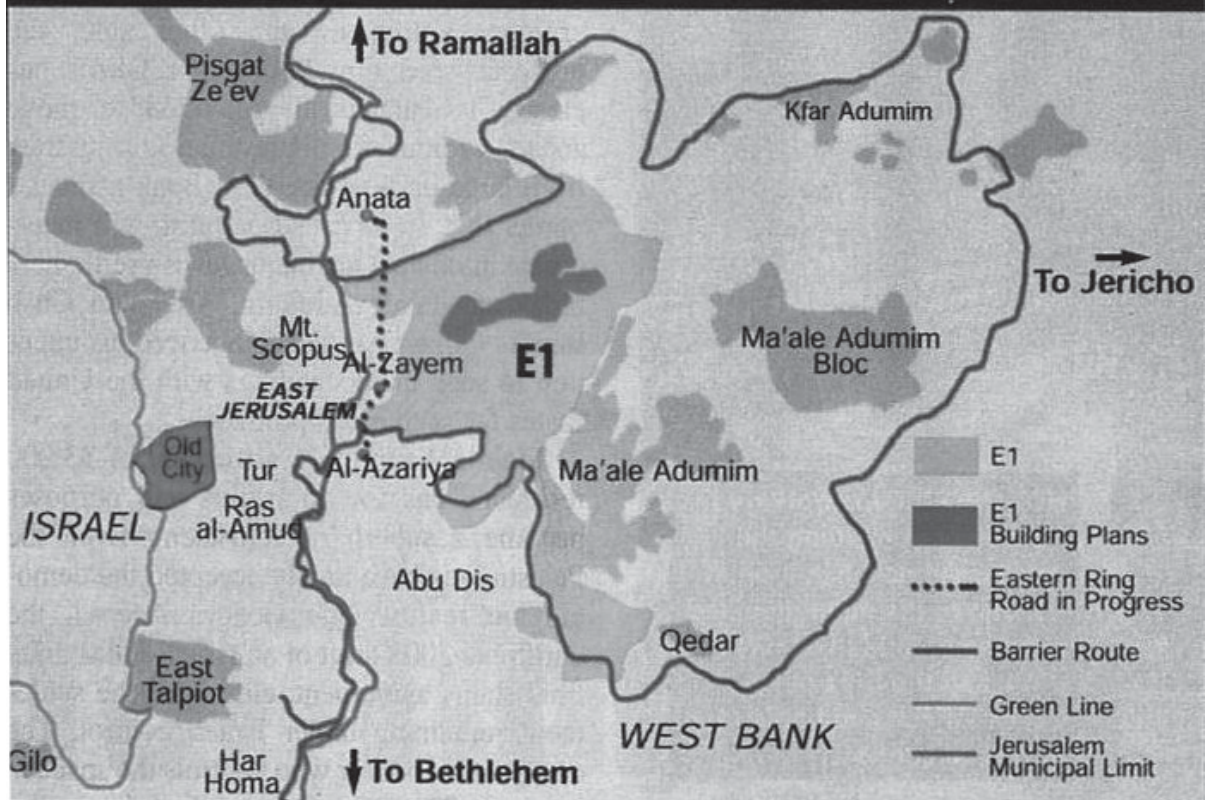
The Controversy Over Settlement Expansion

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I. Introduction: A Brief History

In a very basic sense, the Israeli-Palestinian conflict is a struggle between two groups for political control over the same territory. Though there are, of course, many other dimensions that can and must be examined in order to obtain a full understanding of this conflict—historical, religious, cultural, economic, etc.—the actual fight for land has been ongoing since the early twentieth century, long before the birth of Israel in May 1948. The Jewish community in Palestine, the Yishuv, achieved independence after a two-phase war: first, a civil war between itself and the Palestinians, and second, between Israel and its neighboring Arab states. Israel became a member of the United Nations (UN) one year later, with recognized borders at the 1949 Armistice Line. This temporary boundary, which came to be known as the Green Line, left Israel in control of territory considerably beyond the original UN plan for the partition of Palestine in 1947. In any case, the Green Line has remained Israel's internationally recognized border, despite the events of the June 1967 War. This war concluded with Israeli control of East Jerusalem, the West Bank, the Golan Heights, the Gaza Strip, and the Sinai Peninsula.¹ The term

The Jerusalem-Ma'ale Adumim Axis



“West Bank” refers to the western bank of the Jordan River. Before 1967, the Jordanian monarch ruled this territory through to the 1949 Armistice Line (including what is known today as East Jerusalem).

Within months of the 1967 War, Israeli Prime Minister Levi Eshkol’s government annexed the 3.5 km sq. that had historically been considered the Arab Jerusalem municipality as well as another 70 sq. km to the east. It then redrew the boundaries of the Jerusalem municipality to reflect this expansion. In 1980, Menachem Begin’s government passed a Basic Law in the Knesset (Israeli Parliament), declaring a “united Jerusalem” to be the eternal capital of Israel. However, to date almost all foreign embassies remain in Tel Aviv.²

Israel never annexed the West Bank, but almost all governments since 1967 have either directly “contributed to the strengthening, development and expansion of the settlement enterprise,”³ or indirectly allowed for the construction of settlements by not hindering or preventing the process.⁴ For the purposes of this essay, the term “settlement” will refer to any Israeli civilian living space (kibbutz, cooperative, urban settlement, outpost, etc.) established beyond the Green Line. Under the terms of the Fourth Geneva Convention, an occupying power is prohibited from deporting or transferring parts of its own civilian population into the territories its military controls. Note, the prohibition is not from establishing military bases, which arguably have legitimate security purposes, especially after a war; it is from *civilian* establishments, which have political, not security purposes.

From the perspective of many ideologically motivated settlers, settlements represent the right of Jews to live anywhere in the Land of Israel. Their reasoning is based on a variety of biblical, historical, and moral considerations. Other Israelis living in settlements are motivated (often even directly encouraged by the government) to move there because of tax benefits, low cost housing, and job opportunities.

Supporters of settlements argue that the prohibition in international law only applies to the forcible transfer of civilians; since settlers voluntarily

move into the territories (sometimes even ahead of government permission) this clause does not apply.

However, from the perspective of the Palestinians, settlements represent Israel's attempt to control the entire land of historic Palestine and to deny their aspirations for self-determination and eventual statehood. This is especially considered the case after 1988, when the Palestinian Liberation Organization (PLO) made the historic decision to confine its claims to territory beyond the Green Line. The continued construction and expansion of settlements are not only considered to be provocations, but are also thought to reveal Israel's lack of sincerity and commitment to the "land for peace" exchange. However, from Israel's perspective, ongoing terrorism and arms buildups reveal an equal lack of sincerity on the part of the Palestinians—hence the ongoing conflict. Another reason why settlements are so problematic from the perspective of the Palestinians is the fact that the settlers tend to receive access to large amounts of the highest quality land at low costs, usually hilltops "strategically" overlooking Palestinian villages and towns (which often serve to curtail natural growth). They also receive preferential access to water and other resources compared to the local inhabitants.⁵

II. The "Histories" of Ma'aleh Adumim and E1

According to Israeli lawyer Daniel Seideman, the E1 area is the "most contested piece of real estate in the West Bank" today.⁶ Yet the average Israeli (let alone American) probably does not even know where E1 is located.

The term E1 is short for Route East One, the road that stretches from Jerusalem to the Jordan Valley. The E1 area is approximately 12,443 dunams⁷ (1 dunam = ¼ acre) between the eastern municipal border of Jerusalem and the Israeli settlement of Ma'aleh Adumim. Ma'aleh Adumim was established in 1975 during the first government of Prime Minister Rabin, based on the

“national goal of populating the eastern region of Jerusalem—the capital of Israel.”⁸ This was not framed as a security reason, but as a long-term political aim. The settlement was founded on 30,000 dunams of “village lands” seized from Palestinian residents of Abu Dis, Anata, al-Izariyyeh, a-Tur, and al-Issawiyyeh.⁹ Yet today, this land is considered Israeli state land. The burden of proof under Israeli law rests with the person(s) claiming that the particular land does not belong to the state. This is especially difficult for Palestinians to prove, according to Seideman, since in practice Israeli courts do not recognize British or Ottoman land deeds, only Jordanian deeds. However, when Israel captured the West Bank in 1967, Jordanian registration proceedings had only been completed for approximately one-third of the area.¹⁰ Thus, as former advisor to the mayor of Jerusalem, Muni Ben Ari, said, “Arab farmers can say what they want but there is no way to back up their claims.”¹¹

Ma’aleh Adumim is currently the largest settlement in the West Bank with a population of approximately 30,000 residents.¹² According to Israeli activist Yossi Bartal, Palestinians from the Azayem village used the E1 area adjacent to the settlement as grazing land for their animals.¹³ However, since most of it was not under firm control (i.e., proof of ownership according to Israeli standards), the territory was gradually expropriated during the 1980s and became Israeli state lands. In 1994, during his second term in office, Rabin oversaw the annexation of E1 into the jurisdiction of the Ma’aleh Adumim municipality by military order.¹⁴

Israel plans to build 3,500 housing units, hotels, parks, and commercial enterprises in E1, but there is no use designated for any of the privately owned lands located there, leaving them empty enclaves surrounded by built-up area.¹⁵ This is one of the many reasons Palestinians object to the plan, as it will arguably be difficult for the owners to access and to use their lands surrounded by densely populated, commercialized Jewish settlement.¹⁶ Furthermore, the plan grants the Ma’aleh Adumim municipality, as the “local authority,” the power to expropriate any private land if a road is planned through it, even if

the road is designated for a place that is clearly outside the plan's jurisdiction.¹⁷ Theoretically, the municipality could plan future roads in a deliberate way in order to expropriate private Palestinian land.

In 1998, attorneys from the Jerusalem Legal Aid Center filed a petition on behalf of the local Palestinian residents with the Objections Subcommittee of the Supreme Planning Council in order to protest this potential situation. The Subcommittee denied the objection, stating that solutions for access to the enclaves will be provided in a detailed plan at a later date.¹⁸ It should be noted that the Subcommittee is comprised exclusively of Jewish Israeli citizens, despite the fact that it is based in the West Bank (there are no Palestinian representatives). It even includes a representative of the Ma'aleh Adumim settlers.¹⁹

In response, Israeli attorney Avigdor Feldman submitted a petition to the Israeli High Court of Justice (HCJ). However in 1999, the Court issued a ruling in favor of the Ma'aleh Adumim municipality. In their decision, the judges stressed the political, not legal nature of the petitioners' claim and the "irrelevance" of the case to a courthouse.²⁰ One judge wrote that the court could not decide such a matter because it is the responsibility of the Israeli government to reach an agreement with the Palestinians at the negotiating table (this was 1999, when negotiations for a final status agreement were to commence in the near future). Another dismissed the claim that the plan would actually harm the villagers' interests, and wrote that a greater good for the entire region would evolve from the cultural and economic development of Ma'aleh Adumim. (Certainly, a new commercial center would result in a greater good for the settlers but it is unclear that this would benefit all of the local residents.) This was the last opportunity to protest the legality of the plan in the domestic legal arena, though individuals (with standing²¹) may file objections to the Subcommittee against the specifics of one of the sub-plans.²² Otherwise, they can try to fight the battle politically—the predominant situation since the 1990s.

III. E1 during the 1990s

The master plan for the expansion of Ma'aleh Adumim was approved in 1999 but for the next few years little else was done besides the clearing of roads and work on infrastructure, mostly due to the quiet pressure from the United States.²³ However, two weeks before the Knesset elections in March 2006, acting Prime Minister Ehud Olmert gave the green light to begin work on construction of a new police headquarters to be located there. The *Jerusalem Post* reported that the move was “widely perceived as an attempt to keep right-leaning voters from leaving Kadima”²⁴ (the new Israeli centrist party) for Likud and parties to its right.²⁵ The issue also turned into a “litmus paper test” of the American reaction, according to Meretz (an Israeli leftist party) chairman, Yossi Beilin.²⁶

This allows us to return to the questions raised earlier, such as the link between building in E1 and the political situation beyond Israel.

Though Rabin annexed E1 to the Ma'aleh Adumim municipality in 1994, this action, like the annexation of East Jerusalem, has no legal standing outside of Israel. Rabin was signatory to the Oslo Accords in 1993, the first-ever Israel-Palestinian agreement, brokered by President Clinton. Technically, this accord did not place any binding obligation on Israel to stop the building of settlements, though the Interim Agreement of 1995 (Oslo II) did state that “neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.”²⁷ Yet critics of settlement actions argue that the basic premise of Oslo was to transfer control of territory to the Palestinian Authority (albeit in limited amounts and in limited areas), not to annex additional territory to Israel. In 1992, Rabin ran on a platform that “new settlements will not be established and existing settlements will not be thickened, except for those in Greater Jerusalem and the Jordan Valley.”²⁸ However, supporters of the plan can argue that the decision to annex E1 was made in 1994, *before* the signing of

the Interim Agreement. Also, according to its supporters, E1 can be considered part of Greater Jerusalem, which was never meant for Palestinian control.

The term “Greater Jerusalem” probably did not give rise to much suspicion (at least on the Israeli side) and it has increasingly become part of Israeli political discourse. However, the meaning of Greater Jerusalem is a major issue of contention for the Palestinians. Former Minister of Construction and Housing, Benjamin Ben Eliezer defined Greater Jerusalem to include the settlements of Ma’aleh Ephraim, Givat Ze’ev, Ma’aleh Adumim, Beitar, and Gush Etzion²⁹—a wide circle around the Jerusalem municipality extending deep into the West Bank. Though Israeli control of these areas (and all the areas in between) is already the situation on the ground today, Palestinians have not agreed to recognize these “facts,” nor have they been compensated for the significant reduction of the territory that they claim for the basis of their future state. And despite these facts on the ground, Greater Jerusalem actually has no legal definition—within Israel or internationally.

Before Oslo, President George H.W. Bush met with newly elected Prime Minister Rabin and agreed to the recognition of “unlimited settlement in Jerusalem and along the confrontation lines.”³⁰ No reference is made to Greater Jerusalem, and it seems unlikely that E1 was included in this agreement, since Rabin froze the plan to build in E1 during his tenure in office but allowed settlement construction elsewhere during this period.³¹ According to Geoffrey Aronson, the most Rabin promised during talks with Bush, and later Clinton, was an end to the creation of *new* settlements³². He did, however, win quiet American consent for Israel’s right to build where the pressures of “natural growth” required the expansion of existing settlements.³³ Thus by linking E1 to Ma’aleh Adumim, Rabin was leaving open the possibility for “natural growth” of that settlement.

When Benjamin Netanyahu became Israeli Prime Minister in 1996, his desire to move forward with the E1 plan was blocked by pressure from the Clinton Administration³⁴ as well as the domestic legal battle in the

Subcommittee and HCJ (1998-1999). Ehud Barak succeeded Netanyahu in 1999. Upon entry to office, he froze a series of decisions made by the previous administration, including plans to begin building in E1.³⁵ Still, in the first half of 2000 Barak oversaw a 44% increase in settlement construction and 1,943 public building starts in settlements issued for the full year, the largest number since the year before the first Oslo agreement.³⁶ In the *Jerusalem Problem*, Menachem Klein details how the Clinton Administration sought before, during, and after the Camp David Summit in 2000 to convince Barak to change his approach towards settlements, as “they feared his tactics would harm the prospects for a deal.”³⁷ Jeff Halper, coordinator of the Israeli Coalition against House Demolitions explained Barak’s decision to speed up settlement activity as an attempt to consolidate gains before the negotiations so that he could define the bottom line and keep as many of the settlements as possible under Israeli sovereignty.³⁸

The two parties met again in January 2001 in Taba. Each negotiating team presented maps of Jerusalem and the West Bank to one another. The Israelis rejected the Palestinian proposal, which would have left its major settlement blocs such as Ma’aleh Adumim under Israeli sovereignty, but islands in the future Palestinian state connected to Israel by roads (essentially the situation today). The Palestinian representatives rejected the Israeli proposal to keep an extensive bloc of territory under its sovereignty stretching from the Kedar settlement in the south all the way to the Nofei Prat and Kfar Adumim settlements to the north, east of Mishor Adumim (industrial zone) and from there westward towards Jerusalem,³⁹ including the E1 area. Again, Taba fell apart for a variety of reasons, all of which cannot be discussed here. However, it seems fair to say that Israel wanted to achieve territorial contiguity between its major settlements and the rest of the state, whereas the Palestinians wanted to preserve territorial contiguity between East Jerusalem and the rest of the West Bank. Each was willing to offer the other “transportational contiguity.”

The last attempt at negotiations occurred in 2003 and resulted in the

unofficial Geneva Accord. The Accord, though non-binding, recognizes Ma'aleh Adumim as a future part of Israel but does not include Israeli construction in E1. According to Beilin, the architect of the plan, Ma'aleh Adumim would be approached through a road and a tunnel, which currently the situation. "Whoever proposes to build in E1," he said on Israeli radio, "is actually preventing a permanent Israel-Palestinian agreement."⁴⁰

IV. The E1 Question Resurfaces

Ariel Sharon and the Likud party came to power in 2001 following the failure of the final status negotiations. With the escalation of the al-Aqsa Intifada, the question of E1 was on the political backburner. The concerns surrounding E1 resurfaced in 2004 after the de-escalation of violence, when, as part of a public exchange of letters with Prime Minister Sharon, President George W. Bush announced American recognition of the "new realities on the ground, including already existing major Israeli population centers."⁴¹ For the first time in history, a US president openly stated that it was "unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice line of 1949."

Since E1 was empty land at the time of the letters, it certainly could not be considered an existing major population center. However, it is generally agreed that the term "population center" refers to the settlement blocks of Ariel, Gush Etzion, and Ma'aleh Adumim,⁴² to which the E1 area was annexed in 1994 and "legally" recognized by the HCJ in 1999. So, without intending to, the Bush letters effectively served as the flame that re-ignited the political battle to implement the plan.

In the summer of 2005, the Civil Administration under Sharon's leadership approved a plan to move the police headquarters from the East Jerusalem neighborhood of Ras el-Amoud to the E1. This came a few months after Sharon agreed to a political compromise whereby construction of the

police station would be separated from the plans to build 3,500 housing units. According to an Israeli news source, Sharon made the decision to separate the two after it became clear to him that, “while the US would oppose the construction of the houses because it contravened the Roadmap, it would not have the same opposition to the construction of the police station because this was a security measure.”⁴³

V. Opponents to E1: Concerns about the Future of a Palestinian State

About two years ago, Seideman personally guided a senior US official around the area and explained that of all the settlement blocks, E1 has the greatest impact on the future viability of a Palestinian state.⁴⁴ First, critics argue that building in E1 would create a large continuous area of Israeli settlement essentially dividing the West Bank, the basis for a future Palestinian state, into two halves (a north and south section).⁴⁵ Second, they argue that building in E1 would disrupt the possibility of an urban, contiguous metropolis around East Jerusalem, the capital of any future Palestinian state.⁴⁶ It would prevent the development and expansion of villages and neighborhoods around the capital and hinder them from exploiting the area resources. Already, East Jerusalem accounts for forty percent of the Palestinian economy.⁴⁷

In Klein’s analysis, though E1 divides the West Bank into two halves, this is secondary to the problem of the isolation of East Jerusalem from the Palestinian hinterland.⁴⁸ The issue of north/south contiguity could be solved via a tunnel (which Sharon proposed) and/or a bypass road. In fact, a road through Jericho around the Ma’aleh Adumim block already exists, and it could potentially be transformed into a highway, he says. However, the E1 area is the only land reservoir available for Arab East Jerusalem to expand and he believes this is “exactly the reason that Israel wants to take it.” Still, others reject the notion of “transportational contiguity” in its entirety and argue that only territorial contiguity can be the basis for a real, viable Palestinian state.⁴⁹

Even if the Israelis do make provisions for transportation, the access points will depend on their goodwill, critics argue. They ask why Israel should not have to accept “transportational contiguity” between its settlements in the West Bank and the rest of the state.

When it seemed as if the Bush administration was ignoring the E1 issue and allowing Israel to carry on building infrastructure, Seideman took it upon himself to embarrass them into acting. In August 2004, he published an article in the *Washington Post* entitled “Letting Israel Self Destruct” in which he argued that past administrations have engaged Israel in “reality-principle diplomacy by closely monitoring the facts on the ground and discreetly applying the brakes.” But, by saying and doing nothing with regards to E1, the current administration had essentially given Israel a green light to proceed.⁵⁰ It seems as though the article had some effect, because in 2005, during her tour of the area, Secretary of State Condoleezza Rice apparently stopped the car on the drive from French Hill to Ramallah, called Sharon angrily, and demanded that all settlement activity come to a halt.⁵¹ Her opposition became public in October of that year when she told the US Senate Foreign Relations Committee that Israeli building in E1 would “contravene American policy.”⁵² The Roadmap for Peace in the Middle East developed in 2003 by the Quartet of the US, Russia, the European Union (EU) and the UN calls on Israel to “freeze all settlement activity.”⁵³ However, the clause just before states that this should be done “as security progresses.” Thus, in one sense Israel was “justified” in continuing its settlement activity since terrorism did not cease, but this raises again the debate about whether or not settlements can be justified at all.

VI. Supporters of E1: Natural Growth, Strategic and Demographic Reasons

Both opponents and supporters of E1 agree that the main reason residential neighborhoods have not been built is increased US pressure, mainly from Secretary of State Rice. According to Zisman (Ma’aleh Adumim spokesman),

Mayor Benny Kashriel sent Rice two or three letters concerning the project but received no response.⁵⁴ He also gave Israeli Foreign Minister Tzipi Livni information about E1 to present to Rice and other US officials (at the time of this interview, the government was dealing with the Second Lebanon War). The Ma'aleh Adumim municipality website has an entire section devoted to the E1 "neighborhood," and the office of the mayor even produced a short DVD entitled "Danger, They Want to Strangle Her!" designed to boost domestic support for the project.⁵⁵

In the website and film, Mayor Kashriel frequently uses the words "strangle" and "choke" to describe what the Palestinians intend to do by expanding their own villages into E1. Zisman also argues that building in E1 is necessary because Ma'aleh Adumim has high levels of natural growth and this area is the only place left for expansion (though when asked, he could not explain why it was not possible to build in the other direction). According to Zisman, 3,500 units not included in the E1 plan are currently under construction in the town. Of these, 2,212 have already been built, and 1,850 have already been sold.⁵⁶ This claim seems to invoke the recognition by previous American administrations of "natural growth" of existing settlements, yet this argument is tenuous at best, since natural growth of the population could not possibly occur so quickly. Rather, the low housing costs are what attract young Israelis to live in this non-ideological settlement,⁵⁷ even by Zisman's own admission. Furthermore, Kashriel was quoted in 2004, referring to the planned settlement as Ma'aleh Yerushalyim, which implies that it will function like an entirely new place.⁵⁸

Opponents of the plan accuse Israel of using its power to create facts on the ground in the E1 area (and the West Bank at large) that will unfairly influence future negotiations between the two parties. And some supporters of the plan do not necessarily deny that this is the case. For example, Ben Ari, who currently works for the organization Ateret Cohanim (a religious Zionist organization that works to "redeem Jerusalem"⁵⁹), discussed the plan's

real purpose. “It’s either us or them,” he said, and Israel must begin to build since the “Arabs also want to build there and whoever controls the area from Jerusalem to the Dead Sea will control the whole land. Ma’aleh Adumim and E1 are important because they act as the “Eastern Gate”⁶⁰ of Jerusalem, leading towards the Jordan Valley.⁶¹ While it might seem that this is a perfectly valid concern, it is important to remember that this essay is about civilian settlements, not military bases or outposts. If and when Israel reaches a political agreement with the Palestinians, it will have to make security arrangements as well (which may very well result in the maintenance of bases or outposts in the Jordan Valley, etc). However, there is no evidence that building a new settlement in the E1 area replete with houses, hotels and an industrial zone would have a specific strategic significance in possible wartime. (In fact, there is some evidence to the contrary.)⁶² Rather, Ben Ari’s comment reflects the political desire on the part of the settler movement not to relinquish control over the West Bank—an integral part of the Land of Israel from their perspective.

Ben Ari likened the case of E1 to the settlement of Har Homa (a controversial settlement in the South of Jerusalem). Clinton also asked Israel not to build there, he said, but Netanyahu, Barak and Sharon went ahead with construction and eventually Clinton de facto recognized it himself.⁶³ In Ben Ari’s opinion, E1 should and will be treated in a similar manner.⁶⁴ Ben Ari is confident that Olmert will eventually go ahead with the plan, despite the internal and external opposition. If an agreement is reached with the Palestinians, they will receive “transportational continuity” in the form of roads, highways and tunnels to connect their towns and villages. Apparently, while in office, Sharon already allocated \$2 million from the government budget for this specific purpose.⁶⁵

Israel Kimchi, Director of Research at Jerusalem Institute for Israel Studies, admitted that it has “always has been a deliberate strategy to move people to E1: it is not because of natural [population] growth.”⁶⁶ Unlike Zisman, he acknowledged that building in E1 is “not crucial from a building perspective but is crucial from a political perspective.” And, like Ben Ari, he

referred to the case of Har Homa, saying “they call it a settlement but we call it a neighborhood.” In addition to political reasons for controlling the land, Kimchi made clear that demographic considerations also lie behind the plan to build in E1. “In the future, the entire municipal boundary will be changed to reflect new realities and to have a Jewish majority. We consider Ma’aleh Adumim a neighborhood of Jerusalem,” he said. “Projections say that by 2020 more than 40% of Jerusalem will be Arab...they grow faster than the Jewish population and we don’t want an Arab mayor.” Ben Ari also made references to “demographic considerations” as one of the determinants of the location of the “security fence.”⁶⁷ The Israeli government’s plan to incorporate the Ma’aleh Adumim bloc, including the E1 area, within the fence is currently being debated in the HCJ.⁶⁸

VII. Some Temporary Conclusions

If the government is successful in its bid to include the Ma’aleh Adumim block inside the security barrier, Israel will control a vast area that stretches deep into the West Bank for the foreseeable future. In fact, the Ma’aleh Adumim municipality, including the E1 area, totals 53,000 dunams (approximately 55 km), exceeding the size of Tel Aviv.⁶⁹

Although Mayor Kashriel and his spokesman now claim that building in E1 is necessary from the perspective of natural growth, in 2004 he was quoted as saying that E1 was designed was to “drive a wedge between Palestinian territory north and south of Jerusalem” and that Ma’aleh Adumim itself “was established to break Palestinian contiguity.”⁷⁰ Interestingly, supporters and opponents seem to agree with this analysis.

This brings in to question the sincerity of Israel’s commitment to stop building new settlements. So far, only a police station has been built in E1. The civilian settlement will not be built overnight, but I predict that Israel will build while trying to keep the issue as quiet as possible, as Halper and others

have suggested. It will face occasional criticism from the US, but so long as Hamas is in power, this will be insignificant. Israel is essentially building a new settlement in E1—Ma’aleh Yerushalayim—but attempting to blur this fact by treating it as a neighborhood of an existing settlement (Ma’aleh Adumim) and by treating Ma’aleh Adumim as a neighborhood of Jerusalem (over which it already claims full sovereignty).

As time passes and Israel creates more and more settlements throughout the West Bank, it hopes to have more bargaining chips once negotiations resume. While this strategy may have been successful with Egypt in the negotiations over control of the Sinai peninsula (Israel evacuated the Yamit settlement as part of the agreement reached in 1979), judging by the recent unilateral disengagement from Gaza, it would seem that holding the “settlement card” does not ensure that Israel will be able to gain the upper hand through negotiations, or that it will arrive at the negotiating table at all. How the Israeli government behaves in E1 will ultimately serve as an indicator of its intentions towards achieving a lasting peace, which I suspect is still a long way off. Likewise, Hamas will probably have to accommodate Israel and the international community by renouncing violence in order to demonstrate its commitment to the peace process, but this too seems a long way off. It will be interesting to observe whether or not the US will continue to apply pressure on Israel to refrain from building settlements in addition to the sanctions currently imposed on the Palestinians for their support of Hamas, or like so many times before, will dispense occasional criticism but allow settlement construction to proceed.

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The map at the beginning of this article was obtained from The Jerusalem Report Web Page - www.jr.co.il.

Notes

1. Sinai was returned to Egypt as part of an Egypt-Israel Peace Treaty signed in 1979 after the Camp David Accords. Israel recently disengaged from the Gaza Strip, though not as part of an agreement, but unilaterally.

2. The US Congress has passed several acts calling for the transfer of the American embassy from Tel Aviv to Jerusalem, but each year the President delays this request for reasons of “national security.”

3. Yehezkel Lein, “Land Grab: Israel’s Settlement Policy in the West Bank.” (Jerusalem: B’tselem, 2002) 11.

4. I will refer to the “Disengagement” from Gaza later on, as arguably, both Prime Minister Sharon and Prime Minister Olmert took steps to destroy some settlements in Gaza, though others argue that this was not intended to weaken the settlement enterprise, but to strengthen it in the West Bank.

5. Ian Bickerton and Carla Klausner, A Concise History of the Arab-Israeli Conflict. (New Jersey: Prentice Hall, 2005): 192.

6. Personal Interview. 17 July 2006.

7. Yuval Ginbar, “On the Way to Annexation: Human Rights Violations Resulting from the Establishment and Expansion of the Ma’aleh Adumim Settlement.” (Jerusalem: B’tselem, 1999) 36.

8. Ma’aleh Adumim, spokesman office brochure (in English). Not dated, received on 7/27/06.

9. Ginbar, 7.

10. See “Land Grab...” page 54

11. Personal Interview. 26 July 2006.

12. ‘Speak with the Mayor’ available on the Ma’aleh Adumim Municipality website, www.maale-adummim.muni says 32,000 as of 2006 (in Hebrew). Peace Now, Settlement List (in English) says 29,500 as of June 2005, available on-line from www.peacenow.org.il

13. Personal Interview. 13 August 2006.

14. Ginbar, 36.

15. I went to the Ma’aleh Adumim municipality twice and saw the map of the plan myself. There are blank holes (representing private land) surrounded by color (representing parks, housing, etc.) from all sides.

16. For all intents and purposes, Palestinians cannot enter a settlement in the West Bank unless they are hired to work there. In East Jerusalem, those with Jerusalem residency can move freely in and out of settlements.

17. Ginbar. 38.

18. Ibid. 37.

19. Ginbar, 37.

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20. HCJ 3125/98, issued on 11 July 1999. In Hebrew (translated by myself with the help of Daniel Hillman).
21. Those with a direct claim to the land may file a complaint, even though the plan would affect the lives of many more people than those that can prove land ownership.
22. Galit Shalom. Personal Interview. 1 August 2006.
23. Personal Interview with Daniel Kurtzer, former US ambassador to Israel. 2 March 2007.
24. The new 'centrist' political party formed by former Prime Minister Ariel Sharon after his decision to leave Likud. Ehud Olmert was Sharon's Deputy Prime Minister and was one of the first politicians to join Kadima. He became acting Prime Minister when Sharon suffered a stroke in January 2006.
25. Jerusalem Post Staff. "Two weeks before elections work starts on E1 police station," The Jerusalem Post. 14 March 2006.
26. Yossi Beilin, broadcast on IBA Reshet Bet Radio, translated by Federal News Service, 12 March 2006.
27. Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995. Chapter 5, Article 31 (7). Available on-line at www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/THE+ISRAELI-PALESTINIAN+INTERIM+AGREEMENT.htm
28. Geoffrey Aronson, "Settlements and the Israel-Palestinian Negotiations." (Washington: Institute of Palestine Studies, 1996) Columbia International Affairs Online, <http://www.ciaonet.org/wps/arg01/index.html>
29. Ibid.
30. Ibid.
31. For a detailed account see Menachem Klien, Jerusalem: The Contested City. (New York University Press: New York, 2001)
32. Aronson, Geoffrey. "Settlements and the Israel-Palestinian Negotiations." Washington:
Institute of Palestine Studies, 1996. Columbia International Affairs Online, <http://www.ciaonet.org/wps/arg01/index.html>
33. Geoffrey Aronson, "Settlement Monitor: Quarterly Update on Developments," *Journal of Palestine Studies*. 1995: 99.
34. Seideman, Interview.
35. Menachem Klien, The Jerusalem Problem. (University Press of Florida: Gainesville, 2003) 128.
36. Ibid. 17-21.
37. Ibid. 21.
38. Personal Interview. 20 July 2006.
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39. Ibid. 114-115.
 40. Beilin, radio broadcast.
 41. Peace Process/Reference Documents, "Exchange of Letters Sharon-Bush." Available on-line at www.mfa.gov. 14 April 2004.
 42. According to Kurtzer, the Americans refused to clarify exactly which centers they meant for deliberate political reasons however they had long objected to building in E1.
 43. Jerusalem Post article, 14 March 2006.
 44. Seideman, Interview.
 45. Menachem Klein. Telephone Interview. 25 July 2006.
 46. Jimmy Johnson of ICHAD, Personal Interview. 20 July 2006.
 47. Halper, Obstacles to Peace. 32.
 48. Interview, 25 July 2006.
 49. Suhail Khalilieh, Applied Research Institute of Jerusalem, Settlement Unit Director. Personal Interview 3 August 2006.
 50. Daniel Seideman, "Letting Israel Self Destruct," The Washington Post. 26 August 2004.
 51. Zisman Interview, 27 July 2006.
 52. Nathan Guttman, "Rice: Building in E1 'Contravenes US Policy'," Jerusalem Post. 20 September 2005.
 53. Bureau of Public Affairs, "The Roadmap for Peace in the Middle East: Israeli/Palestinian Reciprocal Action, Quartet Support," Washington: available on-line at www.state.gov/r/pa/ei/rls/22520.htm, 16 July 2003.
 54. Follow-up Interview with Zisman on 8/1/06.
 55. I asked Zisman for an English version but he said one had not been made, which lead me to assume that these are meant for Israeli audiences and not the international community as well. In fact, it is my contention that the Ma'aleh Adumim Municipality would only like to create noise over the issue as a domestic political strategy to pressure the government to complete the project. The Israeli government, judging by its actions, would prefer to keep the issue quiet and go forward with the plan, drawing as little international attention as possible.
 56. Zisman, 27 July 2006.
 57. Ibid.
 58. Rina Rossner, "Growing to Jerusalem." The Jerusalem Report 14 June 2004.
 59. See www.ateret.org.il
 60. Ben Ari and the Ma'aleh Adumim brochure mentioned earlier used this term.
 61. Ibid.
 62. For example, during the 1973 War settlers had to be evacuated from settlements in the Golan precisely because the Syrian army knew that those civilian areas would

not have mines and could be used as points of attack. See Ze'ev Schiff, October Earthquake: Yom Kippur 1973. (Tel Aviv: Zmora Bitan Modan, 1974).

63. Ben Ari is referring to the Clinton Parameters, issued in December 2000. The parameters essentially called for Palestinian sovereignty over Arab neighborhoods and Israeli sovereignty over Jewish neighborhoods in Jerusalem. Since Har Homa had already become a Jewish neighborhood by this time, it could be argued that this principle is applicable.

64. Jeff Halper described Israel's policy as "constructive ambiguity," a phrase that he claims to have borrowed from Henry Kissinger.

65. Zisman, 27 July 2006.

66. Interview, 27 July 2006.

67. Also known as the separation barrier, Apartheid wall and a variety of other names depending on whom you ask.

68. I will not go into an entire discussion of the controversy surrounding the 'security fence' except to say that incorporating the Ma'aleh Adumim block is considered especially problematic by critics because it appears to reflect Israel's future political aims, not security concerns.

69. Ginbar, 12.

70. Rossner, "Growing to Jerusalem."