

Israel's "New" Settlement Policy Ploy

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As 2016 drew to a close, the Obama Administration's final actions on Palestine/Israel were on display at the United Nations Security Council, permitting the adoption of a resolution condemning Israeli settlements and noting their illegality. The response from then President-elect Donald Trump was to slam the United Nations and the Obama Administration and to promise a new US-Israel relationship come January 20th, his inauguration day. The expectation was that Trump would give Israeli Prime Minister Benjamin Netanyahu a bright green light on settlement expansion, dropping even the pretense of opposition. This seemed to be the case in the first few weeks of the Trump Administration as Israel announced settlement expansion plans that would have drawn swift condemnation from the Obama White House. But President Trump did not say anything in response. Then, in mid-February, as Netanyahu visited the White House for his first official meeting with the new president, many were surprised to hear the remark President Trump delivered to Israel's prime minister while standing beside him: "I'd like to see you hold back on settlements a little bit."

The comment, which was casually delivered, stood out among otherwise scripted remarks and was immediately seized upon as evidence that the Trump Administration would be falling in line with decades of US policy toward Israel's illegal settlements. Netanyahu, who is trying to discipline a narrow governing coalition that wants to take aggressive steps forward during what they see as an opportune if not fleeting moment during the Trump Administration, may have privately welcomed the remark. Some of the vocal extremists in the coalition would like to push for the US embassy move to Jerusalem, massive settlement expansion, and even annexation of part or all of the occupied

West Bank. Netanyahu knows he must maintain the pretense of an Israel willing to make peace so he will instead likely opt for his preferred path: slower, incremental steps that will allow him to drag out any process or relationship for as long as possible.

Nothing New in the "New" Statement on Settlements

After the meeting between Netanyahu and Trump, Israel announced a "new" settlement policy in late March, a day after announcing the establishment of the first new Israeli settlement in two decades. A statement that seems to have been distributed to the media but was conspicuously absent from the Israeli prime minister's official channels detailed the "new" settlement policy as follows:

Out of consideration to President Donald Trump's position, Israel will take necessary steps to minimise the expansion of developed area beyond the footprint of existing settlements in Judea and Samaria and exhibit considerable restriction, to allow the progression of the peace process. Israel will build within the existing developed area, as much as possible. In areas where this is not possible, Israel will build along the existing development line. In areas where neither of these possibilities are feasible, due to legal, security, topographical or additional concerns, Israel will allow building in proximity as close as possible to the existing development line.

So what exactly does this mean? In no way does this statement say that Israel is stopping any type of settlement expansion; it merely uses proximity to existing settlements as the primary criterion for determining where to expand. Indeed, anyone familiar with the geography of Israeli settlements and the history of their

development should quickly understand that this new policy not only fails to freeze or even restrain settlement expansion, it does not limit the footprint of Israeli settlements. In theory, the policy suggests the “footprint” would keep the same shape, but nothing will stop the size of the metaphorical foot from growing exponentially.

The Historical Reality

Israeli settlements are strewn across the West Bank. The purpose of the placement of Israeli settlements across the West Bank is to control as much of the territory as possible by laying claim to widespread patches of hilltops on the map. That “footprint” – the basic shape the constellation of settlements has taken in the West Bank – has not significantly changed over the past 30 years or so. In fact, most of the building of new settlements took place in the 1970s and 1980s and some in the early 1990s as well. Once established, even if only as a collection of a small number of sheds on a hilltop, the expansion process happens from inside the perimeter of each settlement and outward. With each stage of expansion, the outer perimeter reserved for the settlement widens. So while the shape of the footprint stays relatively the same, the size keeps increasing.

It is important to note that should the White House signal acceptance of the “new” settlement policy, it is conceding to accepting continued Israeli violations of international law and reversing decades of US policy. While in 2009 the Obama Administration stated it would “not accept the legitimacy of further Israeli settlements” and the George W. Bush Administration called for a total freeze on settlement expansion as part of its Roadmap for Peace in 2003, consenting to this “new” policy would simply mean accepting whatever

settlement expansion the Israeli government sees fit.

Nor would a Trump White House acceptance of this Israeli settlement policy be a return to the Bush-Sharon understandings, a claim that has been made by some in recent weeks. President George W. Bush and then Israeli Prime Minister Ariel Sharon exchanged letters regarding obligations under the Roadmap for Peace, which Palestinians had accepted while the Israelis provided several major reservations. In that exchange of letters, President Bush acknowledges that in a process through which Israel abides by its Roadmap obligations, it is “unrealistic” to expect an agreement that brings partition precisely on the 1949 armistice line and that “any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.” The Israeli right has argued that this letter amounts to US acceptance of Israeli settlement building in the “settlement blocs,” but in actuality it does no such thing. Rather, it formalizes Bush Administration support for the notion of land swaps as part of an agreement culminating in both parties abiding by obligations that include, for Israel, a settlement freeze.

The Political Dimension of Settlement Expansion

While it has often been noted that settlements are an obstacle to peace, rarely is it fully understood or adequately explained how and why that is the case. In one dimension, this is an issue of the quantity of land available. There is simply a limited amount of land and resources in the West Bank, already only about 20 percent of the land of historic Palestine, for a Palestinian state. As settlements grow, they gobble up both land and resources. This makes the space

available to Palestinians ever limited and the very viability of a contiguous state impossible.

Beyond the mere geographic obstacles, however, settlement expansion produces additional challenges. The fact that Israel builds settlements does not necessarily mean the land on which a settlement is built will always be Israeli and not subject to negotiation. Many conventional peace agreement formulations envision either the evacuation and dismantlement of many Israeli settlements or the transfer of these localities to Palestinian sovereignty. The Palestinians' deep distrust of Israel's overarching settlement policy stems from the history of the Zionist movement's use of incremental land grabs in Palestine to establish bases, leading to eventual domination. Every additional expansion announcement, therefore, further obviates the possibility of a contiguous Palestinian state and erodes whatever trust still exists, thereby undercutting the negotiations process.

In addition to gobbling up land and undermining trust, the expansion of Israeli settlements adds another critical obstacle: Israeli settlers. As the number of Israeli settlers grows, and it does not really matter in which settlements, the influence of the settler movement in Israeli politics multiplies. This political reality makes it harder for Israeli leaders to make promises toward peace and uphold obligations regarding settlements while retaining the domestic legitimacy to deliver on those promises. As the Israeli settler population has grown significantly over the last three decades, from some 250,000 in the early 1990s to somewhere between 650,000 and 800,000 today, the size of Israeli settler parties in the Knesset has increased and the entire polity has shifted to the right. For all of these reasons and more, the

United States has regularly condemned the continued expansion of Israeli settlements.

Settlement Expansion and US Reactions

To understand how the US position would change should the Trump Administration accept this Israeli ruse as a concession, one can look back at previous Israeli settlement expansion announcements that fit within the criteria of this ostensibly new policy and the reaction to them from Washington. Take, for example, the 2005 announcement of the expansion by an additional 3,500 units of the Israeli settlement Maaleh Adumim. A massive Israeli settlement and the largest of all of them, Maaleh Adumim is a city by Israeli standards. It sits in a particularly sensitive location, east of occupied Jerusalem, effectively enclosing Jerusalem and cutting it off from the rest of the West Bank. This expansion announcement, for units to be built adjacent to the already existing settlements, drew a strong response from Washington. Then Secretary of State Condoleezza Rice told the LA Times regarding the announcement and Israeli settlement expansion that "this is at odds with ... American policy. So, full stop."

Further, the policy Tel Aviv recently laid out does not include occupied Jerusalem. The Israelis, as they have stated many times in the past, do not consider the territory of Jerusalem they annexed after occupying it in 1967 to be occupied and rather part of the sovereign territory of the state of Israel. The rest of the world sees it differently and considers the annexation to be illegitimate and the territory still occupied; this difference extends to settlement building in and around Jerusalem as well. The Israelis, however, do not consider settlements in occupied Jerusalem to be settlements and thus do not include them in any

settlement limitation policies. Despite this, the United States has, on multiple occasions, condemned the expansion of Israeli settlements in occupied Jerusalem. This took place in both the George W. Bush Administration and the Obama Administration as well in the post Roadmap era. In 2007, for example, Washington made what the New York Times then referred to as “unusually forthright condemnation” of the expansion of Har Homa, an Israeli settlement in the Bethlehem district but nonetheless inside what Israel considers to be the municipal boundaries of Jerusalem. Likewise, during the Obama Administration, there was often the same reaction. A well-known instance was the announcement of the expansion of the Israeli settlement Ramot Shlomo just as Vice President Joe Biden had arrived in Israel in 2010. Biden took the step of releasing a statement of sharp condemnation that became the headline from his trip to the region. In it he said, “I condemn the decision by the government of Israel to advance planning for new housing units in East Jerusalem. The substance and timing of the announcement, particularly with the launching of proximity talks, is precisely the kind of step that undermines the trust we need right now.”

The list of similar episodes is long and littered throughout the preceding two decades of history. Almost all Israeli settlement building and expansion that took place and was condemned during this time will continue to be permitted under this so-called new settlement policy. The question is, how will the United States react this time? Trump has stated his eagerness both to have a very good relationship

with Israel, which is dominated by a right-wing government committed to the settlements, and to broker an Israeli-Palestinian peace deal. While Trump might be very different from his predecessors, Republican and Democrat alike, these two objectives will militate against each other as much as they have in the past.

As Palestinian Authority President Mahmoud Abbas prepares to come to the White House to meet with President Trump, he will surely seek clarity on Washington’s position on continued Israeli settlement expansion. Should Trump accept the “new” Israeli policy as a concession or demonstration of goodwill and expect Abbas to reciprocate based on this with a return to negotiations, he will only guarantee that his early foray into Middle East peacemaking will end in abject failure.

If President Trump wants to succeed at making a peace deal in the Middle East, he must understand that no deal can be reached unless both parties perceive a benefit from the outcome. The Israelis currently hold almost all the cards and all the power while the Palestinians remain stateless and largely powerless. Trump has to balance the terms of reference for the negotiations first if there will be any chance of success at it, and this means he cannot give Israel a free hand but rather must act immediately to restrain its ambitions. Doing so would require pressing the Israelis to end violations of international law, and this includes an end to settlement building. It remains to be seen if President Trump will invest the limited political capital he has to do so.

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