

Analysis: Israeli government challenges the law to embrace illegal settler outposts

[الحكومة الإسرائيلية تلتف على القانون لحماية البؤر الاستيطانية غير القانونية](#)

RAMALLAH/TEL AVIV, 14 May 2012 (IRIN) - Israeli settlers east of the separation barrier in the central West Bank occupy the land most critical for any future final status agreement under a two-state solution. But instead of limiting settlement expansion, critics say the Israeli authorities are setting a dangerous precedent by legalizing new outposts and undermining the law.

God gave us this land 3,000 years ago," an Israeli bus driver said on the way from Jerusalem towards the Israeli settlement of Psagot. "This land is ours. It's not for the Arabs," he added, as the bus crossed from Jerusalem into the occupied West Bank, continuing its way through the rocky landscape east of Ramallah.

Psagot is home to about 1,600 Israeli settlers and the seat of the Mateh Binyamin Regional Council, which is one of six councils providing municipal services to more than 300,000 Israelis who live in 124 officially recognized settlements in the West Bank.

While all settlements in the occupied Palestinian territory (oPt) are illegal under international law, more than 90 so-called outposts are illegal even under Israeli law. One such illegal settlement is Migron, where about 322 Israeli settlers live in caravans on 36 hectares of privately owned Palestinian land.

Migron is one of several cases where the Israeli government has tried to circumvent Supreme Court decisions on the evacuation of illegal structures, instead supporting settler interests. For the first time since 1996, the government led by Prime Minister Benjamin Netanyahu formally created new settlements this April by legalizing the three outposts of Rechalim, Sansana and Bruchin.

"There is a big change of policy happening," Talia Sasson, a former Israeli chief-prosecutor who wrote the influential [Sasson](#) report on government support for illegal outposts, told IRIN. "I believe that the price for removing an illegal outpost has become too high to pay, for the Israeli government."

When Netanyahu formed a new unity government with the centrist Kadima party on 8 May, some analysts said this could bring along changes, while Palestinian officials immediately called upon the new government to [freeze settlement activity](#). But, many warned that settlers were only gaining in strength, holding onto occupied land at any price.

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Now, say analysts, state support for settlements and illegal outposts has crossed a point of no return, undermining the rule of law and threatening Israeli democracy.

"What happened around Migron and other outposts is a total earthquake of Israeli constitutional balance," Dror Etkes, an Israeli expert on land issues in oPt, told IRIN. "There is a major clash coming up between the government, the settlers and the Supreme Court. By legalizing the outpost, the government made clear that it neither cares about national, nor about international law."

The government had asked the Supreme Court to delay Migron's demolition for three years, which the court rejected, and tried to delay the implementation of another court decision on the demolition of the illegal Ulpana neighbourhood in the Beit El settlement. Efforts are reportedly under way to pass a bill to retroactively legalize Ulpana. This would force the Supreme Court to declare the law unconstitutional.

Experts say legalization of settlements endangers any future solution to the Israeli-Palestinian conflict under the terms of a two-state solution.

"Nineteen years after Oslo and 13 years after a final settlement was supposed to be reached, prospects for a two-state solution are as dim as ever," the International Crisis Group (ICG) said in a [recent report](#) which called for a new paradigm.

Migron "compromise"

The caravans of Migron stand high on a hill close to the Palestinian villages of Burqa and Ein Yabrud. Only 2km further down, bulldozers were digging into the rocky soil, building a new Migron for the outpost's 50 families, where they will move on 1 August, according to an agreement reached between the settlers and the government after the Israeli Supreme Court had ruled that the illegal structures be removed.

Migron's residents are confident old Migron will remain, alongside the new Migron that is being built for them.

"Today's Migron should become an educational institution for soldiers, or we transform it into a farm," Itai Hemo, a resident from Migron, told IRIN. "In any case, the evacuation will provoke a strong reaction from settler communities all around. We won't be able to control that."

The government's "compromise" with the settlers effectively blocked the Supreme Court decision to demolish the illegal outpost. This only strengthened the

settlers' self-confidence.

"Netanyahu legalized the outposts and showed his clear intentions. It is a statement to all settlers and residents of illegal outposts that the government continues to support them," Lior Amichai, who works for Peace Now's Settlement Watch Project, told IRIN.

Observers say illegal outposts impact negatively on neighbouring Palestinian communities.

"This is the area of Migron in 1999," Dror Etkes said, looking at a satellite image that shows huge planted fields that once belonged to nearby Palestinian villages. "And this is Migron today," he continued, pointing out the built-up area of Migron on another satellite image. "Hundreds of dunams in agricultural land were taken away from the villages, severely affecting their livelihood. And a settler road closed off Palestinian access."

"The heart of Israel"

Migron's residents are national-religious settlers who make up about 80 percent of Israelis living east of the separation barrier, on land that would become part of a Palestinian state under any realistic final status agreement.

They are driven by the belief that settling the land is both a national and religious duty, and compared to secular and Ultra-Orthodox settlers, they are more unwilling to leave the land for compensation, [past surveys](#) have shown.

"Eighty percent of what happened in the Bible happened here. This is the heart of Israel, also geographically. If we don't have [a] presence here, it would mean the end of Israel," Miri Maoz Ovadia, liaison officer from the settlers' umbrella organization, the Yesha Council, told IRIN.

Strategically located on a hill like most outposts, Migron's residents have lived in illegal structures since 2002. The Israeli Ministry of Housing and Construction generously funded them with more than US\$1 million, according to the so-called Sasson report.

"Coming here was not only an ideological decision. I simply love this place," Itai Hemo said, while resting on the porch in front of his caravan, overlooking the picturesque landscape.

"When you look into the Bible, you will see many of the holy places that are actually here," he added. "But the conflict about the land is a political one. Any researcher will tell you that Palestinians came from other Arab countries. But it doesn't mean we have to expel them. Co-existence is possible."

But the details of this "co-existence" are far from anything that could be acceptable to Palestinians.

"The West Bank is separated into area A, B and C. Israel would annex area C, where all of today's settlers live, while offering citizenship to the Palestinians there. Area A and B would get some kind of autonomy," Miri Maoz Ovadia said.

An estimated 150,000 Palestinians live in [Israeli controlled Area C](#), which makes up over 60 percent of the West Bank. About 70 percent of it is off-limits for Palestinian construction.

Influencing the state

The Israeli settlers who live in illegal outposts and settlements east of the barrier appear to have effective channels of influence to the government, the military and state institutions.

"Before Gaza-settlements were evacuated in 2006, we organized demonstrations. But the evacuation of Gush Katif (Gaza settlements) broke the movement," Miri Maoz Ovadia said. "We also understood that Gaza was emotionally not in the heart of Israel, but the West Bank is. We have other channels of influence today."

Today, the regional councils and the Yesha Council increasingly focus on advocacy, bringing politicians to speak in illegal outposts and attracting Israelis through tourism and volunteering. "We want to bring the heart of Israel to Judea and Samaria (the West Bank)," Ovadia added.

Since the Israeli High Court ordered the evacuation of Migron, politicians have come to pay tribute, many from Netanyahu's Likud party. "We had a lot of members of Knesset [parliament] here. At least 30," Itai Hemo said.

One of them was Reuven Rivlin, speaker of the Israeli parliament. During a January visit to the outpost, Rivlin called on the government "to take responsibility" and not to relocate or evacuate Migron.

The influence of settler ideology on the Likud was further boosted by the rise of the national-religious politician Moshe Feiglin.

"That Feiglin got 25 percent of Likud's votes, affects the whole party. It pushes all others who compete with him towards a more extreme position," Talia Sasson said. Feiglin advocates a greater Israel and encourages all Palestinians to leave.

"Of Likud's 130,000 party members, 9,000 are settlers. Because they always vote as a united bloc, they are very strong," Dror Etkes said. Other analysts estimated that at least 20 percent of Likud's members are settlers.

Another sphere of influence is the Israeli army, where settlers volunteer. In addition, the settler councils actively attract more and more Israelis to participate in pre-army volunteer programmes.

Asked whether a future confrontation between settlers and the army over Migron was possible, Miri Maoz Ovadia replied: "61 percent of the settlers from here volunteer in combat units. It would be a fight against ourselves."

But their increasing influence on the army and politics could make future demolitions or evacuations more difficult to implement.

"From Gaza they evacuated some 8,000 people. But the West Bank is different. It is in the heart of the country; 350,000 settlers are impossible to evacuate," she added.

Radicalization

While most settlers pursue their interests non-violently, radicalized settlers have also directed attacks against Palestinians, left-wing Israelis and the Israeli state.

The weekly average of such attacks by settlers resulting in Palestinian casualties and property damage [increased by 144 percent in 2011 compared to 2009](#). An ideologically driven radicalized movement has grown in West Bank outposts over the years, following a strategy called "price-tag attacks", meant to increase the price the government has to pay for demolishing illegal outposts.

"We are dealing here with two main ideological dimensions - both coming from Jewish religious teachings which place the conflict with the non-Jew at the centre of their teachings," said Ofer Zalzburg, a senior analyst with the ICG.

"The first comes from the teachings of anti-statist religious leaders like Rabbi Ginzburg of the Yitzhar outpost. The second from Rabbi Meir Kahana's teachings. The young activists who follow such political-theologies often come from broken and disaffected families," he added. The two Rabbi's justified violence against Arabs and objected to partitioning the land.

Analysts also say radicalization among settler youth is linked to decreasing loyalty to the state, partly as a result of past government support for the Oslo agreements, which many national-religious settlers see as incompatible with the messianic reading of Jewish law.

Most national-religious settlers oppose the "price-tag movement", but have one goal in common: pressuring the government to not to demolish outposts.

"The settlers are playing a dangerous game. They condemn the radicalization and violence, but at the same time, are using it silently to pressure the government not to demolish outposts," Hagit Ofran, head of Peace Now's settlement watch project, told IRIN.

Dror Etkes said most settlers are represented by the Yesha Council which seeks to influence the state through formal channels, while there is a more radical minority in outposts around Hebron and Nablus.

"The Council uses the radicals to tell the government: 'If you don't compromise our interests, you will have to deal with these radicals'," he added. "There is a mutual interest."
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