

LAND GRAB

Israel's Settlement Policy in the West Bank



May 2002

Chapter Eight The Ari'el Settlement - A Case Study

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Chapter Eight

The Ari'el Settlement - A Case Study

Ari'el is one of the largest settlements established by Israel in the West Bank, both in population and area. In geographical terms, Ari'el is situated in the heart of the West Bank. The eastern edge of the settlement is only a few kilometers from Road No. 60 which, as noted above, forms the backbone of the mountain ridge. However, Ari'el is a secular and urban settlement attracting settlers from the center of the country (veteran Israelis and new immigrants from the former Soviet Union). In general, the settlers who come to Ari'el hope to find inexpensive housing and an improvement in their standard of living.

Due to the above-mentioned characteristics, Ari'el is perceived by significant sections of the Jewish public in Israel as "just another Israeli city," blurring the fact that Ari'el is actually a settlement situated in the Occupied Territories. This perception seems to have influenced Israel's position concerning its future borders during the negotiations with the Palestinian Authority. Media reports suggest that all the proposals raised by Israel during the Camp David conference of July 2000 and the Taba conference of January 2001 included the annexation of Ari'el to the State of Israel, despite the fact that, as mentioned, Ari'el is situated a considerable distance from the Green Line.²⁷⁰

The purpose of this chapter is to examine in depth the impact and ramifications of the settlement of Ari'el on the surrounding Palestinian communities and their residents.

A. Historical Background

The idea of establishing a large urban settlement in the "heart of Samaria" was first raised in 1973 by a group of future settlers comprised of employees of the aircraft industry. The proposal was presented to then Minister of Defense Moshe Dayan. Although Dayan was in principle in favor of the idea, it proved impossible to realize the plans because the location proposed by the group was incompatible with the Alon Plan, which was informally adopted by the Ma'arach government.²⁷¹

After the Likud came to power in 1977, a change occurred in government policy, and initiatives were introduced to establish settlements throughout the West Bank. The Drobless Plan, which guided the activities of the government and the World Zionist Organization, proposed the establishment of a large settlement on the Trans-Samaria Highway (see Road No. 505 on the map), in part for strategic and military reasons.²⁷² Given the sympathetic approach of the government, the group of would-be settlers that had contacted Dayan, calling themselves the Tel-Aviv Group, once again met and renewed their initiative. In October 1977, the Ministerial Committee for Settlement approved the establishment of a settlement by the name of Heres (the name was later changed to Ari'el) on a site to the south of Haris Village. The members of the group subsequently received permission to settle in this location.²⁷³

270. For example, see an interview with Foreign Minister (at the time of the negotiations) Shlomo Ben-Ami: Ari Shavit, "The Day Peace Died," *Ha'aretz Supplement*, 14 September 2001.

271. Esther Levine, *Ari'el – Capital of Samaria* (in Hebrew) (Philadelphia, 1990), p. 14.

272. Matityahu Drobless, *The Settlement in Judea and Samaria*.

273. Esther Levine, *Ari'el – Capital of Samaria*, p. 44.

The first forty settlers arrived on the approved site on 17 August 1978. At the instructions of then Minister of Agriculture Ariel Sharon, the site was defined as a military base, and initially included some one hundred temporary buildings. Shortly thereafter, the Rural Construction Authority of the Ministry of Construction and Housing began to build permanent accommodation.²⁷⁴ In addition to implementing construction and infrastructure, the Ministry of Construction and Housing team also worked in cooperation with the Tel Aviv Group in all matters relating to the administration and organization of the new settlement. In 1981, Ari'el was declared a local council and began to function in an autonomous manner.

Thanks to generous assistance from the government, the settlement developed rapidly. During the 1980s and 1990s, numerous official institutions opened in Ari'el, including elementary and high schools, an academic college, a religious council, a municipal court, a police station and so on. In 1996, with the support of the Ministry of Industry and Trade, an additional industrial zone was established in Ari'el alongside Barqan Industrial Zone.²⁷⁵

Following the commencement of the wave of immigration from the former Soviet Union in the early 1990s, thousands of immigrants were directed to Ari'el, considerably increasing the population of the settlement. In June 1998, as a result of this growth, then OC Central Command Uzi Dayan signed an order changing the status of Ari'el from a local council to a municipality. As of September 2001, the Central Bureau of Statistics estimates the population of Ari'el at 15,900 residents, approximately forty percent of whom are immigrants from the former Soviet Union. In addition, some 6,000 students attend Ari'el College, some of whom live in the settlement on a temporary basis.

B. The Geographical Context

As noted, Ari'el is situated in the center of Samaria, half way between Nablus and Ramallah, and to the west of the watershed line (the peaks of the mountain range crossing the West Bank). In terms of the road network, Ari'el lies adjacent to an important intersection between Road No. 5 (the Trans-Samaria Highway), which extends from west to east, and Road No. 60, which crosses the length of the West Bank from north to south.

Ari'el is surrounded on all sides by Palestinian towns and villages. To the south lies the town of Salfit (9,000),²⁷⁶ which functions as the governmental, administrative and commercial center for all the Palestinian villages in the vicinity. To the north of Ari'el, and in close proximity, are four villages – Haris (2,600), Kifl Haris (2,700), Qira (900) and Marda (1,900); a little further to the north lie Jamma'in (5,100), Zeita-Jamma'in (1,700) and Deir Istiya (3,300). To the east of Ari'el lie the villages of Iskaka (900) and then Yasuf (1,500), and on the western edge of the area of jurisdiction of Ari'el lie the villages of Brukin (3,100) and Kafr Ad-Dik (4,400).

To the east and west of Ari'el, and interspersed among the above-mentioned Palestinian villages, there are a number of settlements. To the east, on Road No. 60, lie Tapuah (350) and Rehelim (no population

274. Letter from Ariel Sharon to the Ministry of Construction and Housing dated July 21, 1978, as well as the minutes of a meeting from September 2, 1979 (in *Ari'el – Capital of Samaria*, pp. 140, 157).

275. For details of the institutions and the dates of opening, see the Website of the Municipality of Ari'el, www.ariel.muni.il.

276. Unless otherwise stated, the figures in parentheses are the estimated number of residents as of the end of 2001.

data available), which form part of the Mountain Strip. To the west of Ari'el lie numerous settlements arranged in a funnel shape (see Chapter Seven) that constitute the high demand area of the Western Hills. The closest settlements to Ari'el are Barqan (1,300), Revava (550) and Qiryat Netafim (300).

C. Seizing Control of Land

Research undertaken by B'Tselem shows that most of the land included in the area of jurisdiction of Ari'el was declared and registered as state land over the years (see Chapter Three).²⁷⁷ Although it is not possible to reconstruct precisely the situation prior to the establishment of the settlement, the research shows that a substantial part of this land, and particularly the area on which Ari'el is actually constructed, was formerly uncultivated, rocky land used by the villagers to graze their flocks. As shown by the testimonies collected during the course of the research, however, Israel also expropriated land that was farmed by Palestinians, claiming it to be state land, and this land was included within the area of jurisdiction of Ari'el.

In other cases, Israel seized control of cultivated land – which it acknowledged to be private Palestinian property – for the purpose of expanding the network of roads connecting Ari'el with Israel and with the adjacent settlements (see below, in the discussion of the new Trans-Samaria Highway and Road No. 447). In these instances, the military commanders signed expropriation orders.

The agricultural produce yielded by crops on this farmed land was used by the owners of the land, both for their own consumption and for commercial marketing. The seizure of control of this land deprived these families of an important source of livelihood – in some cases, their only source – and severely impaired their standard of living.

D. Municipal Boundaries

The municipal boundaries of Ari'el have been revised several times since its establishment. The most recent revision was undertaken in June 1999 by means of an order signed by the then commanding officer of the Central Command, Moshe Ya'alon, accompanied by a map including a total area of some 13,800 dunam in the area of the settlement. Of this area, approximately 3,000 dunam are built-up, or are in the process of construction, i.e., twenty-two percent of the total area of jurisdiction. Ari'el's area of jurisdiction extends over some eleven kilometers from east to west, with a maximum width of 2.5 kilometers. The length of this area is exceptional even by comparison with major Israeli cities of comparable population.

The municipal boundaries of Ari'el are convoluted and jagged. Land cultivated by Palestinians (mostly olive groves) exists within the settlement. The reason for this is that Israel was unable to declare them state land. This situation also created "islands" or "peninsulas" of Palestinian ownership within the area of jurisdiction of Ari'el, which surrounds the Palestinian lands on three sides. The reverse is also true:

277. This research was based on the testimonies of residents of the Palestinian villages adjacent to Ari'el, and on information provided by the Municipality of Salfit. B'Tselem asked the Israel Lands Administration and the Municipality of Ari'el to provide information clarifying the status of the land forming the area of jurisdiction of Ari'el, but did not receive any response.

there are cases in which parts of the jurisdictional area of Ari'el are surrounded by Palestinian farmland. These phenomena also exist elsewhere in the West Bank.²⁷⁸

These Palestinian-owned islands within the non-built-up part of the area of jurisdiction will apparently be eliminated and effectively annexed to Ari'el, as the area around the island becomes built-up and populated. An example may already be noted of such annexation, relating to a large Palestinian island situated to the south of the main built-up area of Ari'el (see coordinate D-6 in Photo 20). While the map of the area of jurisdiction of Ari'el attached to the military order shows this area as private Palestinian land, the Municipality of Ari'el has constructed a security road surrounding this area, effectively annexing it to the settlement. Moreover, the municipality's outline plans – as distinct from the map of the area of jurisdiction attached to the military order – completely eliminate this island. The area appears as an integral part of Ari'el.

E. Urban Sprawl

Diagram 9 offers a graphic depiction of the urban development of Ari'el in chronological terms, as reflected in the outline plans of the settlement. A review of this diagram shows a clear intention on the part of the planners to maximize the dispersion along the east-west axis, by means of extending "wedges" to either extreme of the area of jurisdiction, and then gradually filling the open spaces remaining within these boundaries. Accordingly, after the consolidation of the initial settling group, approximately in the center of the present area of jurisdiction, the area now occupied by Ari'el College at the east end of the area of jurisdiction was developed. Only during the years that followed was the space between the central core and the eastern edge gradually filled. Similarly, in the mid-1990s, work began to build a new industrial zone on the western edge of Ari'el. The next residential neighborhood planned for construction (see the last picture in the diagram) is situated between this new industrial compound and the western edge of the current built-up area.

The length of the current built-up area is approximately five kilometers (from the college to the entrance road to Ari'el), while its width is only some seven hundred meters. In urban planning terms, this dispersion is completely unreasonable and illogical. Modern planning approaches favor the most compact urban dispersion attainable, enabling residents to reach as many parts of the community as possible on foot.

The unreasonable nature of this dispersion in urban terms is even more pronounced because the area of jurisdiction of Ari'el includes extensive areas adjacent to the original site of the settlement (mainly to the south) that could have been used for expansion. The conclusion to be drawn from this situation is that the Israeli planning system was based not on urban planning considerations, but on extraneous considerations, as discussed below. One of these considerations was to create as long a barrier as possible separating the Palestinian communities on either side of the Trans-Samaria Highway and disrupting the territorial contiguity of this area.

278. For discussion of this phenomenon in the case of Ma'ale Adummim, see B'Tselem, *On the Way to Annexation*, pp. 33-34.

Photo 15 Ari'el: view from the southeast



Photo 16 Caravans in the area east of Ari'el with Jamma'in in the background



Photo 17 Physical roadblock at entrance to Yasuf



Photo 18 Sewage from Ari'el flowing toward Salfit's pumping station

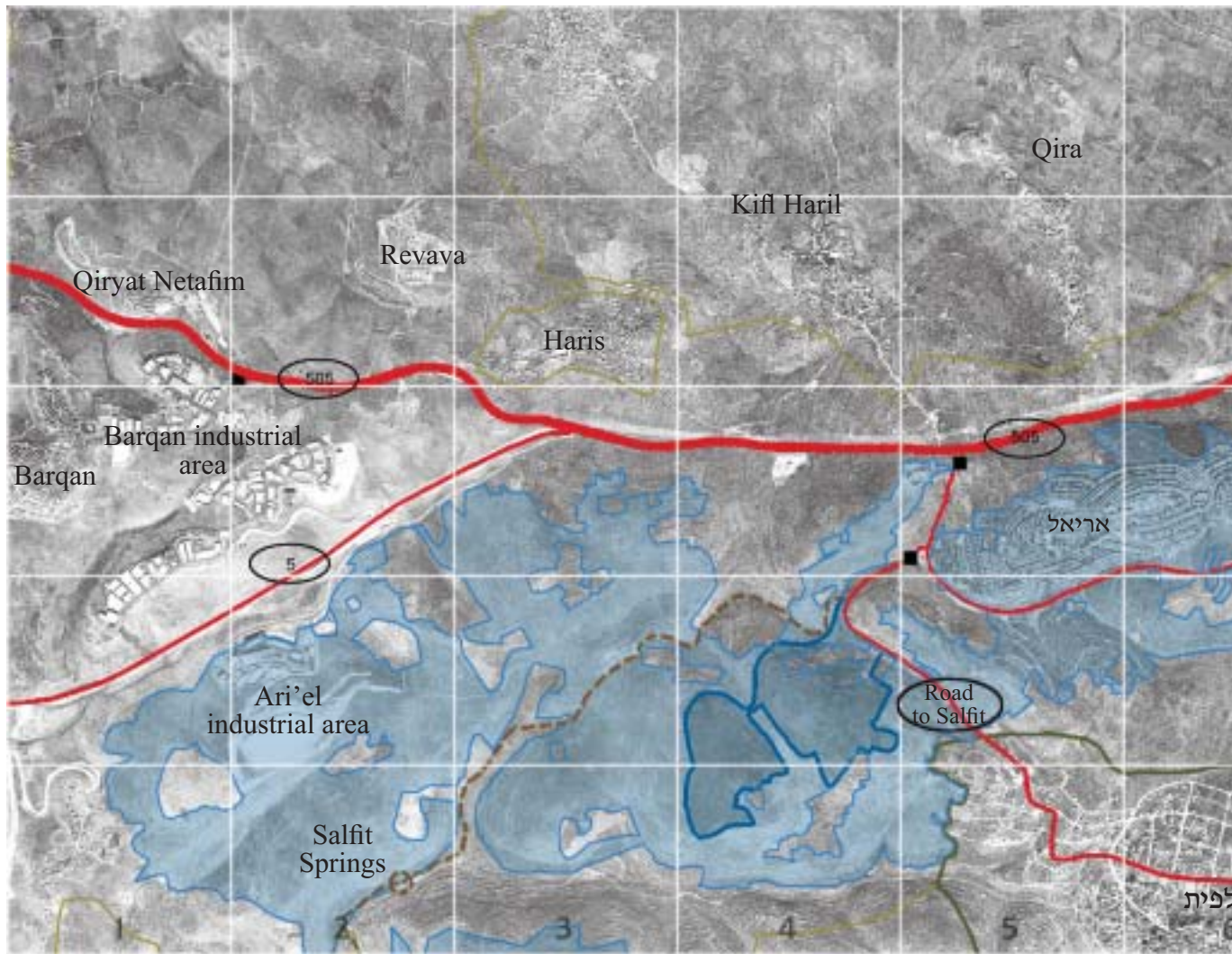


Photo 19 Ari'el and Salfit

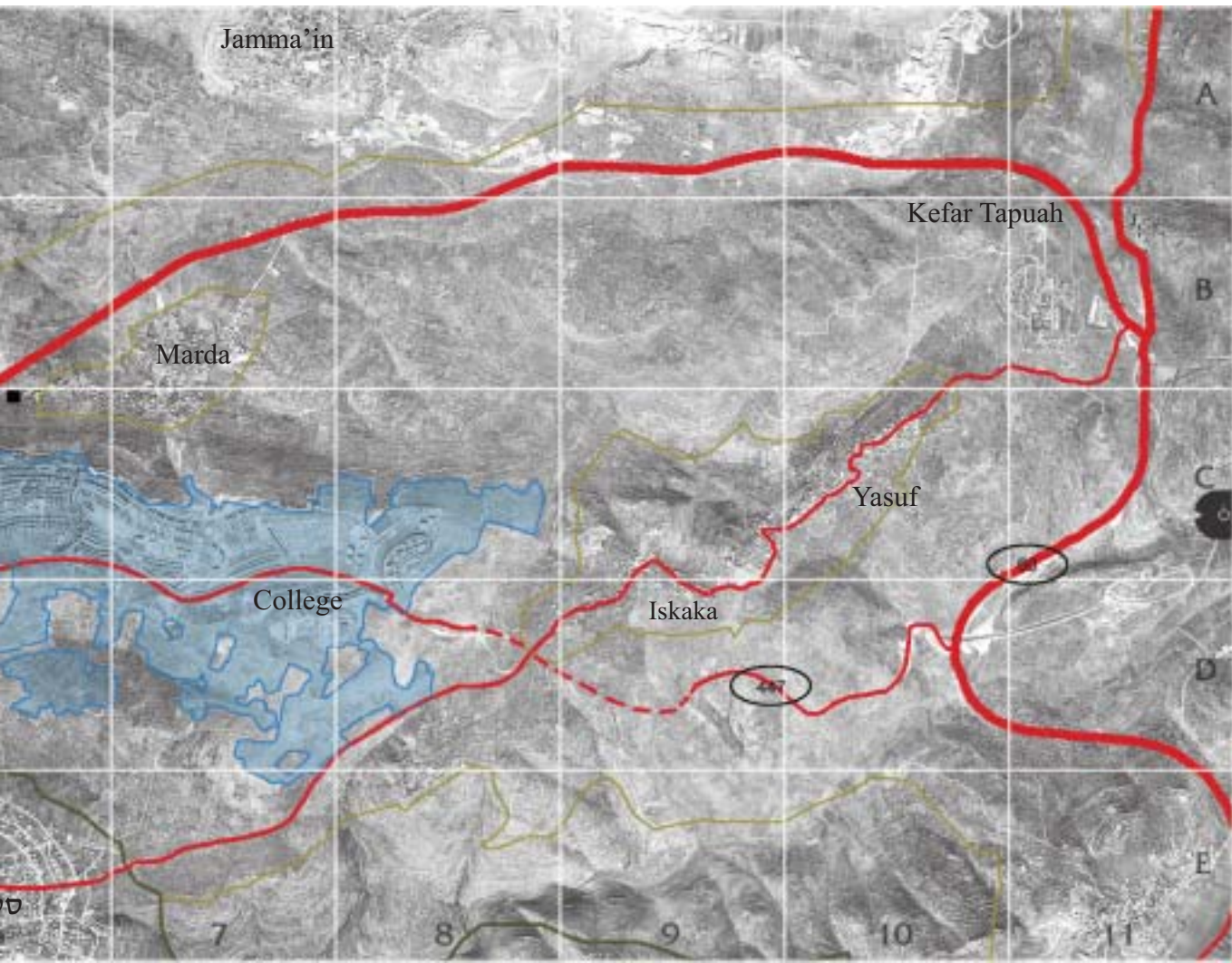


Photo credit: Israel Mapping Center

Photo 20 Ari'el and surrounding areas



- Area of jurisdiction of Ari'el
- Planned neighborhood – Ari'el
- Road
- 5 Road number
- Area A boundary
- Area B boundary
- River bed



Background photo: Israel Mapping Center

Photo 21 On the bridge: Road No. 447 / Under the bridge: the Iskaka-Salfit road



Photo 22 Area planned for expansion of Ari'el





Photo 23 Houses in Ari'el: view from the settlement's ring road



Photo 24 Houses in Ari'el: view from the settlement's ring road



F. Harm to the Development of Salfit

The location of Ari'el prevents the creation of a contiguous urban space that could otherwise have developed through the expansion of Salfit to the north and northeast, connecting to Haris, Kifl Haris, Qira, Marda and Iskaka. As a result of Israel's policy, the borders of Ari'el constitute a kind of physical barrier stopping such a process and almost totally block the urban development of Salfit. The current population of Salfit is approximately 9,000, and the annual growth rate is approximately 3.5 percent. According to the municipal engineer, Samir Masri, the lack of available land suitable for construction is worsening each year, and is already reflected in a housing shortage and in the decision of many young residents to leave the town.²⁷⁹

Because of the topographic and hydrologic characteristics of the Salfit area, the only reasonable direction of expansion is to the north. The areas to the south, southeast and southwest of Salfit are mountainous and extremely steep. Preparing such areas for construction would require enormous financial and technical resources, and would cause irreparable damage to the landscape. The area to the west of Salfit is rich in underground water reserves providing a considerable part of the residents' water needs (see below), and is also exploited by Israel. Construction in this area would damage these reserves as well as the crops currently grown in this area. While the area to the east of Salfit is suitable for construction in terms of the topographic conditions, it is currently intensively farmed by residents of the town, who grow thousands of olive trees that provide their most important source of income. Approximately fifteen percent of the area of jurisdiction of Salfit (the northern edge of which is shown by the border of Area A) is currently free for construction, but about half of this area is owned by a small number of residents of Salfit and is therefore not available for construction.²⁸⁰

The negative influence of Ari'el on the residents of Salfit is not confined solely to the question of land and the housing shortage, but also includes such aspects as the pollution of the underground water sources serving Salfit. Most of the sewage created by Ari'el flows into a riverbed at the western entrance to the settlement, and then continues to flow to the southwest (see Photo 20). This sewage channel, which seeps into the soil and mixes with the spring water stored in the aquifer, passes just a few meters from a pumping station supplying most of the water used for domestic consumption by the residents of Salfit (see Photo 18). According to the water engineer of Salfit, Salah Afani, this sewage channel pollutes the water, and he must occasionally order the municipality to stop pumping after routine inspections reveal particularly high levels of pollution.

G. The Regional Road Network

As noted above, the town of Salfit functions as an administrative and commercial center for the villages in the area, and particularly for the villages situated to the north: Haris, Kifl Haris, Qira, Marda, Jamma'in, Zeita-Jamma'in and Deir Istiya. The presence of Ari'el significantly restricts access routes to and from Salfit.

279. This information was given to B'Tselem during a tour of Salfit held by the organization on 31 December 2001.

280. This information was provided to B'Tselem by the Municipality of Salfit.

Until the outbreak of the al-Aqsa intifada, the main access road to Salfit was the road that forks from the entrance road to Ari'el, veers to the west and then leads south to Salfit (see Photo 20). Since the beginning of the intifada, the IDF has blocked access to this road by means of concrete blocks and dirt piles. If the planned expansion of Ari'el to the west (see Diagram 9) is realized, this road will pass through the built-up area of Ari'el and Palestinian traffic along this artery will be completely banned.

The restricted volume of traffic that currently passes between Salfit and the villages to the north takes place to the east, along a dirt road beginning on Road No. 60 to the south of the settlement of Tapuah, and leading west through the villages of Yasuf and Iskaka. Although the entrance to this road has also been blocked since the outbreak of the intifada, Palestinian residents reach the point of the blockage (to the east of Yasuf), go round this point on foot, and then continue toward Salfit (see Photo 17). Even without the current blockages, this road is long and unsuitable as a principal traffic artery between Salfit and the villages to the north. However, as noted, this is the situation that will presumably emerge if Ari'el is expanded to the west as planned.

For example, the length of the road from the southern exit of Kifl Haris to the western entrance of Salfit, which the residents of these communities used until the outbreak of the intifada, is some 3,500 meters. The alternate road, on the other hand, requires the residents of Kifl Haris to go to Route No. 60 and cross through the villages of Yasuf and Iskaka, a distance of some twenty kilometers.

The many restrictions on Palestinian movement and the minimal road network available to them is particularly striking in view of the enormous resources invested by Israel in order to meet the transportation needs of the settlers in general, and the residents of Ari'el in particular. This is clearly illustrated by two roads recently constructed in the vicinity of Ari'el that have severely harmed the Palestinian population.

The first example is the new alignment of the Trans-Samaria Highway, which connects Ari'el and the adjacent settlements to Tel-Aviv and the Tel-Aviv Metropolis. The old Trans-Samaria Highway (Road No. 505) crosses the villages of Mas-ha and Bidya, and Israel therefore decided to build a new road a few hundred meters to the south in order to circumvent these villages, and to upgrade the road to a four-lane highway. For the purpose of constructing the road, Israel expropriated extensive land from Palestinian residents in the area, and caused considerable environmental damage by bisecting all the hills situated along the course of the road. Since the beginning of the intifada, as part of Israel's policy of "clearing" territory, the IDF has uprooted numerous olive trees along the sides of this road in order to reduce the dangers facing settlers using the road (see coordinates C-3, C-4, C-5, B-6 in Photo 20).²⁸¹

An additional example is Road No. 447, which is due to be completed shortly. This road connects the eastern edge of Ari'el to Road No. 60 close to the settlement of Revava (see Photo 21). For the purpose of its construction, some seventy-five dunam belonging to the residents of Iskaka and Salfit were expropriated, and over one thousand olive trees were uprooted, most of them extremely old and highly productive. This road is supposed to serve the bloc of settlements consisting of Eli, Shilo (including Shevut Rahel) and Ma'ale Levona, and will shorten the journey to Ari'el by a few minutes. The Palestinians whose land was expropriated petitioned the High Court of Justice, seeking to prevent

281. For details of this policy as implemented in the Gaza Strip, see B'Tselem, *A Policy of Destruction: House Demolitions and Destruction of Agricultural Land in the Gaza Strip* (Information Sheet, February 2002).

construction of the road. The Court rejected the petition, without detailing its reasons. The laconic ruling of Justice Matza simply states: "Regarding this matter, we have formed the conclusion that there is no room for the Court to intervene in the decision of the Respondents."²⁸²

282. HCJ 00/1451, *Talab 'Abd Al-Hadi et al. v. Supreme Planning Council and Commander of IDF Forces in Judea and Samaria*

Diagram 9
Incremental Growth of Ari'el: Dates of Outline Plan

