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Severing the West Bank - the emerging Shilo Valley settlement bloc as a case study

Background

In May 2016, the Israeli media [reported](#) the Government of Israel's plan to resettle the residents of the unauthorized outpost of Amona in a new settlement, to be established in the Shilo Valley.¹ According to the plan (Master Plan 205/3), the new settlement will be located within Shilo's jurisdiction area, which would allow the GOI to present the new settlement as a new neighborhood of Shilo. This strategy is often used in order to avoid declaring the creation of a new settlement, despite the fact that, in practice, these settlements are geographically separated from each other and function as independent communities.²

International law prohibits the establishment of Israeli communities in the West Bank, both settlements and outposts. Since 2012, Israel has been gradually absolving itself of the duty to act within the laws of occupation, which are designed to limit its ability to act as full sovereign in the West Bank and make long term changes in the area that serve its own interests.³ This includes a shift in Israel's official policy regarding illegal outposts. In recent years, Israel has undertaken a covert policy for establishing new settlements or expanding existing ones by retroactively authorizing outposts, thereby violating the rules of international law and its commitments to the international community to halt settlement construction in the occupied Palestinian Territories.

The endeavor to establish a new settlement in the Shilo valley is a strategic move. One of the goals pursued by the establishment of outposts, and the specific locations chosen for them, is creating contiguous Israeli settlement blocs by connecting isolated communities to larger, existing settlement blocs. The settlements and outposts in Area C form geographically contiguous lines stretching from the Green Line in the west to the Jordan Valley in the east.

Once the process of retroactive authorization in the Shilo-Ariel bloc is completed, a line of linked settlements will stretch from the Green line through Barkan, Ariel, Rechelim, Eli, Shilo, cutting through the northern part of the West Bank. This will result in the fragmentation of the West Bank

¹ In December 2014, the [Israeli High Court of Justice ruled](#) that the entire outpost of Amona must be removed, giving the State two years to execute its judgement. Yesh Din represented the Palestinian landowners.

² See Yesh Din report [Under the Radar](#) (2015), p. 19, <http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/>.

³ See Yesh Din report ['From Occupation to Annexation'](#) February 2016, (<http://www.yesh-din.org/en/from-occupation-to-annexation-the-silent-adoption-of-the-levy-report-on-retroactive-authorization-of-illegal-construction-in-the-west-bank/>)

and severely infringes on the Palestinians' right to self-determination. The consolidation of the bloc would preclude any possibility of territorial contiguity, necessary for a viable Palestinian state.

The Shilo Valley/ Wadi Saylun – area description

The Shilo valley, known in Arabic as Wadi Saylun or Wadi Sinjil, is situated between Ramallah and Nablus.⁴ It is an area known for friction between Israeli civilians and Palestinians and home to some of the most extremist Israeli settlers.⁵

The many Israeli outposts established in the Shilo Valley⁶ directly impact the Palestinian communities of Al-Mughayyir, Iskaka, Jalud, Turmusaya, Qaryut, Qusra, Duma, Sinjil, A-sawiya and Lubban A-Sharqiyah. A variety of methods are employed leading to dispossession of land; among these are government allocation of public land to Israeli settlements and regional councils - including archaeological sites - or retroactive legalization of Israeli outposts and construction. All of the unauthorized Israeli outposts located in the Shilo Valley are currently undergoing processes of retroactive authorization, which would transform them into permanent settlements, legal according to Israeli law.⁷ These outposts expand the reach of the existing settlements in the area and form a continuous bloc from the Ariel settlement bloc reaching from the Green Line all the way to the Jordan valley (see map below).

⁴ For more information on Shilo and its satellite outposts, see: [The Road to Dispossession](http://www.yesh-din.org/en/the-road-to-dispossession-a-case-study-the-outpost-of-adei-ad-2/), page 36, (<http://www.yesh-din.org/en/the-road-to-dispossession-a-case-study-the-outpost-of-adei-ad-2/>).

⁵ Yesh Din data sheet October 2015, 'Law Enforcement On Israeli Civilians In The West Bank, Yesh Din Monitoring Update 2005-2015', http://files.yesh-din.org/userfiles/Datasheet_English_Oct%202015.pdf

⁶ Adei Ad, Esh Kodesh, Ahiya, Kida, Habayt Haadom, Givat Harel, HaKaron, Hayovel, Haroe, Eli West, Palgei Mayim, Nof Harim, Malachei HaShalom, Geulat Zion.

⁷ Regarding the specific elements of this transformation, see Yesh Din report [Under the Radar](http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/) (2015), p. 19, <http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/>



The emerging Ariel-Shilo bloc. Map: Yesh Din, September 2016.

A hotspot for ideologically motivated violence – lack of law enforcement

Throughout Yesh Din's experience in monitoring of Israeli law enforcement agencies and providing legal aid to Palestinians in the West Bank, Yesh Din has identified the link between violent acts and other criminal offences perpetrated by Israeli citizens against Palestinians, and the dispossession of Palestinians from their land. Acts of violence and vandalism usually take place on Palestinian farmland or on the edges of Palestinian villages and are intended to intimidate Palestinians and create a tangible threat to deter them from tending their plots. These acts of violence are motivated by a calculated strategy designed to restrict and dispossess Palestinians of their land.⁸

According to Yesh Din's monitoring data, indictments are served in only 7.3% in cases of ideologically motivated crimes by Israeli civilians against Palestinians reported to the police, indicating a failure of Israel's law enforcement authorities to enforce the law on Israeli civilians in the West Bank and prevent such crimes.⁹

The widespread lack of law enforcement against perpetrators,¹⁰ as well as soldiers failing to intervene on behalf of Palestinians¹¹ or in some cases even participating in violent acts against Palestinians, further exacerbates the farmers' fear, as they realize that the offenders are unlikely to face any consequences for their criminal actions. Due to fear from attacks farmers stay away

⁸ Yesh Din report '[Mock Enforcement – the failure to enforce the law on Israeli civilians in the West Bank](http://files.yesh-din.org/userfiles/Yesh%20Din_Akifat%20Hok_%20English.pdf)' (May 2015), p. 11 http://files.yesh-din.org/userfiles/Yesh%20Din_Akifat%20Hok_%20English.pdf

⁹ Yesh Din data sheet October 2015, 'Law Enforcement On Israeli Civilians In The West Bank, Yesh Din Monitoring Update 2005-2015', http://files.yesh-din.org/userfiles/Datasheet_English_Oct%202015.pdf

¹⁰ Yesh Din data sheet October 2015, 'Law Enforcement On Israeli Civilians In The West Bank, Yesh Din Monitoring Update 2005-2015', http://files.yesh-din.org/userfiles/Datasheet_English_Oct%202015.pdf

¹¹ See Yesh Din report 'Standing Idly By: IDF soldiers' inaction in the face of offenses perpetrated by Israelis against Palestinians in the West Bank', (May 2015); <http://www.yesh-din.org/en/standing-idly-by-idf-soldiers-inaction-in-the-face-of-offenses-perpetrated-by-israelis-against-palestinians-in-the-west-bank/>

and refrain from cultivating their land, which may lead to a loss of their property rights to the land, as according to the GOI's application of archaic Ottoman law, land that is left uncultivated for several continuous years may be declared public land.¹²

The Shilo Valley is considered a hotspot for ideologically motivated crimes by Israeli civilians against settlers. Duma village, the site of the deadly arson attack allegedly by Israeli citizens on a Palestinian family in July 2015, is located here. Yesh Din's petition to remove Adei Ad, one of the satellite outposts of Shilo settlement,¹³ argues that the outpost must be removed because it is built partially on private Palestinian land but also because it is a source for criminal activities and grave violence, leading to systematic human rights violations of the Palestinian residents in its vicinity. **Since 2005, Yesh Din documented 203 incidents and offenses committed by Israeli civilians against Palestinians in the Shilo Valley**, the majority of which occurred in the area adjacent to illegal outposts. Over the past 5 months alone, Yesh Din documented 11 incidents in the vicinity of the new outpost of Malachei HaShalom.

Outpost legalization and the Shilo valley

The GOI has been actively pursuing avenues for creating new settlements and expanding areas under the control of existing ones by retroactively approving dozens of unauthorized outposts. Approximately a third of the 100 outposts that exist in the West Bank have been approved or are at various stages of the approval process. Eleven of the 34 outposts in the West Bank that currently are in the process of being authorized or in which the authorization process has been completed, are located in the emerging bloc extending from Ariel to the Shilo Valley, the 'Ariel-Shilo bloc' (see list below). The list of outposts where the State is pursuing retroactive authorization is not made public, and it is often only through court cases that Palestinian landowners and the public at large discover the State's plans.

In the State's response from September 2015 to Yesh Din's petition to remove the outpost of Adei Ad, the GOI indicated its intention to authorize all of the unauthorized outposts in the Shilo Valley. The State Attorney announced that "In 2014, the planning authorities were presented a preliminary blue print by the Binyamin Regional Council [representing the Israeli settlements in the Ramallah area] in order to examine the potential of legalizing all settlement points and outposts in the Shilo Valley." The State Attorney added that this plan has not yet been formalized. The State's response illustrates the GOI's dramatic shift in policy since 2011, under the radar of the public, from declaring its intent to remove illegal outposts towards seeking avenues for

¹² For an in-depth analysis of the link between settler violence and land takeover, see: Yesh Din report '[The Road to Dispossession](http://www.yesh-din.org/en/the-road-to-dispossession-a-case-study-the-outpost-of-adei-ad-2/)' (April 2013), page 90 (<http://www.yesh-din.org/en/the-road-to-dispossession-a-case-study-the-outpost-of-adei-ad-2/>)

¹³ This petition was submitted in December 2014 by Yesh Din on behalf of the councils of Turmusaya, Al Mughayer, Qaryut, and Jalud. Read more: <http://www.yesh-din.org/en/petition-to-remove-the-outpost-of-adei-ad-a-focal-point-for-grave-systematic-harm-to-palestinian-residents-of-the-area-hcj-839514-turmusaya-village-council-head-mr-rabbhi-abad-al-rahman/>

retroactively authorizing and transforming outposts into settlements – legitimate under Israeli law.¹⁴

Through litigating several petitions challenging takeover of lands, Yesh Din identified that the following outposts in the Shilo valley are undergoing approval processes: Adei Ad, Ahiya, Esh Kodesh, HaBait HaAdom (Yishuv Ha'adat Farm) and Kida. The authorization process has been completed for the outpost of Shvut Rachel, which is now considered a neighborhood of Shilo, although it continues to function as separate and distinct from the settlement, with its own secretariat and administration.¹⁵ In the Ariel bloc, which connects to the Shilo Valley, authorization is being undertaken or is completed for the outposts of Bruchin, Hayovel, Nofei Nehemia and Rechelim.

Outposts in the Ariel-Shilo bloc undergoing authorization process or process completed		
Outpost	Year Established	Status
Adei Ad	1998	Authorization Process
Ahiya	1997	Authorization Process
Bruchin	1999	Authorized
Esh Kodesh	2000	Authorization Process
Givat Haroe	2002	Authorization Process
HaBayt HaAdom/ Yishuv Ha'adat Farm	2002	Authorization Process
Hayovel	1998	Authorization Process
Kida	2003	Authorization Process

¹⁴ See Yesh Din report [Under the Radar](http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/) (2015), p. 72, <http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/>

¹⁵ See Yesh Din report [Under the Radar](http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/) (2015), p. 72, <http://www.yesh-din.org/en/under-the-radar-israels-silent-policy-of-transforming-illegal-outposts-into-official-settlements-2/>

Nofei Nehemia	2003	Authorized
Rechelim	1991	Authorized
Shvut Rachel	1991	Authorized

Source: Peace Now and Yesh Din, July 2016

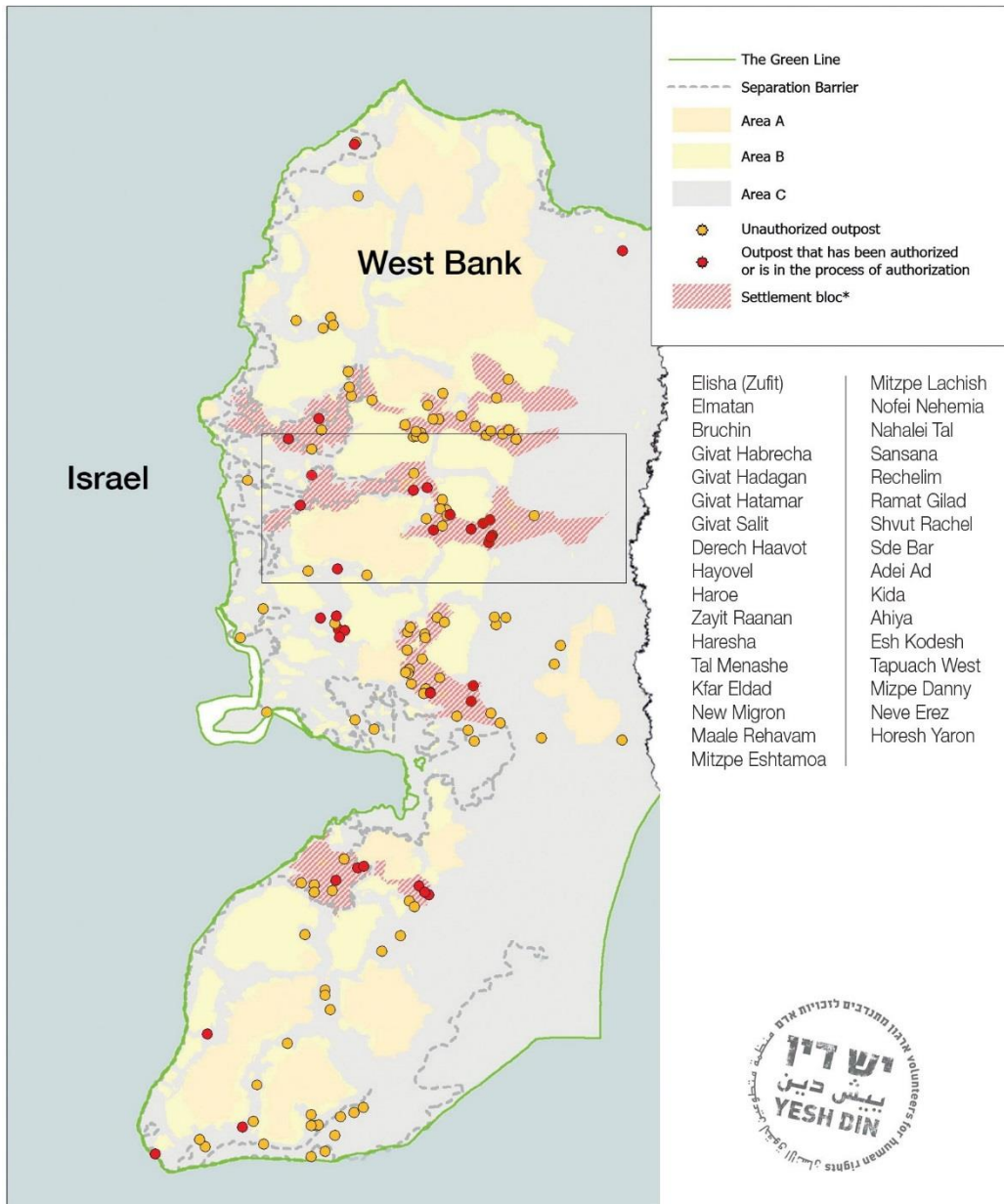
Approving outposts and establishing new settlements violates international law as well as Israel's repeated obligations over the years to halt construction in the occupied Palestinian territory and remove unauthorized outposts, notably following the Road Map to End the Israeli- Palestinian Conflict, presented in April 2003.

Emerging settlement bloc: fragmenting the West Bank

One of the goals pursued by the establishment of outposts, and the specific locations chosen for them, is creating contiguous Israeli settlement blocs by connecting isolated communities to larger, existing settlement blocs. The settlements and outposts in Area C form geographically contiguous lines stretching from the Green Line in the west to the Jordan Valley in the east. Along with the process of expanding eastward, another process began of building additional outposts in the area in the 1990s . In 1992 the settlement of Rechelim was built on the land of the village of al-Sawiya, at a point located between the settlements of Eli and Kfar Tapuach. In 1998 the outposts of Nof Harim and Hayovel were built between the settlements of Eli and Shilo. The outpost of Givat Harel was erected in 1998 northwest of Shilo, on the western side of the bypass road in an area that until that time contained only the settlement of Maale Levona, and in 1999 the outpost of Palgei Mayim was established north of Eli. The purpose of this chain of outposts is to create a large bloc of land under Israel's control, which is likely to be connected in the future to Shvut Rachel and its nearby outposts.¹⁶

Once the process of retroactive authorization in the Shilo-Ariel bloc is completed, a line of linked settlements will stretch from the Green line through Barkan, Ariel, Rechelim, Eli, Shilo, cutting through the northern part of the West Bank. This will result in the fragmentation of the West Bank and severely infringes on the Palestinians' right to self-determination. The consolidation of the bloc would preclude any possibility of territorial contiguity, necessary for a viable Palestinian state.

¹⁶ Yesh Din report 'The Road to Dispossession' (April 2013), page 39 (<http://www.yesh-din.org/en/the-road-to-dispossession-a-case-study-the-outpost-of-adei-ad-2/>)



*Indication of the settlement blocs is for illustration only

Authorization of outposts and emerging settlement blocs in the West Bank. Map: Yesh Din, September 2016.