Plundered Pastures
Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians’ human rights
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Position paper, December 2021
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Cover: Israeli settler from the shepherding outpost Negohot with a flock of sheep by the Jadallah-Mohammad family home, May 2020 (Photo: Suniyeh Taha Jadallah Mohammad)

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Introduction

Israel has aspired to take over land in the West Bank since it conquered this territory over 54 years ago. Israel’s colonialist expansion in the occupied Palestinian territories (oPt) has thus far has relied largely on settlements and unauthorized outposts. During the past several years Israel has been promoting settlement by establishing shepherding outposts consisting of goat and sheep farms.

Between 2017-2021 Israelis built over 50 new single-family settlements in the West Bank, at least 35 of which are shepherding outposts. This report focuses on settler shepherding outposts, whose explicit aim is to seize control of hundreds of thousands of dunams of land in the oPt.

These new shepherding outposts are being established by settlers on land that Israel declared “state land”. Most of these outposts are settled by one young family, consisting of just a few individuals and volunteers. By building structures, grazing flocks in vast areas, taking over water resources and oftentimes perpetrating violence against the Palestinian residents, the settlers are able to take control of large swaths of land.

With the State of Israel’s support and in only a few years, several dozen Israeli settlers have managed to take over one hundred thousand dunams of land in the West Bank. The racist and traditional Israeli strategy seeking “maximum land – minimum Arabs” remains essentially unchanged but has since been upgraded to “maximum land” by way of “minimum settlers”.

Israeli shepherding outposts in the oPt are not identical and cannot be characterized uniformly. They are established throughout most of the West Bank, oftentimes in close proximity to Palestinian herding communities. At least some settlers built their outposts illicitly without obtaining the necessary permits from the military commander, some invade privately-owned Palestinian land with their flocks, and some employ violent tactics against Palestinians and their property in order to expand and increase control over grazing areas.

However they were established, all Israeli shepherding outposts in the oPt were built without an official Israeli resolution and in breach of the government’s declared policy. As all Israeli settlements and outposts in the West Bank, they violate international law.

1 This report will use the term shepherding outposts, also known as farms. In addition to shepherding outposts, several touristic, agricultural and so-called educational farms have also been built.

And yet, Israel supports the settler shepherding farms by providing them exclusive allocations of pastureland, financial grants and assistance with infrastructure. This support is administered directly by government offices, the Jewish National Fund (UNF or KKL) and the Israeli regional councils in the oPt, as well as by various bodies who receive public funds (among other sources): the Settlement Division of the World Zionist Organization (WZO), Yesha Council, Amana, and others.

In addition, and as is the case throughout the West Bank, Israeli law enforcement agencies make no effective effort to end the continuous violation of the law by settlers in shepherding outposts. Nor do Israeli soldiers prevent Israelis’ violence against Palestinians, and at times they even aid such violence. The Civil Administration ignores illegal settler construction, and the police and State Attorney’s office do not prosecute Israelis who break the law and harm Palestinians and their property. Lack of law enforcement on the part of Israeli authorities precludes any possibility of deterring offenders and lends support for further offenses by Israeli settlers.

This report presents the Israeli perspective that West Bank land where settlers herd their flocks is the property of Jews and confronts this perspective with the legal framework that applies to the oPt. The report describes the settlers’ modus operandi in shepherding outposts: establishing, expanding, invading and perpetrating violence as means for driving Palestinian shepherds and farmers off of their land. It also analyzes how and why these practices are illegal and gravely infringe upon Palestinians’ human rights. The report also incorporates the testimonies of Palestinians who were and continue to be immediately harmed by Israeli settler shepherding outposts in the West Bank.

The last part of this report reveals that 40 years ago, the government of Israel used allocation of grazing lands as a preliminary step to building settlements in the oPt. We compare archival documents published here for the first time with updated maps, exposing Israel’s plans from the early 1980s and their concrete results. Analyzing these data can help envision the implications of Israel’s current policy on shepherding outposts.

This report does not directly compare Palestinian herding communities in the West Bank to Israeli settler shepherding outposts or the way they are treated by Israeli authorities. However, Israel’s formal support for settler shepherding farms, as this report will illustrate, starkly contrasts with its practices against Palestinian herding communities, including home demolitions, expulsion from residential and grazing areas, restrictions on freedom of movement and more.³ Israel’s apartheid regime in the West Bank routinely infringes upon Palestinians’ human rights in the oPt.⁴ Settler shepherding outposts depend on

³ See for example: Bimkom, Access to Natural Resources – a necessity for the existence of the herding communities in Area C (June 2017); B’Tselem, Facing expulsion (updated November 2021).
⁴ For further reading see: Yesh Din, The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion (June 2020).
this despicable regime and dispossess Palestinian herding communities that have lived in these areas for many decades.

The testimonies and data in this report describe the severe and routine harm that the settlers’ activities in shepherding outposts cause Palestinians in the West Bank - harm to their person, land and property. Analysis of the report's findings exposes how establishing settler shepherding outposts is designed to create substantial and long-term change to the map of Israeli settlement in the oPt, which will lead to diminished living areas for Palestinians in the West Bank and result in severe and extensive infringement on their human rights.
“State land” ≠ Land of the Jews

Land is one of the most crucial resources in the West Bank. One of the ways Israel takes over land in the oPt is by declaring it “state land”, or the more accurate legal term “public land”. Yet “state land” in the West Bank is not land that belongs to the State of Israel and Israel cannot do as it likes with it, and it most certainly does not belong exclusively to Israeli settlers in the oPt.

As a rule, “state land” is land that is not owned privately and is subject to the sovereign’s administration. Under the regime of military occupation in the West Bank, the Israeli military commander temporarily stands in for the sovereign; the military commander’s powers in the West Bank are derived from international law. According to the Hague Convention:

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

The duty of the occupying power as trustee prohibits it from exploiting the territories under its control for its own interests barring limited security needs. Therefore, Israel is not authorized to use “state land” as its own; this land is to be used for the benefit of the local population in the West Bank such as for building towns, developing infrastructure, roads, public buildings and parks.

It is important to note that this report addresses land in Area C as defined by the Israeli-Palestinian Interim Agreement. Area C constitutes approximately 60% of West Bank land and is subject to Israeli security and civilian control, yet this land is under military occupation and therefore not subject to Israeli sovereignty.

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5 The term “public land” is more accurate from a legal perspective but misleading from a substantive perspective. This is because, as will be detailed, Israel allocates this land for the almost exclusive benefit of the Israeli settlement enterprise. For this report we chose the better known and commonly used term “state land”. However, because the West Bank is occupied territory, land there does not belong to the State of Israel and therefore the term will appear in quotation marks.

6 It is noteworthy that all Israeli settlements and outposts in the West Bank were built in breach of international law (Article 49 of the Fourth Geneva Convention [1949]).

7 Since Israel occupied the West Bank in 1967, the legal framework that applies to the occupied territory is belligerent occupation, also recognized in the position of Israeli authorities and Supreme Court jurisprudence.

8 Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague 1907), Annex to the Convention: Regulations respecting the Laws and Customs of War on Land, Regulations: Art. 55.
Declaration of “state land”

The Order Concerning Government Property (Judea and Samaria) (No. 59), 1967 defines land in the West Bank that is considered government property as well as the military commander’s duties and rights concerning this land. The Order also determines that a custodian staff officer of the Civil Administration is the Supervisor of Governmental and Abandoned Property in the West Bank and responsible for its administration.

The Civil Administration began using a method of declaring “state land” for the purpose of taking possession of land it considers government property. After such a declaration, land may then be allocated or authorized for residential purposes, industry, agriculture, grazing, infrastructure, open spaces and more.9

In the early 1980s, following the ruling handed down in the Elon Moreh petition which forbade Israel from building settlements on land seized by military orders,10 the military government began declaring hundreds of thousands of dunams of land in the West Bank “state land”.

Israel refuses to reveal how much “state land” there is in the West Bank. During High Court petition hearings in this matter, the State claimed that the Civil Administration did not have accurate data for the scope of “state land” in the oPt.11 According to estimates based on GIS layers published by the Civil Administration, there are over two million dunams declared “state land” in the West Bank, constituting approximately one third of the West Bank’s total area.12

In violation of international law, Israel uses land declared “state land” almost exclusively for the benefit of the Israeli settlement enterprise in the oPt and excludes Palestinian individuals and communities from it. Of all “state land” in

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9 For further information about the mechanism of declaring “state land” see: Yesh Din, Ill-Gotten Gains: Theft of Palestinian land – declaring “state land” where settlement of title was halted when Israel occupied the West Bank (February 2021) (henceforth: Yesh Din, Ill-Gotten Gains); The Supervisor of Governmental and Abandoned Property in the West Bank, Procedure for Publicizing Authorization/Allocations Outside the limits of Israeli Settlements (Hebrew).
12 Excluding East Jerusalem. Broadly speaking, “state land” can be divided into three main types: 1. “State land” registered in the land registry (tabu), mostly prior to 1967 - according to estimates this includes over 500,000 dunams of land. 2. Land Israel declared “state land”, mainly between the early 1980s and the mid-1990s – over one million dunams. 3. Survey land – Israel is examining the legal status of such land in a bid to register it as “state land” – over 600,000 dunams.
the West Bank the Civil Administration ever allocated for any type of use since 1967, Palestinians were allocated a mere 0.24%.  

Grazing land

There are approximately 180 Palestinian herding communities in the West Bank, home to some 35,000 Palestinians. Some have lived in the area for hundreds of years, and others for decades - forced to relocate after Israel expelled them from land that was included in the State of Israel in 1948. Palestinian herding communities maintain a unique social and traditional way of life and rely on access to natural pasture and water resources for their livelihood.

Generally speaking, pasture or grazing land is land not used for agricultural crops. Sheep, goats and cattle graze or browse on wild vegetation without causing irreversible harm and encourage natural regeneration. For many of the Palestinian herder communities, grazing their flocks in pasture is crucial because their meager income depends on their livestock, and purchasing feed is very expensive.

Legally, unless defined otherwise, fair use grazing is permitted on West Bank land. Grazing on privately owned land is permitted only with the owners’ explicit consent. Grazing is permitted on “state land” insofar as it was not allocated for the exclusive use of another party. In addition, there are restrictions on herding livestock in areas classified as nature preserves or on land seized or declared a firing zone by the military.

The Supervisor of Governmental and Abandoned Property in the Civil Administration, who is also the representative of the Israel Land Authority in the oPt, is authorized to allocate land for pasture in the West Bank. However, in response to a query from Haaretz newspaper, the Civil Administration claimed that “the Ministry of Agriculture is responsible for granting permission for grazing land in the West Bank.”

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13 Peace Now, State Land Allocation in the West Bank — For Israelis Only, July 18, 2018; Isabel Kershner, “In West Bank, 99.7% of Public Land Grants by Israel Go to Settlers”, The New York Times (available online), July 17, 2018. See also, Yesh Din, Through the Lens of Israel’s Interests — the Civil Administration in the West Bank (December 2017), pp. 16-18.
14 Bimkom – Planners for Planning Rights, Mobile Pastoralist Database (Updated November 2021).
15 This refers to registered private land (land registered in the land registry) or unregistered privately owned land (land possessed and cultivated successively).
16 In the State of Israel, the Israel Land Authority is authorized to approve use of agricultural land that is “state land” for a short period as pasture (Israel Land Authority, Request for permission to use agricultural land for a short period for pasture and seasonal cultivation - Hebrew).

www.yesh-din.org
In recent years, the Settlement Division of the WZO (whose operations are financed chiefly by the state budget) has been issuing grazing permits for land it was granted through long-term contracts by the Supervisor of Governmental and Abandoned Property.

In early August 2021, Yesh Din addressed the Civil Administration and the Settlement Division of the WZO, in accordance with the Freedom of Information Act, to request information concerning allocation of land for establishing shepherding outposts in the West Bank and information concerning use of grazing land between 2017-2021.

In its response to Yesh Din’s request, the Settlement Division of the WZO explained that it “does not allocate land for building agricultural farms” and that “the Settlement Division did not have information concerning the agricultural farms”. The Settlement Division did not provide any information concerning the amount of grazing land allocated to Israeli settlers but it did note:

“Grazing permission” is contingent on the approval of the grazing committee, whose members include a representative of the Ministry of Agriculture and Rural Development’s grazing authority, a representative of the relevant [regional] council, a representative of the Settlement Division and the director of the relevant region at the Settlement Division. Once authorized, short-term leases for grazing (one-year) are signed.18

The Civil Administration, which as previously stated, is responsible for allocating grazing land in the West Bank, did not respond to the request for information by the end of 2021, many months past the time mandated by law.

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In July 2021, Peace Now received a response from the Ministry of Agriculture regarding funding of Israeli non-profit organizations operating in the West Bank. The Ministry’s response revealed that apparently just two new shepherding outposts (and four older shepherding outposts) received formal permission from the Civil Administration to hold land. These are Avraham shepherding outpost (or Avraham farm) by the settlement Teneh Omarim, which received an allocation of 2,000 dunams, and Nerya farm (shepherding outpost) by the settlement Rimonim which received an allocation of 546 dunams.19 (For examples of violent incidents perpetrated by these shepherding outposts against Palestinian farmers and herders please see pages 31, 39 ,43 of this report.)

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18 From Head of the Settlement Division Chair’s office and Supervisor for the Freedom of Information Act to Yesh Din, “Request for information”, September 14, 2021.


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The Ministry of Agriculture’s response noted that the Civil Administration also allocated 8,719 dunams to these six shepherding outposts after the non-profit organizations demanded funding based on an area of 52,000 dunams. This means that the settler shepherding outposts claimed they controlled an area six times larger than that the Civil Administration officially approved.

Illegal construction

The Ministry of Agriculture’s response to Peace Now raises two key questions. First, were the other dozens of settler shepherding outposts in the West Bank established without the military commander’s knowledge and approval? And second, did the Civil Administration issue permits for grazing land only or did it also issue permits for building farms and residential buildings?

Without the information requested from the Civil Administration, the first question cannot be answered for the time being. Yet the answer to the second question can be gleaned by cross-referencing the Settlement Division’s response with information about demolition orders issued by the Civil Administration.

As stated, the Settlement Division of the WZO clarified it “does not allocate land for building agricultural farms”. In addition, Yesh Din obtained a “lease permitting grazing” signed by the settler who established Avraham shepherding outpost and the Settlement Division. The lease was signed in January 2018 and has since been renewed; it authorizes the farm owner to “use the land for the authorized period for grazing only.” In the lease, the outpost founder pledges “not to make any change to the land or any part of it, not to demolish or construct any structure on it, whether temporary or permanent” without explicit permission in writing.

Ibid.

From Head of the Settlement Division Chair’s office and Supervisor for the Freedom of Information Act to Yesh Din, “Request for information”, September 14, 2021.

The document was submitted to the Jerusalem Magistrate Court as part of CrimC 66319-12-19, State of Israel v. Galdor and was provided to the Palestinian victim of the offense, represented by Yesh Din, pursuant to the victim’s rights to documents during a criminal case (Yesh Din case 4086/18).
The one-year lease permitting grazing signed by the settler who established Avraham shepherding outpost and the Settlement Division

But in practice this shepherding outpost is only expanding. The Civil Administration issued demolition orders for seven of this outposts’ illegal structures but did not enforce them. As of 2021, there are over 20 structures in Avraham shepherding outpost.
A similar example is the shepherding outpost built near the illegal outpost Pnei Kedem. According to an article published in July 2020 about the farm, “By law, the land the farm is on was allocated for agricultural purposes only and not for residential purposes so there is no possibility of building a house on site. The solution on most farms is building a house on a truck or a tent.” A satellite image taken one year later shows over ten structures in Pnei Kedem shepherding outpost, some of which are used as residential compounds. In this case too, the Civil administration issued demolition orders for some of the structures but did not enforce these orders.

According to the Civil administration's data from 2020, prior to 2020 the enforcement unit issued 107 demolition orders for illegal structures in 19 of the 35 shepherding outposts addressed in this report. Since most shepherding outposts for which demolition orders were not issued were established during 2020 or after 2020, it would appear that at the time the Civil Administration’s data were published, the Civil Administration had yet to address the remaining 16 shepherding outposts. Considering that the existing shepherding outposts expanded considerably, it is reasonable to estimate that there are now dozens or even hundreds of new illegal structures in shepherding outposts in the West Bank.

In October 2019, Deputy Attorney General Erez Kaminitz addressed the Prime Minister’s office regarding “The political ranks’ instructions to refrain from inspection and enforcement procedures”. He noted that “at the instruction of the Prime Minister and Minister of Defense”, the Civil Administration had been directed “to refrain from inspection and enforcement procedures” regarding illegal Israeli construction in the West Bank, including in Sde Efraim and Negohot shepherding outposts discussed in this report. According to Kaminitz, “this refers to several very severe cases, suggesting a very problematic and growing trend which undermines the rule of law.” In his letter, the Deputy Attorney General stressed that “Generally, the political ranks are not authorized to intervene in decisions concerning law enforcement. […] This is to ensure law enforcement is not influenced by extraneous interests.” As stated previously, despite the Deputy Attorney General’s strongly-worded letter, in 2020-2021 the Civil Administration did not enforce the vast majority of the demolition orders it issued.

As the Civil Administration’s demolition orders demonstrate, occupying “state land” or receiving an allocation of land for grazing from the Settlement Division do not render the shepherding outposts and construction in them legal. Even if undertaken lawfully and authorized by the military commander, the lease permitting grazing does not allow building a farm for residential purposes and only allocates land for pasture. A temporary or permanent structure built in the West Bank requires a construction permit by law, and to the best of Yesh Din’s knowledge, no such permits were issued for the hundreds of structures built in the new shepherding outposts.

24 Letter from Erez Kaminitz, Deputy Attorney General to the Acting Director of the Office of the Prime Minister, “The political ranks’ instructions to refrain from inspection and enforcement procedures”, October 10, 2019.
25 Ma’ale Ahuviya farm or shepherding outpost is the exception. It was built in December 2020 in the presence of MK Bezalel Smotrich. On April 6, 2021, Israeli authorities evacuated the outpost. Several days later, Israeli settlers rebuilt the shepherding outpost nearby. On February 8, 2022, authorities again evacuated the illegal shepherding outpost and several days later Israeli settlers returned and rebuilt it. To read about violent incidents perpetrated against Palestinians near this outpost please see page 41.
In summary, the shepherding outposts built by Israeli settlers in the West Bank are illegal. They were established with Israel’s support but without an official government resolution and in violation of international law. In addition, these outposts were expanded through illegal construction and they are a hotspot for routine and persistent violence against Palestinians.

“The settler is allowed on ‘state lands’ but I, Taha, am not”

There are 24 people in the extended Jadallah-Mohammad family; their houses are located on a plot the family has owned privately for many decades. The family raises sheep and goats and cultivates olive trees and fruit orchards.

Israeli presence in the area began in 1982 as a Nahal army outpost which became an army base, then a civilian outpost, and finally became the settlement Negohot in 1999. In 2002, the outpost Mitzpe Lachish was built on a nearby hilltop approximately one kilometer west of the settlement Negohot. The Civil Administration issued demolition orders for the outpost houses but never carried them out.26 A new neighborhood - HaKerem - was built in 2008 on a third hilltop between the settlement and the outpost, and several additional houses were built there illegally. In 2009-2012 the Civil Administration demolished the illegal construction in HaKerem neighborhood.27

Israel made several declarations of “state land” in the vicinity of the settlement Negohot. The first declaration was in 1981 and included only the land where the Negohot settlement houses are now located. By 2013, Israel declared approximately 800 dunams “state land”, including the outpost Mitzpe Lachish and the hilltop where HaKarem neighborhood was built and later evacuated. The Jadallah-Mohammad family’s land was excluded from the declaration and the family’s homes remain inside an enclave of privately-owned land engulfed by “state land”. In November 2013, the settlement Negohot’s area of jurisdiction was expanded to include the outpost Mitzpe Lachish as well as the entire area declared “state land”.

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26 See also: Chaim Levinson, “A Dozen IDF Soldiers Guard Empty West Bank Outpost While Settlers Take Break for the Holiday”, Haaretz online, April 2, 2013.

Declarations of “state land”

Illegal construction (the Civil Administration’s data)

Enclaves of land not declared “state land” where the Jadallah-Mohammad family’s houses are located

In early 2018 settlers established **Negohot shepherding outpost** on the very same hilltop the HaKerem neighborhood was previously evacuated from. Settlers parked a mobile home, built shelters and brought up a flock. The Civil Administration issued demolition orders for at least four of the illegal structures but never executed them.

In a promotional video about HaShomer HaChadash, the outpost’s founder claimed that “through agriculture we can protect state land”. As stated, “state land” in the oPt does not belong exclusively to Jews, and the area where settlers from Negohot shepherding outpost herd their flock is much larger and exceeds the area declared “state land”. At times, settlers invade the Jadallah-Mohammad’s privately-owned land, which is cultivated, and harm the family’s crops.

**These declarations of “state land” and establishment of the Negohot shepherding outpost clearly demonstrate Israel’s intention: using this farm to form a continuous bloc of Israeli settlements that traverses over 1,000 dunams while expelling Palestinians from their land or imprisoning them in enclaves.**

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Taha Jadallah Mohammad was born in 1958 and has lived in the same house for his entire life. He told Yesh Din:

The settler has a flock of 300. He appears in his car, an ATV or on horseback. He’s always armed. Hilltop youth work for him and guard the areas he has invaded gradually over time. There’s no doubt he’s the main actor there, he gives the orders and makes the decisions. The settler is allowed on ‘state lands’ but I, Taha, am not. The settler sends his flock to graze in our family’s cultivated fields. His intention is clear: he wants to expand the area around his farm.29

Taha’s daughter, Suniyeh, adds:

The settler who owns the farm, he’s a provocateur, he uses foul language, and he’s always armed with a gun. He has an ATV, young shepherds who assist him and also young women who take the flock out. The police and DCO collaborate with him. If we call the police to complain that he herded his flock on our land, the settler calls them and says nothing happened and the police officers don’t even come. If we let him graze on our land, tomorrow he’ll come all the way to our house.30

Settlers from Negohot shepherding outpost with their flock near the Jadallah-Mohammad home, May 2020 (Photo: Suniyeh Taha Jadallah Mohammad)

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29 Yesh Din case 4684/20. The testimonies in the report appear in the words they were related to Yesh Din’s field researchers and volunteers close to the time of the incidents. As these are oral testimonies, some parts may have been edited when they were irrelevant to the incident in question. Some witnesses chose not to use their name, fearing that settlers or Israeli authorities might harm them further.

30 Conversation with Suniyeh Taha Jadallah Mohammad, April 2021.
In early February 2017, after a long legal struggle Israel evacuated the illegal outpost Amona which was built on private Palestinian land. 31 Several days later, the Israeli parliament legislated a law for expropriating private Palestinian land in the West Bank known as the hasdara or regulation law. The law was designed to retroactively authorize illegal Jewish construction on private Palestinian land. In June 2020, the Israeli Supreme Court sitting as the High Court of Justice repealed the law and held that it harms Palestinians’ rights to property and equality in the oPt, among other reasons. 32 These legal developments helped curtail - albeit temporarily - building and expanding Israeli settlements and outposts on private Palestinian land but prompted Israel and the settlers to augment their efforts by other means.

Since 2017 and with the assistance of the State of Israel, settlers established 50 new single-family outposts in the West Bank, of which at least 35 are shepherding outposts. 33

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32 Regulation of Settlement in Judea and Samaria Law 5777-2017. For more information see: Yesh Din, Petition to annul the bill to expropriate private Palestinian land (the Regularization Bill) (March 2017).

33 The shepherding outposts marked on this map (it is possible that additional shepherding outposts were built in these years): Shirat Ha’asabim, Um Zuka, Eretz Shemesh, Goshen Chemdat, Emek Tirtza (Hamra), Mizrahit LeBeit Dajan (East of Beit Dajan), El Nave, Yetedot, Uri Eretz Ahavati, Nof Avi, Magnezi, Tzvi Bar Yosef, Eretz HaTzvi, Sde Efraim, Nachal Shilo, Shomrei HaEmek, Kida 1, Kida 2, Malachei Hashalom, Mizrahit LeMalachei Hashalom (East of Malachei Hashalom), Micha, Ahuvlya, Nerya 1, Nerya 2, Qedar, Neve Uri, Metzad-Asfar, Pnei Kedem 1, Pnei Kedem 2, Negohot, Pnei Hever, Ischar Mann, Avraham, Yehuda, Asa’el.
Establishment

“That isn’t something an individual can do on his own, electricity, water and roads” (Qedar shepherding outpost)34

Most shepherding outposts were built on land that the military commander declared “state land”. As noted, by the end of 2021 the Civil Administration did not respond to Yesh Din’s legal correspondence pursuant to the Freedom of Information Act for a breakdown of the Supervisor’s allocation of land for shepherding outposts and as grazing land. Because the Civil Administration refuses to publish this data, it is impossible to ascertain whether an individual shepherding outpost was built on allocated land and received permits for building residential structures, and whether settlers’ flocks graze on land approved exclusively for pasture. However, based on the Ministry of Agriculture’s response described earlier and the demolition orders issued by the Civil Administration for structures in most of the shepherding outposts, these outposts were likely built without legal or official permits from the authorities in the oPt.

The settlers choose to build these shepherding outposts on “state land” based on experience: it is highly improbable that Israeli law enforcement authorities will enforce measures against the settlers on “state land”. Indeed, most of the Civil Administration’s demolition orders were never carried out.

With or without allocation and authorization, settler shepherding outposts are established with the State's direct or indirect support, including financial grants, water, electricity and other infrastructure, paving roads. All shepherding outposts receive support from Israeli soldiers regardless of whether they are authorized or not.

Amana – The main driving force behind these outposts are Gush Emunim’s settlement arm and its executive director, Ze’ev Hever (Zambish). Amana receives millions of shekels annually in public funding transferred to the organization by local Israeli settlement authorities in the West Bank.35 In February 2021, Amana’s executive director declared that Amana was behind the establishment of 30 shepherding outposts in the oPt and that “this year – God willing – 10 such farms will be built and I hope it will have a long-lasting effect.” “One farm”, Hever noted, “Can and does conserve thousands of dunams of land, therefore this is central [to Amana’s work].”36

34 Ulpanat Tzvia, Ma'ale Adumim, “No man's land”, YouTube (October 2020).
36 Amana seminar, February 21, 2021. See also: Hagar Shezaf, “Amana Chief: This year we’ll build ten more farms in the West Bank, they are more effective than settlements”, Haaretz (Hebrew), February 22, 2021.
In a video about the **Qedar shepherding outpost**, the settler who built the farm with his family said:

> There’s the settlement movement Amana and it supports us, it gave us a loan, supports us with infrastructure, that isn’t something an individual can do on his own - electricity, water and roads.\(^{37}\)

According to the Qedar shepherding outpost’s Facebook page, the outpost’s funders include Gush Etzion Regional Council and Gush Etzion Tourism and the outpost hosts events, weddings and performances, and recently opened a bed and breakfast for couples.\(^{38}\) On December 1, 2020, **then Minister of Settlement Tzachi Hanegbi** visited Qedar shepherding outpost with representatives of HaShomer Yosh (HaShomer Judea and Samaria).\(^{39}\) According to the Civil Administration’s data, at least three of the buildings in the outpost were built illegally and are subject to demolition orders.

**HaShomer Yosh** – An additional organization that provides routine support for settler farms is HaShomer Yosh. According to its website, the organization was established in 2013 with “the goal of increasing personal and economic security and restoring national pride and faith to farmers and shepherds.”\(^{40}\) The organization has approximately 500 regular volunteers and thousands of temporary volunteers and provides assistance to 35 farm outposts in the West Bank (and 10 inside Israel) that together control “over 200,000 dunams of state land.”\(^{41}\) Its activists support shepherding outposts “every day of the year, guarding at night and during the day, and by providing equipment.”\(^{42}\) In certain cases they use drones (it is noteworthy that in December 2017 the military commander signed an order prohibiting possession of or flying drones in the West Bank without explicit permission from the army).\(^{43}\)

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37 Ulpanat Tzvia, Ma’ale Adumim, “No man’s land”, [YouTube](https://www.youtube.com) (October 2020).

38 [Qedar sheep and goat farm – Mitzpe Yehuda](https://www.facebook.com) Facebook page.


40 [HaShomer Yosh - Guardians of Judea and Samaria](https://www.hayeshurim.org) website.

41 Malka Tweeto, “The farmers who are preventing the next murder with their bodies”, *Giluy Da’at* (Hebrew), 521, January 8, 2021.

42 [HaShomer Yosh](https://www.hayeshurim.org) Facebook Page, December 1, 2020.

According to Guidestar, the Ministry of Justice’s guide to non-profits website, in 2019 the State of Israel paid over one million shekels to HaShomer Yosh - 65 percent of the organization’s budget. In 2020 this sum was nearly doubled and the State paid the organization 1,935,688 shekels in public funds.44

According to data obtained from the Ministry of Agriculture by Peace Now, in 2019-2020 this ministry alone transferred approximately three million shekels to HaShomer Yosh for “activities in farming/pasture areas” in the West Bank. This includes, inter alia, funding for purchasing equipment, paying for farm labor, fencing and guarding, as well as renovating structures for housing volunteers.45

The Ministry of Agriculture is well aware that HaShomer Yosh also operates in illegal shepherding outposts but it has no intention of halting support for the organization because it claims it budgets support only for farms which have the approval of the Civil Administration.46

In addition to the Ministry of Agriculture, in August 2020 the director general of the Ministry of Settlement Avi Na’im met with members of HaShomer Yosh and said his office “would assist any Zionist body whose raison d’etre is protecting eretz Israel [biblical Israel] land, including assistance to farmers and farm owners throughout Judea and Samaria.”47 In December 2020, Minister Tzachi Hanegbi informed the head of the

44 Ministry of Justice. Guidestar – the website for Israeli non-profits.
46 Ibid.
organization that “The Ministry of Settlement affairs will join and help them succeed in the challenging national mission they’ve taken upon themselves!”

HaShomer Yosh is also the focus of a joint initiative with Ariel University and the Herzog College, both located in the oPt but funded, inter alia, by Israeli taxpayers. Students at these institutions who participate in “guarding agricultural farms” receive academic credits or an exemption from elective courses.

Ariel University, Hashomer Yosh, Students Union Ariel: Guarding agriculture is a right!

Jewish National Fund (JNF or KKL) – In February 2022 the JNF board of directors approved the organization’s budget for 2022. According to a media report, the JNF will invest approximately 12 million shekels in “developing rehabilitative youth villages, renovating buildings on farms, and developing agricultural farms” in the West Bank.

Other organizations that support the settlers’ sheep and goat farms, including by fundraising and recruiting volunteers, include HaShomer HaChadash, Im Tirtzu, Israel Independence Fund and One Israel Fund.

In at least one of the violent incidents, Palestinian farmers from Ni’lin noted that Israelis wearing shirts bearing the logo of the organization Artzenu (our country) – Zionism.

48 Tzachi Hanegbi Facebook page, December 1, 2020.
49 HaShomer Yosh Facebook page, March 11, 2021 and March 18, 2021.
50 “Years later: the JNF resumes full operations in Judea and Samaria”, Israel National News (Hebrew), February 13, 2022. This information was brought to Yesh Din’s attention after work on this report was concluded and is presented as quoted by the media.
51 See these organizations’ Facebook pages.
Agriculture. Settlement took part in assaulting them on their land, close to where Magnezi shepherding outpost was built.

Y. H, 45, married and the father of children, Ni'lin

In the morning we went out to work and took our tools for cultivating and preparing the soil - we were about ten people. We managed to work for about two hours before a settler showed up with six other men and told us, “This is my land and you aren’t allowed to be here.” I told him that I wasn’t going to leave because it was my family’s land. The argument turned violent and the settler pulled out a gun, with his other hand he pointed at us and immediately the men with him and who were armed with clubs beat us and threw rocks at us. The settler stood farther off and fired shots in the air.

[A police complaint was filed and is under investigation]

In March 2020, the settler who built Eretz HaTzvi shepherding outpost by the settlement Nahliel told the Binyamin Regional Council’s magazine:

There is support from HaShomer Yosh, the council and other bodies […] They understand that this is protecting the settlement movement’s land reserves. The beauty of it is that a flock of sheep grazing can protect hundreds and sometimes thousands of dunams.

52 Yesh Din case 4920/21.
His wife, who works as an Israeli Tax Authority department manager was also quoted in the article: “I told Tzvi I wouldn’t go to this land without having a contract for it. As a civil servant and someone familiar with the workings of such matters, I wasn’t willing to drop everything only to be told to leave a week later.” Despite this, in 2019-2020 the Civil Administration issued at least six demolition orders for illegal structures in the shepherding outpost Eretz HaTzvi.

**Emek Tirtza shepherding outpost (Hamra)**

In 2020, settlers built the **Emek Tirtza shepherding outpost** on “state land” north of the settlement Hamra in the Jordan Valley. Approximately ten structures were built on a 20-dunam area within several months, including three dunams of land that were leveled and coated. Using heavy machinery, a two-kilometer road was paved leading to the outpost from the settlement.

The settlers of Emek Tirtza farm routinely try to drive away Palestinian herding communities who have grazed their flocks on this pasture for many decades. The settlers occasionally use drones to scare the flocks as part of their attempts to drive Palestinian residents from pastures.

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54 Ibid.

55 See for example: [Jordan Valley Coalition Facebook page, July 28, 2021](https://www.yesh-din.org).
Emek Tirtza shepherding outpost, September 2021

It is clear from the shepherding outpost’s establishment and rapid expansion that its founders receive direct or indirect state support. The army’s involvement, some of which is documented by human rights activists in photographs and videos, dispels any remaining doubts. This includes soldiers helping settlers expel Palestinian shepherds from pastures near the farm, at times with the use of military vehicles.\[^{56}\]

An army vehicle chases a Palestinian flock off grazing land, July 2021 (Photo: the Jordan Valley Coalition)

\[^{56}\] Ibid. 

[www.yesh-din.org](http://www.yesh-din.org)
The settlers herd their flocks beyond the areas declared “state land” and with the army’s assistance they try to expel Palestinian herding communities. According to the outpost’s founder:

Our flock is our most important tool for seizing land and guarding it, there is a lot of abandoned state land and we are thirsty for it and yearn to protect it and not hand it over to foreigners.\(^{57}\)

The “foreigners” the settler refers to are Palestinian herding communities who have been living in the area for decades and who eke out a living by grazing their flocks in pastures.

M.A, 29, married and the father of three, Khirbet Beit Hasan

I was born here and I’m a shepherd. I have a flock of 300 sheep and 70 goats. I take my flock to pasture every day, usually north and west of the settlement Hamra. Up until a year ago there was no trouble, not even with the settlers, and I could take the flock up to the borders of their cultivated fields. About a year ago, a settler built a farm with a flock of sheep north of the settlement Hamra and since then there’s been trouble.

When he meets us with the sheep, he calls the army and when they arrive, they tell me to take the herd out of the firing zone. Two months ago, police officers and soldiers came to my home at midnight and warned me not to herd my flock in the firing zone.\(^{58}\)

Expansion

“Wherever we walk while our sheep graze, that land is ours.” (Avrahaem shepherding outpost)\(^{59}\)

As stated, under international law – which grants the Israeli military commander its authority – “state land” does not belong to the occupying country and is supposed to benefit the needs of the local population. In spite of this, Israeli settlers who operate with Israel’s support treat all “state land” in the West bank as theirs. They view the indigenous Palestinians as invaders and themselves as guardians of Jewish land.

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57 Im Tirtzu Facebook page, July 25, 2021
In early 2019, settlers built **Yehuda shepherding outpost** by the illegal outpost Mitzpe Eshtamoa. From their perspective, “state land” belongs exclusively to Jews and the Palestinians are trespassers. The army acquiesces with this position and assists the farm owners in taking over more and more land. In a short film about Yehuda shepherding outpost, the owner said:

We came here to build the [livestock] pen, take our flock to graze all the land we see in front of us, south and north too. All the land we see is state land and before we got here, Palestinians roamed with their sheep […] and since we arrived, in a very slow and careful process, we are out in the fields all day long. Any Palestinian trespassers who come on tractor to build or pave a road or even with a flock to graze on state land, we immediately call the army, we’re in touch with them, we remove them from these areas and that’s really how we protect this entire area, a huge area.

The Civil Administration’s GIS layers of the area where Yehuda shepherding outpost was built show that not all the land around the shepherding outpost was declared “state land” and that there is a great deal of privately owned Palestinian land there as well. And as noted earlier, land Israel did declare “state land” was apparently not allocated to the outpost settlers for grazing (according to the Ministry of Agriculture’s data).

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60 For information on declaration of the land where the outpost Mitzpe Eshtamoa and the settlement Shim’a were built as grazing land see pages 60-61.


62 For further information please see pages 10-12.

63 The Civil Administration provided these data approximately 14 years ago and has not updated them since, and it is possible there have been changes to the data.
The settler from Qedar shepherding outpost has a similar vision of Jewish supremacy:

We are building a farm here to guard the state land around us from being invaded by Bedouins and in general to build a kind of Israeli Jewish space and control in the area, which until now has been largely forsaken. 64

In February 2021, Ze’ev Hever, executive director of Amana explicitly announced the method the organization was pursuing to take over land in the West Bank:

[In the settlements] we’ve reached about 100 square kilometers in slightly over 50 years, the shepherding farms, which we’ve worked on extensively during the past three years, now have an area twice the size of the built-up settlements.65

According to Hever, approximately 35 shepherding outposts that physically occupy an area of several dozens of dunams of land and are populated by 100-200 settlers now control an area of approximately 200,000 dunams. It is noteworthy that according to the Ministry of Agriculture’s data, just two of these outposts received allocations of grazing land and that these allocations were for a total area of 2,546 dunams only.66 This declaration by Amana’s chief executive reflects the settlers’ perspective, which apparently resembles the state’s perspective as well: areas in the West Bank where Israeli settlers herd their flocks is land under Jewish control.

For example, four shepherding outposts operated by four families took over an area of 20,000 dunams. Neve Ori shepherding outpost, built in 2019 near Beit Jala and Al Khader “Spans about 2,000 dunams thanks to grazing and in this way, helps protect this land from hostile takeover.” The outpost owners note that on this farm there is “one family, several volunteers, a flock to protect the land, a tent for hosting guests, a synagogue and a warm corner for soldiers.”67

El Nave farm was established in the northern West Bank between the Palestinian villages Zabdah and Qaffin. Its settlers claim that the farm was built “according to the State’s request, in order to protect an area of 4,000 dunams.” There are at least six illegal structures in the outpost (based on the Civil Administration’s data) and the reason for its establishment is indicative of future intentions:

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64 Ulpanat Tzvia, Ma’ale Adumim, “No man’s land”, YouTube (October 2020).
65 Hagar Shezaf, “Amana Chief: This year we will build ten more farms in the West Bank, they are more effective than settlements”, Haaretz (Hebrew), February 22, 2021.
66 For further information please see pages 10-12.
We take the sheep out to graze and maintain a daily presence in the area, and this way we prevent illegal takeover of this land by the Palestinian residents in the area and guard the land for the state until the day it wants to use it. That’s why the Settlement Division brought us here.  

**Malachei Hashalom shepherding outpost** “holds an area of 5,000 dunams with a flock of 600”. The settlers raise their flock of sheep there “in order to preserve state land in an area that has suffered for years from hostile Arab takeover”. The Civil Administration deemed at least 14 structures in this outpost illegal in 2019-2020 and issued demolition orders for them, which were never enforced. 

**Avraham shepherding outpost** was built in March 2017 on a hilltop near the settlement Teneh Omarim and the more senior Mor shepherding outpost. The owner of Avraham shepherding outpost does not bother to hide his aspirations. Though his farm is built on just several hundred meters, he declares: “We occupy an area of about 9,000 dunams. Wherever we walk while our sheep graze, that land is ours.” As noted previously, Avraham shepherding outpost was allocated land for grazing by the Settlement Division, yet according to the Civil Administration’s data it was allocated just 2,000 dunams. 

Testimonies taken from Palestinians across the West Bank reflect that settlers in shepherding outposts take over land not only by grazing their flocks but also by perpetrating severe and deliberate acts of violence with the use of ATVs, horses, drones and attack dogs. The settlers’ violence is directed at Palestinian farmers and shepherds and includes harming Palestinians’ livestock in order to take complete control of grazing land in the area.

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**M.Z, 29, married and the father of four, Khirbet Jib’it**

I’m Bedouin. I was born on the land where we live. The violent outpost **Malachei Hashalom** is around two kilometers from where we are. We had a good and peaceful life until the outpost was built. Our livelihood relies mainly on our flock and on a little farming.

The outpost and the settlers try and succeed in restricting our living area. We lease and cultivate land as pasture and the settlers come with dogs, horses, ATVs and firearms, and by being violent towards us and

69 Malka Tweeto, “The farmers who are preventing the next murder with their bodies”, Giluy Da’at (Hebrew), 521, January 8, 2021.
71 For further information please see pages 11-12.
our flocks they prevent us from accessing the land and from making a living.

On September 3, 2019 at 5 PM I was out herding the flock about four kilometers east of the outpost. Two settlers approached from the direction of Malachei Hashalom in an ATV. They parked the ATV so that it blocked my route and got out, they carried clubs. I left the area in a rush because I didn’t want to get involved in a fight because I was alone. The two men began throwing rocks at me and the flock.

The next day, September 4, 2019, I took the flock to graze at 8 AM as usual. Out in the field I met the same settler, he was riding in an ATV with a dog. He blocked my way and said, “Why are you here? This is our country and our land. Go away and don’t come back.” I didn’t want to get into trouble and so I started bringing the herd back home.”

[The police closed the investigation file due to “absence of criminal culpability”]

Ahmad Makharzeh, 44, married and the father of three, Khirbet a-Rahwah

I was with the sheep. A settler came from the direction of the farm [Avraham shepherding outpost]. He started cursing me and my family, he had a weapon and dogs. He untethered our donkeys and wanted to take them, I followed him and took the donkey away from him. He told me – don’t come here, I’m crazy, I’ll kill you and let the dogs eat you. I saw his weapon and his dogs, I didn’t want to deal with him and I left.

[No police complaint was filed]

The location of shepherding outposts is not chosen at random. The settler who built Eretz HaTzvi shepherding outpost by the settlement Nahliel told the Binyamin Regional Council’s magazine about a new continuous chain of settlements: “My pastures border Tzvi Bar Yosef’s cattle rangeland from the farm in Neve Tzuf. With Sde Efraim and the farm in Nili [Magnezi] – it creates a contiguous chain.”

72 Yesh Din case 4515/19.
73 Yesh Din case 3859/17.
74 Racheli Segal, “Renew our days as of old”, Eretz Binyamin – Binyamin Regional Council Magazine (Hebrew), 437, March 31, 2020.
The “contiguous chain” consists of four shepherding outposts - four Israeli settler families living on farms. The Civil Administration declared at least 25 of the structures in these outposts illegal and issued demolition orders. For examples of violence against Palestinians near these outposts please see pages 24, 33-34, 47 of this report.

These words expressed by the settler from Eretz HaTzvi outpost demonstrate utter disregard for Palestinians and their rights, which has become a guiding principle in the settlers’ and Israel’s position towards them. This “contiguous chain” spans approximately 30,000 dunams of land where the Palestinian villages Ras Karkar, Kharbatha, Bani Harith, Beitillu, Deir ‘Ammar and Jammala are located, home to over 15,000 people, as well as lands belonging to other Palestinian villages in the area.

But there is no contiguous chain connecting the four shepherding outposts, nor is there a chain of “state land”. If there is a contiguous chain of pastureland between the settlers’ outposts, it was formed by invading Palestinian villages’ land and through other illegal means.

Settlers from shepherding outposts do not only take over land declared “state land” or land the Civil Administration allocated for grazing. They do so, inter alia, by intimidation and perpetrating violence, and with the army’s assistance. The settlers’ presence diminishes the grazing land available to Palestinian herder communities and further harms their already meager livelihood.
Naji Tanatreh, 44, married and the father of three, Umm Safa

I serve as the deputy head of Umm Safa Village Council, and I’m also a farmer. There’s an outpost [Tzvi’s farm], built about a year and a half ago. A group of very violent settlers live there. Their leader is a well-known settler called the “cattle herder”. The outpost uses all sorts of violence to prevent Palestinian farmers from farming their land, they drive them away with violence and threaten them with weapons, assault them, they herd their cattle in our fields. These are very violent settlers who have made the lives of most farmers in this area unbearable.

In March 2020 I was at the village council and received a call from one of the farmers, who complained there was a settler with cattle who had entered the village’s land and was threatening the farmers. I went south of the village where there were about four farmers and there was a settler with cows.
I went up to him and talked to him calmly and asked him to leave the area and take the cattle away. He yelled at me in Hebrew, which I didn’t understand but from his tone I realized he was threatening me, I saw him talk on his cellphone and sensed he was alerting his friends. A few minutes later, a car came, driving quickly, from the direction of the settlement Halamish and was followed by two other cars.

**About four settlers got out of the first car, one of them was armed with an M-16 rifle - this was the settler who leads the entire violent group at the cattle outpost. He came over to me with his weapon, yelled at me hysterically and started kicking me. The rest of the settlers carried bats and axes.**

As I tried to push away the settler with the rifle, I was hit very hard with an ax from behind, I started bleeding, fell and lost consciousness. I don’t know how long I was unconscious for. After that I was groggy, one of the farmers came and drove me to the village, and a Red Crescent ambulance took me to hospital in Ramallah. They took me to the emergency room right away, they did tests and scans, they found a deep fracture in my skull, the doctors said I’d need surgery urgently because I was bleeding too.

![Naji Tanatreh after the attack](image)

I stayed in intensive care for three days, and after six days in the hospital, I was sent home. But I still feel very bad, I’m groggy, I feel imbalanced, I’m nauseous most of the time, my vision and movement don’t work properly.
Most farmers are afraid to work on their land because of this outpost. It’s a difficult and unbearable state of affairs, I paid a heavy price today. It’s a miracle I’m alive. Who knows what will happen in the future.\textsuperscript{75}

[The police closed the investigation file due to “insufficient evidence to prosecute”]

\textbf{A.A, 44, married and the father of five, Somara}

I have a herd of 120 cows. I take my cattle to graze in the area of Um Zuka. During the 15 years I’ve been here I didn’t suffer from settlers, only from soldiers who drove us away. Two months ago, a settler moved to \textit{Um Zuka farm} by the army base on the hill. The settler has around 60 cows, he drives an ATV and chases away all the shepherds. At first, he prevented us from grazing by the army base and pushed us west towards Route 90. He knows we can’t be near Route 90 because the police drives us away from there.

On Friday February 10, 2017, at 7:30 AM the settler arrived alone on his ATV armed with a gun and a rifle. He told me to go away, and if not he’d bring the army. I told him, “no”. He left and 15 minutes later he returned with two soldiers and another settler. They stopped a few dozen meters away from me.

The two soldiers came over to us, stood about ten meters away from us and threatened us with their weapons. They demanded we come to them one at a time. S went first. The soldier took off his jacket and searched him. After that he sat him down on the ground. That’s what he did to the three of us. He took our ID cards and our phones and took a picture of us and our IDs with his phone. They still have our documents. Then he told me to gather the cows and go. I told him we weren’t leaving. So the second soldier handcuffed my workers. I heard him talking to the settler on the phone and asking him to bring the ATV.

\textbf{The settler drove over on the ATV. The second soldier made my workers lay down on the ground. The settler saw that and laughed. They didn’t handcuff me. The settler came up to me and said the soldiers do what he wants them to.}\textsuperscript{76}

[No police complaint filed]

\textsuperscript{75} Yesh Din case 4642/20. For more about violence from Tzvi’s farm see also: Haaretz online, “\textit{The Occupation Remains an Existential Threat and Zvi Bar Yosef, One of Its Faces}”, March 3, 2021.

\textsuperscript{76} Yesh Din case 3829/17.
Invasion

“I saw the farm owner and two other settlers, they were all armed with weapons and their flock fed on my trees” (Ibrahim Shalaldeh, Sa’ir)

In most cases, there is private cultivated Palestinian land near the “state land” upon which Israeli settlers build their shepherding outposts. The Palestinian farmers grow olive and almond trees, grapevines, seasonal vegetable crops or wheat and barley for feeding their livestock.

After a shepherding outpost or farm is built and expanded, some settlers deliberately lead their flocks onto land cultivated by Palestinian farmers and let their flocks graze on these private crops. This type of invasion destroys crops and causes substantial economic damage to Palestinian farmers.

In other cases, settlers take over wells and additional sources of water and prevent Palestinian shepherds from accessing them. In some areas, these are the only water sources available to Palestinian herding communities.

Invasion and takeover substantially harm Palestinian landowners, farmers and herding communities, and these measures are undertaken in order to expel them from their land while expanding the areas in the West Bank controlled by Jews.

It is important to note that according to the Ottoman Land Code (1858), central tenets of which apply in the West Bank, the rights to cultivated lands adjacent to Palestinian villages (‘miri land’) which are not registered in the land registry (known as tabu or tapu) are contingent on cultivation. A person who held and cultivated ‘miri land’ for ten years earns the right to transfer this land to their name and receive a deed from the land registry confirming title. However, failing to cultivate miri land for three consecutive years could in some cases result in the land reverting to the sovereign’s full ownership. Because Israel halted settlement of title immediately after it occupied the West Bank, the Ottoman Land Code applies to a large amount of Palestinian land.

It follows that when settlers drive Palestinian farmers off their land through unlawful means of invasion and violence, Palestinians could ultimately lose their rights to their private land. The Civil Administration would be able to declare these lands “state land” and expose them to unauthorized takeover by settlers, or allegedly legally allocate them and reward the violent settlers.

77 Ottoman Land Code (1858), sections 68 and 78. For further reading, please see Yesh Din, Ill-Gotten Gains, pages 16-19.
A’amar Abu ‘Alia, 30, married, Khirbet Jib’it

We live and sleep on our land with our family and young children. Since the outpost Malachei Hashalom was built on our village’s land, we suffer from harassment and violence from the settlers who live in this outpost. There is one main settler who leads them in threatening us, expelling us from the land, harassing and preventing us from accessing land. He comes with his son and a gang of young men who hang out with him and interfere and threaten. He always drives an ATV among the goats and tents and our land. **He has about 400 sheep and he takes them onto our farmland and causes a lot of damage to our crops. The outpost is expanding and these incidents are recurring. He has a very good relationship with the army and the police, and he uses them against us whenever he likes.**

On Thursday January 16, 2020, at 9 AM my father and I went to work on our land with our tractor for half an hour and at 9:30, two settlers came with about 400 sheep and brought them onto our land. One of the settlers stood in front of the tractor and told me: “This is my land and I’ll slaughter you, go away, I’ll bring more guys”.78

[No police complaint was filed: “We filed several complaints, and nothing came of them. On the contrary, the settler got stronger and better connected to the army and the police”]

78 Yesh Din case 4619/20.
Ibrahim Shalaldeh, 45, married and the father of eight, Sa‘ir

We are shepherds and farmers, we grow olives, barley and wheat. The problems started in 1983 when the settlement Asfar was built. Now there is a settler [Pnei Kedem shepherding outpost] who invades our land.

In early 2018 I planted 250 olive saplings on 60 dunams of my land. On Thursday May 31, 2018, my cousin saw the settler herd his sheep to graze on my olive trees. He called me and I immediately went to the field. I saw the farm owner and two other settlers, they were all armed and their livestock devoured my trees. Over 200 saplings were destroyed, which means damages of about 5,000 shekels.79

[A police complaint was filed without Yesh Din’s assistance]

In most cases, Palestinian farmers reach their land after the offense was committed and the damage is done. When they file a police complaint, instead of conducting a thorough investigation and apprehending offenders, Israeli law enforcement authorities prefer to close the investigations, frequently on grounds of “offender unknown”. In this manner, Israelis who are responsible for damages can continue to invade private land unhindered and harm Palestinian farmers’ crops without being brought to justice.

In September 2021, Yesh Din addressed the army and the police on behalf of the council heads of the Palestinian villages Deir Jarir, Al Mughayir, Turmusaya and Sinjil, demanding a systemic response and a standard policy be formulated for enforcing the law when settlers’ flocks invade Palestinians’ private land in the West Bank.80 As of the end of December 2021, the army and the police have not responded.

79 Yesh Din case 4166/18.

80 From Yesh Din to the Legal Advisor to the West Bank, Head of Infrastructure at the Civil Administration and the Chief of Samaria and Judea District Police, “Enforcement policy on invading privately-owned Palestinian land with flocks and demand for a systemic response to the phenomenon”, September 29, 2021.
Mahmoud Ka'abaneh, 73, married, A-Taybah

I’m Bedouin from the Ka'abaneh tribe. For 40 years I’ve lived with my family on A-Taybah village land. We live and work here, have been planting here for many years and we make our living off the land. For a long time, we’ve been suffering from settler violence, especially from those living in outposts around us.

Last September another new outpost was built [Nerya shepherding outpost]. The settler and his friends have a very large flock. He’s been taking his flock to the area where we plant our crops for a long time now. He caused massive damage, thousands of shekels in damage, his flock grazes on the wheat and our crops and doesn’t leave anything.

They prevent us from grazing, violently drive us off the land. They took over the wells to dry us out, they attack our livestock and do everything to make us leave, and unfortunately, more than a few families in the area have left because of the settlers’ ongoing violence.81

[The police closed the investigation file on grounds of “offender unknown”]

A.A, 50, married and the father of children, Khirbet a-Ratheem

In December 2020, I saw the settler’s son [Asa’el shepherding outpost] coming with their flock close to my home. He released the flock and they spread across the nearby plot, about 200 meters from my home. The flock grazed on the barley and other grains we grow.

I called the police. They arrived an hour after the settler had already done the damage and returned with his flock towards Asa’el, and they didn’t do a thing. The settler and the shepherds run away when they hear me calling the police, but that always happens after the damage is done. I could have fed my flock for at least five months on the crop their flock devoured and now I have to buy feed for my flock. The damage is 8,000 shekels.82

[The police closed the investigation file and did not provide a reason]

81 Yesh Din case 4688/20.
82 Yesh Din case 4844/21. It should be noted that the settler filed a counter-complaint to police claiming A.A and his flock entered the area allocated to him.
Ibrahim Mawas, 47, married and the father of seven, Bani Na’im

I have 200 dunams of land. At the beginning of 2018, a settler came to the area with his wife and children [Yosef Or shepherding outpost], parked a trailer outside the settlement Pnei Hever on the Manasara family’s land. He brought 20-30 sheep and dogs and built a pen. He has a car and is armed.

In 2020 another settler arrived. He built another pen and he usually takes his flock to graze on our land, where our olive trees are and where we grow seasonal crops. In mid-January, the settler came down with his sheep to my land where the olive trees are and to other plots. He let the sheep graze on all our crops on 20 dunams of land. There were 200 olive trees that were 40 years old. The damage is 7,000-10,000 shekels.83

[The police closed the investigation file and did not provide a reason]
As noted, in addition to invading fields, settlers also take over water sources:

**Fadel Abu ‘Alia, 52, married and the father of six, Kirbet Jib’it**

To the east of our caravan about 100 meters away there is a well that we used for drinking water and for watering our flock. Settlers [from Malachei Hashalom shepherding outpost] turned it into a mikveh [ritual bath], installed a ladder for going down and they bathe there. Since then we’ve had to buy water from Ein Samiah, about an hour and a half away round trip. In the winter we buy three cubic meters of water every two days, and in the summer six every day. That takes a lot of time and costs a lot.84

**Abed Aldayi’m Ajaj, 63, married and the father of eleven, Deir Jarir**

I own several plots east of the village where I grow olive and almond trees and a vineyard. All the trees are ten years old. Everything was fine until the outpost Ma’ale Ahuviya was built. There are less than ten settlers living in the outpost but during attacks, another 40 hilltop youth join the gang.

The gang and their flock of about 200 animals, mainly goats, harass me and my neighbors every day. They graze their flock on our land. The goats eat the leaves off the young trees until nothing is left except bare trunks. There are violent and intimidating settlers there. What the goats don’t demolish, settlers break and cut down. In June 2021 I went to the plot at least four times to find settlers with their flocks damaging the crops. They also damaged the fence and I saw the settlers drawing water from the well on my plot to water their flock.85

[A police complaint was filed without Yesh Din’s assistance]

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84 Yesh Din case 4628/20 (more from this testimony on page 46).
85 Yesh Din case 4929/21.
Violence

“The settlers released their dogs and they attacked and bit me”
(Hassan Alkhalayqeh, A-Shuyukh)

Jewish control over West Bank land is often achieved by expelling Palestinian herding and farming communities who have lived in the area for many decades. In many cases, during the first few months after a shepherding outpost is built, there is a violent demonstration of this new presence, meant to drive Palestinians off the land and expand the shepherding outpost’s grazing land.

The settlers’ violent tactics employed in shepherding outposts vary from one outpost to the next depending on the settler, the area he or she is interested in taking over and the local Palestinian population living there. Most settlers in shepherding outposts carry weapons, some drive ATVs, ride on horseback or employ attack dogs and drones. They attack Palestinians physically, intimidate them and even invade their homes, kill and injure livestock and damage fields and crops.

Between 2017-2021, Yesh Din documented over 70 incidents of violence perpetrated near shepherding outposts in which Israeli settlers attacked Palestinians and harmed them, their livestock or property. It is noteworthy that while Yesh Din’s documentation is a representative sample, countless other instances of violence go undocumented. Other human rights organizations such as Machsom Watch, Ta’ayush and other Palestinian and Israeli activists have documented and circulated information on hundreds of violent incidents that originated in settlers’ shepherding outposts against Palestinians during this period.

Settler violence is neither coincidental nor perpetrated by just a few outliers. It is calculated and is explicitly designed to expel Palestinian farmers from their land, diminish Palestinians’ grazelands and expand the areas controlled by Jews.

The settler from Avraham shepherding outpost boasted in an interview: “Grazing lets you control a large area and establish boundaries. At first, there was friction and fighting with Arabs and thank God this is behind us.”

This statement is reflective of the numerous violent attacks on Palestinian herding communities who, for many years, have lived in the area where the settlers built their farm:

Samer Makharzeh, 20, Khirbet a-Rahwah

On Saturday, March 21, 2020, I went down to pasture around 1 or 1:30 PM. Suddenly I saw a settler [Avraham shepherding outpost] coming towards me with three threatening dogs. Two of them were white and one was black. He himself wore white, as settlers do on Saturday. There was no one else with him but he was armed with a gun. Once he saw me, he started yelling that I wasn’t allowed to be in the area and that he had been told by the Civil Administration that I wasn’t allowed to be on land that was his.

Afterwards he cursed me and tried stealing my sheep. I yelled at him that he was a thief and tried to take back my stolen sheep. The settler pulled out his gun and threatened me. He grabbed a ewe and threw her to the ground and broke two of her legs. During the argument he slapped me twice and kicked me. My mother saw what was happening and came over to help me, he cursed her and threatened her with his gun too.87

[The police closed the investigation file due to “offender unknown”]

87 Yesh Din case 4651/20. See additional testimony on page 31.
Settler violence against Palestinians is deliberate and systematic, and it also receives state support. The violent settlers are fully aware that army soldiers, who are supposed to maintain order in the West Bank, will not prevent them from perpetrating violence against the Palestinians and at times will actively assist them. In addition, the police is deliberately ineffective and does not investigate the incidents or make legitimate effort to bring offenders to justice, thereby failing its duty and precludes any possibility of deterring violent settlers. 88

While Israel may officially oppose settler violence, its aspiration of taking over more and more land in the West Bank coupled with its longstanding policy of lack of effective law enforcement on settler violence reveals the state's involvement and stake in this violence. Israel openly supports shepherding outposts through funding and infrastructure and encourages the settlers to pursue unlawful actions. This indicates that Israel is party to settler violence against Palestinians and bears responsibility for it.

The testimonies cited here represent only a few examples of the near-daily violent settler attacks in the West Bank. They demonstrate how settlers' shepherding outposts are hotspots for violence against Palestinians in the oPt. Additional documentation and short films are available on Yesh Din’s Facebook page, as well as on the websites of other organizations and activists.

Use of attack dogs

Hassan Alkhalayqeh, 37, married and the father of four, A-Shuyukh

The settlers [Metzad-Asfar shepherding outpost] unleashed their dogs and they attacked and bit me in my right thigh and left heel. I fell down. My father and mother and the shepherd came over to help me. Now conflict broke out between the Palestinian shepherd and the settler. The settler drew his gun out from his holster and pointed it at the shepherd's head and threatened him. He came up to me, grabbed my hand hard and broke my middle finger.

My father uses a cane. Despite his handicap, he wanted to help me and drive away the assailants and their dogs. When he came over to me, the settler with the

88 It is noteworthy that Yesh Din has been monitoring army and police conduct in the context of settler violence perpetrated against Palestinians in the West Bank for 16 years. The data published by Yesh Din prove these claims year after year. See for example: Yesh Din: Law enforcement on Israeli civilians in the West Bank (settler violence) Yesh Din figures 2005-2021 (December 2021); Yesh Din, Law enforcement on Israeli soldiers suspected of harming Palestinians and their property, summary of figures for 2017-2018 (November 2019).
brown dog attacked my father, grabbed his cane and hit him in the stomach. My elderly and handicapped father obviously couldn’t fight back. My mother came over to help and was also beaten in the back.

I went home but I felt pain and I went to the hospital in Hebron, where they gave me a rabies shot and put a cast on my hand. [The police closed the investigation on grounds of “offender unknown”]

Invasion of homes and intimidation

Fadel Abu ‘Alia, 52, married and the father of six, Kirbet Jib’it

I was born here and have lived here with my family for over 40 years. We have a flock of 400. In the past, before they built Malachei Hashalom farm, we used to graze all the way to Fasayil and A’uja. We also used to graze all the way to Qaryut and Allon Road. Now we’re being suffocated from all sides. Since they built the outpost we’ve been suffering from violence. Every time we take the flock to pasture, settlers come on ATVs or on horseback. They have flocks and they go down to our pasture and demolish it. If we call the army, the soldiers drive us away and say they don’t want “friction”.

On Sunday, February 16 at around 8:30 PM I was with my children and grandchildren in our encampment. We have dogs and we heard them barking. I took a big flashlight to check and saw a group of around six settlers – one of them carried a rifle and some of them carried iron rods or pipes, and a knife. The settlers yelled at me, “turn off the flashlight”. I was afraid to turn it off because I was worried someone could attack me with a knife. They were about a meter away from the encampment. One of them said in broken Arabic: “We’ve had sheep stolen and we’re looking here”, the settlers have a different breed of sheep and so it’s possible to identify them. I said to him: “Go ahead, look in the pen.” The settler went and checked and then said he wanted to check the women’s camp. I told him, “There’s no way I will allow this, go call the army.” Then they clashed with my children. The settlers cursed: “son of a whore thieves” and threatened to attack us.

89 Yesh Din case 4700/20.
While they were in my encampment, neighbors called and announced that more settlers came with a vehicle to the encampment about 500 meters east of us. We called all our neighbors in the encampments, and everyone said: “We have settlers here too”.  

[The police closed the investigation file on grounds of “lack of a criminal offense”]

Uprooting saplings with the assistance of Israeli soldiers

‘Issa ‘Ayada, 59, married and the father of three, A-Shuyukh

On April 20, 2020, I got a phone call from shepherds who told me that there was a backhoe loader on my land, and it was demolishing terraces. The shepherds couldn’t say whether soldiers or settlers were doing the demolishing. The following day I went out to the plot with about 20 relatives. We brought saplings we intended to plant there. We discovered the backhoe loader on our land and saw that the terraces had been badly damaged. I estimate the damage to be about 8,000 dollars. We cultivated this land for years.

90 Yesh Din case 4628/20.
About the time we arrived, a settler appeared [Pnei Kedem shepherding outpost]. He demanded we leave the area, claimed we were trespassing and that from his home to the sea is land given to him by his forefathers Abraham, Isaac and Jacob. Half an hour later, soldiers arrived in a jeep and declared the area a closed military zone. After that, two more soldiers arrived in two jeeps, cutting us off from both sides and began hurling tear gas and stun grenades. The soldiers and the settler uprooted all the saplings we had planted that morning. In total, they uprooted 1,800 olive saplings.91

[A complaint was filed without Yesh Din’s assistance]

**Aggravated assault**

**P.A, 33, Kafr Ni’ma**

We have land in the village Ni’ma with olive, almond, carob, cypress, oak, crabapple and other trees. This land belongs to my brothers and sisters and I. Until 2018, we never had any trouble reaching our land. In August 2018 a settler arrived and took over an area of Mount Alrissan [Sde Efraim shepherding outpost] and since he has been preventing the farmers from reaching their land.

In July 2020 the settler attacked me for the first time. I left my land and in the area of the mountain he attacked me. He hit me and kicked me in the face. He blindfolded me and put me in his jeep and took me to the place where there are soldiers and I was handed over to them. He talked to the soldiers in Hebrew so I didn’t understand what he was saying to them. The soldiers demanded my ID card, I gave them the number because I didn’t have it with me. Then they said to me: “go home”. I told the soldiers that he hit me. They didn’t respond except to repeat: “go home!”92

[A police complaint was filed, the file is being investigated]

91 Yesh Din case 4677/20.
92 Yesh Din case 4940/21.
Allocating pastureland to settlers as a method of land takeover

Israel’s policy of taking over land in the West Bank by declaring grazing land is not new. Archival documents published here for the first time with updated maps reveal that 40 years ago Israel allocated pastureland to settlers in the West Bank and ultimately used this land to build and expand Israeli settlements and settle thousands of Israelis.

This longstanding strategy and its practical outcomes provide insight into Israel’s true aims in its current support for building settler shepherding outposts in the West Bank. It is a warning of the future repercussions of Israeli policy in the oPt.

Four bodies – the Government of Israel, the Settlement Division of the WZO, Amana – Gush Emunim’s settlement arm, and the Jewish National Fund - were central to shaping this method in the early 1980s. These four bodies still play a central role in driving the settlement enterprise in the West Bank, and specifically in establishing the shepherding outposts.

In January 1981 Mattityahu Drobless, director of the Settlement Division presented the “Settlement in Judea and Samaria – strategy, policy and plans”. Drobless explained the political need, as he perceived it, for taking over “state land” in the oPt:

Therefore, the state-owned lands and the uncultivated barren lands in Judea and Samaria ought to be seized right away, with the purpose of settling the areas between and around the centers occupied by the minorities so as to reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish settlements the minority population will find it difficult to form a territorial and political continuity.94

93 Yesh Din thanks Akevot Institute for Israeli-Palestinian Conflict Research for its assistance in exposing these documents.

In April 1981, Uri Ariel, then chair of Amana’s settlement task force, addressed the Ministry of Agriculture demanding “a budget for the authorities responsible for grazing and flocks”. Ariel wrote that Amana intended to establish flocks in 12 settlements and added that “in the vicinity of these settlements there is state land subject to the Israeli Land Authority and there is agreement to transfer them for grazing needs.” Ariel attached a demand for an advance of one million shekels and an projected budget of an additional ten million shekels.

One month later, the director of the grazing authority at the Ministry of Agriculture addressed Uri Ariel, asking him to transfer the “maps and location of areas at your disposal […] to formulate a plan for developing grazing land.” Meaning, an official state representative requested an analysis of maps from Gush Emunim’s settlement movement, maps that would later become instrumental in Israel’s takeover of land in the West Bank.

A few days went by and Uri Ariel increased the pressure and included another substantial actor to the mission. On May 15, 1981, the chair of Amana’s settlement task force wrote to then Minister of Agriculture, Ariel Sharon requesting he expedite the establishment of an authority for grazing land and flocks in the West Bank. Uri Ariel noted - in virtually identical terms as contemporary shepherding outpost owners now use - that “establishing flocks is essential for protecting state land.”

Another month went by, and Uri Ariel increased his demands: in his letter to the Minister of Agriculture’s aide he requested over 12 million shekels, “a budget for developing flocks” in ten Israeli settlements in the West Bank, including Shilo, Tekoa, Kochav Hashchar, Karnei Shomron and others.

95 Uri Ariel went on to serve as director general of Yesha Council, JNF board member, minister of agriculture and minister of construction and housing.

96 From Uri Ariel, Amana to Yitzhak Gal’in and Misha Legin, Ministry of Agriculture, “Budget for the authorities responsible for grazing and flocks”, April 7, 1981 (our translation) (State Archives, ISA-moag-DeputyMinister-0013y5o).

97 From M. Weitz, Ministry of Agriculture to Uri Ariel, Amana (untitled), May 5, 1981 (our translation) (State Archives, ISA-moag-DeputyMinister-0013y5o).

98 From Uri Ariel, Amana to Ariel Sharon, Minister of Agriculture, “Authority for grazing land and establishment of flocks”, May 15, 1981 (our translation) (State Archives, ISA-moag-DeputyMinister-0013y5o).

99 From Uri Ariel, Amana to Uri Bar-On, Aide to the Minister of Agriculture, “Budget for developing flocks”, June 11, 1981 (our translation) (State Archives, ISA-moag-DeputyMinister-0013y5o).
The discussion and government resolution

On July 26, 1981, the settlement committee convened. This was a joint body of the Government of Israel and the World Zionist Organization. Its chair was Minister of Agriculture, Ariel Sharon, and other participants included the director of the settlement division, Mattityahu Drobless, representatives of the army, JNF (KKL) and Israel Land Authority.

One of the issues debated was “parks, foresting and grazing land” for settlements in the West Bank. Minister Sharon explained the purpose of the discussion and its significance in light of the political situation:

I have stated here time and again that we must, as soon as possible – before pursuing any kind of political agreement - provide state land to the local councils and settlements in Judea, Samaria, the Jordan Valley and Gaza Strip so they appear as areas belonging to the Jewish settlements. Anyone familiar with the section in the negotiations on autonomy that refers to land [...] grasps the importance of providing this land to the settlements as soon as possible.

Although the issue referred to allocating land for parks, forest and grazing land, it appears that for Minister of Agriculture Sharon the end goal was not agricultural but a means to ensure the possibility of using this land in the future for building additional settlements in the West Bank. Sharon said:

If I see, for instance, that [the settlement] Sal’it receives 2,000 dunams of grazing land – I don’t know whether [this settlement] will have a flock or whether there is a flock planned – I don’t want [this settlement] to have an area of 2,000 dunams when we may need these 2,000 dunams for a different purpose. […] I want to find an arrangement that will ensure that the government, the Settlement Division, the [Civil] Administration are able to use this land later without being bound to this decision, which we attach to the protocol.

Uri Bar-On, aide to the Minister of Agriculture for settlement matters, also clarified that raising a flock was a secondary or even a fabricated goal, while the real reason for allocating land for grazing is Israeli takeover of additional land in the West Bank:

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100 At the time Israeli Prime Minister Begin and Egyptian President Sadat discussed the plan for Palestinian autonomy in the oPt as part of peace agreements between Israel and Egypt brokered by the US government.


102 Ibid, pages 50-51 (Hebrew) (our bolding).
We faced the question – who can be the landlord of this land? Because when you show a settlement this area, with or without a flock, there is a landlord.\footnote{Ibid, page 51 (our bolding).}

At the end of the discussion, Mordechai Cohen (Kadmon), JNF representative presented the proposed operational plan and four targets, without bothering to mask the real intentions of allocating land for grazing:

1. Upholding the boundaries of land in possession of settlements and nearby areas of state land
2. **Securing reservoirs of land for future settlement.**
3. Creating a contiguity of land between settlements.
4. Creating sources of income and employment in these areas.\footnote{Ibid, page 53 (our bolding). It is noteworthy that the employment aspect of the plan is insignificant and according to the details, taking over of 265,000 dunams of land would add employment for just 295 people.}

Cohen (Kadmon) noted that “We are referring to 60,000 dunams for grazing, about 12,000 dunams for forests and one park in Shilo. This is an example of a feasible workplan for one year.”\footnote{Ibid, page 54.} Minister Sharon summarized and said, “the entire plan in those areas of grazing, forests, parks and developing land wherever possible refers to 350,000 dunams. All aspects of this operation are incredibly important.”\footnote{Ibid.}

At the end of the meeting, the settlement committee decided “as part of the government’s policy for strengthening and reinforcing settlement” to approve the allocation of grazing lands to the settlement regional councils in the West Bank\footnote{Ibid, pages 66-67. Resolution No. 66, July 26, 1981.} (in August 1981, this decision was approved by the Government of Israel\footnote{Government meeting 58/ 5741 [1981], Article 24, August 16, 1981.}).
Resolution No. 66, July 26, 1981: Parks, foresting and grazing land for settlements in Judea, Samaria, the Jordan Valley and the Gaza Strip

The following day, JNF representative to the committee Mordechai Cohen (Kadmon) sent a secret letter to the director of the Israel Land Authority, director of the Settlement Division and the director of land development at the JNF detailing “The operative plan for preserving land in the Judea and Samaria area.”

The operative plan for protecting land in the Judea and Samaria area

The beginning of the document explicitly states that one of the plan’s objectives is “securing land reservoirs for future settlement” by “creating grazing areas”, among other ways. The plan was drafted in coordination with the Settlement Division, JNF, the Israel Land Authority and Amana, and as part of the plan’s preparation over 270,000 dunams of land were identified and designated as grazing land. The necessary budget for the grazing plan was 260 million shekels (the equivalent of approximately 280 million shekels today).\(^{110}\) Funding was earmarked for purchasing livestock, paving roads, fencing and building structures, among other things.

Seven settlements were selected for a pilot program: Shilo, Kochav Hashachar, Tekoa, Kfar Adumim, Elon Moreh, Ma’ale Shomron and Sal’it. For these settlements alone, 62,000 dunams of land would be taken over within a year, entailing an investment of 90 million shekels (nearly 100 million shekels today).\(^{111}\)

To dispel any doubts regarding control of allocated grazing land, in November 1982 the new Minister of Agriculture, Simha Erlich appointed the Binyamin regional grazing authority. The grazing authority received extensive powers including determining operative plans and grazing lands in the area and responsibility for proposing land for development based on need. Unsurprisingly, the committee’s nine members are all Israeli; some are settlers (including head of the Binyamin Regional Council Pinchas Wallerstein, one of the leaders of the settlement enterprise in the oPt) and there is not a single Palestinian.\(^{112}\)

**Grazing land or land reserves for construction in Israeli settlements?**

The state was assisted by Attorney Plia Albeck in executing the plan. Albeck headed the civil department in the Office of the State Attorney and was asked to examine and locate land that could be declared “state land” and then allocated to Israeli settlers as grazing land. After her examination, Albeck marked the exact areas on maps.

Reviewing the documents and the original maps Plia Albeck sketched and superimposing them onto updated aerial photographs shows that Israel ultimately built settlements and outposts on much of the land allegedly designated as grazing land. Allocations of grazing land were used to take over land in the West Bank, drive off the Palestinian residents and expand Israeli control over land by building settlements.

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110 Price index calculator, the Central Bureau of Statistics.

111 JNF, Operative plan.

112 From Simha Erlich, Minister of Agriculture, to Pinchas Wallerstein, Head of the Binyamin Regional Council et al, “Regional grazing authority”, November 24, 1982 (our translation), (State Archives, ISA-moag-DeputyMinister-0013y80).
The four examples presented here are case studies which represent a far broader context (additional settlements which were unquestionably allocated grazing land are Kochav Hashachar, Rimonim and Karnei Shomron, and likely others). As these decisions were made approximately 40 years ago, analyzing them in retrospect and comparing them with the concrete outcomes allows us to reveal Israel’s real intentions in supporting the settlers’ shepherding outposts and allocating them grazing land in the West Bank.

**Metzadot Yehuda settlement (Beit Yatir)**

Allocating grazing land to the settlements commenced several months before the plan was approved by the government. On March 25, 1981, Major Ezra Efrati of the “Judea and Samaria Area Division” sent a document ordering the transfer of 4,000 dunams of “state land” in the “Lucifer” area to the Settlement Division of the World Zionist Organization. Major Efrati noted the area was designated as “grazing land only”. A map was attached to the document, based on the examination conducted by Atty. Plia Albeck of the Office of the State Attorney, which determined the perimeters of “state land”.

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The Judea and Samaria Area Division map from March 1981 for Lucifer. Diagonal lines indicate “state land”, blotted areas represent private land.

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Just two years later, the settlement Metzadot Yehuda (Beit Yatir) was built on this very same land, which had been designated for “grazing only”. In 1996 the unauthorized outpost Nof Nesher (Talia farm or shepherding outpost) was built 500 meters east of the settlement and is a focal point for ongoing settler violence against Palestinians.116

Superimposing Albeck’s markings on the map designating grazing land from 1981 on an aerial photograph taken in 2021 reveals that hundreds of residential structures were built for Israeli settlers in this area. It should be noted that Amana, the movement that settled Metzadot Yehuda, is the same movement currently working to establish Israeli shepherding outposts in the West Bank.

![Map showing Metzadot Yehuda and Nof Nesher](image)

The blue line marked by Atty. Plia Albeck on the allocation map designating grazing land from 1981 superimposed on an aerial photograph from 2021

Shilo and Shvut Rachel settlements

In October 1981, two months after the government approved the “Operative plan for protecting land in the Judea and Samaria area”, Atty. Albeck wrote to the Coordinator of Government Activities in the Territories (COGAT), copying the prime minister and all relevant ministers:

116 See for example: Yesh Din, In First Person – a body of testimonies, Violent assault of shepherds and their herd (February 2017).
I received an unwritten request to provide an urgent opinion on allocating grazing land to the settlement Shilo. [...] Given all those examinations it seems possible to allocate the settlement Shilo land outlined in blue on the map with a scale of 1:20,000 as grazing land, a copy is attached here.117

Grazing land for Shilo, from Plia Albeck to COGAT

In this case too, superimposing the markings Plia Albeck drew on a map in 1981 on an updated aerial photograph reveals what this land was really used for: expanding construction in the settlement Shilo, and in 1991, establishing the settlement Shvut Rachel. Allocating "grazing land" was used to take over the land permanently and within just a few years, residences were built on this land.
Tekoa, Nokdim and Kfar Eldad settlements

In 1975, Israel built the settlement Tekoa southeast of Bethlehem. The settlement was established as a Nahal army post and transferred to civilians two years later. In 1982 the settlement El-David was built nearby on land where the settlement Kfar Eldad now stands. In the early 1990s, El-David shifted several hundred meters south to the northern edge of Wadi Ma’lek (Tekoa Stream) and its name was subsequently changed to Nokdim.

In February 1984, in response to the army’s request, Plia Albeck marked the “requested grazing area for the settlement Tekoa” on a map. A few months later, Albeck attached another map of “grazing land for El-David” on the other bank of Wadi Ma’lek.

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www.yesh-din.org
This allocation of “grazing land” was also designed for later building houses for settlers. Beginning in 2002, houses were built in the illegal outpost Tekoa D on the southern banks of the stream on part of the area declared grazing land (the Civil Administration issued demolition orders for dozens of the outpost structures but never enforced them). In 2014, the illegal outpost Tekoa E was also built on this land; it was evacuated following an agreement with the settlers but was rebuilt in 2018-2019 and today, the farm “Sfar Hamidbar” hosts meetings and group events. Large parts of the settlements Nokdim and Kfar Eldad were and are still being constructed on the northern banks of Wadi Ma'lek on land allegedly designated for grazing.
Shim’a and Mitzpe Eshtamoa settlements

In 1985, the army built a Nahal army post in the South Hebron Hills called Neta. Three years later, with the assistance of Amana, the military post was transformed into the civilian settlement Shim’a. In November 1988, Plia Albeck responded to the army’s request for an opinion on “grazing land in the settlement Shim’a”. Albeck attached a map with detailed markings for areas she held could be declared “state land” for this purpose. One month later, on December 13, 1988, Israel declared “state lands” adjacent to the settlement.

Expansions “Shim’a”. Unfilled marker and horizontal lines indicate “state land”. Filled areas indicate areas to be declared “state land”.

120 Website of the Mount Hebron Regional Council.
In 2002-2003 Israelis built the illegal outpost Mitzpe Eshtamoa near the settlement Shim’a. The Government of Israel retroactively authorized the outpost and it is now considered a neighborhood of the settlement Shim’a.\textsuperscript{122} All of Mitzpe Eshtamoa’s houses are located on land declared “grazing land” in 1988. In this case as well, declaration of “state land” for grazing purposes was used to take over land in the West Bank to build settlements.

In early 2019, settlers built Yehuda shepherding outpost adjacent to Mitzpe Eshtamoa and it became a hotspot for violence against Palestinian farmers and shepherds.\textsuperscript{123}

\textsuperscript{122} Mitzpe Eshtamoa, Peace Now website.
\textsuperscript{123} Yesh Din case 4891/21.
A review of archival documents renders Israel’s future intentions obvious. Comparing plans and decisions from the 1980s with their implementation and the current situation in the oPt reveal Israel and the settlement organizations’ long-term plans for taking over land in the West Bank by declaring land designated as grazing land.

The four case studies presented here demonstrate that Israel’s present support for settlers’ shepherding outposts is motivated by the very same goals formulated 40 years ago: “Securing reservoirs of land for future settlement” and “creating a contiguity of land between settlements”. Although it seeks to avoid international criticism for building new settlements, the Government of Israel supports establishing shepherding outposts and creates facts on the ground that will be difficult to change.

In practice, these goals are not secret. In February 2021, Yossi Dagan, head of the Shomron Regional Council told the founders of El Nave shepherding outpost:

You are protecting a huge area of nearly 3,000 dunams and God willing, thanks to you, an enormous city will be built here, God willing, here, in the northern Samaria area […] just as the forefathers of Zionism taught us: another dunam, another goat, eventually you build a country.124

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124 El Nave farm Facebook page, February 14, 2020 (our bolding).
Summary

• Between 2017-2021, Israel built over 50 new single-family outposts in the West Bank, at least 35 of which are shepherding outposts.

• The settlers’ shepherding outposts were built illegally: without a government resolution, without construction permits and in violation of international law.

• Some of the shepherding outposts are hotspots for violence against Palestinians and all these outposts violate Palestinians’ human rights, infringing upon their right to property, freedom of movement and other rights.

• Israel and the settlers have a reciprocal relationship: Israel supports establishing the shepherding outposts – the settlers expand control over land in the West Bank by unlawful means – the State permits settlers to break the law and reaps the benefits.

• Israel has and apparently continues to declare grazing land as a preliminary stage to building additional settlements and expanding Jewish settlement blocs in the occupied Palestinian territories.

In the past five years Israeli settlers established 35 new shepherding outposts. They openly declare intentions to take over and bring hundreds of thousands of dunams of land in the West Bank under Jewish control. The State of Israel is party to establishing these shepherding outposts and is accountable for the outcomes of these actions.

Most Israeli shepherding outposts in the oPt are not local initiatives or projects undertaken by individuals. These outposts are established with government support: allocations of land, financial incentives and building infrastructure. In addition, the settlers receive support from publicly funded bodies and protection from Israeli law authorities in the oPt. Establishing the shepherding outposts is one of Israel’s practices in the West Bank for taking over land and bringing it under Jewish control.

The testimonies of Palestinian residents prove that Israeli takeover of land is achieved not only by “walking with the sheep in pasture” but also by perpetrating deliberate and ruthless violence. The settlers in shepherding outposts carry weapons and employ attack dogs, some ride on ATVs or on horseback and use drones. They assault Palestinians, intimidate them and even invade their private homes. They kill and injure livestock, destroy property, damage crops and take over water sources.
The settlers’ violence is deliberate and systematic and is designed to drive Palestinian farmers off their land, diminish Palestinian herders’ grazing land and expand the areas controlled by Jews. Terrorizing Palestinians in this way receives Israel’s support, both practical assistance from soldiers and with the failure of authorities to enforce the law upon settlers who commit offenses.

Archival documents revealed here depict a calculated strategy that is repeating itself. Forty years ago, the Government of Israel, together with an alliance of settlement organizations, explicitly declared grazing land in the West Bank in order to form contiguous areas of Israeli settlement and maintain reserves of land for future settlement. Analysis of the maps reveals that building shepherding outposts is a first step towards extensive takeover of land in order to expand the Israeli settlement enterprise in the oPt.

Israeli institutions’ support for settler shepherding outposts starkly contrasts with Israel’s treatment of Palestinian herding communities, reflected by demolition of homes and diminishing living spaces. Israeli settler shepherding outposts and farms rely on Israel’s apartheid regime in the West Bank and continue to expand the land subject to their control.

This report proves that through shepherding outposts, Israel seeks to implement significant and long-term change to the map of Israeli settlement in the occupied Palestinian territories. This policy infringes severely and extensively on Palestinians’ human rights and could lead to ethnic-based expulsion of many Palestinian communities from their land.

Israel continues to expand its colonialist and illegal settlement in the West Bank 54 years after it captured this territory. Yesh Din calls on the international community to intervene and stop Israel from building and supporting settler shepherding outposts, which inherently infringe upon Palestinians’ human rights like all settlements and outposts. The international community must guarantee Israel fulfils its obligation to protect the Palestinian population in the territories under its military occupation as required by Israeli and international law.