

President Joe Biden signed an executive order yesterday (February 1, 2024) creating the authority to place financial and travel sanctions in the United States against “any foreign person” who is found to have engaged in a range of activities related to incidents of violence that have occurred between Jewish and Palestinian residents of Judea and Samaria, also commonly known as the West Bank. See the full text of the Executive Order [here](#). As discussed below, these residents are commonly called “settlers” and the territory is commonly called “occupied territory,” though both these designations are disputed by Israel and controversial in Israel and the United States.

For now, four specific individuals have been named by the Administration, and restrictions now apply to those four (see their details [here](#)). No Israeli leaders or prominent individuals are included in the order, and it does not cover American-Israeli citizens. United States banks have been updated.

The Jewish Federations of North America will continue to monitor developments concerning the Executive Order and will share guidance regarding any compliance issues of which we become aware.

The immediate effect of yesterday’s action was to add four names to the existing Office of Foreign Assets Control Specially Designated Nationals and Blocked Persons List. It is exceedingly unlikely that Federations are engaged in any commercial or philanthropic activity with the four individuals placed under sanction, but it is prudent to verify that to be the case.

Regardless of one’s view of the merits of the Executive Order, it could serve to exacerbate the political intensity of the debates about the Israeli-Palestinian conflict in the United States. The order also opens the possibility that other countries may follow suit, another escalation in the related tensions our community is already facing.

Background

While incidents of settler violence have been making headlines in recent months (see [here](#) and [here](#), for example), it is important to note some background:

- The executive order follows a December decision restricting West Bank residents the U.S. believes engaged in violence from obtaining [visas](#).
- The term “settlers” is applied by some to anyone who lives “over the Green Line,” referring to the 1948 armistice lines, though this characterization is rejected by most

Israelis and American Jews. More commonly, "settler" describes those who live in areas of the West Bank that were designated for eventual inclusion in a Palestinian state by any number of international proposals, including the [Oslo Accords](#), [President Clinton's Plan](#), or President Trump's [Peace to Prosperity](#) plan.

- Around half a million Jews live in the West Bank, and a further 250,000 in East Jerusalem (Israel does not view those living in East Jerusalem as being "over the Green Line," while much of the international community does). Together, they comprise some 7-8% of the total Israeli population.

- Despite what is sometimes portrayed in the media, the overwhelming majority of the Jewish residents of the West Bank are law-abiding, peaceful citizens who play a full role in Israeli society, culture, business, education and take part in all parts of mainstream Israeli life.

Many are moderate in their political outlook, and large percentages are secular (the total West Bank Jewish population is around one-third secular, one-third Modern Orthodox, and one-third ultra-Orthodox). Combat and other units of the IDF are filled with soldiers from the West Bank, and a very high percentage of those who have fallen in the current war have come from these communities. See more on the population [here](#).

- Much of the international community considers communities "over the Green Line" to be [illegal](#) under international law, but the Government of Israel disputes this approach. While the issue remains [polarizing](#) among [U.S. Jews](#), in November 2019, the United States Government clarified that it does not consider settlements to be illegal.
 - Morris B. Abram, an American lawyer who was involved in drafting the Fourth Geneva Convention, argued that the convention "was not designed to cover situations like Israeli settlements in the occupied territories, but rather the forcible transfer, deportation or resettlement of large numbers of people."
 - Other International law experts such as Julius Stone, Professor of Jurisprudence and International Law at the University of Sydney, and Eugene Rostow, Dean of Yale Law School, have argued that the settlements are legal under international law, on a number of different grounds. (See [here](#)).
- Deeper background on the issue of settlements [here](#).

Violence

- These incidents involve a tiny minority of those Jews who live in the area referred to by Israelis as either Judea and Samaria or the West Bank.
- The U.N. [cites](#) 500 such attacks resulting in 8 deaths and 115 injured since October 7th.



- In one incident, a Jewish resident of the West Bank allegedly shot dead a Palestinian man harvesting olives near the West Bank city of Nablus. According to Yossi Dagan, a leader of these communities, the shooter fired in self-defense. The IDF said it received a report of a “violent confrontation” between Palestinians and Israeli civilians, and that a Palestinian was reported killed. Police have opened an investigation, it said.
- The public’s understanding of this situation is affected also by organizations in Israel such as Yesh Din. Yesh Din, which describes itself as a human rights organization, has said that in various incidents, settlers have stolen Palestinian property such as solar panels and generators, and carried out acts of vandalism such as torching homes and vehicles and uprooting trees. The group claimed that not a single settler has been detained, arrested or investigated following the assaults, and said that settler violence is “frequently aimed at displacing Palestinian communities in a bid to take control of their homes and lands.” Similarly, Yehuda Shaul, co-director of an organization called the Ofek Israeli Center for Public Affairs says that the residents of the small Palestinian village of A’nizan in the South Hebron Hills are packing and leaving due to repeated instances of settler violence and harassment. A’nizan is made up of four families totaling some 35 residents, and Shaul says that it is located across the road from Khirbet Zanuta — another hamlet deserted by its residents due to settler violence, which has intensified since the outbreak of the Gaza war.
- The Government of Israel disputes these claims and asserts that it is investigating all claims of violence and taking legal action as warranted against any perpetrators. West Bank residents involved in the documented incidents assert that they have only acted in self-defense, that they are living in a new and fearful environment since October 7, and that they must remain constantly vigilant, as they worry about a Hamas-style attack on their own communities and populations. Even before October 7, more Israelis have been killed in the West Bank than during any year since the Second Intifada.

Israeli Reactions to the Biden Order

- Given that only four individuals have been named, and that most Israelis understand that the country does not tolerate individuals taking the law into their own hands, and, of course, that there is currently a war being fought with critical support from the United States, the new development has not been a top news story in Israel.
- The office of Israel's Prime Minister Benjamin Netanyahu issued a statement saying that "most settlers in the West Bank are law-abiding citizens, many of which are fighting to defend Israel as we speak. Israel works against all those who break the law. Therefore, there is no need for extraordinary measures to be taken."
- Finance Minister Bezael Smotrich (leader of the Religious Zionist Party) said, “The ‘settler violence’ campaign is an antisemitic lie that enemies of Israel disseminate to smear the



pioneering settlers and settlement enterprise, and to harm them and thus smear the entire State of Israel."

- National Security Minister Itamar Ben-Gvir reacted to the sanctions, urging US officials to "rethink" their position. "President Biden is wrong about the citizens of the State of Israel and the heroic settlers. Those who are attacked, those who are pelted with stones in an attempt to hurt and murder them, are the heroic settlers in Judea and Samaria," he stated.
- In the case of the Visa ban, Israel [said](#) that it "condemns any vigilantism, hooliganism or attempts by individuals to take the law into their own hands."

As always, the Jewish Federations of North America are monitoring the story closely and will update as needed. For more information, please contact: Jewish Federations of North America's Dani Wassner dani.wassner@jewishfederations.org

