

Barrier to a just peace: Israel's colonial settlement policy

In 2005, Israel received much media attention when it removed settlers from the Gaza Strip. However, far less attention was given to its dramatic increasing of settlers in the West Bank. Far from the Gaza 'disengagement' marking a change in Israel's settlement policy, Israel has continued its expansion, colonisation and annexation of Palestinian land. These colonies in the Occupied Palestinian Territories, described by Israel as 'settlements', are illegal under international law.

Israel's expansionist policy

The state of Israel was created in 1948 on 78 per cent of mandate Palestine. The remaining 22 per cent was seized by Israel in 1967, and has remained under Israeli occupation until the present day.

In recent years, Israeli governments have claimed that the status of the West Bank, East Jerusalem and the Gaza Strip is

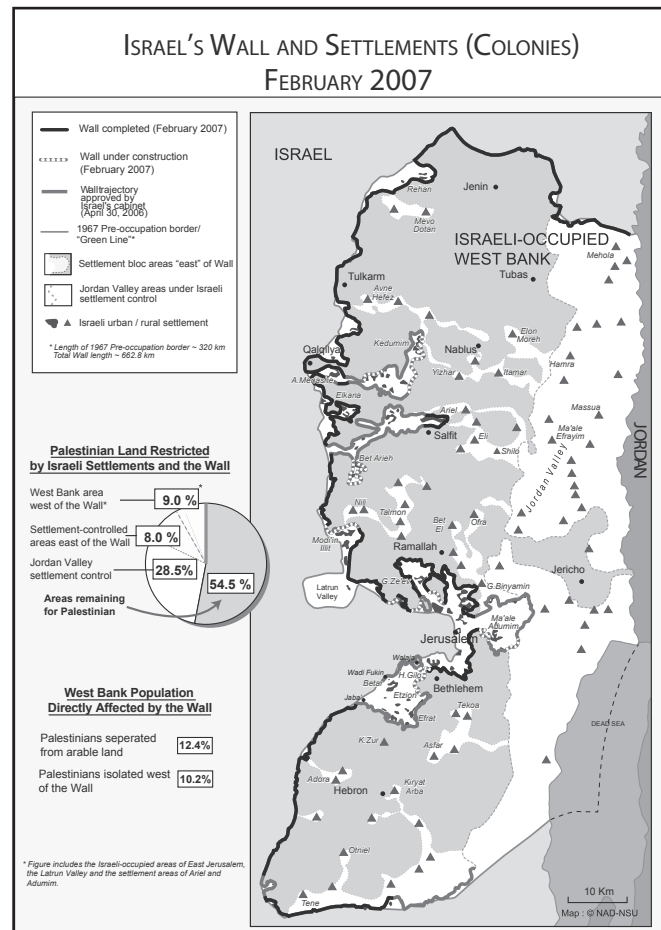
International law and rulings include:

On Israel as an occupying power:

- **1967 - UN Security Council resolution 242:** called for Israel to withdraw completely from territories it had occupied.
- **2004 - UN Security Council and the General Assembly statement:** "...The status of the Palestinian Territory occupied since 1967, including East Jerusalem, remains one of military occupation."
- **2004 - International Court of Justice ruling:** "the territories occupied by Israel have for over 37 years been subject to its territorial jurisdiction as the occupying power."ⁱⁱ

On the settlements:

- **The Hague Regulations:** prohibit an occupying power from undertaking permanent changes in the occupied area, unless these are due to military need in the narrow sense of the term, or unless they are undertaken for the benefit of the local population.
- **1979 - UN Security Council resolution 446:** "Determines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East."ⁱⁱⁱ
- **1980 - UN Security Council resolution 465:** "Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East." The resolution called for Israel to "dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."^{iv}
- **2004 - International Court of Justice:** unanimously ruled that the settlements were illegal: 'since 1977, Israel has conducted a policy and developed practices involving the establishment of settlements in the Occupied Palestinian Territory, contrary to the terms of Article 49, paragraph 6, of the Fourth Geneva Convention which provides: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." The Security Council has taken the view that such policy and practices "have no legal validity" and constitute a "flagrant violation" of the Convention. The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.'^v



'disputed'. But this view flies in the face of international opinion and law (*see box*). In fact, no state recognises Israel's right to continue to hold these Occupied Territories. Even Israel's own Supreme Court, in 2002, recognised that the West Bank and Gaza are "subject to a belligerent occupation by the State of Israel."

The rights of a people living under occupation are guaranteed under Article 49 of the Fourth Geneva Convention (to which Israel is a signatory), which states "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." To do so is a war crime, indictable under the International Criminal Court. Yet since 1967, successive Israeli governments, both Likud and Labour, have pursued a policy of building and expanding colonies (or 'settlements') in the Occupied Territories. Land is grabbed, driving out the Palestinian population, and huge numbers of soldiers and resources are employed to guard the newly-created, antagonistic colonies.

The settlements policy constitutes an attempt to alter the final status of the land on which they stand. By implanting thousands of Israelis deep in occupied land, Israel hopes to expand its borders by annexing these settlement areas.

UN Security Council resolutions have ruled Israel's settlements to be illegal and an obstruction to a peaceful resolution to the conflict in the Middle East. Yet at the beginning of 2006 there were over 200 settlements, with a population of 240,000 in the West Bank and 190,000 in East Jerusalem (*see box*). Excluding Jerusalem, no-man's land, and the Dead Sea waters, 42 per cent of the West Bank is now under the jurisdiction of settlements, either as built-up areas or future land reserves for settlement extension.ⁱ

The settlers and their impact

Jeffrey Goldberg, writing for The New Yorker described the settlers

'Israel has stolen thousands of dunams of land from the Palestinians, on which it established dozens of settlements in which hundreds of thousands of Israeli civilians now live. Israel forbids Palestinians to enter and use these lands, and uses the settlements to justify numerous violations of Palestinian rights, such as the right to housing, to gain a living, and freedom of movement. The sharp changes Israel made to the map of the West Bank makes a viable Palestinian state impossible as part of the right of the Palestinian people to self-determination.'

B'tselem, Israeli human rights organisation.^{vii}

as follows:

"Perhaps three-quarters of the Jews in the West Bank and Gaza could be considered economic settlers. Many of them moved to the West Bank for benefits unattainable inside the pre-1967 borders of Israel: space, tax breaks, and mountain air..."

"The remainder of the settlers, fifty thousand or so, came to the territories for reasons of faith..."

"The more unremitting settlers are the Jews living in Hebron, in Kiryat Arba, and in a chain of settlements in the mountains near Nablus, the main Arab city in the northern West Bank. The zealots include those who build 'illegal' frontier outposts, which are not approved by the Israeli Cabinet, although they are protected by the Army..."

Hard-core settlers and their supporters make up perhaps two per cent of the Israeli populace, but they nevertheless have driven Israeli policy in the Occupied Territories for much of the past thirty years."^{vi}

The settlements, their infrastructure, and the military presence needed to secure them all have a hugely negative impact on the lives of nearby Palestinians.

They are built on expropriated land. Israel can declare an area for 'state land', or for security purposes. For Palestinians, challenging this process through the courts is a frustrating and frequently futile process. Also, buildings that have been left empty by refugees can be taken. In all, there are 38 statutes in force enabling Israel to expropriate land.

Settlements are strategically located to control access to resources. They cover 80 per cent of renewable water sources in the West Bank. Each Israeli settler is allocated 1450 cubic meters of water per year; Palestinians are allowed just 83 cubic meters per year.^{viii}

Apartheid Roads

In addition, major 'by-pass roads' have been constructed to connect the settlements to each other, and back to Israel. Palestinians are not allowed to use these roads or cross them. For every 100km of by-pass road, Israel confiscates around 2,500 acres of Palestinian land, destroying whatever homes or farms happen to be in their way. The roads often separate farmers from their lands and markets, damaging the economic life of the territories. John Dugard, UN Special Rapporteur, described the situation as 'a system of road

Growth of the settlements

- 1978: US President Carter criticises Israel, asking why 9,000 Israelis are now living in the Occupied Territories in 13 colonies.
- 1980: Israel seizes 1,000 acres in East Jerusalem to build a Jewish-only quarter. Two-thirds of the land had been owned by Arabs, who are evicted.
- 1982: Settlers total 21,000
- 1994: Settlers total around 200,000. Israel continues to expand its settlement programme while it engages in the Oslo peace process, but over the next ten years the number of settlers doubles.
- 2000: Settlers total around 383,000.
- 2005: 8,500 settlers withdrawn from Gaza; 15,000 new settlers in the West Bank during the same period.
- 2006: Settlers total 436,000 in over 200 colonies.
- 2006: Newly elected Kadima party declares its intention to incorporate the settlements into Israel



apartheid has been introduced which keeps the highways for the exclusive use of settlers and relegates Palestinians to second-class roads, obstructed by checkpoints and roadblocks'.^{ix}

The building of the settlements and their accompanying infrastructure is mirrored by a reduction in land available for the expansion of farms, villages and towns for Palestinians, who are forced into ever-shrinking and overcrowded enclaves. The confiscation of agricultural land, closing of stone quarries and destruction of houses has impoverished many Palestinians. The whole process of establishing the colonies is a violent one, which does not end once the settlement is built. The settlers themselves act largely with impunity in disrupting normal Palestinian life. Road blocks are set up, cars burned, windows smashed and crops destroyed - settler violence intended to force Palestinians to leave, so that the colonisers can take further control over their lands (see 'Hebron' box).

East Jerusalem and the Apartheid Wall

In 2002, Israel began to build its eight metre high 'security barrier'. Construction has not followed the Green Line between Israel and the Occupied Palestinian Territories. Instead, it reaches deep into Palestinian lands annexing the settlements, and destroying Palestinian farms, resources, and communities as it goes. In 2004, the International Court of Justice declared the Wall illegal, and that Israel must dismantle it, but Israel's construction of the Wall has continued.

Like the by-pass roads, the Wall cuts Palestinian farmers off from their land and markets, prevents workers from getting to their employment and isolates families from one another. It is resulting in a huge number of checkpoints and the building of more by-pass roads. When it is finished it will be 650km long, and will leave half of the West Bank isolated. Palestinians have termed it the 'Apartheid Wall'.

A chain of huge settlements around Jerusalem is being expanded rapidly. The Apartheid Wall is being built to surround Anata and Shaufat refugee camps, Palestinian communities that will be totally isolated from the rest of East Jerusalem. South of Anata, Za'im is also being sealed off, trapping residents in a ghetto. The Mayor of Za'im, Mahmoud Subeh, has warned that residents who can be moving out to avoid being trapped, leaving empty buildings behind.

East Jerusalem, illegally occupied by Israel since 1967, has traditionally been the centre of political, religious, cultural and commercial life for the West Bank. In 1980, Israel passed the Jerusalem Law, which declared the unity of Jerusalem as Israel's capital, though it did not declare its borders. This measure was not internationally recognised, but it is clear that Israel is attempting to annex the whole of Jerusalem.

In 2006 the newly elected Kadima party clearly declared its intention to keep Jerusalem's Old City and the Jewish 'neighbourhoods' in East Jerusalem, within the final borders of Israel. This position, which goes against international law, is supported by all the major Israeli parties.

A recent EU report^{xi} outlined the settlement process in East

Hebron

Hebron is a West Bank town of around 100,000. In the early 1970s an American Israeli, Rabbi Moshe Levinger, and 70 other radical Israelis moved into a hotel there and refused to leave. The



<http://www.islamicaweb.com>

Israeli government supported this illegal act, protected them with the Israeli military, and armed the settlers.

The Qiryat Arba settlement that they established now has a population of 400, and is arguably the most militant of all the settlements. In 1994, Baruch Goldstein, a settler and Israeli Army reserve officer, entered the Tomb of the Patriarchs mosque in Hebron, with a submachine gun and opened fire on Muslims at prayer. He killed 29 people, and wounded hundreds more. The attack triggered a response in which a further 26 Palestinians were killed, along with 9 Israelis.

The grave of Goldstein, located inside the Qiryat Arba settlement, has become a venerated site for the extremist settlers.

In Hebron, thousands of Israeli security forces patrol the main thoroughfare, Al-Shuhada Street, where three of the four settlements are situated. Palestinians suffer almost daily violence and property damage by the settlers. The security forces do not protect them and almost never enforce the law against settlers. B'Tselem, an Israeli human rights organisation, have recorded beatings, hurling of stun grenades, and theft by the army against the population.^x

Of all the West Bank towns, Hebron is hardest hit by curfews. Between June 2002 and July 2003 a full curfew was in force for over 55 per cent of the time, massively damaging the town's economy and preventing proper healthcare and education.

Jerusalem :

"Extremist Jewish settler groups, often with foreign funding, use a variety of means to take over Palestinian properties and land. They either prey on Palestinians suffering financial hardship or simply occupy properties by force and rely on the occasional tardiness and/or connivance of the Israeli courts. Such groups have told us that they also press the Israeli authorities to demolish Palestinian homes built without permits... Some of the Jewish settlements lack building permits, but not one has been demolished – in marked contrast to the situation for Palestinians..."

"The plan to expand the settlement of Ma'ale Adumin into the so-called "E1" area, east of Jerusalem, threatens to complete the encircling of the city by Jewish settlements, dividing the West Bank into two separate geographical areas. The proposed extension of the

barrier from East Jerusalem to form a bubble around the settlement of Maaleh Adumin would have the same effect. 2004 saw a near tripling of the number of Palestinian buildings demolished in East Jerusalem. We expect a similar number of demolitions in 2005... Settlement activity and construction is ongoing... contrary to Israel's obligations under international law and the Roadmap."

The Jordan Valley

Israel is taking over the fertile Jordan Valley with its settlements, including the newest one announced by Olmert in December 2006 which will house fundamentalist settlers from Gaza. Much of the agricultural produce in our shops is from this area, grown illegally on confiscated Palestinian land.

But Israel removed the Gaza settlements...

One million Palestinians live in the Gaza Strip, one of the most densely populated areas in the world. Much has been made of the removal of the settlements from Gaza in 2005. Although this relieved some of the pressure on Palestinians living in Gaza, it needs to be considered in context.

Whilst 8,500 settlers were removed from Gaza, over 15,000 new settlers were moved into the West Bank during the same period. Similarly, whilst 19 square miles of land were given up in Gaza, a further 23 square miles from the West Bank was lost.

The current Israeli prime minister Ehud Olmert, has openly stated that the disengagement from the Gaza Strip was a prelude to the core plan, his 'convergence proposal', which would move tens of thousands of settlers from enclaves scattered throughout the West Bank to settlement blocs located closer to the pre-1967 war Green Line border. He described the disengagement from Gaza as a first, vital step toward that end (*quoted in Ha'aretz, May 2004*).

In any case, Israel has retained full control of Gaza's borders, shoreline and airspace, controlling all border crossings. Between 24 September and 12 November 2005, Israel barred over 5,000 Palestinians from crossing the border. Under international law, Israel therefore continues to be the occupying power in the Gaza Strip. Israel has continued to demonstrate its military control over the region – by continuing to kill Palestinians inside the Gaza Strip and terrorising the population using such methods as sonic booms

created by aircraft flying fast and low.

The settlements in Gaza were, as are all the settlements, illegal. Their removal proved that the dismantling of such settlements is possible.

Remove ALL the settlements

The settlements are illegal under international law. Their existence denies the Palestinians basic human rightsⁱⁱ:

- The Right to Equality: Jewish settlers are citizens of Israel and enjoy full civil rights, whilst Palestinians live under a military occupation that denies them those rights.
- The Right to Self Determination: settlements, bypass roads, and the Apartheid Wall confine Palestinians to 'Bantustans' and prevent the political, economic and social integration required for a viable Palestinian state.
- The Right to Freedom of Movement: the numerous checkpoints and roadblocks that Palestinians must endure in the name of protecting settlers prevent Palestinians from moving around freely. This also violates other human rights such as adequate access to healthcare, education and employment.
- The Right to an Adequate Standard of Living: the seizure of farmland for settlements and the lack of access to sufficient water supplies imperil the primary source of income for many families.

Further, the settlements constitute a major block in preventing a just peace in the Middle East, instead prolonging the conflict. John Dugard, the UN Special Rapporteur on Human Rights in the Palestinian Territories, summarised the impact of the settlements thus:

"Obviously the settlements should not be there in the first place... Much of Israeli security apparatus is designed to ensure the protection of the settlers who are there illegally anyway. And so it's the protection of these illegal settlers that gives rise to this security situation in the West Bank and Gaza. So, if you are asking me what the remedy is, in the first place the settlers, or the settlements, should be dismantled."^{xiii}



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ⁱ B'Tselem, 'Land Grab' Draft Report, 2002.

ⁱⁱ www.icj-cij.org/icjwww/ipresscom/ipress2004/ipresscom2004-2_summary_mwp_20040709.htm

ⁱⁱⁱ www.palestine-un.org

^{iv} *ibid*

^v www.icj-cij.org/icjwww/ipresscom/ipress2004/ipresscom2004-2_summary_mwp_20040709.htm

^{vi} *New Yorker*, 31st May 2004.

^{vii} <http://www.btselem.org/English/Settlements/>

^{viii} 'Israeli settlements on occupied Palestinian territories', *Palestine Monitor* (www.palestinemonitor.org)

^{ix} Press release HR/CN/05/18, March 2005 (available on <http://domino.un.org>)

^x www.btselem.org/english/Search/search.asp?txtSearch=hebron

^{xi} www.palestinecampaign.org/campaigns.asp?d=y&id=140 for the full report.

^{xii} Press release HR/CN/05/18 March 2005 (available on <http://domino.un.org>)

^{xiii} www.un.org/webcast/worldchron/trans920.pdf