Settlements and the colonisation of Palestine

Settlements are Jewish colonies built on occupied land. In 1967 Israel invaded the West Bank, the Gaza Strip and the Golan Heights. Since 1967, every Israeli government has invested significant resources in establishing and expanding the settlements in these occupied areas, both in terms of the area of land they occupy and their population. A study from the Macro Centre for Political Economics calculated that Israeli settlements in the West Bank alone, have cost US $17 billion to build (Levinson, 2010).

Breaching International Law

“Imagine what a person feels, seeing his property and land being stolen right before his eyes, while his hands are tied and he can do nothing. The land is right before my eyes. It’s only a few dozen meters away, and I see it every day, morning and night, but I can’t enter it whenever I want.”

‘Abbas Alwan, farmer, resident of ‘Ein Yabrud Village, Ramallah District (B’Tselem, 2008 p. 5)

Settlements are illegal. The Fourth Geneva Convention, (Art. 49) prohibits the occupying power from transferring its citizens to occupied territory (UN, 1949). The International Court of Justice (ICJ) ruled in July 2004 that the settlements are a “flagrant violation” of the Geneva Convention and are in breach of international law. Later the same month the General Assembly voted to support the ICJ’s judgement by 149 votes to 7 (UN, 2005).

Discrimination

The settlement policy has created a system of legally sanctioned separation based on discrimination and is often compared to the former apartheid system in South Africa. The settlers live under Israeli law, but their Palestinian neighbours live under military rule. Thus settlers are given all of the rights enjoyed by Israelis within the 1948 Green Line and in some cases receive extra privileges from the state (B’Tselem, 2008a p. 15).

- Settlement areas are designated “closed military areas”, to which Palestinian entry is prohibited without military approval. Israelis, Jews from around the world and tourists are not restricted from entering them (B’Tselem, 2008a p. 15).
- Palestinians lose access to their farmland and thus their livelihoods (B’Tselem, 2008a p. 63). The majority of Palestinians are living under the poverty line with a per capita consumption of less than two dollars a day (B’Tselem, 2008a p. 65).
• **Access to land is prevented through various kinds of physical barriers, erected by the Israeli forces and settlers.** This is commonly a patrol road combined with a two metre high barbed wire fence, with lights pointing away from the settlement. Sometimes attack dogs are also used. Moreover, the physical barriers are supplemented by the use of violence to enforce larger, invisible closed zones (B'Tselem, 2008a pp. 19-20).

• **Israel not only encloses Palestinian land but evicts Palestinians from their homes in order to expand settlements.** For instance, in 2007 Israel demolished three residential buildings 250 metres from a settlement near Hebron, leaving 90 people homeless (B'Tselem, 2008a p. 66). Reducing the land available to Palestinians for building infringes the right to housing (B'Tselem, 2008a p. 70).

### Restrictions on Freedom of Movement

• **Settlements are connected to each other and to Israel by a network of roads and Palestinians are mostly prevented from using them.** The roads have fragmented the West Bank, breaking it into a “series of isolated enclaves to which Palestinians can gain access only via a network of alternative roads, checkpoints and bridges over or tunnels under roads reserved primarily for settlers” (Economic and Social Council, 2008 p. 9).

• This means that Palestinians have to use alternative roads. **There are currently 578 checkpoints and roadblocks in the West Bank (OCHA, 2009c p. 3).** In addition, there are ‘flying checkpoints’ which move about the West Bank making travel unpredictable as Palestinians do not know which roads will be restricted. In effect, there is a racially segregated two-tier road system in the West Bank.

• **John Dugard, the former Special Rapporteur for the UN Commission on Human Rights,** reported that the settler-only roads constitute a “system of ‘road apartheid’, which was unknown in apartheid South Africa”. On checkpoints he reported that Israel’s argument that they are for security reasons is “difficult to accept” as they are far from the Green Line and are located beyond the Wall so it is likely that they are there to facilitate the travel of settlers and to
“impress upon the Palestinian people the power and presence of the occupier”. In this “they resemble the “pass laws” of apartheid South Africa” (Dugard, 2007).

- **The restrictions on freedom of movement have far reaching consequences and impede the realisation of other rights.** Access to education is more difficult. For instance, Surda checkpoint and the nearby settler ‘bypass’ road impedes access to Birzeit for university students in Ramallah (Birzeit R2E campaign, 2003). Access to healthcare and education is made far more difficult, with many obstacles for West Bank Palestinians needing to attend hospitals, universities and schools in East Jerusalem (OCHA, 2009a p. 2).

**Settlements and the West Bank Wall**

- The Israeli government started building a wall in the West Bank in 2002 – a construction made up of concrete, barbed wire, ditches and trenches – claiming that it was to prevent attacks inside Israel. However the West Bank Wall, and the route that it takes, is linked to settlement policy. The wall mostly runs through the West Bank rather than along the Green Line, which separates Israel from the West Bank along the 1949 armistice line (B'Tselem, 2009a p. 4). **The concrete sections of the Wall are twice the height of the Berlin Wall.** The wall results in the expropriation of yet more Palestinian land.

- The wall encircles 69 settlements, comprising 83 percent of settlers, and connects them to Israel (Economic and Social Council, 2008 p. 9). **When the Wall is completed, 10 percent of West Bank land will be isolated in the closed zone between the wall and the Green Line** (UN Human Rights Council, 2010). East Jerusalem will be completely separated from the rest of the West Bank by the wall. This has serious implications for Palestinians living in the closed zone as they will be cut off from “places of employment, schools, universities and specialized medical care” as well as their friends and families in the rest of the West Bank (UN Human Rights Council, 2010).

- In 2004 the International Court of Justice ruled 14 to 1 that the West Bank Wall is illegal under international law. It called for it to be demolished and compensation to be paid by Israel. It described the course of the wall as “de facto annexation”.

- **Most Israeli Supreme Court rulings have rejected the cases challenging the legality and route of the wall.** However, on a few occasions it has ruled the army to modify the course of the wall, but not so that it goes along the Green Line (Adalah, 2008 p. 3.2). As a response to one of these rulings Israel redrew the path of the wall so that it did not encircle some of the settlements in the West Bank. However, Israel has since created barriers around the
settlements with the aim of connecting these to the West Bank Wall. These barriers will span “dozens of kilometres” and they will be built on strips of land that are designated Special Security Areas to get around the Supreme Court ruling (B’Tselem, 2008a p. 42).

- The wall negatively affects access to education and healthcare services by causing statistically significant increases in travel time and distance to schools and health facilities (Burnham, et al., 2007). This has led to a drop in student and staff attendance at schools.

**Settler Violence**

- There are regular reports of settlers harassing the Palestinian population. B’Tselem reports that Israeli authorities refrain from stopping and prosecuting settlers who commit violence (B’Tselem, 2008a p. 26). The violence is often committed by the security departments of the settlements on the regular patrols they conduct, with the aim of keeping Palestinians off their own land. Witness testimonies show that the regular violence acts as a deterrent and creates “danger zones” which Palestinians are unable to cross without support from human rights activists (B’Tselem, 2008a pp. 26-27).

- The cases that B’Tselem has documented include instances of shooting, threats to shoot and kill, beatings, stone throwing, unleashing attack dogs, striking with rifle butts and clubs, attempts to run over Palestinians with a vehicle, destruction of farm equipment and crops, theft of crops, killing of livestock and theft of animals used for farming, unauthorized demands to see identity cards, and theft of documents (B’Tselem, 2008a p. 27).

**Expropriation of Land**

Israel has employed a complex legal-bureaucratic system to demarcate half of the West Bank as area for the growth of settlements. This has mostly been achieved by declaring land “state land” and issuing military requisition orders.

- The military requisition orders effectively expropriate private Palestinian land and set it aside for the construction of settlements on the basis of “military necessity” (B’Tselem, 2008a p. 16). Israel reduced the use of the military orders after 1979 but returned to their use after signing the Declaration of Principles (Oslo I), mostly in order to create settler only roads (B’Tselem, 2008a p. 16).

- Another means of appropriating land, by declaring it “state land”, is based on an Ottoman law from 1858. A clause in this law states that private land that has not been worked for three years is considered “state land” and control of it is transferred to the government (B’Tselem, 2005 p. 83). This law has been reinterpreted by Israel as a means to convert Palestinian land into land controlled by the Israeli authorities and used for the establishment of settlements (B’Tselem, 2008a p. 17).
• After a declaration that land is viewed as “state land” is issued, Palestinian owners have the right to file an appeal before a military committee within 45 days (B’Tselem, 2005 p. 83). However, notice of the declaration frequently does not reach the Palestinian owner of the land, or if it does the appeal period has already elapsed (B’Tselem, 2005 p. 84). In any case Palestinians are unable to compete successfully against military authorities at the appeal committee (B’Tselem, 2005 p. 84).

• Settlement expansion increased during the Oslo period, when the army colluded with settlers to increase the amount of land under the control of settlements. This successfully created a mechanism for expropriating Palestinian land for “security belts”. These belts of land have continually increased in size since they were introduced (B’Tselem, 2008a pp. 31-32).

• In 2002 a development of this policy was the creation of “special security areas” (SSAs) as a means of confiscating land from Palestinians to create large hinterlands for illegal settlements (B’Tselem, 2008a p. 32). Access to this land is prohibited only to Palestinians. Twelve settlements east of the wall have been designated as SSAs and the overall area of these settlements is now 2.4 times larger, having increased from 3,235 dunams (approx. 800 acres) to 7,794 dunams (approx. 1,925 acres). More than half of this ring land is under private Palestinian ownership. Land confiscations conducted privately by settlers make this area of land off limits to Palestinians and are thought to amount to tens of thousands of dunams (B’Tselem, 2008a p. 7).

• Since the 1990s settlement councils have been allocating Palestinian land to settlers, classifying it as “neglected territory”. They then demand that the Israeli state designate the land “state land”. Settlers have also been responsible for the construction of hundreds of kilometres of officially “unauthorised” roads throughout the West Bank. In one case, in 2004, a military commission of inquiry found that the army was responsible for turning a blind eye (B’Tselem, 2008a pp. 24-25).
Expansion Continues Unabated

The various peace initiatives, international criticisms, UN resolutions and international law have had little impact on slowing down settlement expansion, let alone enforcing a complete halt or dismantling process.

Since 1967 at least 133 settlements have been constructed in the West Bank (Black, 2009), with a similar number of unrecognised settlements or “outposts” (B’Tselem, 2008a p. 15). The settlement population is now over 500,000 (including 20,000 in the Golan Heights) (Foundation for Middle East Peace, 2008). In 2001 Israel announced that it was going to dismantle the outposts, but to date no outposts have been fully dismantled (Economic and Social Council, 2008 p. 10).

The Myth of the Freeze

Netanyahu, Israel’s present prime minister, argues that Israeli forces are currently enforcing a freeze on construction of settlement housing units in the West Bank, not including East Jerusalem, existing construction, and settlement infrastructure. Similar claims have been issued by various Israeli governments – the first example being the “moratorium” on settlements announced by Begin in 1979 at the Camp David summit. In reality the alleged freezes have always contained enough loopholes for the construction of settlements to continue unabated (Aronson, 2009).

Natural Growth: In Israeli terminology ‘freeze’ refers to the construction of new settlements rather than the expansion of existing settlements. Israel permits this expansion on the basis of what it terms “natural growth”. This term has become increasingly discredited, so Israel has started to use “normal life” as a synonym for the same phenomena (Ravid, 2009). However, this kind of expansion is also illegal according to international law and should be halted immediately. The figures for population growth highlight that the increase in the settlements far surpasses the national average. While the national Israeli population increase is 1.8 percent, the rate of increase of the West Bank settler population is 5.5 percent, and was even higher during the Oslo period (Institute for Middle East Understanding, 2009).

Settler Archaeology: A tactic for expelling Palestinians that is particularly prominent in Silwan is the Israeli use of “archaeology” as a means of legitimating settlement construction.

Silwan began to develop in the 16th century and today contains 55,000 people, including 5,500 in Wadi Hilwah on the slopes of the Old City.

“Archaeological” digs have been carried out by a settler organisation called ‘Elad’, contracted by the Israeli authorities, to cement Jewish claims to the territory.

Elad emphasises the ancient Jewish period of the city’s history and ignores the multiple peoples that also contributed to the history of Jerusalem.

For instance, during excavations in a site where Elad planned to construct several buildings, a layer from the eighth and ninth centuries was found that included many Islamic graves. These were packed into crates and then “disappeared”.

One archaeologist lamenting the loss, said: “it may have been a private burial site, perhaps a mass grave following an epidemic or war, but in any case it is a very important discovery that could shed light on life in Jerusalem in that period. It’s a scandal they destroyed it” (Rapoport, 2008).

In the course of other “excavations”, Byzantine and Abbasid remains have been destroyed to reveal deeper layers and non-Jewish remains from all periods have been built over with settlement buildings (Alternative Archaeology, n.d.).

As well as evicting Palestinians by force, Elad and the Israeli authorities collude to create a situation that is so unbearable that Palestinians leave.

Elad conducts “excavations” under Palestinian homes without the owners’ consent and frequently putting the houses and surrounding land in danger of subsidence (Eldar, 2009).

Public and private land has been enclosed for facilities for tourists in a community that has no clinics, no public gardens, no playgrounds, no sports facilities and few classrooms (Wadi Hilwah Information Centre, n.d.).
East Jerusalem

The “freeze” does not extend to East Jerusalem, despite East Jerusalem constituting occupied land under international law, and the principle of the inadmissibility of the acquisition of land by military conquest being reaffirmed in relation to Jerusalem by UN Security Council Resolution 252.

Unchecked settlement expansion is continuing in East Jerusalem into Palestinian neighbourhoods.

- OCHA estimates that 60,000 Palestinian Jerusalemites are at risk of displacement. Palestinians are forced out of Jerusalem by either the Israeli authorities demolishing their homes for not having “building permits”, or by evictions caused by settler activity (OCHA, 2009a p. 2).

- Palestinian Jerusalemites are isolated from the rest of the West Bank as the majority of Palestinians in the West Bank are prevented from visiting Jerusalem (OCHA, 2009a p. 2).

- Israeli authorities issue very few building permits to Palestinians, and have marked as much as 40 percent of Palestinian areas as “open landscape areas”. Consequently, Palestinian neighbourhoods have twice as high a population density as Jewish neighbourhoods. This means Palestinians are forced to build homes without permits, which Israel can demolish with a façade of legality. In 2009, Israel demolished 449 such homes, leaving 1,655 people homeless (B’Tselem, n.d.). According to conservative estimates there are currently 1,500 pending demolition orders in Jerusalem, potentially affecting thousands of Palestinians (OCHA, 2009b p. 4).

- Evictions, as well as being counter to Israel’s obligations under international law, lead to a series of negative humanitarian consequences. In particular they: harm access to basic services such as water, health and education; often lead to family separation and a long period of instability; can have a “particularly devastating” impact on children (OCHA, 2009b p. 4).

Sheikh Jarrah, Silwan and the Mount of Olives

- Sheikh Jarrah, Silwan and the Mount of Olives are three neighbourhoods of East Jerusalem that are a central target for settlement expansion. If they were successfully colonised they would create a contiguous bloc between West Jerusalem and several West Bank settlements, thus creating “facts on the ground”.

- From January to July 2009 at least 194 people, including 95 children, were forcibly displaced and another 107, including 46 children, otherwise affected as a result of home demolitions ordered or carried out by Israeli authorities in East Jerusalem (OCHA, 2009b p. 4).
• Many of the Palestinians living in the area were expelled from their homes once before, during the Nakba in the late 1940s. 53 such refugees (the Hanoun and al-Ghawi families), including 20 children, were violently evicted by Israeli forces in 2009 and their homes handed over to a settler association (OCHA, 2009b p. 1). A further 475 Palestinians in the Sheikh Jarrah area remain at risk of forced eviction (OCHA, 2009a p. 2).

• Tactics used by settlers include claiming in the courts that Jews owned properties prior to 1948. Israeli courts rule in favour of these claims, yet there is no reciprocal right for Palestinian refugees to reclaim the land and homes they were expelled from during the Nakba (OCHA, 2009b p. 1). The right to reclaim property is not extended to the 427,000 internally displaced Palestinians who have Israeli citizenship (Badil, 2010).

Hebron

• Hebron is the largest Palestinian city in the Southern West Bank, yet it has been subject to an intensive settlement drive by Zionists, supported and protected by the Israeli state. The settlements in Hebron are in the heart of the city, concentrated in and around the Old City. Israeli authorities have created a strip of land that bisects the city and prevents Palestinian vehicles from passing, while settlers are permitted to pass unimpeded. The Israeli authorities have “knowingly and routinely protected countless acts of settler violence” against Palestinians in the city (B’Tselem, 2007 p. 5-6).

• In 1994, following the massacre of a group of worshiping Muslims by an Israeli settler, the Israeli authorities ordered the closing of Shuhada Street, an important commercial artery, which led to the closing of many Palestinian owned shops. Israel has repeatedly imposed curfews onto the commercial centre of Hebron, strangling the livelihoods of many residents (B’Tselem, 2007 p. 33-34).

Gaza

• Israel withdrew 8,000 settlers from Gaza when it ‘disengaged’ in 2005. However, Israel remains firmly in command of Gaza’s sovereignty, controlling its borders (along with Egypt), air space and coastal waters, whilst reserving for itself the right to conduct regular incursions. Consequently, when Israel announced its intention to disengage in 2004, the United Nations Special Rapporteur to the United Nations Commission on Human Rights reported that until this situation changes Israel will “in law remain an Occupying Power still subject to obligations under the Fourth Geneva Convention.” (Dugard, 2004).
Jordan Valley Annexation

- Article XI of the Oslo II Accords divided the West Bank into three separate areas based upon the level of relative power the Palestinian Authority would have in them. Areas A and B are essentially the build up areas of the West Bank and were designated at Oslo II as areas in which the Palestinian Authority would theoretically have some semi-autonomous powers over. The extent of Palestinian “autonomy” has come under question with the issuing of Military Order 1650, which grants the Israeli authorities sweeping powers to expel, broadly defined, “infiltrators”, from the whole of the West Bank. Forcible transfers and expulsions of protected people from occupied territory are prohibited under international law (UN, 2010).

- Area C, under direct Israeli control, comprises 60 percent of the West Bank and encircles Palestinian built up areas as well as including the vast majority of the Jordan Valley (B'Tselem, 2002). Whilst Oslo II created this division it also reaffirmed the status of the West Bank and the Gaza Strip “as a single territorial unit, the integrity and status of which will be preserved” (Oslo II, 1995). The territorial integrity of the West Bank and the Gaza Strip has been violated by Israel, which has used the segmentation of Palestinian territory to attempt to annex Area C, and particularly the Jordan Valley.

- As is the case in East Jerusalem, Israeli forces, make it almost impossible for Palestinians to obtain permits for building (B'Tselem, 2009b). For example, between 2000 and 2007 Israel only granted 91 building permits to Palestinians in Area C, while 18,472 housing units were built in settlements (B'Tselem, 2008a). As a result Palestinians are forced to build without permits and Israeli forces are able to demolish such buildings under Israeli law. Under international law, including the Fourth Geneva Convention, an occupying power can only demolish civilian buildings when an imperative military need exists (B'Tselem, 2009b).

- Israeli forces base their planning policy on outline plans from the days of the British Mandate, and can effectively demolish long standing villages and communities with impunity under Israeli law. For instance, al'Aqabah in the North of the Jordan Valley,

Sometimes, we call the police and they don’t come. There are settler attacks all the time. The parents, who stand alongside them, encourage the children because the law doesn’t apply to minors. We try to avoid contact with them. We try to avoid going into the street, except when we have no choice.

Taysir Abu ‘Ayesh, resident of Hebron from (B'Tselem, 2007 p. 32)
successfully campaigned for an Israeli army base at the entrance to their village to be moved, as gunfire from the base had killed and wounded several village residents. Following this success, however, the Israeli authorities issued demolition orders for most of the buildings in the village including the nursery, the mosque, the medical clinic and most of the residential buildings as the 100 year old village had been missed off the Mandatory plan of the area (B’Tselem, 2008a).

- **Entry to the Jordan Valley is extremely difficult for Palestinians who are not classed as residents.** They are unable to enter the valley in private vehicles and have to enter by foot or public transport (B’Tselem, 2010a).

- **The Palestinian villages in the Jordan Valley are isolated, even in comparison to other Palestinian towns in the West Bank.** For instance, the village of al-Hadidiyeh is blocked off from the main road in the area (Route 578) because the connecting road passes through fields worked by settlers. The villagers are dependent on services provided by Tammun and Tubas, towns in Area A, and the shortest dirt road that connects them takes 15 minutes to travel along. Israeli forces have placed a gate on this road that is opened twice a week to people registered to the army as residents of the area. At other times they have to drive for half an hour, pass through a checkpoint, and then drive for another half an hour. This unnecessarily lengthens the time that it takes for children to get to school and for patients to get to hospital (B’Tselem, 2010a).

- **As of February 2010, 79 percent of the Palestinian population of “Area C” are food insecure.** Moreover, a 2010 UN survey found alarming levels of acute malnutrition (5.9 percent), underweight (15.3 percent) and stunting (28.5 percent) among children under 5 in the area (OCHA, 2010).

### Exploitation of Resources

Israel breaches international law by exploiting natural resources in territory occupied in 1967, to which it is not entitled.

- **Since 1967, Israel has met much of its water demands by drawing it from the occupied West Bank.** Palestinians have lost access to the Jordan River, the most important surface water resource in the region (World Bank, 2009 p. 5). The mountain aquifer, which is the main source of groundwater in Palestine, is completely controlled by Israel and settlements are strategically placed for best access to West Bank aquifers. **Over 80 percent of the water extracted is taken by Israel, causing chronic water shortage for Palestinians (B’Tselem, 2010b).**

- **The World Health Organisation advises a per capita daily consumption minimum of 100 litres.** Israelis use over twice that amount (B’Tselem, 2010b). According to the World Bank **water availability in the West Bank averages 50 litres per capita day (lpcd) and is in some areas as low as 10-15 lpcd, which is below the supply threshold used by international disaster agencies to avoid epidemics (World Bank, 2009 p. v).** Israeli settlements consume about 44 million cubic metres of water extracted from the West Bank (World Bank, 2009 p. iv).

- Water withdrawals per head of the Palestinian population have been declining over the last 10 years, causing real water shortages (World Bank, 2009 p. v). **By regional standards Palestinians have the lowest access to fresh water resources.**

- The lack of availability to water negatively impacts the Palestinian economy, harming in particular the irrigated agriculture sector (World Bank, 2009 p. vi). **Estimates suggest that the lack of water has cost the Palestinian economy 10 percent of GDP and 110,000 jobs.**

- The groundwater in the West Bank is being polluted by the Israelis. **A third of the settlements wastewater is untreated and flows back into the environment as raw sewage, the rest is poorly treated.** Jerusalem pours more than 10 million cubic metres into the rest of the West Bank. More than 90 percent of the wastewater from Palestinians is also pumped untreated back into the environment because Israel has for over 40 years delayed and sometimes prevented approval for Palestinian waste water facilities (B’Tselem, 2010b).
• **Goods produced in the settlements have been responsible for harming the West Bank environment.** For instance, in a case reported by the World Bank, a leather factory in a settlement close to Azmuth village was producing highly toxic effluence and noxious odours due to lack of Israeli maintenance of wastewater facilities (World Bank, 2009 p. 20).

• The most fertile agricultural land in the West Bank is in the Jordan Valley, most of which is in Area C and is highly restricted for Palestinian use. **At least 21 settlements exist in the Jordan Valley and statements from top Israeli regime figures suggest that they intend to create facts on the ground and make it part of Israel.** For instance, Ehud Olmert declared in 2006 that “it is impossible to abandon control of the eastern border of Israel” (McGreal, 2006).

**The colonisation of the West Bank is set to continue as long as the occupation is maintained.** One Palestinian official, designated with the responsibility of planning the future development of the West Bank, claimed that his task was impossible due to the extensive Israeli long term plans for future settlements. One instance he cited was the rejection he received from the Israeli authorities for a plan for a long distance water carrier route on the basis that “in 2020 there will be an Eastern Wall” (World Bank, 2009 p. 55). Together the settlements, their infrastructure, the wall and closures constitute an impossible barrier to nearly every aspect of Palestinian life – not least the possibility of Palestinians enjoying their right to education.
Works Cited


