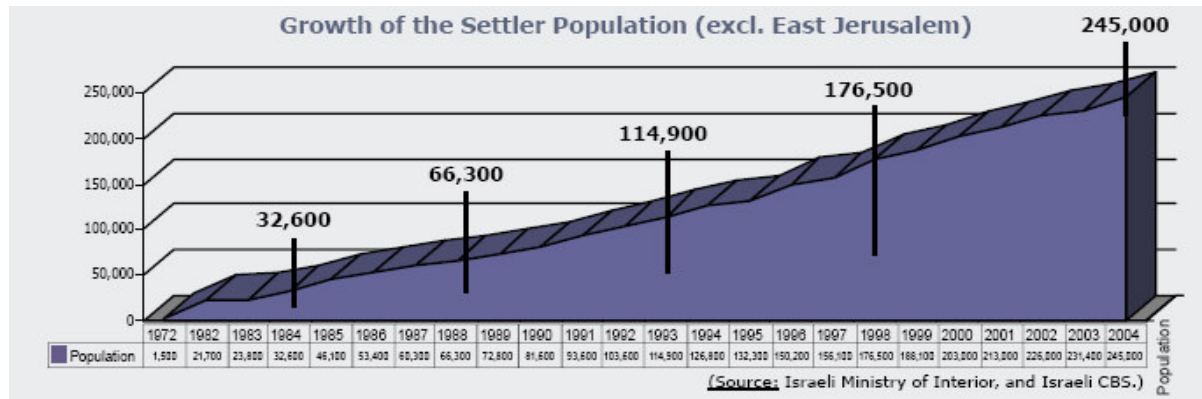


Israeli Settlements (Updated)  
By MIFTAH  
February 25, 2005

In 1947 the United Nations General Assembly passed Resolution 181 calling for the partition of British-ruled Palestine Mandate, in which 56.47% of the country would become a Jewish state and 43.53% an Arab state. However, at the time only 7% of the land was owned by Jews comprising one-third of the country. The Palestinian rejection of this plan led to the 1948 Arab-Israeli War, which caused two-thirds of Palestinians to be displaced. Israel subsequently conquered 78% of the country. Since 1967 Israel has occupied the remaining Palestinian lands (West Bank and Gaza), establishing and significantly expanding settlements both in area and population through political, organizational and economic support. The Israeli government's policy since then has aimed to break up the remaining Palestinian populations, isolating them and maintaining a military and civilian presence in the territories in order to make it difficult for Israel to surrender land and prevent the possibility of a Palestinian state. Israel continues to control water, natural and infrastructural resources in the territories. Today Palestinians are negotiating for less than 22% of historical Palestine.

### Settler Population and Number of Settlements

According to a 2004 Foundation for Middle East Peace report, the total settler population in the West Bank and Gaza (including east Jerusalem) is 416,800. There are 224,224 settlers in the West Bank, 185,000 in east Jerusalem and 7,576 in Gaza. The Palestinian population in the Occupied Territories totals 3.8 million: 2.4 in the West Bank and Jerusalem and 1.4 million in Gaza.



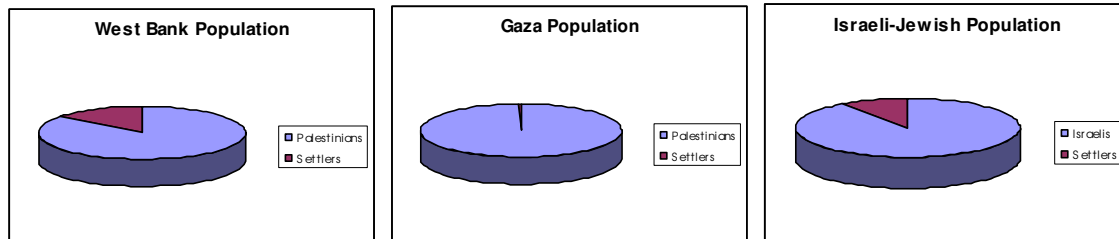
*(Taken from PASSIA "Settlements and the Wall" Special Bulletin, December 2004)*

Since disengagement talks began in May 2004, the Israeli Ministry of Interior has reported a 5% increase in settler population in Gaza.

The Israeli Interior Ministry reported that the settler population in the West Bank and Gaza had increased during the period of June 2003 to June 2004 by 12,306 to a total of 245,000. This number constitutes a 5.2% increase, in which two-thirds of the overall growth is attributed to "natural growth" and the remaining third to movement to the settlements. Most of the growth took place in the ultra-Orthodox settlements of Betar Illit, Modi'in Illit and Kokhav Ya'akov. (PASSIA, 2004 Bulletin "Settlements and the Wall")

Jewish settlers comprise less than 10% of the total Israeli-Jewish population. (PASSIA, 2004 Bulletin "Settlements and the Wall")

Israeli settlers constitute 9% of the total West Bank population and less than 0.6% of the Gaza population. (PASSIA, 2004 Bulletin "Settlements and the Wall")



More than 50% of the settlers live in only 8 settlements: Ariel, Betar Illit, Ma'ale Adumim, Modi'in Illit, Ramot Allon, Neve Ya'acov, Pisgat Ze'ev and Gilo.

According to the Palestine Land Development Information Systems Database, there are 146 settlements in the West Bank and 17 in Gaza; Peace Now counts 148 settlements in the Occupied Territories; the Palestinian Central Bureau of Statistics identifies 172 official Israeli settlements. According to figures by the Israeli Ministry of Interior and the CBS, 143 settlements have been built in the West Bank and Gaza since 1967, with the last one established in 1997. (PASSIA, 2004 Bulletin "Settlements and the Wall")

Until July 2004, Israeli Prime Minister Ariel Sharon has authorized 62 settlements. The Israeli government officially recognizes 168 settlements in the West Bank and Gaza.

A 2004 Peace Now Aerial Survey noted that settlement expansion activity is under way at 73 locations, covering almost 0.5 km<sup>2</sup>.

Settlements annually cost Israel at least \$556 million.

### **Outposts v. Settlements**

Both settlements and outposts are illegal under international law. However, unlike settlements, many of the outposts are uninhabited and are referred to as "dummy outposts," which are empty outposts erected by the settler movement to use as a tool for negotiations or public relations. Outposts are comprised off one or two caravans erected on the site, and if inhabited, tend to only have one family.

Outposts are illegal not only under international law, but under Israeli law as well. However, the Israeli government has generally refrained from evicting the settlers or demolishing the buildings they erected without permits. Some received retroactive approval.

A 2004 report by Peace Now documented 99 outposts in the West Bank. There is permanent construction underway in 15 of the outposts, and 12 are significantly expanding.

### **Israeli Settlements in Jerusalem**

The issue of settlement activity in the east Jerusalem area is particularly significant and controversial. The installation of settlements around Jerusalem has left the mostly Arab-populated eastern part of the city almost completely isolated from the West Bank. The implications of this are gradually undermining the long envisaged concept of Jerusalem being the capital of a future Palestinian state.

At least 66% of today's Jerusalem is territory seized by force (5% of the old Jordanian municipality and 61% of former West Bank territory). Within this area, Israel has expropriated approximately 24.5 km<sup>2</sup>, which is more than one-third of the land illegally annexed to Jerusalem. Most of this area was privately owned by Palestinians, mainly to establish the 12 settlements existing in the city today. (B'Tselem, Land Grab, Draft Report. May 2002). The settlements in the municipal district of Jerusalem houses about half of all West Bank settlers, yet it occupies a total area of less than 0.2% of the West Bank. These settlements—with a population of approximately 180-200,000—are intended to secure Israeli superiority over the entire Jerusalem region.

Almost half of the area of Arab east Jerusalem has been slated as 'Green Areas', i.e., public space on which construction is not allowed, choking Palestinian expansion in the area. In fact, these areas

serve as land reserves for the construction or expansion of settlements. The first such case was Shu'fat: 2 km<sup>2</sup> of its land, designated as a 'Green Area' in 1968, were rezoned in 1973 to allow for the building of the Ramot settlement.

In June 2004 the Israeli Parliament adopted the Absentee Property Law in east Jerusalem, essentially closing the chapter on the remaining Palestinian lands not appropriated during Israel's occupation of the city. The debate and approval of the law was not made public, contradicting an Israeli law requiring publicity for Parliamentary activities. The implementation of this law was suspected to result in the appropriation of thousands of dunums of Palestinian land. However, during U.S. Secretary of State Condoleezza Rice's visit to Israel and the West Bank in February 2005, the law was appealed for being an illegal "land-grabbing" practice.

[View Miftah's Press Release on the Absentee Property Law](#)

In August 2004 Israel approved the construction of 741 housing units in the Ma'ale Adumim settlement, marking an increase in settlers by more than 7%. Land confiscated for the expansion provides a further buffer between Palestinians in the West Bank and Jerusalem, which is almost completely surrounded by settlements.

### **Land Confiscated by Israel**

The West Bank, including east Jerusalem, covers an area of 5,854 km<sup>2</sup>, while Gaza covers an area of 365 km<sup>2</sup>. Since the 1967 occupation, Israel has either confiscated or declared as closed areas over 55% of the West Bank and 25% of Gaza, thereby placing those areas out of Palestinian reach.

On June 28, 1967, Israel unilaterally expanded the borders of east Jerusalem (as designated by Jordan) from 6.5 km<sup>2</sup> to 70.5 km<sup>2</sup> to include lands from many West Bank villages while avoiding populated Palestinian areas.

The area occupied by the settlements in the West Bank doubled in the seven years after the Oslo Accords between 1992 and 1999 from 77 km<sup>2</sup> (1.3% of the West Bank) to 150 km<sup>2</sup> (2.6% of the West Bank). And since the signing of the Declaration of Principles in 1993, more than 86.334 km<sup>2</sup> of land have been confiscated.

In order to take control of Palestinian land, Israel has used complex legal and bureaucratic mechanisms, such as declaration of "state land," seizure for military needs, declaration of land as "abandoned assets" and the expropriation of land for public needs. In addition, Israel has assisted private citizens in purchasing land on the "free market" and even armed settlers in the Occupied Territories. The Israeli High Court of Justice has generally sanctioned these mechanisms, imbuing these procedures with a mask of legality.

Recently, the approval and construction of the Annexation Wall further demonstrates Israel's illegal land-grabbing policies and attempts at consolidating control over the Occupied Territories. The Wall incorporates substantial West Bank areas east of the Green Line, keeping the Palestinian people secluded from essential economic resources, such as modern irrigated agriculture. According to Stop the Wall, a grassroots Palestinian anti-Apartheid Wall campaign, the Annexation Wall will de facto annex 50% of the West Bank, resulting in Palestinians east of the wall to live on only 12% of historic Palestine. Additionally, 16% of Palestinians (including 200,000 residents of east Jerusalem) and 98% of settlers will be outside the Wall in de facto annexed areas by Israel.

### **Incentives for Living in Settlements**

Israel has implemented a consistent and systematic policy intended to encourage Jewish citizens to migrate to the West Bank and Gaza. One of the tools used to this end is to grant financial benefits and incentives to citizens—both directly and through local Jewish authorities. Government expenditure includes low purchase prices, mortgage grants (up to 95% of the cost) and Priority 'A' categorization (for state-subsidized benefits and incentives such as tax breaks, free schooling and school busing and business grants). This does not include high security costs.

The 2002 B'Tselem Land Grab Draft Report stated that financial benefits and incentives are provided by six ministries: Housing and Construction Ministry (e.g., loans for the purchase of apartments), Education Ministry (e.g., free pupils' transportation, incentives for teachers), Industry and Trade

Ministry (grants for investors), Labor and Social Affairs Ministry (incentives for social workers), Finance Ministry (income tax reduction), and the Israel Lands Authority, which is accountable to the Ministry of National Infrastructure, (price reduction in land leasing).

### **The “Natural Growth” Loophole**

Israel has repeatedly sought methods allowing the continued building of settlements, while giving the appearance of restricting settlement construction. Its most successful mechanism is found in its interpretation of “natural growth.”

The term “natural growth” was never precisely defined, although the United Nations Population Fund defines it as the “excess of births over deaths.” The vague nature of the term has allowed Israel to continue to expand the settlements. Since the signing of the Declaration of Principles in 1993, all Israeli governments have interpreted this phrase as including not only the natural growth of the existing population (i.e., birth rates), but also the growth of the population by migration.

Settlement growth is not “natural.” Israel’s policy encourages settlement in the Occupied Palestinian Territories through extensive and generous government subsidies. The Israeli governments have actively encouraged migration into settlements through various incentives. For instance, 60% of Israeli construction in the Occupied Palestinian Territories is state funded, compared to 25% within Israel.

Due in large part to financial and other incentives, Israel’s rate of population growth in the Occupied Territories, which includes birth, immigration and other factors is approximately three to four times greater than within Israel (8-10% as compared to 2-3%).

Even if Israel continued to maintain its subsidized natural growth rate, Israel could freeze construction for two to five years and would be required to demolish apartments based on existing units empty and available in the Occupied Palestinian Territories. It is estimated that there are between 10,000 and 20,000 settlement housing units empty and available.

Yet despite the facts above, Israel has established new settlements under the guise of “new neighborhoods” of existing settlements. Subsequently, these new settlements have been included in the area of jurisdiction of the adjacent settlement, even in cases of no territorial contiguity between the two settlements.

### **Discrimination in the Occupied Territories**

A regime of legalized separation and discrimination has been created in the West Bank by Israel. The regime is based on the existence of two separate legal systems in the same territory, with the rights of individuals being determined by their nationality. This regime is the only one of its kind in the world and is reminiscent of distasteful regimes from the past, such as the South African Apartheid regime.

The discrimination against Palestinians is apparent in almost all fields of activity of the occupation authorities, starting from the methods used by Israel to seize control of the land on which the settlements are established, to the separate planning institutions for Palestinians and for Israelis, to the application of Israeli law to the settlers and settlements while the Palestinian population remains subject to the military legislation.

Israel uses seized lands to benefit the settlements while prohibiting the Palestinian public from using them in any way, which is forbidden and illegal under international law. Moreover, Palestinians are forbidden to enter these areas without authorization from the Israeli military commander. Israeli citizens, Jews from throughout the world and tourists are all permitted to enter these areas without the need for special permits.

The frequent refusal of Israeli authorities to grant construction permits to Palestinians who wish to build on privately owned land has left the latter with no choice but to take extreme risks in building regardless of the required Israeli approval. Hundreds of Palestinian houses are demolished every year. Since the beginning of the 2000 Palestinian uprising, 745 homes have been demolished as a result of Israel’s discriminatory policies. Since December 2004, 117 homes have been demolished. According to B’Tselem, “almost half of the homes demolished were never home to anyone suspected

of involvement in attacks against Israelis." These demolitions caused 1,286 people to lose their homes although Israeli officials claim they should not have been punished.

On the other hand, the settlers benefit from all the rights available to Israeli citizens living within the Green Line, and in some cases are granted additional rights. For instance, Israeli settlements are given a greater allocation of the superior water resources that typically lie beneath them. According to B'Tselem, "the water consumption of the population of the Jewish settlements in the Jordan Valley—a population of less than 5,000—is equivalent to 75% of the water consumption of the entire Palestinian population of the West Bank (approximately two million people) for domestic and urban uses."

In the Israeli-Occupied Gaza, one of the most densely populated areas in the world, a settler population of approximately 6,500 controls more than 20% of Gaza's territory and has full freedom of movement. In order to facilitate freedom of movement for these settlers, Gaza's Palestinian population of more than a million is subjected to checkpoints, curfews and military invasions.

Furthermore, Israel's maintenance in the settlement areas has resulted in a network of roads and bypass roads, fences, buffer zones and outposts to control the areas. Palestinians, however, are forbidden to build near the settlements or within 150 meters of the bypass roads that serve them. About 1126.8 km of bypass roads have been constructed until 2004.

### **International Law**

The establishment of settlements in the West Bank violates international humanitarian law and international human rights law.

The Fourth Geneva Convention expressly prohibits an Occupying Power from deporting or transferring parts of its own civilian population into the territory it occupies.

Hague Regulations prohibit the occupying power to undertake permanent changes in the occupied area, unless these are due to military needs in the narrow sense of the term, or unless they are undertaken for the benefit of the local population.

In addition, Israeli settlements violate four UN Security Council Resolutions: Res. 242 (1967), emphasizing the "inadmissibility of the acquisition of territory by war"; Res. 446 and 452 (1979), stating the illegality of Israeli settlements and calling upon "the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem"; and Res 465 (1980), asserting the dismantlement of Israeli settlements and urgent cessation of "the establishment, construction and planning of settlements in the Arab territories occupied since 1967."

The establishment of the settlements leads to the violation of the rights of Palestinians as protected under international human rights law. Among other violations, the settlements infringe the right to self-determination, equality, property, an adequate standard of living and freedom of movement.

Furthermore, settlements in the Occupied Palestinian Territories constitute a war crime. According to the Rome Statute of the International Criminal Court of 1998 (Article 8(b)(viii)), "the transfer directly or indirectly by the Occupying Power of parts of its own civilian population into the territory it occupies" is a war crime indictable by the International Criminal Court.

### **Sources:**

1. ARIJ: Applied Research Institute Jerusalem, [www.arij.org](http://www.arij.org)
2. B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, [www.btselem.org](http://www.btselem.org)
3. Monitoring Israeli Colonizing Activities in West Bank & Gaza, [www.poica.org](http://www.poica.org)
4. PASSIA "Settlements and the Wall," December 2004, [www.passia.org](http://www.passia.org)
5. Peace Now, [www.peacenow.org.il](http://www.peacenow.org.il)
6. PSC: Palestinian Solidarity Campaign, [www.aquascript.com/psc/default.asp](http://www.aquascript.com/psc/default.asp)
7. FMEP: Foundation for Middle East Peace, [www.fmep.org](http://www.fmep.org)
8. Stop the Wall, The Grassroots Palestinian Anti-Apartheid Wall Campaign: [www.stophewall.org](http://www.stophewall.org)
9. PLO Negotiations Affairs Department: [www.nad-plo.org](http://www.nad-plo.org)

10. UN Population Fund: [www.unfpa.org](http://www.unfpa.org)