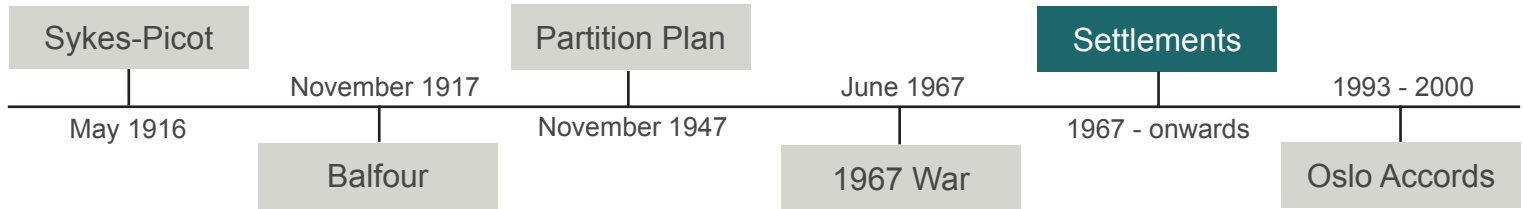


Arab-Israeli Relations



Settlements

Prepared by Anna Siodlak, Research Associate

Settlements remain one of the most controversial aspects of the Israeli occupation. Israel's systematic and expansive policy of developing Jewish communities represents a threat to Palestinian statehood and undermines Israel's international reputation.

What is a settlement?

Settlements are Jewish civilian communities built on land occupied by Israel during the 1967 Arab-Israeli War. There are approximately 350,000 settlers residing in the West Bank, 300,000 in East Jerusalem, and 20,000 in the Golan Heights.¹ Most settlements are either religious or agricultural communities. The four largest settlements in the West Bank have city status with up to 50,000 settlers living in each. The Israeli government encourages Jewish citizens from around the globe to migrate to settlements by offering:

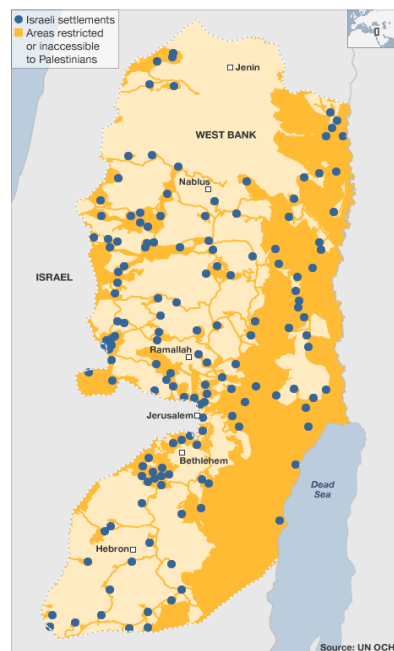
- inexpensive land, generous loans and reductions in income tax;
- incentives for teachers and subsidised school transportation; and
- grants for investors and infrastructure development.

The World Zionist Organization manages settlements through its Settlement Division. Although state-funded and directly controlled by the Prime Minister's office, the Division is considered a non-governmental body and is exempt from the rules applying to government ministries. Authority for planning and construction is held by the Israel Defense Forces (IDF) civil adminis-

tration.

Upon what law are settlements built?

Israel's Absentee Property Law (1950) warrants the transfer of land and assets from owners who were absent from their property between November 1947 and May 1948 to a government Council who can then lease the property or sell it to the Development Authority to prepare for new Jewish immigrants.² Versions of this law remain in force, including the Prescription Law (1958) which enables the State acquisition of land that has not been legally claimed for 25 years or buildings for seven years.³ Palestinians who cannot prove their land ownership risk eviction; this is common as official papers were often lost or destroyed during the 1948 and 1967 wars.



Israeli settlements in the West Bank. Map courtesy of UN OCHA, 2013

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The Emergency Regulations Law (1949) enables the requisition of land for the defence of the State, public security, maintenance of public services or the absorption of immigrants. Once acquired by the Council, buildings are demolished and land is prepped for settlement developments or construction of the Separation Barrier. By 1972 Israel had confiscated over 1.5 million dunams of land, equating to 28% of West Bank

¹ Previous settlements existed in the Sinai (until the 1979 Israel-Egypt Peace Agreement) and Gaza Strip (until 2005 when the Israelis implemented a unilateral disengagement plan).

² 'Absentees' Property Law, 5710'. (15 March 1950).

³ 'Prescription Law, 5718'. (24 March 1958).

territory in accordance with 1967 borders. By 2000 this rose to almost 42% of which 21% was seized from private Palestinian land owners.

What is the legal status of the settlements?

There is general consensus among members of the international community that the establishment of settlements is illegal. The IV Geneva Convention states that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.⁴ In 2004, the International Court of Justice issued an advisory opinion that found the settlements in breach of international law.⁵ The UN General Assembly “demand[ed] that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion”.⁶ The Israeli government maintains that the settlements are legal on the basis that the West Bank is disputed territory, not occupied territory.

The driving forces behind Israel’s settlement policy

Settlements are primarily built for political and strategic reasons, but a religious discourse attracts immigrants who believe in Jewish resettlement in the Holy Land of Israel. Continuous expansion of settlements enables Israel to gain strategic political and territorial advantages that enhance the idea of a Jewish state in Palestine and threaten Palestinian autonomy. Advantages include: control of the Jordan Valley and its associated resources, annexation of East Jerusalem from the West Bank, isolation of key Palestinian towns like Hebron and Nablus. A network of roads that exist separately to official Palestinian infrastructure

connects the settlements. Palestinians need a special permit to access these roads. In addition, 85 check-points and 460 roadblocks help IDF soldiers control access to Palestinian towns and movement on Palestinian roads.

Impacts of the settlements

Settlements are an obstacle to a final status agreement regarding Palestinian statehood. The persistent and aggressive character of the settlement policy raises doubts regarding the legitimacy of the security narrative and the Israeli government’s claim for peace. Other impacts include:

Displacement: Homes, businesses and service facilities are regularly demolished to facilitate settlement expansion and Judaisation projects. Between 1967 and 2012, more than 28,000 buildings were destroyed.⁷

Inequality: Jewish settlers are tried in civilian or criminal courts while Palestinians are tried in military courts and can be held in administrative detention without charge or trial for extended periods.

Foregone output: The World Bank estimates that the potential additional output from “lifting the restrictions on movement and access as well as other administrative obstacles to Palestinian investment and economic activity” could amount to \$2.2 billion per annum (in value-added terms), a sum equivalent to 23% of Palestinian GDP in 2011.⁸

⁴ ‘Convention (IV) relative to the Protection of Civilian Persons in Time of War’. Article 49. (12 August 1949).

⁵ ‘Advisory Opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory’, the International Court of Justice. (9 July 2004).

⁶ ‘A/RES/ES-10/15’. UN General Assembly. (2 August 2004); see also Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/RES/36/147) UN General Assembly. (16 December 1981).

⁷ Adv. E. Schaeffer, I. Epshtain & J. Halper. ‘Israel’s policy of demolishing Palestinian homes must end: A submission to the UN Human Rights Council by the Israeli Committee Against House Demolitions’. ICAHD. (March 2012).

⁸ ‘West Bank and Gaza Area C and the Future of the Palestinian Economy’. Report No. AUS2922. Poverty Reduction and Economic Management Department Middle East and North Africa Region, World Bank. (2 October 2013).



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