

Illegal Land Grab: Israel's Seizure of Land in Palestine **Saleh Raed Shatat^{*)} and Ong Argo Victoria ^{**)}**

^{*)} University of Jordania, Email: salehshatat@gmail.com

^{**)} International Islamic University Malaysia, Email: argovictoriaupin@gmail.com

Abstract. *Since 1967, each Israeli government has invested significant resources in establishing and expanding the settlements in the Occupied Territories, both in terms of the area of land they occupy and in terms of population. As a result of this policy, approximately 380,000 Israeli citizens now live on the settlements on the West Bank, including those established in East Jerusalem (this report does not relate to the settlements in the Gaza Strip). During the first decade following the occupation, the Ma'arach governments operated on the basis of the Alon Plan, which advocated the establishment of settlements in areas perceived as having "security importance," and where the Palestinian population was sparse (the Jordan Valley, parts of the Hebron Mountains and Greater Jerusalem). After the Likud came to power in 1977, the government began to establish settlements throughout the West Bank, particularly in areas close to the main Palestinian population centers along the central mountain ridge and in western Samaria. This policy was based on both security and ideological considerations. The political process between Israel and the Palestinians did not impede settlement activities, which continued under the Labor government of Yitzhak Rabin (1992-1996) and all subsequent governments. These governments built thousands of new housing units, claiming that this was necessary to meet the "natural growth" of the existing population. As a result, between 1993 and 2000 the number of settlers on the West Bank (excluding East Jerusalem) increased by almost 100 percent.*

Keywords: Illegal; Land Grab; Violence; Politic.

1. INTRODUCTION

The establishment of settlements on the West Bank violates international humanitarian law, which establishes the principles applying during war and occupation. Moreover, the settlements lead to the infringement of international human rights law¹.

International humanitarian law prohibits the occupying power to transfer citizens from its own territory to the occupied territory (Fourth Geneva Convention, article 49). The 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.

The establishment of the settlements leads to the violation of the rights of the Palestinians as enshrined in international human rights law. Among other violations,

¹ Land Grab: Israel's Settlement Policy in the West Bank, https://www.btselem.org/publications/summaries/200205_land_grab accessed on June 4, 2021

the settlements infringe the right to self-determination, equality, property, an adequate standard of living, and freedom of movement².

The illegality of the settlements under international humanitarian law does not affect the status of the settlers. The settlers constitute a civilian population by any standard, and include children, who are entitled to special protection. Although some of the settlers are part of the security forces, this fact has absolutely no bearing on the status of the other residents of the settlements³.

Israel has used a complex legal and bureaucratic mechanism to take control of more than fifty percent of the land in the West Bank. This land was used mainly to establish settlements and create reserves of land for the future expansion of the settlements⁴.

The principal tool used to take control of land is to declare it "state land." This process began in 1979, and is based on a manipulative implementation of the Ottoman Lands Law of 1858, which applied in the area at the time of occupation. Other methods employed by Israel to take control of land include seizure for military needs, declaration of land as "abandoned assets," and the expropriation of land for public needs. Each of these are based on a different legal foundation. In addition, Israel has assisted private citizens purchasing land on the "free market."⁵

The process employed in taking control of land breaches the basic principles of due procedure and natural justice. In many cases, Palestinian residents were unaware that their land was registered in the name of the state, and by the time they discovered this fact, it was too late to appeal. The burden of proof always rests with the Palestinian claiming ownership of the land. Even if he meets this burden, the land may still be registered in the name of the state on the grounds that it was transferred to the settlement "in good faith."

Despite the diverse methods used to take control of land, all the parties involved - the Israeli government, the settlers and the Palestinians - have always perceived these methods as part of a mechanism intended to serve a single purpose: the establishment of civilian settlements in the territories. Accordingly, the precise method used to transfer the control of land from Palestinians to Israel is of secondary importance. Moreover, since this purpose is prohibited under international law, the methods used to secure it are also unlawful.

Israel uses the seized lands to benefit the settlements, while prohibiting the Palestinian public from using them in any way. This use is forbidden and illegal in itself, even if the process by which the lands were taken were fair and in accordance with international and Jordanian law. As the occupier in the Occupied Territories, Israel is not permitted to ignore the needs of an entire population and to use land intended for public needs solely to benefit the settlers.

² "Israel and Occupied Palestinian Territories". Amnesty International Report 2017/18: The State of the World's Human Rights (PDF). Amnesty International. 2018. pp. 207–211. ISBN 978-0-86210-499-3.

³ Shulman, David D. (2018). *Freedom and Despair: Notes from the South Hebron Hills*. University of Chicago Press. ISBN 978-0-226-56665-8.

⁴ Algazy, Joseph (Spring–Summer 1985). "Israeli Settlement Policy in the West Bank and the Gaza Strip". *Arab Studies Quarterly*. 7 (2–3): 62–73. JSTOR 41857769.

⁵ Abowd, Thomas Philip (2000). "The Moroccan Quarter: A History of the Present"(PDF). *Jerusalem Quarterly* (7): 6–16.

The High Court of Justice has generally sanctioned the mechanism used to take control of land. In so doing, the Court has contributed to imbuing these procedures with a mask of legality. The Court initially accepted the state's argument that the settlements met urgent military needs, and allowed the state to seize private land for this purpose. When the state began to declare land "state land," the Court refused to intervene to prevent this process.

2. RESEARCH METHODS

Researchers used a legal research method with an empirical juridical approach, the research specification used was descriptive analytical, the data source came from secondary data. Data collection methods are carried out through interviews, library research, and document study. This writing is analyzed by qualitative analysis using the analysis knife of legal certainty theory and theory of authority.

3. RESULT AND DISCUSSION

3.1. The Policy of Annexation and Local Government

The Israeli administration has applied most aspects of Israeli law to the settlers and the settlements, thus effectively annexing them to the State of Israel. This has taken place although in formal terms the West Bank is not part of the State of Israel, and the law in effect there is Jordanian law and military legislation. This annexation has resulted in a regime of legalized separation and discrimination. This 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.

Local government in the settlements has been established on the basis of the usual model inside Israel and is managed in a similar manner, ignoring the relevant Jordanian legislation that should apply in the West Bank. Twenty-three Jewish local authorities operate on the West Bank: three municipalities, fourteen local councils and six regional councils, including 106 settlements recognized as distinct communities. In addition, twelve settlements have been established in the areas annexed to the Municipality of Jerusalem in 1967 - areas in which Israeli law has been officially imposed.

The areas of jurisdiction of the Jewish local authorities, most of which extend far beyond the built-up area, are defined as "closed military zones" in the military orders. 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 Israeli governments have implemented a consistent and systematic policy intended to encourage Jewish citizens to migrate to the West Bank. One of the tools used to this end is to grant financial benefits and incentives to citizens - both directly and through the Jewish local authorities. The purpose of this support is to raise the standard of living of these citizens and to encourage migration to the West Bank.

Most of the settlements in the West Bank are defined as national priority areas (A class or B class). Accordingly, the settlers and other Israeli citizens working or investing in the settlements are entitled to significant financial benefits. These benefits are provided by six government ministries: the Ministry of Construction and Housing (generous loans for the purchase of apartments, part of which is converted to a grant); the Israel Lands Administration (significant price reductions in leasing land); the

Ministry of Education (incentives for teachers, exemption from tuition fees in kindergartens, and free transportation to school); the Ministry of Industry and Trade (grants for investors, infrastructure for industrial zones, etc.); the Ministry of Labor and Social Affairs (incentives for social workers); and the Ministry of Finance (reductions in income tax for individuals and companies).

The Ministry of the Interior provides increased grants for the local authorities in the territories relative to those provided for communities within Israel. In the year 2000, the average per capita grant in the Jewish local councils in the West Bank was approximately sixty-five percent higher than the average per capita grant in local councils inside Israel. The discrepancy in the grants for the regional councils is even greater: the average per capita grant in 2000 in the regional councils on the West Bank was 165 percent of that for a resident of a regional council inside Israel.

One of the mechanisms used by the government to favor the Jewish local authorities in the West Bank, in comparison with local authorities inside Israel, is to channel funding through the Settlement Division of the World Zionist Organization. Although the entire budget of the Settlement Division comes from state funds, as a non-governmental body it is not subject to the rules applying to government ministries in Israel.

3.2. The Planning System

The planning system on the West Bank, implemented by the Civil Administration, is one of the most powerful mechanisms of the Israeli occupation. As with the other bureaucratic systems, the planning system operates on two distinct tracks: one for Jews and the other for Palestinians⁶.

This system is responsible for transforming the map of the West Bank because it is the planning system that approves the outline plans for the settlements and issues building permits for the establishment and expansion of settlements and for the construction of by-pass roads. Israel changed the composition of the planning institutions on the West Bank and transferred numerous planning powers to the Jewish local authorities, while expropriating these powers from Palestinian planning institutions⁷.

While facilitating Jewish settlement, the planning system works vigorously to restrict the development of Palestinian communities. The main tool used to this end is to reject requests for building permits filed by Palestinians. In most cases, the requests are rejected on the grounds that the regional outline plans - approved in the 1940s during the British Mandate - prohibit construction in the relevant area of land. These plans do not reflect the development needs of the Palestinian population, and the planning system deliberately refrains from preparing revised plans. Houses built by Palestinians without building permits are demolished by the Civil Administration, even in cases when the construction took place on private land.

After the signing of the interim accord in 1995, planning powers in areas A and B - which account for approximately forty percent of the area of the West Bank - were transferred to the Palestinian Authority. While the vast majority of the Palestinian population lives in these areas, the vacant land available for construction in dozens of villages and towns across the West Bank is situated on the margins of the communities

⁶ Algazy, Joseph (Spring–Summer 1985). "Israeli Settlement Policy in the West Bank and the Gaza Strip". *Arab Studies Quarterly*. 7 (2–3): 62–73. JSTOR 41857769.

⁷ Galnoor, Itzhak (2010). *Public Management in Israel: Development, Structure, Functions and Reforms*. Routledge. ISBN 978-1-136-92386-9.

and defined as area C. The Israeli planning authorities continue to control planning and construction in these areas.

3.3. Illegal Land Grab: Israel's Seizure of Land In Palestine

To the casual visitor or tourist driving through the occupied West Bank or Jerusalem, Israeli settlements may appear as just another set of houses on a hill⁸. The middle-class suburban style townhouses, built fast and locked in a grid of uniform units, stand like fortified compounds, in direct contrast to the sprawling limestone Palestinian homes below. Settlement homes, mostly constructed of cement with a cosmetic limestone cladding, tend to fashion a similar look: American-style villas topped by red-tiled roofs and surrounded by lush, neatly trimmed green lawns⁹.

By 2018, there were 611,000 Israeli settlers living in 250 settlements in the occupied West Bank, including East Jerusalem, in contravention of international law. The largest settlement, Modi'in Illit, houses more than 70,000 Israeli Jews in the occupied West Bank. The mega-settlement has its own mayor, as well as schools, shopping malls and medical centres. Some settlements even have their own universities.

Today, between 600,000 and 750,000 Israelis live in these sizeable settlements, equivalent to roughly 11 percent of the total Jewish Israeli population. They live beyond the internationally recognised borders of their state, on Palestinian land that Israel occupied in 1967, comprising East Jerusalem and the West Bank. Since then, the Israeli government has openly funded and built settlements for Israeli Jews to live there, offering incentives and subsidised housing. So why have these housing compounds caused so much rancour and been called a threat to the prospect of peace in the Holy Land?

Contrary to common belief, settlements are a legacy of the pre-1948 period, before the creation of Israel. In the 1880s, the community of Palestinian Jews, known as the Yishuv, amounted to three percent of the total population. They were apolitical and did not aspire to build a modern Jewish state. But in the late 19th century, the Zionist movement - a political ideology - grew out of Eastern Europe, claiming that Jews were a nation or race that deserved a modern "Jewish state".



Source: Jewish Virtual Library

⁸ Produced by Zena Tahhan, Published: November 21, 2017 | Updated: January 27, 2020, <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html> accessed on June 4, 2021

⁹ Lein, Yehezkel; Weizman, Eyal (May 2002). "Land Grab: Israel's Settlement Policy in the West Bank" (PDF). B'tselem Report. B'Tselem. ISSN 0793-520X.

The movement, citing the biblical belief that God promised Palestine to the Jews, began to buy land there and build settlements to strengthen their claim to the land. At the time, these settlements, built largely on the coastal plain and in the north of the country, were called "Kibbutzim" and "Moshavim". The first Kibbutz Degania, was established in 1909 by European Jewish colonists. Tel Aviv, now the economic capital of Israel, was also built in the early 20th century and was one of the first settlements. The approach is known as "creating facts on the ground" - laying a stake in an area to ensure that it will be part of a future state and difficult to get rid of later on.



Source: PalestineRemembered.com

The distribution of the settlements determined the map of the proposed United Nations Partition Plan for Jewish and Palestinian states in 1947. By 1948, prior to the ethnic cleansing of Palestine by the Zionist movement, Jews had control over less than six percent of the land. As European Jews began to colonise Palestine - many pushed by anti-Semitic persecution in Europe - the balance of land control between Palestinians and immigrant Jews shifted significantly. The project was facilitated by the British, who were occupying Palestine from 1917 to 1947, with the aim of building a Jewish state.

Between 1922 and 1935, the Jewish population rose from nine percent to nearly 27 percent of the total population, displacing tens of thousands of Palestinian tenants from their lands as Zionists bought land from absentee landlords. Under the 1947 UN Partition Plan, Jews were allocated 55 percent of the land, encompassing many of the main cities with Palestinian Arab majorities and the important coastline from Haifa to Jaffa. The plan would deprive the Palestinian state of key agricultural lands and seaports, which led the Palestinians to reject the proposal. Shortly after the issuance of UN Resolution 181 that called for partition, war broke out between Palestinian Arabs and Zionist armed groups, who, unlike the Palestinians, had gained extensive training and arms from fighting alongside Britain in World War II.

3.4. The loss of land in Palestine

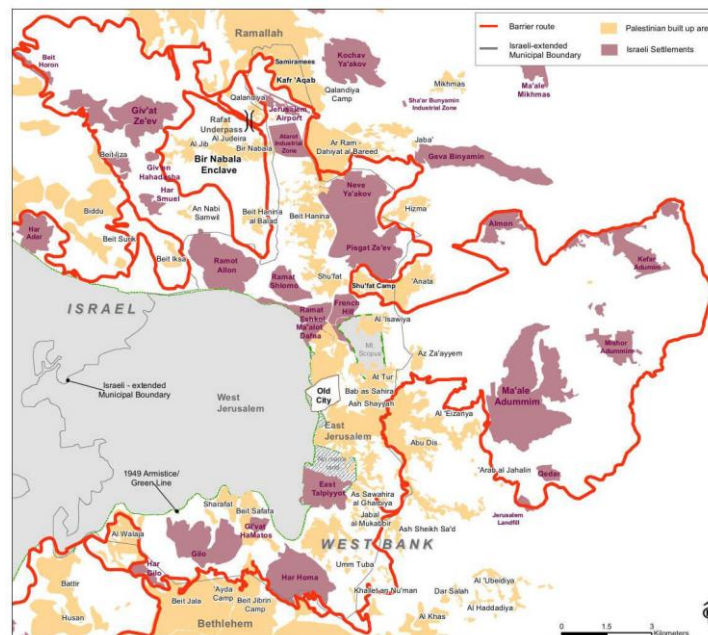
Zionist paramilitary groups launched a violent process of ethnic cleansing in the form of large-scale attacks, massacres, and destruction of entire villages aimed at the mass expulsion of Palestinians to build the Jewish state. By the end of 1949, the Jewish state had taken up some 78 percent of historical Palestine. Of the remaining Palestinian territories, the West Bank and East Jerusalem came under Jordan's control, while Gaza was placed under Egyptian control. But less than 20 years later - in 1967 - another

Arab-Israeli war broke out. During the fighting, Israel militarily occupied the rest of historical Palestine, consisting of East Jerusalem, the West Bank and Gaza¹⁰.



Israel also occupied the Egyptian Sinai Peninsula and the Syrian Golan Heights. With the exception of the Sinai Peninsula, all the other territories remain occupied until today. In response, the UN Security Council members voted unanimously for Resolution 242 on November 22, 1967. The resolution stated that Israel must withdraw from the territories it seized in the war and formed the basis for all ensuing diplomatic negotiations on the Israeli-Palestinian conflict on the concept of "land for peace".

Israel, however, did not accept the resolution and continues to violate it to this day, over 50 years later, by building settlements on the territories meant for a Palestinian state. Shortly after the 1967 war, Israel illegally annexed East Jerusalem and declared it part of its "eternal, undivided" capital.



¹⁰ Matar, Ibrahim (Autumn 1981). "Israeli Settlements in the West Bank and Gaza Strip". *Journal of Palestine Studies*. 11 (1): 93–110. doi:10.2307/2536048. JSTOR 2536048.

Map of East Jerusalem in 2007 shows the separation wall (in red) and the Israeli settlements in purple on areas of the occupied West Bank illegally annexed to Jerusalem. Source: United Nations Office for the Coordination of Humanitarian Affairs. This meant that it extended its law to East Jerusalem and claimed it as part of Israel, unlike the West Bank, which it physically occupies but does not claim. The annexation of East Jerusalem is not recognised by any country in the world as it violates several principles of international law, which outlines that an occupying power does not have sovereignty in the territory it occupies.

The international community officially regards East Jerusalem as occupied territory. On December 6, 2017, US President Donald Trump announced a shift in decades of US policy by recognising Jerusalem as Israel's capital and moving its embassy there. Since Israel considers East Jerusalem part of its state, it calls the settlements there "neighbourhoods". When the guns fell silent in 1967, the Israeli state began building colonies, or settlements, for its Jewish Israeli citizens on Palestinian land it had just occupied.

Settlements have become the hallmark of the Israeli colonial project in Palestine. In the last 52 years, the Israeli government has transferred between 600,000 and 750,000 Jewish Israelis to the West Bank and East Jerusalem. They live in at least 160 settlements and outposts.

The dilemma of the settlements and the occupation has effectively split Israelis between those who believe it is their God-given right to settle land that was promised to the Jewish people, and others who believe the settlements are a death¹¹ sentence for the Jews. To religious Jews, the outcome of the 1967 war and the seizure of the remainder of historical Palestine - particularly East Jerusalem, which houses the Old City - led to a sense of euphoria. Thousands of Jews, including secular Jews, flocked to the Western Wall, also known as the al-Buraq Wall to Muslims. They wept as they gave thanks for what they believed was a miracle from God. The majority of Israeli Zionist leftists who oppose the settlement project, however, believe in the Jewish state along 1948 borders and reject Israel's expansion into the occupied territories.

To Palestinians, Israel's occupation and the settlement project did not come as a surprise; the Zionist movement was founded by non-natives to colonise the land, just as they did in 1948. Munir Nuseibah, a law professor at al-Quds University in Jerusalem, says the occupation and the settlement project "reminded the world of the colonial aspects of Israel". In a series of agreements known as the Geneva Conventions, formulated in the aftermath of World War II, the international community established a set of accepted rules and standards for the protection of civilians, prisoners and injured people in times of war. Under the Fourth Geneva Convention, which defines humanitarian protections for civilians caught in a war zone, an occupying power is forbidden from transferring parts of its civilian population into the territory it occupies.

The rationale behind this is simple.

¹¹ Ehrenreich, Ben (2016). *The Way to the Spring: Life and Death in Palestine*. Granta Books. ISBN 978-1-783-78312-0.

- 1) To ensure that the occupation is temporary and allow for a solution to the conflict by preventing the occupying power from acquiring long-term interests through military control.
- 2) To protect occupied civilians from the theft of resources by the occupying power.
- 3) To prohibit a de facto situation in which two groups living on the same land are subject to two different legal systems, ie apartheid.
- 4) To prevent changes in the demographic makeup of the occupied territory.

But the Israeli government maintains that the status of the Palestinian territories is ambiguous, as there was no internationally recognised government in the territories prior to the 1967 war. The Israeli government argues that it took the territory from Jordan, which had control of the West Bank and East Jerusalem between 1949 and 1967, while Egypt had control of the Gaza Strip.

Israel regards the West Bank as “disputed” territory and thus refutes the existence of a military occupation there; saying the Fourth Geneva Convention does not apply. But the UN, the International Committee of the Red Cross, the International Court of Justice, and the international community have all affirmed that it does.

Israel also denies that any of the settlements were built on private Palestinian land. There are three main types of Israeli colonies in the occupied Palestinian territories, all of which involve seizing Palestinian land and are all illegal under international law. Built by the Israeli government, mainly in rural areas in the West Bank and Jerusalem, many are on private Palestinian property and within close proximity to Palestinian towns and cities, after the signing of the Oslo Accords in the early 1990s, the Israeli government stopped officially building new settlements but expanded existing ones, in 2017, Israel started building the first new settlement in two decades.

3.5. Israel has developed a myriad of ways to seize Palestinian land and Declaration of “State Land”

Since Israel has not annexed the occupied West Bank and does not have jurisdiction there, it uses military orders as well as its own interpretations of Ottoman, British and Jordanian laws to seize Palestinian property. In East Jerusalem, however, the state applies Israeli law, despite the fact that the territory is considered occupied under international law, and the Palestinians who live there are not Israeli citizens.

Using a different interpretation of Ottoman, British and Jordanian laws, Israel stole public and private Palestinian land for settlements under the pretext of “state land”. Though many Palestinians had paid taxes and cultivated their land for decades, most land wasn't registered during the Ottoman and British occupations; in 1968, Israel stopped the process of land registration and declared any unregistered land as belonging to the Israeli government¹².

¹² Stein, Kenneth W. (2017). *The Land Question in Palestine, 1917-1939*. University of North Carolina Press. ISBN 978-1-469-61725-1.

Settlements on "state land" often expand into surrounding, privately owned, Palestinian land. As an occupying power, Israel does not own the West Bank and is not permitted under international law to seize land in this manner. Settlements are scattered across the West Bank in a way that makes a contiguous Palestinian state impossible, while in Jerusalem the Israeli government has built settlements around the city to consolidate control over it.

These "ring neighbourhoods" are a set of major settlement blocs to the north, east and south of Jerusalem, which it now claims as its capital. The ring settlements have effectively cut off the West Bank's north from the south, impeding the ability of Palestinians to travel between cities in a normal fashion. The building of these Jewish settlements around the city was not random but rather tells of a deeper Israeli political aim.

After the 1967 war and the Israeli occupation of East Jerusalem, Teddy Kollek, the mayor of the contested city, said in 1968: "The object is to ensure that all of Jerusalem remains forever a part of Israel. If this city is to be our capital, then we have to make it an integral part of our country, and we need Jewish inhabitants to do that."

Indeed, Israel formalised its annexation of the eastern half of the city in 1980 when it passed the Jerusalem Law, claiming that "Jerusalem, complete and united, is the capital of Israel", in violation of international law, which states that the city should be administered by the UN for its importance to the three Abrahamic religions¹³.



The purpose was to seal the fate of Jerusalem and thwart negotiations over the city in any future agreement. The woman who first introduced the Jerusalem Law to the Israeli parliament, Geula Cohen, also believes that Israel could annex the entire West Bank "if Prime Minister Benjamin Netanyahu wills it". Israeli lawmakers are now making moves to annex three large settlement blocs in the occupied West Bank to the Israeli-defined boundaries of Jerusalem. The so-called "Greater Jerusalem bill" would see the addition of 140,000 Jewish Israelis who live in these settlements to the population of Jerusalem, to ensure a Jewish majority in the city. "The government will approve the Greater Jerusalem law that will strengthen the eternal capital Jerusalem - demographically and geographically," Yoav Kish, the Knesset member (MK) who submitted the proposal for the bill, said on Twitter.

¹³ Lustick, Ian (2018). *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza*. Cornell University Press. ISBN 978-1-501-73194-5.

In 2004, Israel began building the separation wall, which was meant to provide “security” for Israelis by dividing between the West Bank and Israel following the second Palestinian uprising in 2000. Israel has however used the wall to annex more land to its borders and has built it around some of the largest settlements in the West Bank, placing them on the “Israeli side”. Some 85 percent of the wall falls inside the West Bank, and not on the Green Line. Palestinians have therefore aptly described the wall as an “annexation wall”¹⁴.

In 2009, the Jerusalem municipality adopted a master plan intended “to guide and outline the city's development in the next decades”. The vision, as stated in the plan, is to create a ratio of 70 percent Israeli Jews to 30 percent Palestinians in the city. While many Israeli members of parliament hope to annex the entire West Bank - which they call by its biblical name, Judea and Samaria - there is a fear that bringing the territory into the boundaries of Israel would upset the population ratio by tipping the demographic balance in favour of the Palestinians in the country. Annexing the West Bank would mean giving the 3.1 million Palestinians who live there Israeli citizenship and extending Israeli law, instead of martial law, to the area. Many see this as “an end to the Jewish state”, as Palestinians would outnumber Jewish Israelis. But the growing settlement enterprise across the West Bank brings this possibility closer to reality every day. Map shows Area C (in dark brown), and the route of the separation wall, which Israel has used to annex parts of the West Bank to East Jerusalem



Source: United Nations Office for the Coordination of Humanitarian Affairs

For some Israeli right-wing ministers, the annexation of Area C - which makes up 60 percent of the West Bank and is subject to total Israeli control - is a more realistic aim

¹⁴ World Bank (22 September 2008). Palestinian Economic Prospects: Aid, Access and Reform (PDF). World Bank.

for the time being. All the settlements are located in Area C, where some 300,000 Palestinians live - a figure consistently under-reported by Israeli politicians. Annexing the territory would mean that Israel could absorb the maximum amount of land with the least number of Palestinians.

The settlements in the West Bank are already connected to East Jerusalem and Israel through a series of Jewish-only roads that give the settlers the luxury of crossing the Green Line without having to pass through Palestinian population centres - as though they live in one single state.

The situation in Area C, where Israel consistently acts to minimise Palestinian presence through home demolitions, displacement, theft of resources and refusing to grant building permits, amounts to de facto annexation. Quotes from Israeli politicians on annexation: "I believe that our right to the Land is absolute and unshakable and it that [sic] includes the entire Land [...] The correct policy, from the point of view of Israeli interests regarding our political ability at the moment, is to combine the attempt to hold the maximum amount of territory and apply sovereignty over the maximum amount of territory while keeping the Arab population within it to a minimum. This situation already exists in Area C, which is under our control; there are little more than 50,000 Arabs." (Yariv Levin – 2014)

In 2016, the UN found that the economy of the occupied Palestinian territories would be twice as large if the 50-year occupation were lifted. Israel's policies of occupation and settlement have come to be seen as a purposeful strategy of de-development to weaken resistance to military rule and thwart attempts to build a successful Palestinian state. The settlements have only been able to thrive through severe economic exploitation of the occupied West Bank at the expense of the natives. While the majority of the Palestinian population in the West Bank live in Areas A and B, the infrastructure upon which their livelihood depends either lies in or crosses into Area C. The area encompasses the territory's water resources, most fertile pasture and agricultural land, as well as mining and mineral extraction resources and tourist sites. Palestinian access to Area C, some 60 percent of the West Bank, is either completely prohibited or highly restricted, causing an annual loss of \$3.4bn to the economy¹⁵.

Israeli settlers use about six times more water than the 3.1 million Palestinians in the West Bank do. In East Jerusalem, 44% of Palestinians are connected to the water network. Only 10.5% of Palestinians in Gaza have access to safe drinking water. Over 96% of the water from Gaza's aquifers is unconsumable, forcing Palestinians to buy trucked water at inflated prices.

Palestinians cross through the Israeli Qalandia military checkpoint near the occupied West Bank city of Ramallah.

¹⁵ Hareuveni, Eyal (May 2011). Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea (PDF). B'Tselem.

- 1) The movement of Palestinians in the West Bank is restricted by 705 permanent obstacles, including checkpoints, roadblocks, trenches, and Israel's separation wall.
- 2) The separation wall has physically separated Palestinian communities from one another and added hours to otherwise short commutes.
- 3) Palestinians in certain areas must cross a checkpoint to enter and exit their villages.

Due to the close proximity of settlements to Palestinian homes, friction and violence between settlers and Palestinians is a near-daily reality. A Palestinian boy sits on his bicycle as he looks at a torched car in the Palestinian village of Zubeidat in the Jordan Valley in 2013.

- 1) In 2018 alone, 262 Palestinians were killed and nearly 25,000 injured by Israeli forces.
- 2) The main forms of violence by Israeli settlers include throwing stones at Palestinian homes and vehicles, physically assaulting Palestinians, uprooting or damaging olive trees, vandalising property, or setting fire to agricultural lands¹⁶.
- 3) Over 2.5 million trees have been uprooted by Israeli forces since 1967.
- 4) The overwhelming majority of complaints filed against settler violence pass without any punishment of the perpetrators.

Home demolitions

While building homes for settlers, Israel employs a policy of home demolitions to restrict the expansion of Palestinian communities on the pretext that homes were built without necessary permits, while refusing to issue them. A Palestinian girl cries as she walks past her family's house after it was demolished by Israeli bulldozers in Om Ajaj village, north of the occupied West Bank city of Jericho.

- 1) In 2019, at least 547 Palestinians lost their homes to demolitions, exceeding the figure for 2018.
- 2) Since 1967, Israeli authorities have demolished over 27,000 Palestinian homes in the occupied territory.
- 3) Between 2000 and 2007, Israeli authorities rejected more than 94 percent of permit requests in Area C.
- 4) Demolitions of homes and other structures that forcibly displace Palestinians may amount to war crimes.

4. CONCLUSION

Israel has created in the Occupied Territories a regime of separation based on discrimination, applying two separate systems of law in the same area and basing the rights of individuals on their nationality. This regime is the only one of its kind in the

¹⁶ Braverman, Irus (November 2009). "Uprooting Identities: The Regulation of Olive Trees in the Occupied West Bank". *Political and Legal Anthropology Review*. 32 (2): 237–264. doi:10.1111/j.1555-2934.2009.01061.x. JSTOR 24497464.

world, and is reminiscent of distasteful regimes from the past, such as the Apartheid regime in South Africa. Under this regime, Israel has stolen hundreds of thousands of dunam of land from the Palestinians. Israel has used this land to establish dozens of settlements in the West Bank and to populate them with hundreds of thousands of Israeli citizens. Israel prohibits the Palestinians as a group from entering and using these lands, and uses the settlements to justify numerous violations of the Palestinians' human rights, such as the right to housing, to earn a livelihood, and the right to freedom of movement. The drastic change that Israel has made in the map of the West Bank prevents any real possibility for the establishment of an independent, viable Palestinian state as part of the Palestinians' right to self-determination.

5. REFERENCES

Journals:

- Abowd, Thomas Philip (2000). "The Moroccan Quarter: A History of the Present"(PDF). *Jerusalem Quarterly* (7): 6–16.
- Algazy, Joseph (Spring–Summer 1985). "Israeli Settlement Policy in the West Bank and the Gaza Strip". *Arab Studies Quarterly*. 7 (2–3): 62–73. JSTOR 41857769.
- Braverman, Irus (September 2008). ""The Tree Is the Enemy Soldier": A Sociolegal Making of War Landscapes in the Occupied West Bank". *Law & Society Review*. 42 (3): 449–482. doi:10.1111/j.1540-5893.2008.00348.x. JSTOR 29734134.
- Braverman, Irus (November 2009). "Uprooting Identities: The Regulation of Olive Trees in the Occupied West Bank". *Political and Legal Anthropology Review*. 32 (2): 237–264. doi:10.1111/j.1555-2934.2009.01061.x. JSTOR 24497464.
- Lein, Yehezkel; Weizman, Eyal (May 2002). "Land Grab: Israel's Settlement Policy in the West Bank" (PDF). *B'tselem Report*. B'Tselem. ISSN 0793-520X.
- Hareuveni, Eyal (May 2011). *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea* (PDF). B'Tselem.
- Matar, Ibrahim (Autumn 1981). "Israeli Settlements in the West Bank and Gaza Strip". *Journal of Palestine Studies*. 11 (1): 93–110. doi:10.2307/2536048. JSTOR 2536048.
- Playfair, Emma (Fall 1988). "Israel's Security Needs in the West Bank, Real and Contrived". *Arab Studies Quarterly*. 10 (4): 406–423. JSTOR 41857980.
- Shehadeh, Raja (Spring–Summer 1985b). "Some Legal Aspects of Israeli Land Policy in the Occupied Territories". *Arab Studies Quarterly*. 7 (2–3): 42–61. JSTOR 41857768.

Books:

- Ehrenreich, Ben (2016). *The Way to the Spring: Life and Death in Palestine*. Granta Books. ISBN 978-1-783-78312-0.
- Galnoor, Itzhak (2010). *Public Management in Israel: Development, Structure, Functions and Reforms*. Routledge. ISBN 978-1-136-92386-9.
- "Israel and Occupied Palestinian Territories". *Amnesty International Report 2017/18: The State of the World's Human Rights* (PDF). Amnesty International. 2018. pp. 207–211. ISBN 978-0-86210-499-3.
- Lustick, Ian (2018). *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza*. Cornell University Press. ISBN 978-1-501-73194-5.

- Shafir, Gershon (2017). A Half Century of Occupation: Israel, Palestine, and the World's Most Intractable Conflict. University of California Press. ISBN 978-0-520-29350-2.
- Shulman, David D. (2018). Freedom and Despair: Notes from the South Hebron Hills. University of Chicago Press. ISBN 978-0-226-56665-8.
- Stein, Kenneth W. (2017). The Land Question in Palestine, 1917-1939. University of North Carolina Press. ISBN 978-1-469-61725-1.
- World Bank (22 September 2008). Palestinian Economic Prospects: Aid, Access and Reform (PDF). World Bank.

Internet:

Land Grab: Israel's Settlement Policy in the West Bank, https://www.btselem.org/publications/summaries/200205_land_grab accessed on June 4, 2021

Produced by Zena Tahhan, Published: November 21, 2017 | Updated: January 27, 2020, <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html> accessed on June 4, 2021