

# Israel's creeping settlement activity ranks top among Israeli violations in the occupied State of Palestine during 2018

Applied Research Institute – Jerusalem (ARIJ)



December 2018

This paper is prepared as part of the project entitled *Advocating for a Sustainable and Viable Resolution of Israeli-Palestinian Conflict* which is financially supported by the EU. However, the content of this paper is the sole responsibility of ARIJ & LRC and does not necessarily reflect those of the donors.



- **Introduction**

Since the occupation of the Palestinian territory in 1967, the successive Israeli governments invested substantial resources in establishing and expanding the Illegal settlements in the occupied Palestinian Territory (oPt), both in terms of the land area they occupy by expropriating as much as possible of Palestinian land, and in terms of population. As a result of this policy, more than 800,000 Israeli settlers now live in 198 settlements, including tourist settlements, and 220 outposts distributed all over the West Bank, including East Jerusalem, all built in contradiction to the international law.

In 1991, the Israeli civil administration (ICA) operating in the occupied West Bank (oWB) designated master plans for Israeli settlements spread throughout the oWB, taking into consideration the allocation of additional land for the establishment of new settlements in the future and the expansion of the existing ones [1]. The master plans issued by the ICA in 1991 stood at 486.137 dunums of land (486.1 km<sup>2</sup>; 8.6% of the total area of the WB), which is seven times the size of Israeli settlements area existed until the year 1991 which stood at 69,000 dunums of land (69 km<sup>2</sup>, 1.2% of the total area of the WB).

Following the signing of the Oslo Accords, I and II, in 1993 and 1995 respectively and the classification of the Palestinian lands into areas, "A"[2], "B" and "C", the Israeli Occupation Authorities ignored the designation of Master plans for Palestinian communities in area "C" to meet their (Palestinians') urban needs as it did with settlements, and did not take into account the status on the ground with regard to Palestinian constructions at these communities. Consequently, these communities stayed under the threat of demolition for lack of ability to issue building permits which avoid them demolition and

displacement; this was due to the imposition of harsh measures by the Israeli Authorities on Palestinians acquiring building permits, and the long and complicated procedures that Palestinians have to go through to get a building license that enables them to build on their land or exploit it for any purpose whatsoever. Palestinians' applications for building are most of the times rejected by the Israeli Authorities under the claim of "not meeting the necessary conditions needed for building in area "C"."

In the year 2018, the Israeli government escalated its violations against the Palestinians and their properties, which negatively impacted the course of their lives. Despite the international efforts exerted in recent years to resolve the Palestinian-Israeli conflict and to achieve a comprehensive and just peace in the region, Israel continues to commit violations against the Palestinians and their properties and continues its settlement activities in the occupied Palestinian territory, namely the confiscation of Palestinian land, the expansion of settlements, the legalization of outposts and the demolition of homes and structures which in turn causes the displacement of hundreds of Palestinians from their place of living. As well as the violations committed against the Palestinian agricultural sector exemplified in the uprooting of trees, mostly Olive Trees which are a major source of income for hundreds of Palestinian families in the West Bank and the destruction of agricultural installations and equipment. In addition to the hundreds of demolition and stop work orders that targeted entire Palestinian communities under vague pretexts , in order to annex the lands on which these communities are located and to establish settlements instead. Following is a breakdown of the Israeli violations in the occupied West Bank during the year 2018.

- **Israeli Settlement Plans during 2018**

Israeli Settlement building and expansion increases the fragmentation of the West Bank territory and endanger the possibility of a contiguous Palestinian state. Israel's policy of approving building plans in settlements in the occupied Palestinian territory is one core issue of the conflict between Israelis and Palestinians. Israeli settlements are built on confiscated Palestinian land and contribute much to the displacement of Palestinians from their owned land and severely limit the Palestinian urban expansion and development. The Israeli Occupation practices in the occupied Palestinian territory constitute a breach to the various international law rules and norms, such as the The Fourth Geneva Convention states in Article 49 that "*The occupying power shall not deport or transfer parts of its own population into the territories it occupies.*" and Article 174 of the same convention "*prohibits the 'extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly.'*" Also Article 33 of the Fourth Geneva Convention prohibits collective punishment, and land leveling and property destruction carried out by Israeli forces are collective punishments, '*No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.*' Additionally Article 147 of the convention considers '*extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly*' as a grave breach of the Convention and thus constitute a war crime. Furthermore, Article XXXI of the 1995 Oslo agreement states that Israel is forbidden from building or planning to any project or settlements or any colonial expansion or any plan that lead to change the status of the West Bank and Gaza Strip, "*Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations*". Furthermore, the existence of the Israeli settlements in the West Bank and their expansions are Illegal and contradicts with the international law rules, United Nations Security

Council Resolutions such as 237 (1967), 271 (1969), 446 (1979), 452 (1979), 465 (1980).

During the year 2018, the Israeli government, represented by its various ministries (the Israeli Land Administration, the Israeli Ministry of Housing and Construction, the Israeli Ministry of the Interior and the Jerusalem Municipality) issued 145 Israeli settlement plans for the construction and expansion of 67 Israeli settlements in the occupied West Bank. These plans included the construction of 6859 settlement units in the aforementioned settlements, on an area of 7948 dunums of Palestinian land. It is worth mentioning that the Israeli plans targeted 31 Israeli settlements in the area known as the "Western Segregation Zone" in the occupied West Bank (the settlements on the western side of the wall - between the Green Line - 1949 armistice line and the route of the segregation wall) with 3546 settlement units, on 3571 dunums of land. The plans also targeted 36 Israeli settlements on the eastern side of the wall, with 3,313 settlement units (on an area of 4377 dunums). Israeli plans also included the construction of new settlements in the occupied West Bank, as well as the creation of new industrial zones.

- **Israeli Settlement Expansion between 2015 and 2017**

In the course of 2018, the Applied Research Institute (ARIJ) conducted an analysis of high resolution aerial images targeting the expansion occurring in Israeli settlements in the occupied West Bank during the years of 2015 and 2017.

The analysis revealed that during that aforementioned period, there was an increase in the area of 3,893 sites in 159 Israeli settlements in the occupied West Bank which included an increase in the urban area and infrastructure of Israeli settlements, with a total expansion area of 6839 dunums; of which, 1021 dunums increase in the urban area of Israeli settlements (a total of 8287 settlement units built over the past

two years); in addition to 934 caravans built on 108 dunums of Palestinian land; and 5710 dunums of land were registered as an increase in the Israeli settlements' area, including the construction of 376 buildings (industrial, agricultural or industrial) on an area of 168 dunums of Palestinian land, in addition to 542 sites that have been leveled and prepared as infrastructure for future settlement expansion and on an area of 4746 dunums of Palestinian land. Furthermore, the analysis revealed that 414 sites in Israeli settlements were configured as areas for panels in Israeli settlements, on an area of 796 dunums.

- **Israeli Settlers' Violence during 2018**

The presence of Israeli settlers in the occupied West Bank is a focal issue in the context of the conflict between Palestinians and the Israelis, as Israel is seeking through negotiations to keep control over as much as possible of Israeli settlements in the West Bank, while the Palestinian leadership believes that Israeli settlements are illegal and the evacuation of these settlements is a key to resolving the conflict and achieving a just and lasting peace agreement with the Israelis.

Fears increase as the rate of Israeli settler violence escalates in the occupied West Bank and has become a continuous nightmare for the Palestinians, especially that these attacks are not only confined to land and property , but also targeted Palestinian civilians under the guise of the so called "Price Tag" policy. This systematic revenge policy is aimed at the Palestinian population all over the West Bank territory and to pressure the Israeli Government to not make concessions with regard to settlement building in the occupied Palestinian land. Additionally, with the absence of the Israeli deterrence of settler attacks, this price tag policy has increased year after year, and has become a matter of concern that these settler

groups will control the reins and thus put pressure on the Israeli government to impose more facts on the ground.

The Palestinian communities (areas) adjacent to Israeli settlements are exposed to various types of Israeli settler attacks. During the period of January and December 2018, 429 settler attacks were carried out against Palestinians and their properties in the occupied Palestinian Governorates. Most of the attacks were carried out in Jerusalem, Nablus and Hebron consequently. The majority of these attacks included incursions of Israeli settler groups to the courtyard of Al-Aqsa Mosque, in addition to the repeated attacks on Palestinian citizens, more specifically Palestinian farmers and their families who work in their lands adjacent to Israeli settlements. Attacks also included Palestinian trees which constitute a main source of income for a large sector of the Palestinian population in the occupied West Bank.

- **Israeli Military Orders during the year 2018**

The Applied Research Institute – Jerusalem (ARIJ) revealed that during the period of January and December 2018, Israel issued 177 military orders (orders that have been made to public) targeting homes, land and properties in the occupied West Bank. The orders targeted areas that are still under Israel's control (Area C) and areas classified as State land or Firing Zones. Some Palestinian Governorates in the occupied West Bank received higher number of military orders than other Governorates. Hebron Governorate ranked top among other Governorates in terms of the number of orders that were issued during 2018, where 84 military orders were recorded in the Governorate; followed by Tubas and Jerusalem Governorates respectively. It is worth mentioning that Israel targeted entire Palestinian communities in the occupied West Bank with demolition orders and displacement, such as Al Khan Al Ahmar Bedioun community in East Jerusalem.

- Israel's systematic demolition policy in the occupied Palestinian territory

Israel is never tired from targeting Palestinian homes and structures in the occupied Palestinian territory, and continues to do this under the various pretexts, mostly “building without license” and collective punishment, in an attempt to unilaterally and illegally control the land and properties in the areas that are still under its control and emptying the Palestinian population from these areas and voluntarily evacuating them, for the building of new settlements and outposts and the expansion of the existing ones. The Israeli actions in all of its forms reflect the Israeli position from the peace process, which aims to undermine any chance for the Palestinians to establish an independent and viable state. At the same time, Israel makes no effort to halt its colonial plans in the Israeli settlements in violation of the agreements signed with the Palestinians and more importantly, in violation of all international efforts that are being exerted to revive the peace process. **Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949 states that** “ the Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”. As well as **ARTICLE 147** of the same convention states that “... extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”. Also **Article 17. Of the UNIVERSAL DECLARATION OF HUMAN RIGHTS** which was adopted by the UN General Assembly on 10 December 1948, states that (1) Everyone has the right to own property alone as well as in association with others. And (2) No one shall be arbitrarily deprived of his property. Finally, the **International Convention on**



**the Elimination of All Forms of Racial Discrimination (1965) Article 5 provides that** “States Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (e) in particular ... (III) **the right to housing**”.

ARIJ’s monitoring of Israeli violations in the occupied Palestinian revealed that during the period of January and December 2018, Israel demolished 162 Palestinian houses and 144 structures (animal sheds, agricultural barracks and commercial structures) in the occupied West Bank including occupied East Jerusalem. Among the most affected Governorates were Jerusalem, Hebron and Bethlehem respectively.

- **The Uprooting of Palestinian Trees during 2018**

After people and houses, trees and all kinds of plantations are considered the worst of enemies to any occupation, in our case the Israelis regards the trees as the invincible enemy which they led against the worst of their fights to conquer the land. After the Israeli occupation of the West Bank and the Gaza Strip back in 1967, Israel initiated its illegal settlement program in the occupied territory, it also established scores of military bases, constructed hundreds of Km of roads to facilitate the Israeli Army’s and their settlers’ movement throughout the occupied territory, all of which has taken place on Palestinian agricultural lands, on the expanse of the trees that represent the unbreakable tie between the Palestinian indigenous inhabitant and the land which is a main source to their livelihood and a bona- fide proof of their indisputable rights to the land. Israel has realized early in its occupation of the land, that in order for them to consolidate their control over the people and the land, they must cut off the bond of the Palestinians with their land and for them to do so, Israel unleashed the Army’s might and settlers militias to do the job. From that time on, Israel had made it a target for them to destroy the

Palestinian agriculture by any means necessary, and so, Israel regulated dozens of laws and pretexts to manipulate the methods to control the land and build settlements, roads, military bases and now the Segregation Wall, naturally, the most fertile and cultivated Palestinian land with trees was and still is their favorite choice to drive the Palestinians from their lands.

The Israeli Army systematic attack on Palestinian trees has started early with the Israeli occupation back in 1967 and resulted in the uprooting of more than 1,000,000 trees until 1999. However, and with the beginning of the current Intifada in the year 2000, Israel has intensified its belligerent attack on the Palestinian agriculture and trees in particular for many reasons, the most proclaimed of which is “for security purposes”, that is to say; to establish more military bases, security buffer zones to settlements and bypass roads, but the real turn started with the Segregation Wall in the year 2002 when Israel started the organized crush of the agricultural lands and started uprooting hundreds of thousands of trees to set the route for the Segregation Wall.

Analysis conducted by the Applied Research Institute – Jerusalem (ARIJ) during the period of January and December 2018, revealed that the Israeli Occupation Army and Israeli settlers living in Settlements and outposts in the occupied West Bank have uprooted/destroyed/cut or burnt 7546 fruitful trees in the oWB, mostly Olives. The most affected Governorates were Hebron, Bethlehem and Nablus respectively. **Article 147 of the Fourth Geneva Convention indicates that** “Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly is a grave breach of the Convention”.

- **The Confiscation of Palestinian Land during 2018**

Since its occupation of the Palestinian land in 1967, Israel embarked on enacting of illegal and ambiguous laws in an attempt to legitimize its seizure of the Palestinian land in a deceptive and democratic manner; while on the ground, it is quite the opposite. Israel moved steadily towards various types of land confiscation to serve its colonial and expansionist plans in the Palestinian territory where the main type of land expropriation was Confiscation by declaring “State Land” using the ottoman land classifications (Waqf Mulk, Khuraj, Matrouk, Mawat, Miri lands) or confiscation by declaring Abandoned land (not cultivated), confiscation by declaring military zones and for military purposes, confiscation for closed areas, confiscation for public use and confiscation by Absentee Property law of 1950 and its amendments.

In fact, the Israeli seizure of Palestinian land under any pretext is a systematic Israeli circumvent over the international law rules and international legitimacy resolutions, where all of the confiscation orders issued by Israel are illegitimate and contradicts with the United Nation Security council Resolutions 242 and 338 that stipulate the illegality of the Israeli military occupation of the Palestinian land and that includes all the confiscations, building illegal settlements and outposts and bypass roads, constructing the Segregation Wall, destroying Palestinian properties and restricting their movement and all of the colonial practices conducted by Israel since June 4, 1967-present are illegal, null and void.

The Analysis conducted by the Applied Research Institute – Jerusalem (ARIJ) revealed that during the year 2018, Israel has confiscated a total of **3588** dunums of Palestinian land in the occupied West Bank for the various Israeli projects including expanding existing settlements, building of new settlements, erection of Israeli outposts, transferring military bases into new settlements and the construction of Israeli bypass roads and other settlement projects.

- **To conclude**

The existence of the Israeli settlements and outposts in the West Bank and their expansions are Illegal and contradicts with the international law rules, United Nations Security Council Resolutions such as 237 (1967), 271 (1969), 446 (1979), 452 (1979) ,465 (1980).

**Resolution 446 March 22, 1979** calls on Israel to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories".

**United Nation Security Council Resolution 452 of 1979** “calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab Territories since 1967 including east Jerusalem.

**Article 49 of the Fourth Geneva Convention of 1949:** “the occupying power shall not deport or transfer parts of its own population into the Territory it occupies.”

**The Fourth Geneva Convention in Article 174** also prohibits the “extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly”.

**The Roadmap of Peace signed on April 30, 2003 between Israel and the Palestinians** (originally developed by the United States, in cooperation with Russia, the European Union, and the United Nations (the Quartet)) under which the Israeli Government agreed to freeze all settlement, indicated that: The -Government of Israel- immediately dismantles settlement outposts erected since March 2001, and, consistent with the Mitchell Report, [Government of Israel]

freezes all settlement activity (including natural growth of settlements).The plan was adopted by the USCR 1515-2003.

**In May 2001, the head of the International Red Cross delegation to Israel and the Occupied Territories** said that settlements are "equal in principle to war crimes". (Note: "The transfer, the installation of population of the occupying power into the occupied territories is considered as an illegal move and qualified as a 'grave breach.' It's a grave breach, formally speaking, but grave breaches are equal in principle to war crimes", Rene Kosirnik, head of the ICRC delegation to Israel and the OPT, press conference 17 May 2001).

**Article XXXI of the 1995 Oslo agreement** Israelis forbidden from building or planning to any project or settlements or any colonial expansion or any plan that lead to change the status of the West Bank and Gaza Strip. The article provides "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations".