

Israel argues that the Geneva Conventions do not apply to the West Bank and Gaza because they have never been part of a sovereign state since the defeat of the Ottoman Empire, and do not therefore meet the definitions of the Geneva convention's article 2. Israel argues further that even if they did, the settlements are not intended to, nor have ever resulted in, the displacement of Palestinians from the area. Israel has little international support for this view, and the application of the Fourth Geneva Convention to the territories has been determined by the International Court of Justice, which in an advisory opinion to the UN General Assembly, argued that according to article 2 of the Geneva Convention the convention applies if "there exists an armed conflict" between "two contracting parties", regardless of the territories status in international law prior to the armed attack. It also argued that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal".

### **Expansion of Israeli Settlements in the West Bank in 2004**

The most intense settlement expansion activity has occurred since 2004. Between January and August 2004, Israel constructed 15,604 housing units in 26 Israeli settlements in the West Bank (nearly half of the total between 2002 and 2004). No less than 86% of the new units were added to settlements in the Western Segregation Zone.

In addition, 13,220 (70%) of the settlement units built during the first eight months of 2004 were added to settlements in the Jerusalem and Bethlehem Districts, in a bid to Zionise these areas. These settlements represent Israel's vision of a 'Greater Jerusalem' urban area stretching deep into the West Bank. Settlement expansion links large settlement areas to each other, fracturing the continuity of Palestinian communities and dominating the indigenous Palestinian population. The Segregation Wall plays a crucial role in this respect, encircling Israeli settlements and cutting off Palestinian areas, sealing them outside the Jerusalem region.

The consequences of Settlements for Palestinians has been a loss of thousands of acres of land in the West Bank, and most crucially, the loss of Jerusalem. Bethlehem is now completely surrounded and is a shadow of the once pilgrim filled town.

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PO BOX 5127, Leicester, LE2 0WU  
Tel: 0116 212 5441 / 07711 823 524  
Web: [www.aqsa.org.uk](http://www.aqsa.org.uk) - Email: [info@aqsa.org](mailto:info@aqsa.org)



## Illegal Israeli Settlements

Israeli settlements are enclaves built for Israeli Jewish settlers in areas that it captured from Palestinians during the 1967 Six-Day War. These areas are the West Bank, East Jerusalem, the Golan Heights and formerly the Sinai Peninsula and the Gaza Strip. The settlements have been declared illegal under international law by the United Nations Security Council and the International Court of Justice, a position shared by the majority of the world.

The Israeli policy of sponsoring, supporting, and/or tolerating the establishment of such settlements is one of the most contentious issues in the Israeli-Palestinian conflict. The settlements were first built as a means of consolidating Israel's hold on the Palestinian occupied territories. In order to attract Jewish settlers, it offers many attractive incentives and subsidies to Jewish Israelis willing to go and live there, under army protection.

The illegal settlements have been built on land expropriated from Palestinians; to whom no compensation was ever offered. Contrary to Israeli assertions, a great deal of the land on which settlements now stand formerly accommodated Palestinian homes and/or businesses, which were confiscated and demolished to accommodate the illegal new housing units.

Israel has made these illegal settlements a major impediment to peace between Palestinians and Israelis. The outposts represent a present and sustained attack on Palestinian land and identity. By appropriating more Palestinian land for Israeli settlement, the settlements and their outposts reduce the territorial area available for a future Palestinian state and expand Israeli control over larger sections of occupied Palestinian land. Israeli politicians have now indicated that Israel's final borders will be drawn in such a way as to include the majority of the illegal settlements within 'Israel'. This means Palestinians will be deprived of this land permanently.

### Israeli Settlements and International Law

The Israeli Government's construction of settlement outposts in the Occupied Palestinian Territories violates numerous provisions of international humanitarian law and UN Resolutions, including:

- The Fourth Geneva Convention,

**Article 49**, paragraph 6 of which states: 'The occupying power shall not deport or transfer parts of its own population into the territories it occupies.' Many analysts believe this undoubtedly confirms the illegality of the settlements.

**Article 53** of the Convention states '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.'

- Article 23 of The Hague Regulations of 1907, which prohibits the destruction or seizure of occupied property, unless it is imperatively demanded by military necessity.

- United Nations Security Council Resolution 242 (1967) which requires Israeli armed forces to withdraw from 'the territories occupied' in the 1967 war, including the West Bank and Gaza Strip.

- United Nations Security Council Resolution 452 (1979) which 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 occupied since 1967, including Jerusalem.'

- United Nations Security Council Resolution 465 (1980) which 'Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention ....and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.'