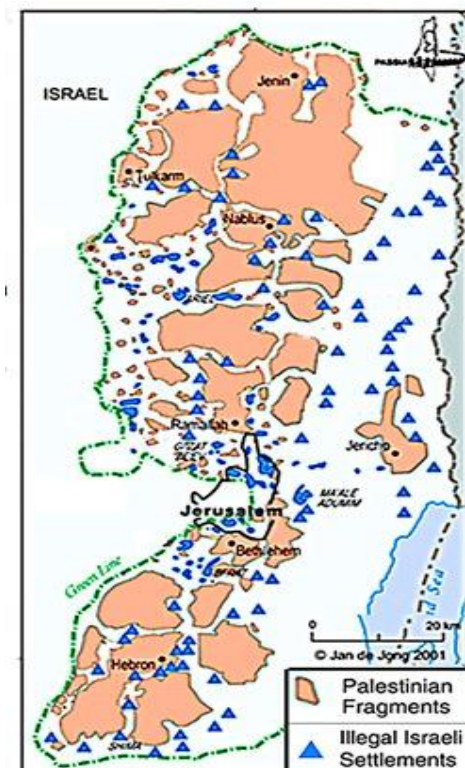




## Major Issues: Israeli Settlements and Demolition of Palestinian Homes



The Israeli army demolished the Ahmi family's home on the Mt. of Olives because they had no building permit, something that is very hard for Palestinians to get. Since 1967, 24,813 Palestinian homes have been demolished, according to the Israeli Committee Against Home Demolitions. [See full report \(http://www.icahd.org/?page\\_id=5508\)](http://www.icahd.org/?page_id=5508)



The expansion of illegal settlements, the accompanying confiscation of Palestinian land and practice of demolishing Palestinian homes constitute an unrelenting cycle that deprives the Palestinian people of their shelter, property, land, freedom of movement and self-determination. Although the footprint of existing settlements is only 3% of the West Bank, the combination of Israeli infrastructure, room set aside for settlement growth, Israeli-only road systems, military zones and Israeli-dedicated nature reserves in the West Bank, causes almost 40% of the West Bank to be off limits to Palestinians.

This map from [PASSIA \(http://www.passia.org/\)](http://www.passia.org/) shows the fragmentation of the West Bank into enclaves (in orange) that result from illegal Israeli settlements (in blue) and the restrictions in Area C (in white). Area C was territory named in the Oslo agreement that was temporarily under full Israeli control but eventually meant to be turned over to the Palestinians. No part of Area C has been turned over to Palestinians, and there are strict limitations about being in area C for Palestinians.

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*"The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop."*

*President Barack Obama in a speech in 2009 in Cairo.*

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### **International Law**

**"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."**

- Fourth Geneva Convention, Article 49 (12 August 1949)

**"The UN Security Council emphasizes 'the inadmissibility of the acquisition of territory by war;' calls for Israeli withdrawal from all occupied territories."**

- UN Security Council Resolution 242 (22 November 1967)

**"Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State...is prohibited, except where such destruction is rendered absolutely necessary by military operations."**

- Fourth Geneva Convention, Article 53 (12 August 1949)

**"No one shall be arbitrarily deprived of his property."**

- Universal Declaration of Human Rights, Article 17 (10 December 1948)

## **What's at Stake**

If current plans are fulfilled, including building in the controversial E1 area to the east of Jerusalem, the northern West Bank will be cut off from the southern West Bank, and many say this would be the fatal blow to the two-state solution. Already, Palestinians are locked into isolated enclaves with little freedom of movement, very limited water, arable land or access to decent livelihoods.

At the same time as illegal settlement building continues at an accelerated rate, Palestinians are faced with the ongoing confiscation of additional Palestinian land for the barrier, settlements and Israeli infrastructure. In Jerusalem, Palestinians continue to be evicted from homes they have legal documents for so that Israeli settlers can move in.

In Israel, plans are pending for the displacement of 40,000 Bedouins in unrecognized villages that have been in existence since before the State of Israel was formed.

Unless these policies are challenged and reversed, the two-state solution will be dead, people of different ethnicities and religions will continue to live under different sets of laws in the same land, extremism and violence will be fueled and the future of Israel will be in danger.

## Stories: The Human Face of the Conflict



This man has spent thousands of dollars fighting for his land for over 20 years. Israeli settlers have no problem getting building permits and are moving down the hill toward his land.



This woman lost her land to bulldozers making room for the separation barrier.



Locked in on three sides by an illegal Israeli settlement, this man was somehow able to fight to keep his house. He now has strict limitations of when he can come and go.

### Act Now

Continued expansion of settlements and the eviction and demolition of Palestinian homes threaten the prospects for peace. **We ask that you contact elected officials to urge the US to press for:**

- **a halt to all settlement expansion** in the West Bank, including East Jerusalem. This means no new buildings, public or private, and no new construction of settlement infrastructure, even for "natural growth," de facto settlement expansion due to births within the settler families;
- **a halt to the eviction of Palestinians and the demolition of their homes;**
- **adequate planning** for Palestinian housing, especially in Jerusalem;

## The Church's Voice

**The ELCA, in its Churchwide Strategy for Engagement in Israel and Palestine**, calls for "a cessation of all settlement activities and withdrawal from settlements on Palestinian territory to the 1967 boundaries."

**Churches for Middle East Peace (CMEP)**, has challenged settlement activity in letters to the President, including an April 2010 letter which states, "New construction or settlement expansion in East Jerusalem and the West Bank undermines the mutual trust that is a necessary condition for successful negotiations."

**The World Council of Churches (WCC)** issued a September 2009 statement calling "upon the government of Israel to urgently implement an open-ended freeze in good faith on all settlement construction and expansion as a first step towards the dismantlement of all settlements."

# Background

## Israeli Settlements

The footprint of existing settlements is only 3% of the West Bank, but the combination of Israeli infrastructure, room set aside for settlement growth, Israeli-only road systems, military zones and Israeli-dedicated nature reserves in the West Bank, result in almost 40% of the West Bank now being off limits to Palestinians. (See the [UN Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories](http://www.ochaopt.org/) (<http://www.ochaopt.org/>), especially [The Humanitarian Impact of Israeli Settlements and Other Infrastructure in the West Bank, July 2007](#)

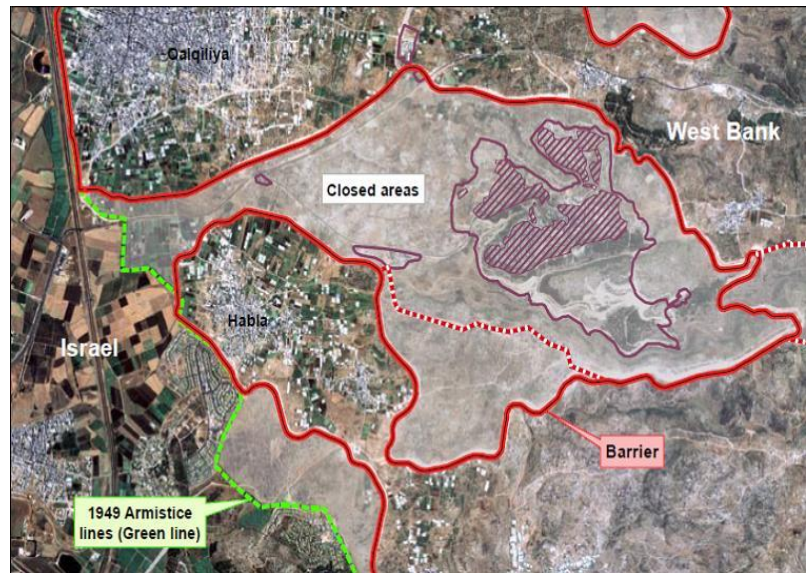
([http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank\\_full.pdf](http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_full.pdf))

This means that Palestinians have been locked into small enclaves (one source counts 227). The separation barrier and this restrictive regime often require that Palestinians obtain hard-to-get permits in order to travel elsewhere, even in the West Bank. It also means a great hindrance to trade, as often goods must be offloaded and then loaded onto other vehicles at checkpoints and roadblocks. Though there has been some reduction of road closures (from about 650 to about 500), access to Jerusalem has become more restricted.

Over 500,000 live in settlements in the West Bank, including Jerusalem, despite international law that says it is illegal for an occupying force to move its own people into occupied territory and many UN resolutions calling for a halt to illegal settlements.

The State of Israel maintains that there is no occupation. Furthermore, they don't recognize the settlements in East Jerusalem on Palestinian land (they call them "Jewish neighborhoods") and justify their existence claiming they annexed the territory shortly after winning the 1967 war, a move no member of the international community has recognized.

Between 1967 and 2009, Israel has constructed 120 settlements in the West Bank (not including Jerusalem) that are officially recognized as "communities" or "neighborhoods" under Israel law yet are considered illegal under international law. Another 100 or so unrecognized settlements known as outposts still exist despite a pledge by Israel to dismantle



This map of Qualqiliya - one of the richest farm lands in the West Bank - shows the Green line (to the right of which should be Palestinian land) and the separation barrier in red. The map shows the barrier enclosing an illegal settlement called Alfe Menashe (in purple) and how much room for expansion the barrier has taken. The Palestinian villages of Habla and Qualqiliya not only have no room to grow, but have only narrow entrances through the separation barriers which are often closed.

them. Settlements in the Sinai Peninsula were evacuated in 1982 as part of the peace agreement between Israel and Egypt. In 2005 Israel withdrew its approximately 9,000 settlers from Gaza and 4 small West Bank settlements.

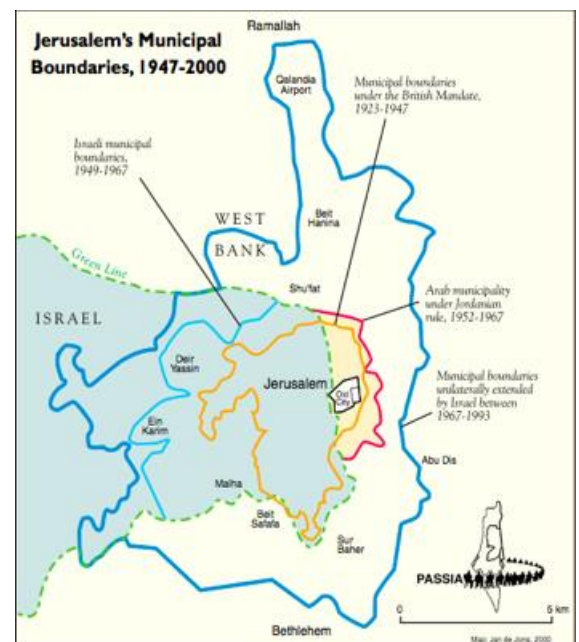
In the Oslo Peace accords signed in 1993, Palestinians agreed to defer difficult issues in exchange for Israeli commitments to preserve the territorial integrity of the West Bank and Gaza. However, the accords included a broad range of protection for settlers and settlements, and, in fact, during the Oslo Peace Process (from 1993 to 2000) the number of settlers doubled from 114,900 to 203,000, excluding the settlements in Jerusalem. Settlement expansion and land confiscation have continued during all the peace processes despite calls for a freeze in the US-backed "roadmap" and the agreements at Annapolis. Israel pledged to remove all outposts, but so far all but a few remain.

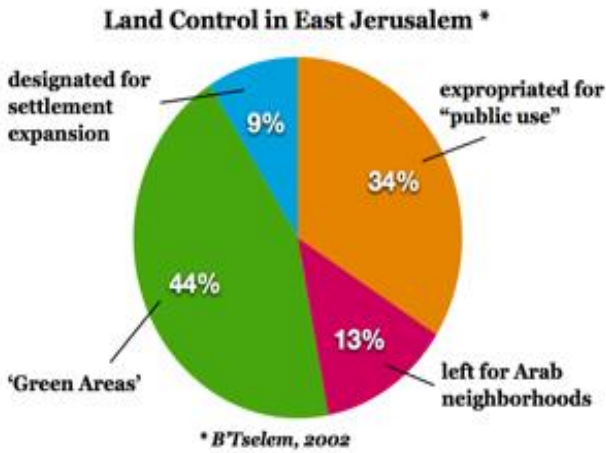
In Oslo II in 1995, three zones were constituted with different security and administrative arrangements: Area A (now 17% of the West Bank and Gaza), which is under full Palestinian control; Area B (now about 24% of the West Bank), which is under Palestinian civil and Israeli security control; and Area C (59% of the West Bank) which is under full Israeli control. The goal was a gradual transition of all areas to Palestinian control, but as of now, none of this area has been transferred to Palestinians.

In fact, Palestinian construction is forbidden in about 70% of Area C, even though Palestinians own the land. According to Peace Now, 94% of building permits for Palestinians in Area C were denied. Area C holds 63% of the West Bank's agricultural land. Many of the settlement blocs in Area C are included in those that Israelis hope to make part of any future Israeli state. (For more information, see UN OCHA's report: [Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank, Dec. 2009](http://www.ochaopt.org/documents/ocha_opt_planning_crisis_east_jerusalem_april_2009_english.pdf) [http://www.ochaopt.org/documents/ocha\_opt\_planning\_crisis\_east\_jerusalem\_april\_2009\_english.pdf]).

## Settlements in East Jerusalem

In Jerusalem, days after the 1967 Israeli war, Israel immediately annexed 70 dunums (1/4 of an acre) of Palestinian land within Jerusalem and in villages nearby. This move has never been recognized by any nation and there are numerous UN and other international resolutions demanding that Israel withdraw from the territory it annexed. Then, as stipulated in the Land Ordinance Acquisition Public Purposes of 1943, the Israeli Finance Minister was authorized to issue expropriation orders for private land if there was a "public purpose." This public purpose ultimately included the building of Israeli settlements and infrastructure.





Since the annexation in 1967, Israel has expropriated 24,000 dunums on which 12 Israeli settlements were initially built - with others to come later - that are now home to over 200,000. After the annexation, the Israeli government put in many zoning and other restrictions on Palestinian home buildings, such as zoning areas as "green" and therefore unbuildable or reserving land for "public use," which means Israeli infrastructure. Only 13% of the land is able to be built upon by Palestinians, and this land is already crowded and dense, which in itself will make it difficult to get building permits.

According to B'tselem and other human rights groups, 66% of today's Jerusalem is territory that was confiscated from West Bank territory and old Jordanian municipality property.



Though areas zoned green were forbidden to be built upon, it happens that those areas are confiscated and then zoned for building for Israeli settlements. Abu Ghnaim, for example, near Bethlehem, was zoned green but then confiscated from Palestinian families and rezoned to become the new Har Homa settlement the late 90s. Building there has continued throughout the settlement freezes.

Since 1967, Israel has followed a clear strategy to increase the percentage of Jewish population and decrease the Palestinian population in Jerusalem. It was articulated in the [Master Plan 2000](http://pcc-jer.org/arabic/Publication/jerusalem_master_plan/jerusalemplan_eng.html) (http://pcc-jer.org/arabic/Publication/jerusalem\_master\_plan/jerusalemplan\_eng.html), announced in 2004, that lists as a goal a 70% Jewish majority in the city of Jerusalem, which in 1980 Israel announced as "the eternal and undivided capital of Israel."



even issued for controversial sites in and around East Jerusalem

The continuation of the Fall 2010 peace talks fell apart when the supposed settlement freeze ended and Israel not only refused to renew it but allowed at least 600 new building starts immediately and announced more to come. 2012 and early 2013 saw rapid acceleration of building plans, including building plans for the controversial E1 area east of Jerusalem.

Peace talks have been deadlocked since then, since Palestinians viewed them as pointless when during the talks Israelis were continuing to expand settlements in the very land that was supposed to be the Palestinian state.

The continuing settlement expansion of Jerusalem is a part of this strategy, as shown in the map at left. The Green Line is the closest thing that international law considers to be a defacto border between Israel and Palestine, and it is marked on this map. Everything outside of that is Palestinian territory by international law, but all the yellow boxes point to newer or expanding settlements on Palestinian land. Note the black line, which is the separation barrier, and how it follows the settlements.

The separation barrier has taken another 10% of Palestinian land in the West Bank by putting it on the Israeli side of the barrier. 85% of the barrier is on Palestinian land.

In November of 2009 the Israeli government agreed to a partial freeze on settlement construction in the West Bank, not including East Jerusalem. However, due to exceptions, the units already underway were exempted from the freeze and some settlers just ignored the freeze, so building continued in many places throughout the West Bank. New permits were

## Other Issues Related to Settlements

### **Water**

In addition to the land taken up by settlements, water allocation is a main issue, with Palestinians experiencing shortages while settlers' water needs are met. According to PASSIA, settlers use 20 times more water per capita than neighboring Palestinian communities, who survive on 20 liters of water per capita per day - the minimum amount recommended by the World Health Organization for emergency situations. In 1967 and against international law, Israel took control of all water resources and have not allowed the Palestinians to dig a single well to use the waters of its own western aquifer since 1995.

### **Violence**

Ongoing violence is also heightening, especially in East Jerusalem, between settlers and Palestinians. According to Yesh Din, an Israeli human rights organization, 90% of the complaints by Palestinians against Israeli settlers are closed without any action or conviction. The increasing presence of private security companies - paid for by Israeli government funds - is also upping the ante in tense spots like Silwan and Hebron.

### **Home Demolitions and Building Permits**

According to the Israeli Committee Against Home Demolitions, 24,813 Palestinian homes have been demolished since 1967, mostly as a result of not having building permits. However, it is very difficult to obtain these permits with all the zoning restrictions, and, even if granted, is very expensive.

In addition, without a Town Planning Scheme (TPS) by the Jerusalem Municipality, growth and building in a community is not allowed, and the Jerusalem municipality has done few Palestinian TPS's.



A Palestinian home demolition in Beit Hanina with an Israeli settlement in the background.

The demolition of homes is against international law.

#### ***BETWEEN 2000 AND 2007:***

- **1,624 Palestinians requested building permits, only 91 were granted.**
- **18,472 Jewish settlement units were permitted and built.**
- **4,450 Palestinian homes were demolished.**

From 1967 through 1990 – 11,286 Palestinian homes were demolished\*

From 1990 through 1999 – 1,628 Palestinian homes were demolished\*

From 2000 through 2009 – 10,465 Palestinian and 30 Jewish homes were demolished

\*No data on Jewish homes demolished



# Resources

## Organizations

- [Israeli Committee Against Home Demolitions \(ICAH\): East Jerusalem Demolitions](http://www.icahd.org/?page_id=5374) ([http://www.icahd.org/?page\\_id=5374](http://www.icahd.org/?page_id=5374)) Details about Palestinian home demolition policies in East Jerusalem.
- [Terrestrial Jerusalem](http://t-j.org.il/) (<http://t-j.org.il/>) This organization has the latest updates on settlements in East Jerusalem.
- [B'Tselem: Expropriation and Settlements](http://www.btselem.org/settlements) (<http://www.btselem.org/settlements>) The history and impact of settlements within the Occupied Territories.
- [Peace Now](http://peacenow.org.il/eng/content/settlements) (<http://peacenow.org.il/eng/content/settlements>) Peace Now is an Israeli peace organization that tracks settlement activity. View an interactive map of settlements.
- [The Israeli Ministry of Foreign Affairs](http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages-/israeli%20settlements%20and%20international%20law.aspx) (<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages-/israeli%20settlements%20and%20international%20law.aspx>) The Government of Israel's view of settlements.

## Print Resources

- [Settlements and the Wall: Preempting the Two State Solution](http://www.elca.org/~media/Files/Our%20Faith%20in%20Action/Justice/Pea ce%20Not%20Walls/Settlements/Settlements%20Wall.pdf) (<http://www.elca.org/~media/Files/Our%20Faith%20in%20Action/Justice/Pea ce%20Not%20Walls/Settlements/Settlements%20Wall.pdf>) PASSIA bulletin with a good summary, history and law regarding settlements and the barrier.
- [By Hook or By Crook](http://www.btselem.org/Download/201007_By_Hook_and_by_Crook_Eng.pdf) ([http://www.btselem.org/Download/201007\\_By\\_Hook\\_and\\_by\\_Crook\\_Eng.pdf](http://www.btselem.org/Download/201007_By_Hook_and_by_Crook_Eng.pdf)), A B'Tselem looks at the policy of Israeli settlements in the West Bank.
- [The Humanitarian Impact of Israeli Settlements and Other Infrastructure in The West Bank](http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_Intro.pdf) ([http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank\\_Intro.pdf](http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_Intro.pdf)), is a publication of the UN Office for the Coordination of Humanitarian Affairs that looks at the humanitarian impact of settlements on Palestinians in the West Bank.

### Relevant International Law

**"Protected persons who are in occupied territory shall not be deprived...as the result of the occupation of a territory, into the institutions or government of said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory."**  
- Fourth Geneva Convention, Article 47 (12 August 1949)

**"Family honor and rights, the lives of person, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated."**  
- The Hague Convention, Article 46 (18 October 1907)

**"Considers that the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination is inadmissible and a gross violation of the Charter."**  
- UN General Assembly Resolution 2649, Article 4 (30 November 1970)