

## Unless US and EU put pressure on Israel to end the occupation, negotiations are futile

### Executive Summary

In June 1967, Israel took over the West Bank, including East Jerusalem, and Gaza by force, contrary to Article 2.4 of the UN Charter.

These territories have remained under Israeli military occupation ever since, contrary to the wishes of the Palestinians who live there. If there is to be a settlement between Israel and the Palestinians, Israel must withdraw from these territories.

In all that time, the international community has imposed no sanctions of any kind on Israel to make it withdraw. Israeli aggression has paid off.

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Contrast that with the international community's response when Iraq took over Kuwait by force in August 1990. Then, economic sanctions were imposed on Iraq immediately and, when that didn't work, within months a large military force was assembled to expel Iraq from Kuwait.

At no time since 1967 has Israel been under significant international pressure to withdraw from the territories it occupies. Instead, Israel has been richly rewarded by the US and the EU during that period – it has been the recipient of more US aid than any other state in the world (approximately \$100bn) and, since 2000, the EU has given it privileged access to the EU market for its exports.

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The focus at the moment is on negotiations between Israel and the Palestinians. But why should Israel be allowed to negotiate about how much, if any, of the territory it acquired by armed force 43 years ago to give up, and when to give it up? Should the international community not simply insist that Israel end its military occupation of territory acquired by force?

In negotiations with Palestinians, Israel is in a position to dictate terms, since it dominates the occupied territories, militarily and economically. And, if Palestinians refuse to agree to those terms, they will continue to live under Israeli military occupation. It's heads Israel wins and tails the Palestinians lose.

These negotiations are equivalent to allowing a thief to negotiate with his victim about the amount of stolen goods he is going to give back, while he keeps his boot on the victim's throat.

The blunt reality is that Israel will not give up the territory it occupied in 1967, until outside pressure is brought to bear to force it to do so.

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Meanwhile, Israel continues to build Jewish settlements in the West Bank, including East Jerusalem, on the territory that is supposed to belong to a future Palestinian state. A B'Tselem report published in July 2010 on Israel's settlement policy begins:

"Some half a million Israelis are now living over the Green Line [the 1967 border]: more than 300,000 in 121 settlements and about one hundred outposts, which control 42 percent of the land area of the West Bank, and the rest in twelve neighborhoods that Israel established on land it annexed to the Jerusalem Municipality."

Israel's settlement project is about staking a claim to land east of the Green Line for incorporation into a Greater Israel. The former Israeli Prime Minister, Ariel Sharon, spelt this out in 1973: when asked what is to become of the Palestinians in the West Bank under Israeli occupation, he replied:

"We'll make a pastrami sandwich out of them ... We'll insert a strip of Jewish settlements in between the Palestinians, and then another strip of Jewish settlements right across the West Bank, so that in twenty-five years' time, neither the United Nations nor the United States, nobody, will be able to tear it apart."

The project is open ended, the objective being to incorporate as much West Bank territory as practicable into a Greater Israel, and, by so doing, obstruct, or prevent, the creation of a viable Palestinian state.

Settlement building in the occupied territories is in no way necessary for the security of Israel. It is about expanding across the Green Line.

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All of Israel's settlement building is contrary to international law, because it involves the transfer of Israeli civilians into territory occupied by Israel. That is contrary to Article 49(6) of the 4th Geneva Convention. The international community should have made Israel stop long ago.

The Road Map is the internationally accepted framework for negotiations between Israel and the Palestinians about a two-state solution. Israel accepted it in May 2003. It requires that Israel "freeze all settlement activity (including the natural growth of settlements)", prior to negotiations. In violation of this agreement, Israel refuses to do so and the international community has failed to make it do so.

Israel's "moratorium" on settlement building, which ended on 26 September 2010, never fulfilled the Road Map requirement – it was never a freeze, and it never applied to East Jerusalem. In a *Ha'aretz* article on 28 September, entitled *Settlement freeze? It was barely a slowdown*, Dror

Etkes said of it: "What took place in the past few months is, in the best case scenario, not more than a negligible decrease in the number of housing units that were built in settlements".

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At the time of writing, Israel is refusing to renew this token "moratorium", even on a temporary basis, let alone freeze settlement activity altogether. Building in Jewish settlements in the West Bank is now free from any restrictions.

By contrast, building for Palestinians is severely restricted by Israel in Area C of the West Bank, where Jewish settlements are situated. Area C comprises approximately 62% of the West Bank. This is not a temporary measure. It has applied more or less since the Israeli occupation began in 1967.

A fact sheet published in August 2010 by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) describes the plight of Palestinians in Area C as follows:

"Difficulties in obtaining building permits ... for construction and/or rehabilitation of buildings, prevents the construction of housing to meet natural population growth. In addition, the inability to build or rehabilitate schools and health clinics significantly impedes the adequate provision of basic services. ...

"As a result, Palestinians needing to build in Area C are left with no alternative than to build without a permit and risk demolition of their structure."

94% of applications for building permits are refused by the Israeli authorities. And demolitions are common.

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Clearly, Israel applies one set of rules for Jewish colonists and a very different set for indigenous Palestinians.

## Unless US and EU put pressure on Israel to end the occupation, negotiations are futile

In June 1967, Israel took over the West Bank, including East Jerusalem, and Gaza by force, contrary to Article 2.4 of the UN Charter, which demands that “all [UN] Members shall refrain in their international relations from the threat or use of force” [1]

These territories have remained under Israeli military occupation ever since, contrary to the wishes of the Palestinians who live there. If there is to be a settlement between Israel and the Palestinians, Israel must withdraw from these territories.

The international community has allowed this occupation to continue for over 40 years. In all that time, no sanctions of any kind have been applied to Israel to make it leave. Israeli aggression has paid off.

### Iraq and Kuwait

Contrast that with the response from the international community when Iraq took over Kuwait by force in August 1990.

Within hours of that invasion, the Security Council met and passed resolution 660, demanding that Iraq withdraw “immediately and unconditionally” from Kuwait [2]; within days, it passed another resolution (661) imposing economic sanctions on Iraq until it withdrew [2]; and within a few months, in November 1990, it passed resolution 678, which authorised military action to expel those forces from Kuwait [2].

A force of half a million men was assembled and, in February 1991, Iraq was subjected to a massive aerial bombardment and Iraqi troops were driven from Kuwait by force.

By contrast, the Security Council has never passed a resolution demanding that Israel end its occupation of the West Bank and Gaza, let alone one that imposed sanctions on it for failing to do so. Resolution 242, passed in November 1967, does not demand that Israel withdraw “immediately and unconditionally” to the 1967 borders.

At no time since 1967 has Israel been under significant outside pressure to withdraw from the territories it occupies.

On the contrary, since the occupation began, it has been the recipient of more US aid than any other state in the world, approximately \$100bn [3].

And, since 2000, the EU has given it privileged access to the EU market for its exports through the EU-Israel Association Agreement, even though it was then occupying, not only the West Bank and Gaza, but also parts of Lebanon and Syria. It still is today.

Far from it being punished for occupying territory not its own for the past 43 years, Israel has been richly rewarded by the US and the EU during that period, in stark contrast to the treatment meted out to Iraq when it invaded Kuwait in 1990.

### **Israel holds all the cards**

Instead of applying pressure to Israel to withdraw forthwith from the territories it has occupied militarily since 1967, the international community has accorded Israel the extraordinary privilege of negotiating with Palestinians under its occupation about how much, if any, of the occupied territories to give up, and when to give it up.

Having held on to these territories for 43 years, it can be taken for granted that Israel isn't about to withdraw to the 1967 borders of its own volition. The question is whether the present Israeli government, led by Benjamin Netanyahu, will be prepared to withdraw at all. In February 2009, during the election campaign, as a result of which he became Prime Minister, he stated his party's position as follows:

“We will not withdraw from one inch. Every inch we leave would go to Iran” [\[4\]](#).

Under fierce pressure from the US, in a speech on 14 June 2009 [\[5\]](#), he did concede the possibility of some kind of Palestinian state, for the first time, but he has said nothing then or since about the territorial extent of this state.

Israel holds all the cards in negotiations with Palestinians, since they are dominated, militarily and economically, by Israel in the occupied territories.

Israel is therefore in a position to dictate terms. It could, for example, offer to withdraw from a third of the West Bank in ten years time, on condition that it retains control over the border with Jordan for fifty years after that. In that event, Palestinians would be powerless to put pressure on Israel to withdraw further or faster, since they live under Israeli military occupation. And, if they refuse to accept the terms dictated by Israel, they will remain under Israeli military occupation sine die. It's heads Israel wins and tails the Palestinians lose.

The negotiations between Israel and the Palestinians are equivalent to allowing a thief to negotiate with his victim about the amount of stolen goods he is going to give back, while he keeps his boot on the victim's throat.

In 1990, nobody proposed that the best way to resolve the conflict between Iraq and Kuwait was to allow Iraq to negotiate with occupied Kuwait and to refrain from applying sanctions (or saying a cross word) to Iraq, while these negotiations were going on, lest doing so would derail the Iraq-Kuwait peace process. Anybody making such a proposal then would have been laughed at, for proposing that the aggressor be put on a par with the victim of that aggression.

But, the international community has imposed such a negotiating framework on the Palestinians, who were victims of Israeli aggression in 1967, and have been victims of Israeli military occupation ever since.

### **No outside pressure**

This negotiating framework might be tolerable if, in order to level the playing field, outside pressure were being exerted on Israel to withdraw to the 1967 borders. The two possible candidates for such a role are the US and the EU.

However, the US has made it clear that it isn't going to help the Palestinians recover their territory. President Obama said at the outset of the negotiations that the US "cannot impose a solution" [6]. He meant "will not". This statement is a green light to Netanyahu to set terms which Palestinians cannot accept, in the full knowledge that Obama isn't going to make his life difficult if he does. On present form, Obama is much more likely to make life difficult for Palestinians if they refuse to accept Netanyahu's terms.

The US could impose a solution – all it has to do is to cut off, or threaten to cut off, some or all of the US tax dollars that Israel receives annually (around \$2.5 billion in 2007 [3]) and/or to make it clear that the US is no longer prepared to protect Israel from criticism, or worse, in international fora, for example, by casting its veto in the Security Council.

There is little prospect of outside pressure from the EU either. Like the US, the EU has the means at its disposal to put pressure on Israel to reverse its aggression. In 2000, the EU granted Israel privileged access to the EU market, under the EU-Israel Association Agreement, and around a third of Israel's exports are sold into that market. That provides the EU with powerful leverage. It could, and should, withdraw the privilege.

There are, and always have been, ample grounds for suspending the Agreement, because of Israel's failure to live up to its human rights obligations under Article 2 of the Agreement.

### **Relentless settlement building**

Meanwhile, Israel continues to expand Jewish settlements on the West Bank and East Jerusalem, on the territory that is meant to belong to a Palestinian state at the end of the negotiations. B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, published a report in July 2010 on Israel's settlement policy in the West Bank [7]. The report begins:

"Some half a million Israelis are now living over the Green Line [the 1967 border]: more than 300,000 in 121 settlements and about one hundred outposts, which control 42 percent of the land area of the West Bank, and the rest in twelve neighborhoods that Israel established on land it annexed to the Jerusalem Municipality."

The Jewish state was assigned 56% of mandate Palestine by UN General Assembly in November 1947. It was expanded by force to 78% in 1947/48, and 750,000 Arabs were expelled into the rest of Palestine and the surrounding Arab states, where they and their descendants live today. That is how a viable Jewish state was established in Palestine in 1948.

In 1967, Israel took over by force the remaining 22% of mandate Palestine – the West Bank, including East Jerusalem, and Gaza – and set about building Jewish settlements on confiscated Arab land in these territories.

The former Israeli Prime Minister, Ariel Sharon, spelt out the purpose of settlement building a long time ago in 1973, in a conversation with Winston Churchill, the grandson of the former British Prime Minister. Churchill asked Sharon what is to become of the Palestinians in the West Bank, to which Sharon replied:

"We'll make a pastrami sandwich out of them ... We'll insert a strip of Jewish settlements in between the Palestinians, and then another strip of Jewish settlements right across the West Bank, so that in twenty-five years' time, neither the United Nations nor the United States,

nobody, will be able to tear it apart." (quoted in *Pastrami & Champagne* by Adam Shatz and Roane Carey, *The Nation*, 10 May 2004 [8])

The plain fact is that the settlement project is about Israel staking a claim to land east of the Green Line for incorporation into a Greater Israel. The project is open ended, the objective being to incorporate as much West Bank territory as practicable into a Greater Israel, and, by so doing, obstruct, or prevent, the creation of a viable Palestinian state.

The only barrier to incorporating all of the West Bank into a Greater Israel is the presence of a large and growing Palestinian population that would render a state with a Jewish majority problematic. Today, a Greater Israel incorporating all of the West Bank, but not Gaza, would have a Palestinian minority greater than 40%. If Gaza were included, Jews would be in a minority [9].

The settlement project is not about enhancing Israel's security – it has had the opposite effect – nor is it about acquiring essential extra living room for Jewish immigrants to Israel – they could all have been accommodated within the borders of pre-1967 Israel. Substantial economic incentives have had to be provided to encourage people to settle outside those borders (see Chapter 4 of the B'Tselem report, *Benefits and economic incentives to settlers and settlements* [7]). Without these incentives, there would be far fewer settlers in the West Bank.

### **Shamir's "demographic revolution"**

In 1988, the Palestine Liberation Organisation (PLO) recognised Israel's right to exist within its 1967 borders and adopted the objective of establishing an independent Palestinian state in the remaining 22% of mandate Palestine.

Likud leader, Yitzhak Shamir, was Prime Minister at this time. He was in office from 1986 until he lost an election on 23 June 1992. He was utterly opposed to Israel giving up any territory to a Palestinian state. After the Madrid conference in late October 1991, the Bush administration made a serious attempt to pressure Shamir into negotiating interim arrangements for self-rule with Palestinians, but he refused to budge.

On the day after his electoral defeat, he gave an interview to the Israeli newspaper *Ma'ariv*, in which he spelt out the vision he was no longer in a position to implement:

"It pains me greatly that in the coming four years I will not be able to expand the settlements in Judea and Samaria [the West Bank] and to complete the demographic revolution in the Land of Israel. I know that others will now try to work against this. Without this demographic revolution, there is no value to the talk of autonomy, because there is a danger that it will be turned into a Palestinian state. What is this talk of 'political settlements'? I would have carried on autonomy talks for ten years, and meanwhile we would have reached half a million [Jewish] people in Judea and Samaria." (quoted in Avi Shlaim's *The Iron Wall*, p500)

Shamir need not have worried. None of his successors as Prime Minister, whether Labour, Likud or Kadima, have worked against his vision. On the contrary, his "demographic revolution" has been achieved. His successors have all continued settlement building apace and realised his vision of half a million Jewish settlers in the West Bank, including East Jerusalem, more than double the number when he left office (see B'Tselem report [7], p 9/10). And talks about

Palestinian autonomy/statehood have all failed, because they have all refused to relinquish the territory conquered by Israel in 1967.

There is no evidence that Benjamin Netanyahu, Yitzhak Shamir's successor as leader of Likud and Israeli Prime Minister, is any more favourably disposed towards giving up occupied territory to allow the creation of a Palestinian state. And, he is following Shamir's vision of settlement building without limit. Is there any doubt that, like Shamir, he sees this as a means to obstruct, or prevent, the creation of a Palestinian state?

### **Contrary to 4<sup>th</sup> Geneva Convention**

All of Israel's settlement building is contrary to international law, because it involves the transfer of Israeli civilians into territory occupied by Israel. This is forbidden under Article 49, paragraph 6, of the 4th Geneva Convention, which states:

"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." [\[10\]](#)

The UN Security Council has made this clear in resolutions 446, 452 and 465, all of which demand that Israel cease settlement building and remove existing settlements. For example, in resolution 446, passed on 22 March 1979, the Security Council states that

"the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East"

and calls upon Israel

"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" [\[11\]](#).

### **UN General Assembly**

Every year, the UN General Assembly passes a series of resolutions on Israel/Palestine including one demanding that settlement building cease and existing settlements be removed, most recently resolution 64/93 passed on 10 December 2009. This reiterates the General Assembly's demand

"for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of the relevant Security Council resolutions, including resolution 465 (1980)" [\[12\]](#)

This resolution was passed overwhelmingly (as it is every year), this year by 171 votes to 7. EU states voted for the resolution. The only opponents apart from Israel and the US were Panama and four tiny Pacific states – Marshall Islands, Micronesia, Nauru and Palau – which are US clients.

On this matter, and others concerning Israel/Palestine, Israel and the US have very few friends in the world.



## **The International Court of Justice**

The International Court of Justice (ICJ) has also declared, in its Advisory Opinion on the construction of the Wall [13] (paragraph 120), that “Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”, contrary to Article 49 of the Fourth Geneva Convention.

## **International Criminal Court**

Under the Rome Statute of International Criminal Court (ICC), the colonisation of occupied territory is a war crime. Article 8.2(b)(viii) of the Statute defines “the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” as a war crime [14].

Since there is no doubt that such transfers have taken place, there is a prima facie case that the many Israeli citizens responsible for these transfers have committed war crimes. However, like the US and other states, for example, Sudan, Israel has not signed up to the ICC and accepted its jurisdiction, so there is no prospect of the ICC prosecuting these Israelis.

Theoretically, the Security Council could refer the situation in the occupied Palestinian territories to the ICC (as it did the situation in Darfur in March 2005, which led to the indictment of President Bashir of Sudan and others by the ICC). Then, the ICC could prosecute Israelis for settlement building carried out since 1 July 2002, when the Rome Statute came into force. Needless to say, it is certain that the US would wield its veto in the Security Council to prevent this happening.

## **Freezing settlement activity**

From the outset in 1967, it has been widely accepted internationally that Israel's settlement building in the occupied territories is contrary to international law, specifically Article 49, paragraph 6, of the 4th Geneva Convention. Successive US administrations, beginning with the Johnston administration, have said so and called upon Israel to cease and desist. Unfortunately, the international community never applied sufficient pressure to make it cease and desist – and Israel has kept building.

Every “peace initiative” has been accompanied by the demand that Israel freeze settlement activity. For example, the Reagan Plan set out by President Reagan in a speech on 1 September 1982 stated:

“The United States will not support the use of any additional land for the purpose of settlements during the transition period. Indeed, the immediate adoption of a settlement freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated.” [15]

Likewise, the Mitchell Report, published on 30 April 2001, stated:

“Palestinians are genuinely angry at the continued growth of settlements and at their daily experiences of humiliation and disruption as a result of Israel's presence in the Palestinian territories. Palestinians see settlers and settlements in their midst not only as violating the spirit of

the Oslo process, but also as an application of force in the form of Israel's overwhelming military superiority, which sustains and protects the settlements." [16]

The chairman of the fact finding mission that drew up this report was George Mitchell, now Obama's Special Envoy for Middle East Peace. He went on to recommend, inter alia, that, in order to build confidence prior to a resumption of negotiations:

"The GOI [Government of Israel] should freeze all settlement activity, including the 'natural growth' of existing settlements."

### **The Road Map**

Two years later Mitchell's recommendation was incorporated into *A performance-based roadmap to a permanent two-state solution to the Israeli-Palestinian conflict* [17], aka the Road Map.

Drawn up by the Bush Administration in 2003, it is the internationally accepted framework for negotiations between Israel and the Palestinians, endorsed by the Security Council in November 2003 in resolution 1515 [18]. The EU and the Quartet (the US, the EU, Russia and the UN Secretary-General) have regularly called upon both sides to fulfil their obligations under the Road Map (see, for example, a recent Quartet statement of 21 September 2010 [19]).

The Road Map lays down that, prior to the start of negotiations:

"Consistent with the Mitchell Report, GOI [Government of Israel] freezes all settlement activity (including natural growth of settlements)"

Another obligation is to dismantle all the settlement outposts built after March 2001, prior to the start of negotiations.

On 25 May 2003, the Israeli Government, headed by Ariel Sharon, approved the Road Map by 12 votes to 7, albeit with reservations [20]. However, these reservations did not relate to the pre-conditions. The Palestinians accepted the Road Map without reservations.

The Israeli government has reiterated its commitment to the Road Map on several occasions, for example, at the Annapolis conference held in November 2007, when, in a joint memorandum with President Abbas, Israeli Prime Minister Ehud Olmert repeated Israel's commitment [21]. However, Israel continued settlement activity while the negotiations following the conference went on.

### **Obama backs down**

So, President Abbas was entirely justified in resisting direct negotiations while settlement building continued. Israel's 10-month "moratorium" on settlement building was never a complete freeze (see below) and anyway it didn't apply to East Jerusalem, so it didn't meet the Road Map requirement. And settlement outposts haven't been removed either.

In June 2009, Obama was on Abbas's side in insisting on a freeze on the Jewish colonisation of the West Bank and East Jerusalem, prior to the start of negotiations. In his speech in Cairo, he declared:

“The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements [eg the Road Map] and undermines efforts to achieve peace. It is time for these settlements to stop.” [22]

However, a few months later, in the face of opposition from Prime Minister Netanyahu, he backed down ignominiously, and, instead of demanding that Israel halt settlement building prior to negotiations, he began to pressurise the Palestinians to enter into negotiations without Israel halting settlement building.

In early September 2010, Abbas reluctantly agreed to enter into direct negotiations with Israel – despite the fact that, according to Obama in Cairo, Israel is violating previous agreements and undermining efforts to achieve peace.

George Mitchell is now presiding over a set of negotiations, without Israel halting settlement activity, which he recommended a decade ago as a necessary confidence building measure prior to negotiations.

The question arises: what is the point in Palestinians seeking an agreement with Israel, when it violates key aspects of a past agreement?

The Road Map was endorsed by the Security Council. In his book, *A Journey* (p435), Tony Blair, the Quartet's representative, describes it as “of enormous importance to the Middle East peace process”, saying “essentially, it provided the framework, as it still does today, for the steps towards peace”. Yet, the international community has done nothing to make Israel honour key aspects of the agreement. And the Palestinians are powerless to do anything about it.

There is no guarantee that Israel will honour a future agreement. And, if it doesn't, judging by past experience, the likelihood is that the international community will simply turn a blind eye to its failure to do so.

### **What freeze?**

At the time of writing, the question dominating media attention is: will Israel renew its “moratorium” on settlement building and save the negotiations?

A question that is worthy of media attention, but is receiving very little, is: what effect did the “moratorium” have on settlement building while it was in operation? The answer is very little.

Here's how Dror Etkes described its effect in a *Ha'aretz* article on 28 September 2010 [23] entitled *Settlement freeze? It was barely a slowdown*:

“The official statistics supplied by the Central Bureau of Statistics describe the story behind the 10-month construction moratorium in the West Bank. The story can be called many things but ‘freeze’ is certainly not one of them. What took place in the past few months is, in the best case scenario, not more than a negligible decrease in the number of housing units that were built in settlements.

“The data that appeared in the bureau's tables clearly show that. At the end of 2009, the number of housing units that were actively being built on all the settlements together amounted to 2,955. Three months later, at the end of March 2010, the number stood at 2,517.

We are therefore talking about a drop of a little more than 400 housing units - some 16 percent of Israeli construction in the West Bank over that period. ...

“The real story behind the PR stunt known as the freeze took place in fact in the months prior to that, during which the settlers, with the assistance of the government, prepared well for the months of hibernation foisted upon them. In the half year that preceded the declaration of the freeze, which started at the end of November 2009, dozens of new building sites sprang up, especially in isolated and more extreme settlements east of the fence.

“This piece of information is also well documented in the bureau's numbers. In the first half of 2009, they started to build 669 housing units in the settlements, and then, as the months wore on, the pace of construction increased. Thus in the second half of 2009, no fewer than 1,204 housing units were built - an increase of some 90 percent in construction starts as compared with the first half of the year. ...

“If we add to these statistics the fact that the government announced in advance that it planned to approve, in any circumstances and with no connection to the 'freeze', the construction of 600 housing units in various settlements, and the chaos and anarchy that exists in some settlements and outposts, making it possible for every person to build where and when he feels like it, we shall get quite a good picture of what really happened to the settlements in the past few months.”

### **A real freeze (and demolitions)**

By contrast, Palestinian building is severely restricted by Israel in large areas of the West Bank, and has been restricted since the Israeli occupation began in 1967. This is graphically described in a fact sheet published in August 2010 [24] by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) on life for the approximately 150,000 Palestinians living in Area C of the West Bank.

As part of the Oslo process, the West Bank was divided into three zones, referred to as Areas A, B and C, A controlled by the Palestinian Authority (PA), B under joint PA and Israeli control and C wholly under Israeli control. Areas A and B consist of a series of small islands within Area C, which comprises approximately 62% of the West Bank. There, the Israeli Civil Administration (ICA) is in charge of building and planning.

On this, the OCHA fact sheet comments:

“Difficulties in obtaining building permits from the ICA for construction and/or rehabilitation of buildings, prevents the construction of housing to meet natural population growth. In addition, the inability to build or rehabilitate schools and health clinics significantly impedes the adequate provision of basic services. In some cases, permit applications of a high technical standard for funded projects have been pending for years. The ability to rehabilitate rainwater harvesting cisterns and the weatherproofing of dwellings, and even their replacement by portable tents, is prohibited by the ICA.

“Due to the restrictive planning and zoning regulations in practice, the Israeli authorities generally allow Palestinian construction only within the boundaries of ICA-approved municipal plans. These cover less than one percent of Area C, and much of this one percent is already

built-up. As a result, Palestinians needing to build in Area C are left with no alternative than to build without a permit and risk demolition of their structure."

As for applications for building permits, an OCHA report, "*Lack of Permit*" *Demolitions and Resultant Displacement in Area C*, published in May 2008 states:

"Over 94% of applications for building permits in Area C, submitted to the Israeli authorities by Palestinians between January 2000 and September 2007, were denied. During this period 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished." [25]

On demolitions, an OCHA Fact Sheet, *Sharp increase in demolitions and displacement in the West Bank*, published in July 2010 states:

"... at least 230 Palestinian structures have been demolished in East Jerusalem and Area C in over 40 separate incidents since the beginning of this year. As a result, more than 1100 Palestinians, including over 400 children, have been forcibly displaced or otherwise affected owing to extensive damage of property or destruction of livelihood." [26]

The Jewish settlements in the West Bank are in Area C, right next to the Palestinians living under these severe Israeli-imposed building restrictions. There, even temporary restrictions on building are fiercely resisted by Israel: it's unthinkable, Israeli leaders tell us, that homes in these settlements cannot be extended to cater for growing families, or that schools and health clinics cannot be built or rehabilitated.

But not if the homes, and schools, and health centres, are for Palestinians.

**David Morrison**  
**October 2010**

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