

Land & Settlement

■ Background

Settlements **breach international law** (e.g., Art. 49(6), Fourth Geneva Convention, stipulating: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”) and various **UNSC resolutions** (e.g., Res. 465 of 1 March 1980 calling on Israel “to dismantle the existing settlements”).

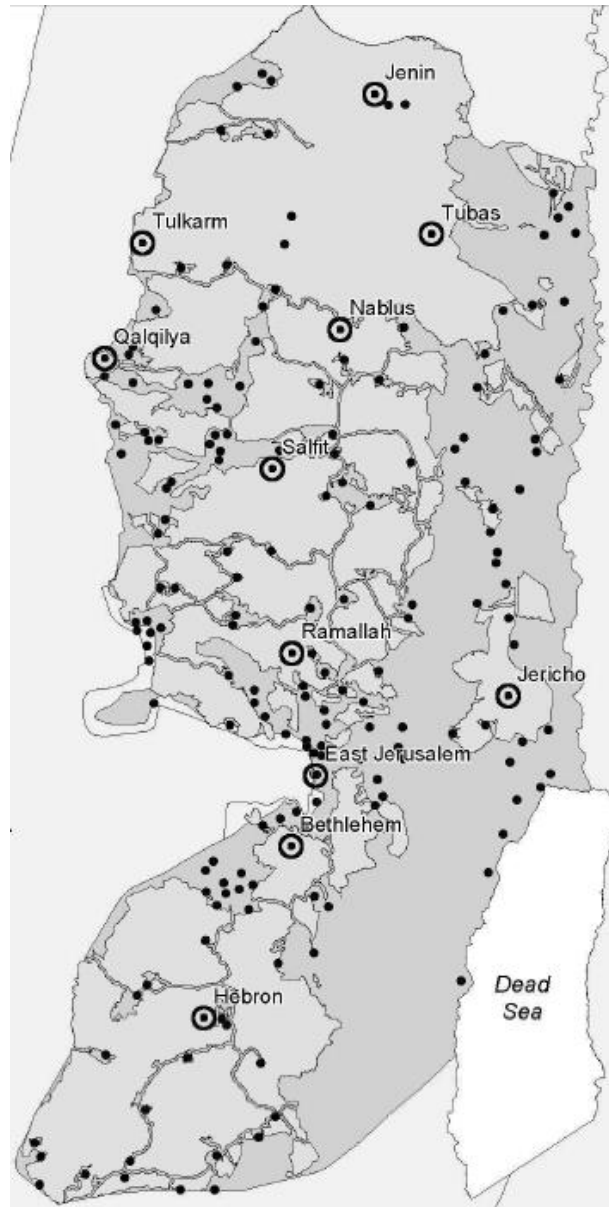
The **Oslo Accords** deferred the issue of settlements, *inter alia*, to a later stage of talks in exchange for an Israeli commitment to disengage from the OPT and preserve Palestinian territorial integrity. However, the Oslo Accords included numerous protective measures for the settlements and settlers (e.g., exclusion from Palestinian jurisdiction, blanket limitations on Palestinian land use near settlements, Israeli control over land registration, zoning and security), allowing Israel to take unilateral actions and create more facts on the ground. As a result, the number of settlers has almost quadrupled since 1993 - despite numerous attempts at “freezing” all settlement expansion, such as the 2003 Road Map and other initiatives to restart negotiations. Things were made worse with a new Basic Law (**‘Referendum Law’** of March 2014), which requires a referendum on any future treaty that entails ceding land to which Israeli law applies (this includes East Jerusalem and the Golan Heights but not the West Bank).

UN Security Council Resolution 2334 of 23 December 2016 reaffirmed that the establishment of settlements “has no legal validity and constitutes a flagrant violation under international law” and impedes the two-state solution, and called on Israel to “immediately and completely cease all settlement activities.” However, Israel intensified the expansion of settlements instead.

In May 2018, the government-appointed **Zandberg Committee** recommended to adopt a flexible understanding of legal criteria for handling isolated outposts so as to **legalize them retroactively**.

On 9 July **2021**, UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Michael Lynk, called on the international community to **designate** the creation of Israeli **settlements** as a **war crime** under the Rome Statute of the International Criminal Court, because they violate the absolute prohibition against the transfer by an occupying power of parts of its civilian population into an occupied territory.

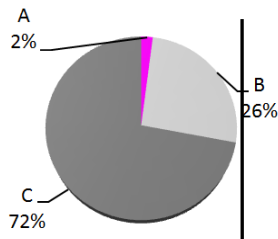
Distribution of Settlements in the West Bank



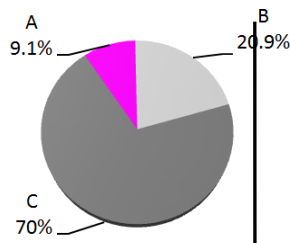
■ The Occupied Palestinian Territories

The 1995 Oslo II Agreement created, as an **interim (5-year) measure**, three distinct zones - Areas A, B, and C - with different security and administrative arrangements. The current status is frozen at the levels of the 1999 Sharm El-Sheikh summit (see right).

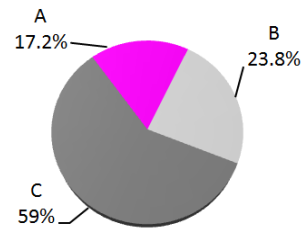
West Bank Areas A, B, C:



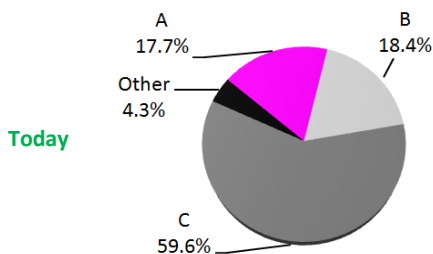
Oslo II, 1995



Wye River, 1998



Sharm El-Sheikh, 1999

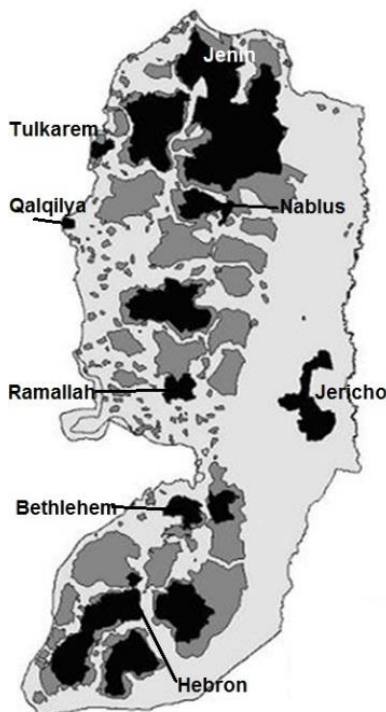


Today

A = 1,000,000 dunums (17.7%)
B = 1,035,000 dunums (18.4%)
C = 3,375,000 dunums (59.6%)
 (of which 2,642,000 directly exploited by Israel)
Others = 250,000 dunums (4.3%: nature reserves, annexed East Jerusalem, Hebron's H2)

Total = 5,655,000 dunums

Source: PCBS, Press Release on the 71st Annual Commemoration of the Palestinian Nakba, 13 May 2019.



While one of the aims of the Oslo Accords was to eventually move Area B and Area C away from Israeli to Palestinian control (Area A), this has not been the case. Today, **Areas A and B** are not contiguous territory but consist of over 200 enclaves. **Area C** - where Israel retains full control - covers roughly 60% of the West Bank; 70% of this (about 44% of the West Bank) is classified as settlement areas, firing zones, or nature reserves - off limits to Palestinians, for whose development less than 1% of Area C is designated.

To make things worse, **Military Order No. 1797** came into effect on 17 June 2018, which removed any option for Palestinians to challenge demolition orders issued for new structures, allowing Israel to demolish homes summarily.

- Area A full Palestinian control; mainly urban areas.
- Area B Palestinian civil and Israeli security control; mainly populated rural areas.
- Area C full Israeli control; settlements, settlement access roads, buffer zones (near settlements, roads, strategic areas and Israel) and almost all of the Jordan Valley. Area C holds 63% of the West Bank's agricultural lands.

Total Area of Palestinian Governorates (in km²)

Governorate	Total Area	Governorate	Total Area
Jenin	583	Hebron	997
Tubas	402	Total WB	5,655
Tulkarm	246	North Gaza	61
Qalqilya	166	Gaza	74
Salfit	204	Deir Balah	58
Nablus	605	Khan Younis	108
Ramallah	855	Rafah	64
Jerusalem ¹	345	Total Gaza	365
Jericho	593	TOTAL WBGS	6,020
Bethlehem	659		

Source: PCBS, *Land Use Statistics*.

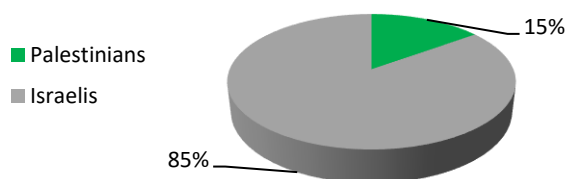
¹ excl. the annexed part.

Land, Land Confiscation & Annexation

1 dunum = ¼ acre or 1000 m² or 1 km²

- Before the **War of 1948**, Palestinians owned about 87.5% of the total area of historical Palestine (26,323 km² or 26,323,000 dunums), while Jews owned 6.6% of the total lands. The remaining 5.9% was 'state land' as classified by the British Mandate (British Government, *A Survey of Palestine, 1945-1946*).

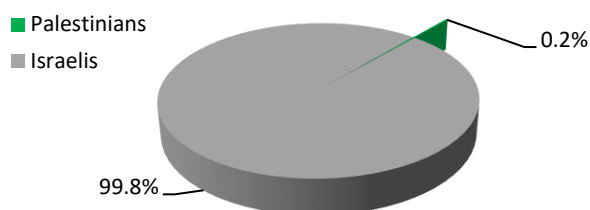
Land Utilization in Historical Palestine



Source: PCBS

- Today, Israelis and Palestinians constitute around the same percentage of the total population in historical Palestine, but Israel **utilizes over 85% of the total land** (PCBS, *Press Release on the 46th Annual Commemoration of Land Day*, 30 March 2022).
- Some 66% of Area C in the West Bank is under the **jurisdiction** of Israeli regional councils and 16.2% under the jurisdiction of settlements, whose **built-up** area only accounts for 1.8% of the total area, while another 3.3% are **fenced areas** (Peace Now Data).
- Since 1967, Israel has classified 353,000 dunums of **confiscated** Palestinian lands as **nature reserves** (for later use in settlements). In addition, settlers exploit about 120,000 dunums of Palestinian lands for **agriculture** (PCBS, *Press Release on the 46th Annual Commemoration of Land Day*, 30 March 2022).

State Land Allocation



Source: Peace Now

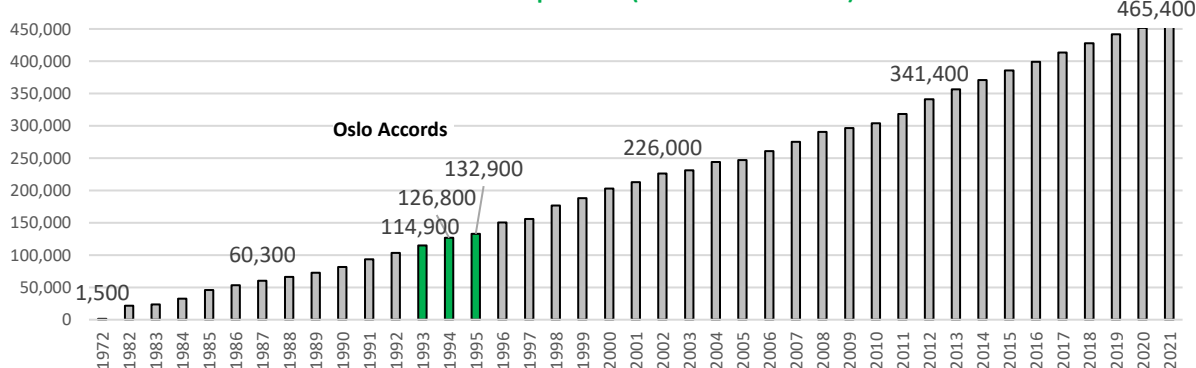
- With its occupation in 1967 Israel ceased the **land registration** process the Jordanians had started and declared, in the 1980s, all unregistered and non-cultivated land as "state land" - subsequently building settlements there. It is estimated that Israel has designated about 1.4 million dunums of land (about 25% of the West Bank), as state lands, which have been almost exclusively allocated for the development and expansion of Jewish communities (Peace Now, "State Land Allocation in the West Bank-for Israelis Only," 2018).
- Israel's **bypass road network** in the West Bank links settlements to one another and to Israel, while isolating Palestinian localities and blocking their development. Under the pretext of security Palestinians are **denied access** to most of these roads as well as to a buffer zone on each side of them (for a map of settler roads see: <https://ecf.org.il/maps/5656fe176f000094295133fd?options=ZPBLSF>).



■ Settler Population

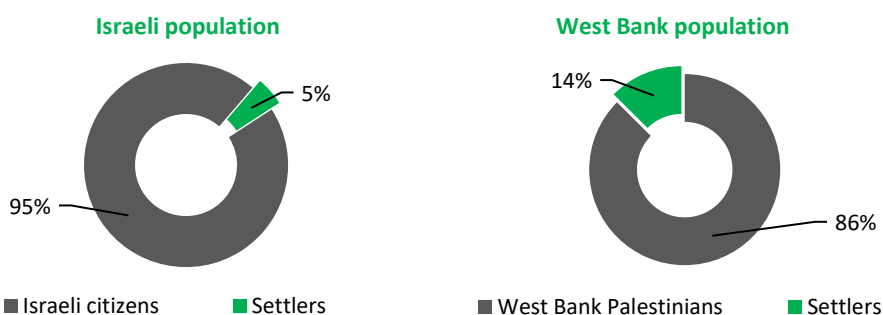
- According to Israeli data, the number of **settlers** in the **West Bank** reached **465,400** at the end of 2021, accounting for 4.9% of Israel's total population. The settler **growth rate** in 2020 was 3% (or **13,700** people) - way larger than Israel's general growth rate of 1.7% (Jews only: 1.6%) (CBS, *Statistical Abstract of Israel 2022*), which proves it is not only "natural growth" but a clear expansionist policy of the Israeli government. Settlers account for 14% of the total West Bank population (Peace Now).

Growth of Israel's Settler Population (excl. East Jerusalem)



Source: Israeli CBS.

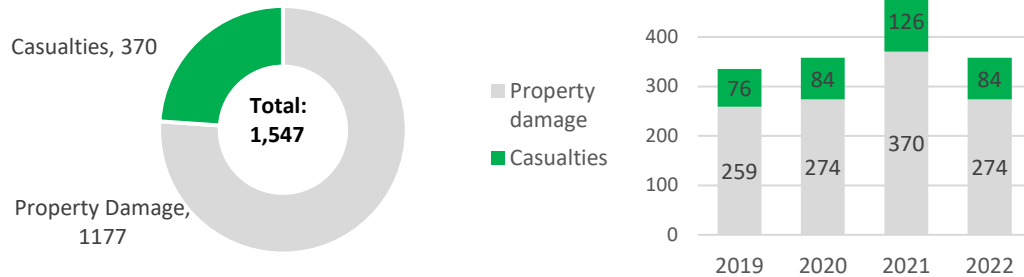
Settlers as portion of



Source: Peace Now, Data: CBS.

- According to settler-run **WestBankJewishPopulationStats.com**, which provides statistics based on the Israeli Ministry of the Interior's population registry, the number of settlers had reached **490,493** by 30 January 2022, implying a 3.2% rise over 13 months. It further predicted that the number of settlers will reach 1 million in 2046.
- **PCBS** counted **712,815 settlers** at the end of 2020: including **332,294** in the Jerusalem Governorate (=46.6%), of which **246,909** in annexed East Jerusalem (=34.6% of the total). The **ratio** of settlers to the Palestinian population is 23.1 per 100 (up from 21.4 in 2016, 22.6 in 2017, 22.7 in 2018, and 22.8 in 2019) in the West Bank and 82 in annexed East Jerusalem (PCBS, *Israeli Settlements in Palestine, Annual Statistical Report 2020*, November 2021).
- There are currently about **23 settlers per 100 Palestinians** in the West Bank; the proportion is highest in the Jerusalem Governorate with 71 settlers per 100 Palestinians (PCBS, *Press Release on the 74th Annual Commemoration of the Palestinian Nakba*, 15May 2022).
- **Attacks by settlers** on Palestinians (e.g., assaulting, damaging property, trees or crops, raiding villages) are frequent, often while under the protection of Israeli soldiers. For **2021**, the PCBS reported 1,621 settler attacks, marking a 49% increase over 2020 (PCBS, *Press Release on the 46th Annual Commemoration of Land Day*, 30 March 2022).
- Between 2019 and 2022 (as of mid-October), OCHA recorded 1,547 **settler-related incidents against Palestinians**, of which 370 resulted in casualties, and 1,177 in property damage (OCHA, *Protection of Civilians Report*, 10 October 2022):

Results of Settler Violence, 2019-October 2022

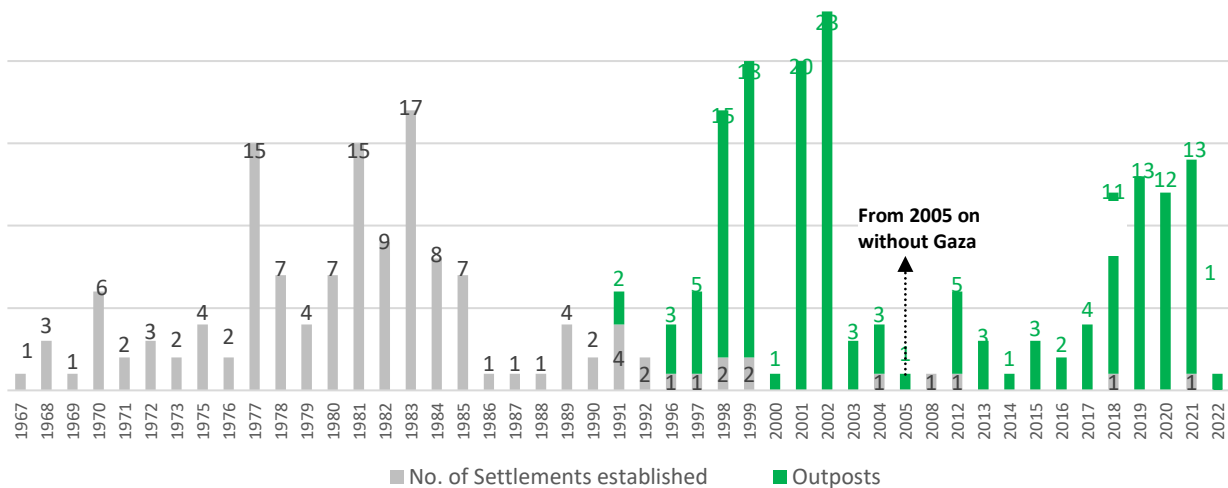


- Between 2005 and 2021, 1,395 cases into **settler crimes** (e.g., violence, property offenses, land seizures, desecrating mosques) **against Palestinians** were opened, of which 92% were closed at the end of an investigation without filing an indictment. Of the total, only 8% led to an indictment and only 3% to a conviction (Yesh Din, *Data Sheet*, Dec. 2021).
- For regular **updates on settler attacks** see: <http://poica.org/category/israeli-violations/settlers-attacks>.

■ Settlements & Outposts

- **Peace Now** lists **132 settlements** and **147 unauthorized outposts** in the West Bank (excl. East Jerusalem with another 28 settlements and several enclaves). In 2021, **13 new outposts** were established, in 2022 at least one.

No. of Settlements and Outpost Established per Year



Source: Peace Now, as of September 2022.

- The Israeli **CBS** records 127 so-called Jewish “localities” in the “Judea and Samaria Area” as of 2021 (up from 109 in 2020) (*Statistical Abstract 2022*, Population - Table 2.17).
- **PCBS** figures for 2020 show a total of 471 Israeli “sites,” including **151 settlements**, **150 outputs**, **26 outposts approved to settlements**, and **144 others** (e.g., military bases, touristic sites) (PCBS, *Israeli Settlements in Palestine, Annual Statistical Report 2020*, November 2021).



Settlements in the West Bank, 2021

Name	Pop.	Established	District	Name	Pop.	Established	District
Adora	447	1984	Hebron	Hebron	700-800	1978	Hebron
Alei Zahav	3,828	1982	Tulkarem	Hermesh	230	1982	Jenin
Alfei Menashe	7,997	1983	Tulkarem	Hinanit	1,477	1981	Jenin
Almog	246	1977	Jericho	Immanuel	4,128	1983	Tulkarem
Almon	1,441	1982	Ramallah	Itamar	1,285	1984	Nablus
Alon	¹	1990	Ramallah	Kalia	464	1970	Jericho
Alon Shvut	3,071	1970	Bethlehem	Karmeit Tzur	995	1984	Hebron
Amihai	208	2017	Nablus	Karnei Shomron	9,417	1978	Tulkarem
Argaman	134	1968	Jericho	Kedumim	4,586	1977	Tulkarem
Ariel	19,582	1978	Tulkarem	Keidar	1,619	1985	Bethlehem
Asfar	986	1983	Hebron	Kfar Adumim	4,785	1979	Ramallah
Ateret	943	1981	Ramallah	Kfar Etzion	1,203	1967	Bethlehem
Avnei Hefetz	2,080	1990	Tulkarem	Kfar Ha'oranim	2,614	1998	Ramallah
Barqan	1,993	1981	Tulkarem	Kfar Tapuah	1,473	1978	Tulkarem
Bat Ayin	1,605	1989	Bethlehem	Kiryat Arba	7,338	1972	Hebron
Beit Arye	5,351	1981	Ramallah	Kiryat Netafim	964	1983	Tulkarem
Beit El	5,684	1977	Ramallah	Kochav Ha'shachar	2,450	1977	Ramallah
Beit Ha'arava	398	1980	Jericho	Kochav Ya'akov	9,116	1985	Ramallah
Beit Horon	1,454	1977	Ramallah	Ma'ale Adumim	37,847	1975	Bethlehem
Beitar Illit	61,125	1985	Bethlehem	Ma'ale Amos	720	1981	Bethlehem
Beqa'ot	192	1972	Jericho	Ma'ale Efraim	1,256	1970	Jericho
Bracha	2,927	1983	Nablus	Ma'ale Levona	945	1983	Ramallah
Bruchin	1,478	1999/2012 ²	Tulkarem	Ma'ale Mihmash	1,635	1981	Ramallah
Carmel	447	1981	Hebron	Ma'ale Shomron	1,045	1980	Tulkarem
Chemdat	310	1980	Jericho	Ma'on	594	1981	Hebron
Dolev	1,513	1983	Ramallah	Maskiyot	276	2009	Jericho
Efrat	11,405	1980	Bethlehem	Masu'a	180	1970	Jericho
El'azar	2,487	1975	Bethlehem	Matityahu	898	1981	Ramallah
Eli	4,600	1984	Nablus	Mechola	629	1970	Jericho
Elkana	3,911	1977	Tulkarem	Mechora	178	1973	Jericho
Elon More	2,010	1979	Nablus	Mevo Dotan	479	1978	Jenin
Enav	800	1981	Tulkarem	Mevo Horon	2,686	1970	Ramallah
Eshkolot	588	1982	Hebron	Migdal Oz	576	1977	Bethlehem
Etz Efraim	2,460	1985	Tulkarem	Migdalim	505	1983	Jericho
Ganei Modiin	2,716	2018	Ramallah	Mitzpe Shalem	244	1971	Jericho
Geva Binyamin/Adam	5,761	1984	Ramallah	Mitzpe Yericho	2,577	1978	Jericho
Gilgal	217	1970	Jericho	Modi'in Ilit	77,967	1996	Ramallah
Gitit	497	1973	Jericho	Na'ale	2,343	1988	Ramallah
Givat Ze'ev	19,225	1983	Ramallah	Na'ama	169	1982	Jericho
Giv'on Ha'hadasha	1,043	1980	Ramallah	Nahliel	735	1984	Ramallah
Haggai	676	1984	Hebron	Negohot	376	1999	Hebron
Halamish	1,494	1977	Ramallah	Nerya	750	1991	Ramallah
Hamra	259	1971	Jericho	Netiv Ha'gdud	222	1976	Jericho
Har Adar	4,084	1986	Ramallah	Neve Daniel	2,340	1982	Bethlehem
Har Gilo	1,625	1972	Bethlehem	Nili	1,848	1981	Ramallah
Hashmonaim	2,712	1985	Ramallah	Niran	105	1977	Jericho
Nofei Prat	¹	1992	Ramallah	Shadmot Mehola	665	1979	Jericho
Nofim	949	1987	Tulkarem	Shaked	1,018	1981	Jenin
Nokdim	2,590	1982	Bethlehem	Shani	548	1981	Hebron
Ofra	3,012	1975	Ramallah	Shavei Shomron	1,031	1977	Nablus
Oranit	8,966	1985	Tulkarem	Shilo	4,483	1979	Ramallah
Otniel	980	1983	Hebron	Shim'a	812	1985	Hebron
Ovnat	255	1983	Jericho	Shvut Rachel	500	1991	Ramallah



Pedu'el	2,044	1984	Tulkarem	Susiya	1,237	1983	Hebron
Petzael	322	1975	Jericho	Talmon	4,882	1989	Ramallah
Pnei Hever	678	1982	Hebron	Teko'a	4,168	1977	Bethlehem
Psagot	2,037	1981	Ramallah	Telem	478	1982	Hebron
Rechelime	906	1991	Nablus	Tene	925	1983	Hebron
Reihan	352	1977	Jenin	Tomer	287	1978	Jericho
Revava	2,786	1991	Nablus	Tzofim	2,433	1989	Tulkarem
Rimonim	698	1977	Ramallah	Vered Yericho	360	1980	Jericho
Ro'i	170	1976	Jericho	Yafit	218	1980	Jericho
Rosh Tzurim	947	1970	Bethlehem	Yakir	2,368	1981	Tulkarem
Rotem	242	2009	Jericho	Yatir/Mezadot			
Sal'it	1,409	1977	Tulkarem	Yehuda	603	1983	Hebron
Sansana	577	1999	Hebron	Yitav	323	1970	Jericho
Sha'arei Tikva	6,056	1983	Tulkarem	Yitzhar	1,838	1983	Nablus

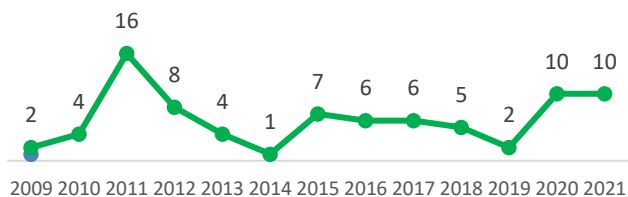
Source: Peace Now, *Settlement List*, 2022.

¹officially part of Kfar Adumim ² first as military outpost, then as civilian settlement.

Housing Starts & Ongoing Construction

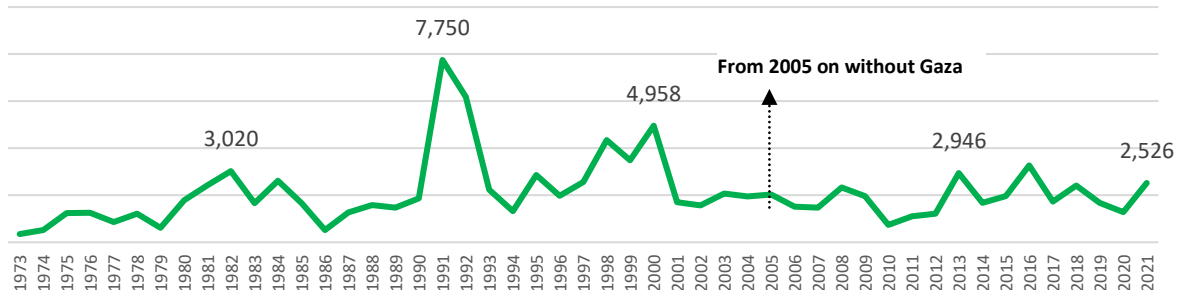
- Between 2009 and 2021, only 81 construction permits for Palestinians in Area C were issued out of the over 4,400 requests that were filed. In 2021, only 10 permits were granted for Palestinians, while in contrast, permits for 2,526 new settlement housing units were issued. In the second half of 2021 alone, construction began on 1,448 new housing units (compared to a half-year average of 921 units under Netanyahu) (Peace Now, *One year of the Bennett-Lapid government*, Settlement Watch project, June 2022).

Building Permits for Palestinians in Area C



- Under the Bennett-Lapid government 6 new illegal outposts were founded: Givat Hadeigel in the South Hebron Hills, Karnei Re'em in the Salfit area, Mevo'ot Jericho Farm north of Jericho, Julius Farm in the North of the Jordan Valley and the Ohavey-Ya outpost West of Bethlehem (*Ibid.*).
- Between June 2021 and June 2022 (under the Bennett government), settlement construction increased by 62% and the planning by 26% with 55 approved plans for 7,292 housing units. In total, tenders for 1,550 settler housing units were issued, 15% more than under Netanyahu. In contrast, only 6 plans were approved for Palestinians in Area C for a total of 1,303 units (*Ibid.*).

Construction Starts in Settlements

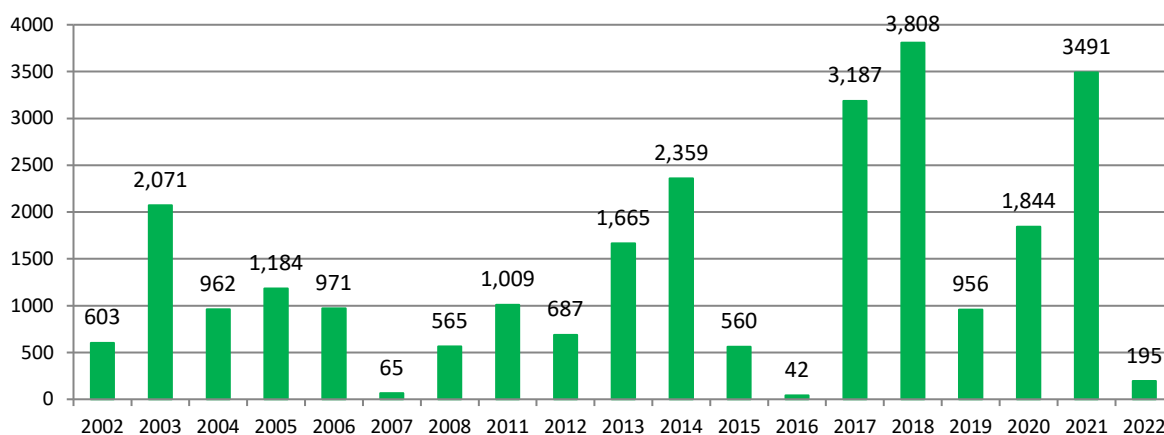


Source: Peace Now (<http://peacenow.org.il/en/settlements-watch/settlements-data/construction>, Data: Israeli CBS).



- In May 2022, Israel’s Supreme Court reject a petition against the eviction of over 1,000 Palestinian inhabitants from 12 villages in the **Masafer Yatta** area in the southern Hebron hills, making way for their expulsion in favor of an area for military exercises. Israel also declared **22,000 dunums** of **expropriated** Palestinian land in the E-1 area as a “nature reserve”.
- In **2022**, as of September, plans for **4,427 housing units** were **promoted**, and **tenders** were published for **195 housing units** in settlements (excluding East Jerusalem) (*Peace Now Settlement Watch Data*).

Tenders for Settlement Construction in the West Bank (no. of housing units), 2002-October 2022



Source: Peace Now (<http://peacenow.org.il/en/settlements-watch/settlements-data/construction>).

■ Israeli Government Spending

- Israeli government spending in settlements includes **subsidizing** house prices, mortgage grants, Priority ‘A’ categorization (for state-subsidized **benefits** and **incentives** such as tax breaks, free schooling, and business grants). In addition, **housing units in settlements** are often **marketed** as part of the “Buyer’s Price” program, under which the government sells land at low prices to construction companies, which then commit to offering future units at below market prices, thus creating a **financial subsidy** that incentivizes Israelis to move into settlements. Further included are high **security** costs, which are estimated at hundreds of millions of NIS per year, and extensive investment in **physical infrastructure** (roads, education and healthcare facilities, water, power, etc.).
- The Israeli government passed a budget of **NIS 18.5 million** for “**enforcement in Area C**”. i.e., hiring new Civil Administration employees and purchasing vehicles and equipment for inspectors to exasperate demolitions and confiscations, etc. (*Peace Now, One year of the Bennett-Lapid government, Settlement Watch project, June 2022*).
- In July 2021 the Ministry of Settlement approved the allocation of some **NIS 19 million** to **local authorities** of settlements to open their own ‘enforcement’ surveillance units (*Ibid.*).
- On April 2022, Israel’s security cabinet approved **NIS 300 million** to expand the **separation barrier** by another 40 km after an attack inside Israel was perpetrated by a Palestinian entering Israel through a gap in the fence.
- The 2020 UNHCR **database** lists 112 **businesses** involved in activities connected to **Israeli settlements**, 94 of which are Israeli (including all major banks, Egged, Israel Railways, Bezeq, HOT, Cellcom, and Angel Bakeries) and 18 foreign companies (e.g., Motorola, Airbnb, Trip Advisor, Expedia, General Mills, Alstom). For the **full list** see: <https://undocs.org/en/A/HRC/43/71>.

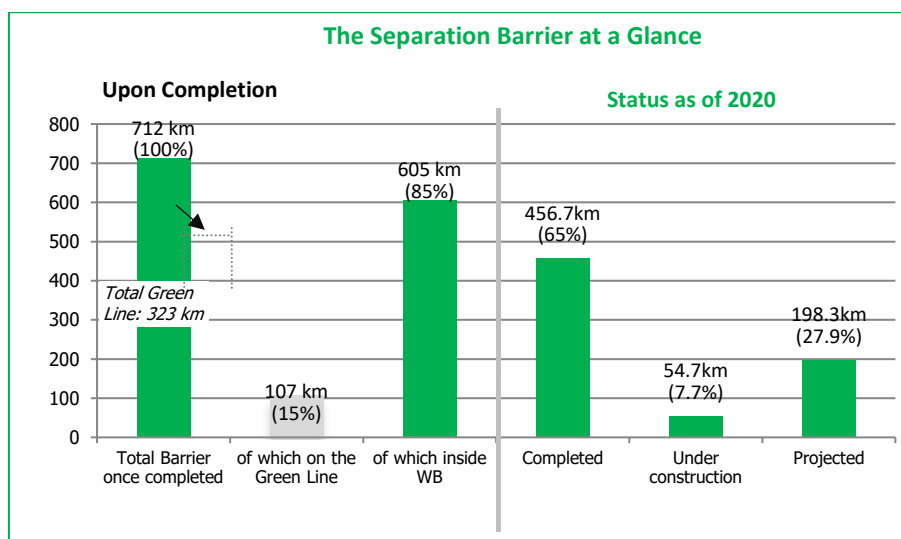


■ Israel's Separation Barrier

- In June 2002 Israel began to build its separation barrier on the pretext of “security”; however, Palestinians and many observers see it as part of an Israeli strategy to **annex** large parts of West Bank land while isolating Palestinian population centers. The barrier runs through some of the most fertile parts of the West Bank in the form of either an 8-m high **concrete wall** (mainly around East Jerusalem) or of trenches, fences, razor wire and military-only roads. It also includes a 30-100-m wide ‘buffer zone’ with electrified fences, sensors and patrol roads and some armed sniper towers. Due to the divergence of the barrier’s route from the Green Line, an estimated **11,000 Palestinian West Bank ID card holders** live in the ‘Seam Zone’, often lacking clinics, schools and shops (OCHA, *Humanitarian Bulletin*, August-September 2020).



- On 9 July 2004, the **International Court of Justice (ICJ)** ruled that the construction of the barrier was “contrary to international law” and asked Israel to stop working on it, return seized property and compensate Palestinian landowners for done damages. This was confirmed by **UN General Assembly Res. ES-10/15** of 20 July 2004. In December 2006, the **UN Register of Damage Caused by the Construction of the Wall (UNROD)** was established which, by 1 July 2020, had collected **71,547 claims** (mostly agriculture losses) and over 1 million supporting documents (<http://www.unrod.org/>).
- The barrier’s total **length** (constructed and projected) with 712 km is more than twice the length of the 1949 Armistice Line (Green Line = 323 km) between the West Bank and Israel; upon completion, only 15% of the barrier will run on the **Green Line** or in Israel, while 85% will be **inside the West Bank** (OCHA Map, *West Bank- Access Restrictions*, June 2020).



Sources: Hamoked, *Creeping Dispossession - Israeli Restrictions on Palestinian Farming Beyond the Separation Barrier*, 2021; OCHA, *West Bank Map*, 2020.

Recommended Research Sources:

<http://www.ochaopt.org>

<http://www.poica.org>

<http://www.btselem.org/topic/settlements>

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