



SETTLEMENTS

SPECIAL BULLETIN

March 2001

AND THE FINAL STATUS TALKS

Introduction

After over seven years of negotiations Israel and the Palestinians are no longer in conflict, per se, about the prospect of a Palestinian state, but about the area of its sovereignty and about the land Israel intends to annex from the West Bank and Jerusalem. The core issue is that of Israeli settlements, which Israel began to establish - in blatant violation of international law - after it occupied the West Bank and Gaza Strip and imposed its military rule over both regions (together with the Golan Heights and the Sinai) in 1967. Israeli settlement policy followed the pattern of earlier Zionist colonization in pursuing the realization of 'Greater Israel' and centered on securing as much control over the territories as possible, including their water and other natural and infrastructural resources.

Ever since, consecutive Israeli governments have pursued a policy intended to disrupt the integrity of the Palestinian community and create apartheid-like enclaves, based on the presumption that the presence of Israeli settlements will make it more difficult to surrender territory and thus prevent any possibility of the establishment of an independent Palestinian state. These motives have found themselves manifest not only with the illegal settlements but also in strategically supportive development and infrastructure agendas within Israel proper. Without these settlements Israel could no longer stand in the way of an immediate transfer of sovereignty.

This special bulletin aims to present the basic text and figures relating of the issue.



PASSIA

Palestinian Academic Society for the Study of International Affairs, Jerusalem



Historical Background

In 1947, the United Nations recommended what it construed to be a ‘more or less even’ partition of Palestine into a Jewish state on 56.47% and an Arab state on 43.53% of the country. This was despite the fact that only 7% of the country was owned by Jewish inhabitants, who made up only one third of the country’s population. Palestinian rejection of the Partition Plan precipitated the Arab-Israeli War of 1948-49, causing the flight of two thirds of the Palestinian population in the face of the Israeli forces and atrocities, that went on to conquer 78% of the country.

In 1967, Israel occupied the remainder of Palestine (the West Bank and Gaza Strip). The adoption, that year of UNSC Resolution 242, calling on Israel to withdraw from all captured territory as a basis for peace, required Palestinians to accept the 22% of their homeland for an independent state. When the Palestinian leadership, in November 1988, formally accepted this Resolution, they did so at the cost of 78% of historical Palestine, accepting less than half the allotment of the Partition Plan.

However, Israel failed to consider this historical territorial compromise as a fundamental step in ending the Palestinian-Israeli conflict, as can be concluded from its demand to annex at least 6% from the West Bank (mainly near Nablus and in and around Jerusalem), holding out the prospect of territorial compensation in the form of the Halutza dunes (see map) conquered in 1949. The loss of this 6% would deprive the Palestinian state of its only metropolitan assets, precious urban development space and infrastructure, located not in the Halutza dunes but rather in those central areas that are urgently needed to restore and regenerate an economy wrecked by more than three decades of occupation.

Map 1
A Palestinian State - Historical Comparison



Settlements and the Peace Process

In June 1992, the Israeli elections brought the Labor Party back to power, partly due to promises to deliver an agreement with the PLO/Palestinians as well as to secure the \$10 billion in US loan guarantees by pledging, for the time being, a ‘settlement freeze.’ Little more than a year later, on 13 September 1993, the PLO and Israel signed the Declaration of Principles, providing for a five-year interim period, postponement of core issues, and Israel’s maintaining ‘overriding security responsibility’ over the entire area. With the signing of the interim accords, the Palestinian side agreed to defer the issue of settlements to a later stage in exchange for an Israeli commitment to disengage from the West Bank and Gaza and to preserve their territorial integrity. However, Israeli settlement policy continued unabated (see Boxes 2 and 3) and, in the face of international condemnation, set about strengthening Israeli presence and control in the Palestinian territories before any final arrangement with the PLO would be reached.



The Palestinian-Israeli accords include a broad range of protective measures for the settlements and settlers - such as their exclusion from Palestinian jurisdiction, blanket limitations on Palestinian land use near settlements as well as Israeli control over land registration, zoning and security. They furthermore provide for the 'cantonization' of the West Bank, which has been assisted by the construction of an enormous road network, designed to bypass and fracture Palestinian population centers, and link Israeli settlements to one another as well as to Israel proper. To obtain the necessary land, Israel issues seizure orders for 'temporary expropriation', but the planned 400-km road network is one clear indication that Israel does not intend to completely withdraw from the territories.

The Palestinian position on how to achieve a solution to the problem of settlements is founded in international law, calling upon Israel to comply with UN Resolution 242 and withdraw to the 4 June 1967 lines (see: Box 1). Nevertheless, the Palestinians have shown readiness to make limited concessions in the form of land exchanges that would enable Israel to incorporate some settlements adjacent to the Green Line in return for nearby land from Israel of equal potential and value. In doing so, it is stressed, the Palestinians are negotiating upon territory that represents only 22% of the total area of historical Palestine and what is usually termed as Israeli 'offers' and 'compromises' is by no means perceived as 'giving' or 'returning' but as taking even more of this land.

The Israeli position, however, disregards international law and insists upon the annexation of West Bank territory ranging (most recently) from about 45% down to a minimum of 6%, depending on the presence of either a Likud or Labor-dominated government.

In this respect, both Israeli mainstream parties draw guidance from the so-called Allon Plan - first formulated in 1967 and subsequently altered, renamed, adapted and amended by consecutive Israeli governments and military strategists. In each 'guise' Israeli commitments have remained the same; firstly ensuring the Jewish character of the State of Israel and secondly securing Israel's geo-political domination of all of the country "between the (Mediterranean) Sea and the (Jordan) River", by holding on to the Jordan Valley as well as border strips stretching beyond the Green Line toward and around 'Greater' Jerusalem.

BOX 1:

SETTLEMENTS IN INTERNATIONAL LAW AND UN RESOLUTIONS

As international law prohibits the annexation of territory by force, Israel's colonization policy is considered illegal. The UN Charter itself states that territorial gains from war are unlawful, even if achieved in the course of self-defense, and that any state is obliged to withdraw once it has protected itself from danger. The most relevant articles of the Fourth Geneva Convention and UN Resolutions in this context are the following:

Fourth Geneva Convention (1949)

ART. 47: "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 the 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."

ART. 49: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

UN Security Council Resolutions

Res. 242 (22 Nov. 1967): Emphasizes "the inadmissibility of the acquisition of territory by war", and calls for Israeli withdrawal of from all occupied territories.

Res. 446 (22 March 1979): "Determines that the policy and practices of Israel in establishing settlements in (...) territories occupied since 1967 have no legal validity" and 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".

Res. 452 (20 July 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 occupied since 1967, including Jerusalem."

Res. 465 (1 March 1980): "Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the ... territories occupied since 1967, ... have no legal validity" and calls on Israel "to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem".

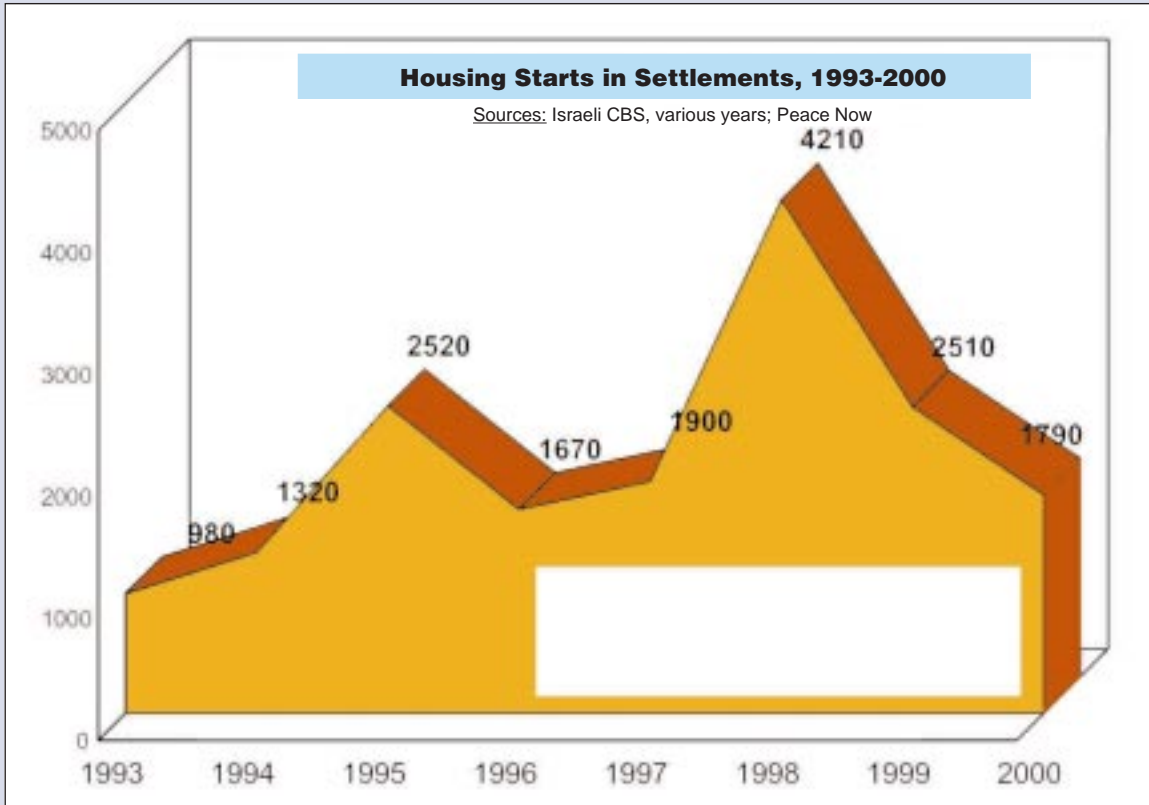


BOX 2:

NUMBER OF SETTLEMENTS:

Figures regarding the number of settlements in the West Bank and Gaza Strip vary according to source:

- According to Peace Now there are 145 official settlements, 17 of which are located in the Gaza Strip and 23 in the Jordan Valley.
- The Palestinian Land Defense Committee counts approximately 190 illegal Israeli settlements in the Palestinian territories.
- The Yesha Settler Council details 152 'communities,' of which 18 are in Gaza.



Distribution of Israeli Settlements

Map 2 offers a general overview of the settlements, as they are today, against the backdrop of the current situation, which is characterized by a division of the Palestinian territories into distinctive zones of civil, security and administrative control, as occasioned by the Oslo process.

The map shows the dramatic changes in the position of settlements, adversely impacting on Palestinian territory since Oslo. The situation before Oslo is illustrated on the smaller inset map at left, showing the West Bank and Gaza with a territorial contiguity largely unbroken by settlements, most of which lie scattered over the Palestinian territories in remote locations.

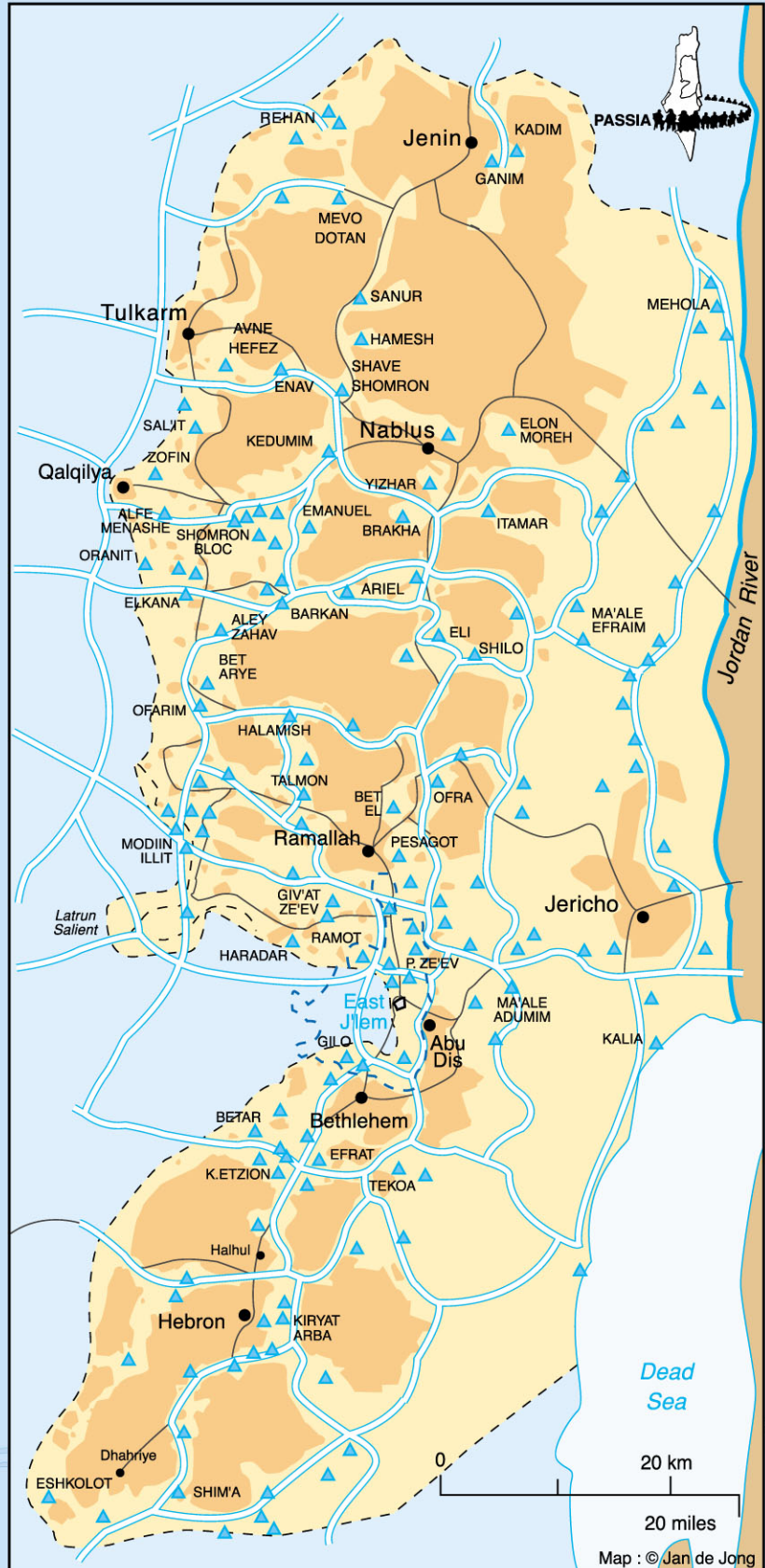
The Oslo II Agreement completely reversed that situation, with territorial integrity and contiguity of the West Bank and Gaza being lost to a rapidly developing strategic chain of Israeli settlements (Area C), including the network of 'bypass' roads. These are instrumental in rendering cohesion to the settlements while simultaneously alienating them from the Palestinian localities upon whose confiscated land they are built.



Map 3
Distribution of Israeli Settlements



- Palestinian Autonomous Areas (Areas A and B)
- Israeli Settlements
- Existing and Projected Network of Israeli "Bypass" roads
- Palestinian Road Network



Size and Population of Israeli Settlements

Map 3 mirrors the previous one, which featured the 'iron grid' of fragmentation and encapsulation imposed on the Palestinians by way of the settlements. This map explores the real dimensions of size and demographic weight the settlements are effectively shoring up. Acknowledging these dimensions is a prerequisite to calculating what would be needed to solve the impediments they cause.

Even at a glance the map and accompanying table and charts provide for startling observations:

- The vast majority (85%) of West Bank settlements, excluding those in East Jerusalem, are almost insignificantly small in residential size and capacity; the largest of them can be compared to small villages of about 1 sq. km. with, on average, some 700 inhabitants.
- Just a minority (15%) - some 20 settlements - resemble small townships, which, on average, are double the size of the former group but with denser populations, reaching averages of about 6,000 residents. Two from this group - Ma'ale Adumim and Ariel - have been granted city status, with populations of over 25,000 and 16,000 respectively while another four - Giv'at Ze'ev, Modi'in Illit, Betar and Efrata - are currently developing into small towns, reaching averages of about 10-15,000 inhabitants.
- The map illustrates the invalidity of the Israeli ploy of distinguishing between settlements on the West Bank and those in annexed East Jerusalem, ignoring international unanimity in regarding the latter area as part and parcel of the occupied West Bank. The municipal cluster of some 10 Jerusalem settlements houses half of all West Bank settlers, in urban densities unparalleled with other settlements, yet occupying a total area of less than 0.2% of the West Bank.

The other half of Israeli settlers lives in settlements outside Jerusalem's municipal boundaries. Although their built-up area is seven times larger than that of the Jerusalem settlers (due to their 'garden suburb'-character), these settlements - including their access roads - consume only 1.4% of the West Bank, bringing the total percentage of currently built-up settlement land to 1.6%, including the settlements in East Jerusalem.

The 'settlement blocs', which the Barak government intended to annex to Israel as part of a final status agreement, comprise of one third of all West Bank settlements and contain 70% of the total non-Jerusalem settler population. When including those living in Jerusalem this figure rises to 85% of all settlers and brings the total settler population in the proposed annexation to some 330,000. Having deducted those 15% of settlers who live neither in Jerusalem nor in the 'settlement blocs' but in the remote settlements, Israel's claim to inhabited non-Jerusalem West Bank territory is reduced to 0.6% and, even when combined with the 0.2% of the West Bank shored up by East Jerusalem settlements, still only amounts to a total of 0.8%.

This figure, when compared to the minimal 6% annexation proposed by Barak's government, indicates the extent of Israel's intended expansion upon the current settlement network.



Map 3
Israeli Settlements: Size and Population



Chart 1: West Bank Settlements according to size (km²)

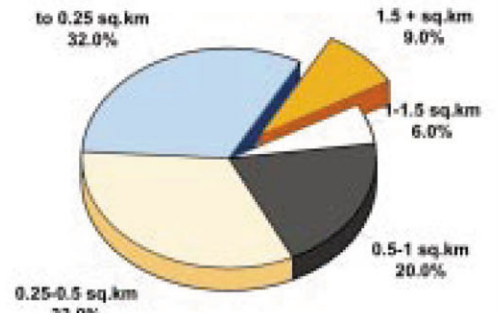
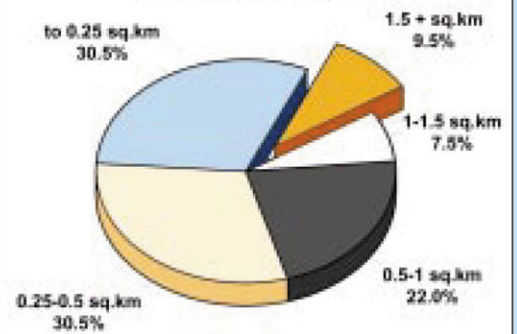


Chart 2: Settlements in the West Bank and Jerusalem according to size (km²)



- The West Bank (Area C)
- Palestinian Autonomous Areas (Areas A and B)
- No-man's land as defined in Armistice Agreement 1949
- Settlements according to real size - up to 1 sq. km
- Settlements according to real size - more than 1 sq. km
- Largest urban settlements according to real size

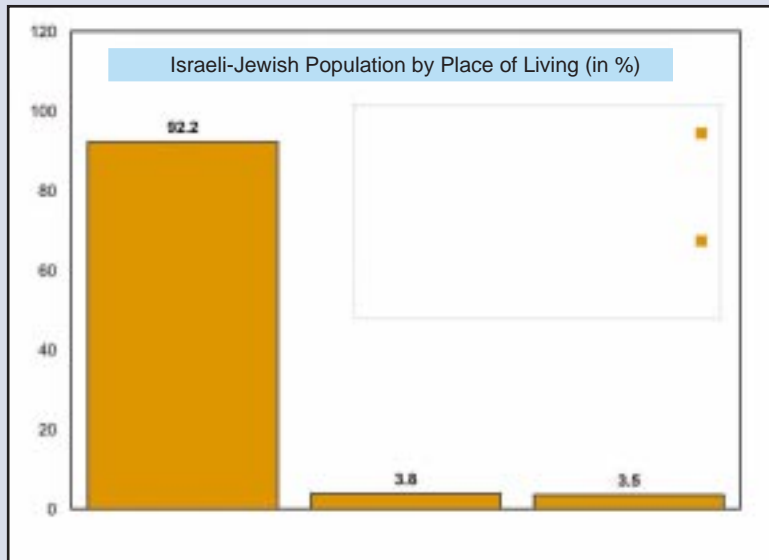
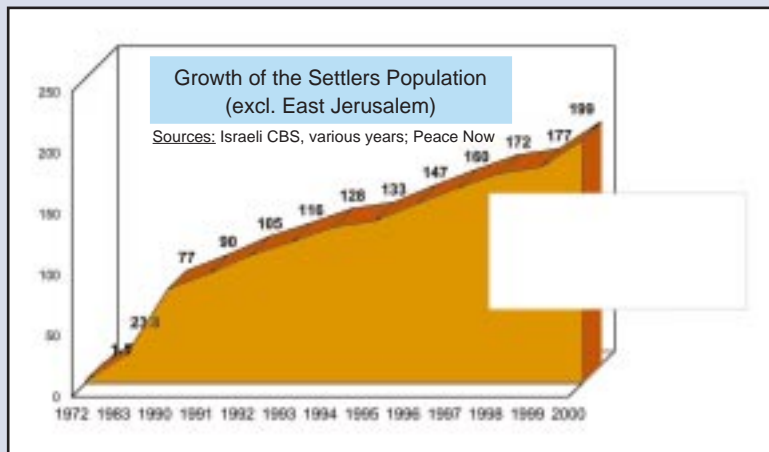
BOX 3:

SETTLEMENT POPULATION

Settler Population by Settlements (Settlement Blocs), as of Dec. 1999

Regional Council	Population	Regional Council	Population	Regional Council	Population
Alfei Menache	4,900	Emmanuel	3,900	Kiryat Arba	5,900
Ariel	4,900	Etzion Bloc	9,200	Kiryat Sefer	13,000
Benjamin	25,050	Gaza	6,600	Ma'ale Adumim	25,200
Bet Arieh	2,500	Givat Ze'ev	10,500	Ma'ale Ephraim	1,700
Bet El	4,000	Har Adar	1,500	Mt. Hebron	4,500
Betar Illit	13,500	Hebron	480	Oranit	4,800
Dead Sea	900	Jordan Valley	3,400	Shomron	15,400
Efrat	6,600	Kadumim	3,000	Total WBGS:	193,680
Elkana	3,300	Karne Shomron	6,000		

(Source: Yesha Council, 2000)



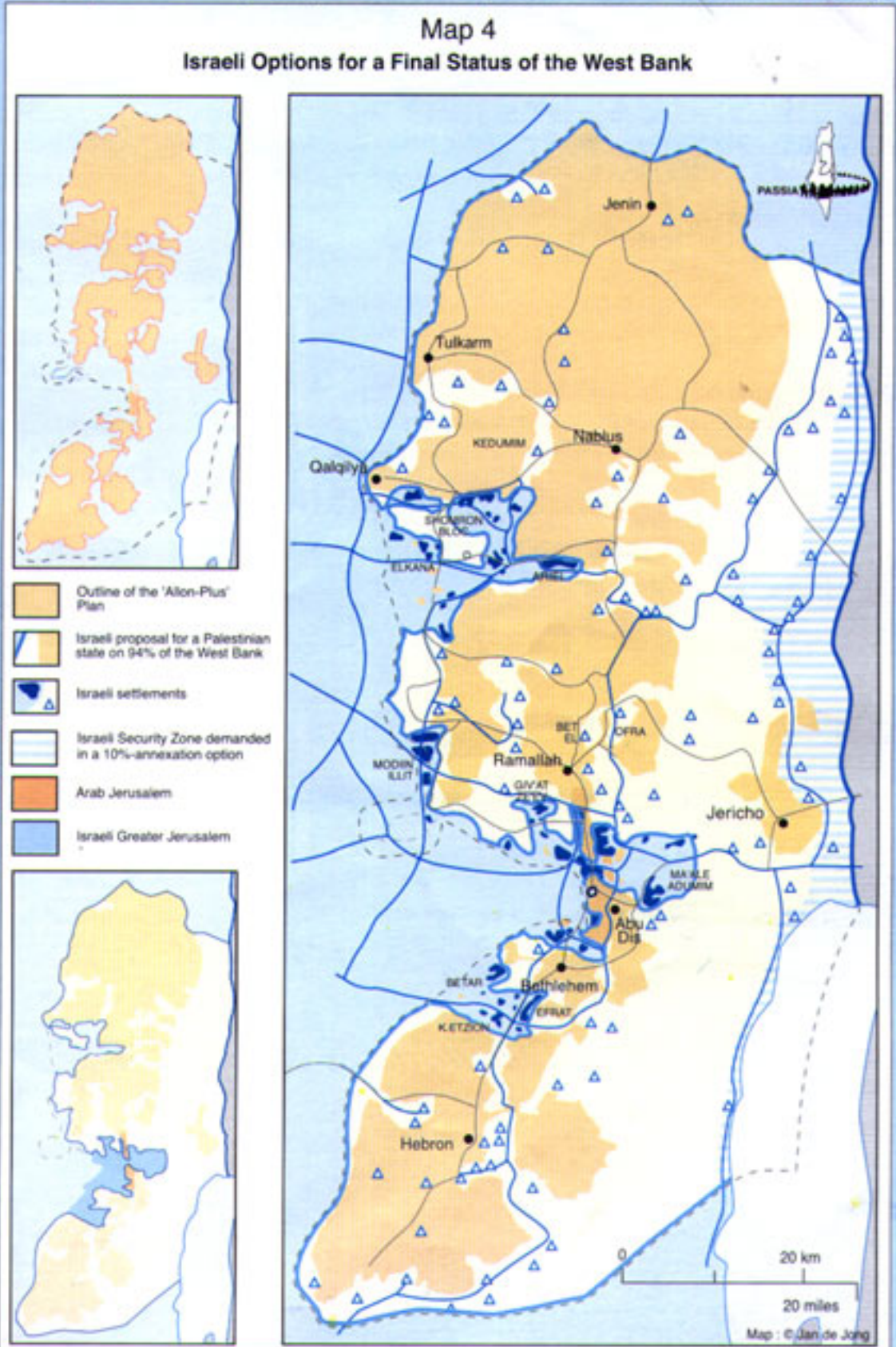


Israeli Options for a Final Status of the West Bank

Map 4 goes a step further in depicting the options thus far proffered for terminating Israeli rule in the West Bank and Gaza Strip. The map illustrates the general outlines of the maximal version of the annexation plans, as advocated by the Likud Party (also known as 'Allon-Plus', after the original Allon Plan of 1967-68) and a number of the minimal annexation varieties sequentially held out to the Palestinians by the Labor government in 2000, with Israeli annexations ranging from 10% (suggested at Camp David in July 2000) to around 6% (presented at the Taba talks in January 2001). This latter option was based on parameters put forth by President Clinton.

The difference between the maximal and minimal annexation plans can be seen on the map by comparing the orange colored area, which indicates the maximal extent of the area advocated by supporters of a maximalist approach in addition to the light blue shaded areas proposed in the 6%-version.

Settlements in the latter (minimal annexation) area are shown according to their real size, enabling a visual comparison between the relatively small currently built-up area (0.8%) and Israel's much larger claim (6%).



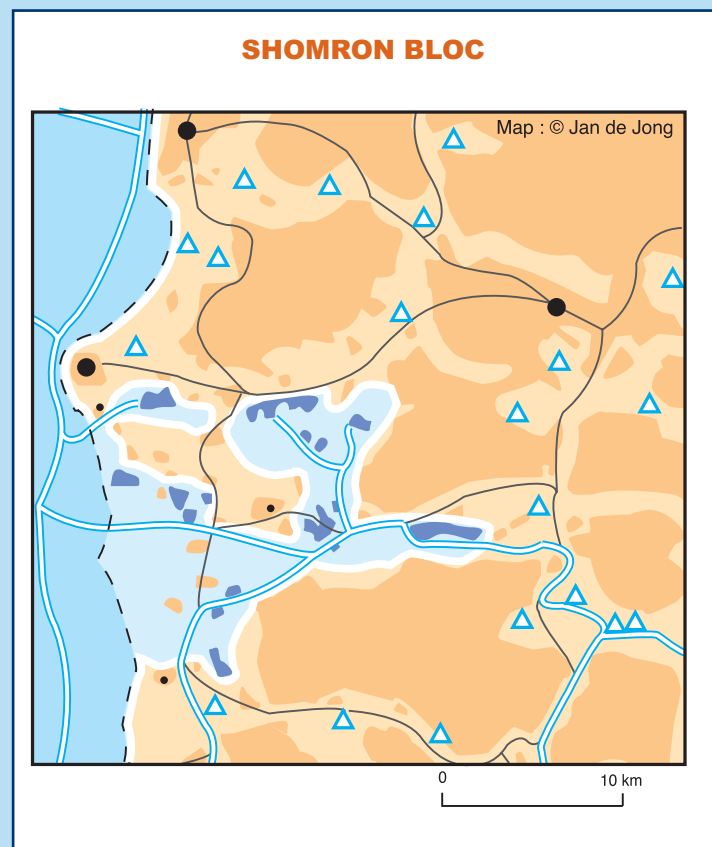
The Palestinian Position

Palestinian rejection of recent “offers” reflects the fact that even the most minimal versions of Israel’s long-standing annexation plans fall far short of Palestinian needs and are unacceptable as they clearly subordinate legitimate Palestinian interests and the contiguity of their state as well as control over their natural resources to Israeli interests. Not only represent the West Bank and Gaza Strip already a painful territorial compromise - merely 22% of historical Palestine - the recent proposals also impose parameters prioritizing the legitimization, maintenance and expansion of Israel’s illegal settlement policies.

In both the proposed ‘land swap’ and the Jerusalem ‘scheme’, Israeli contiguity, integrity and territorial domination override Palestinian needs and rights; the latter creating isolated Palestinian islands within the city, the former supposing the ‘exchange’ of land at a rate of 6% for 1-3%, an equation which reflects the spirit of the ‘offers’ and indicates the unacceptable extent of the intended and ongoing domination of the Israeli state over the Palestinian people.

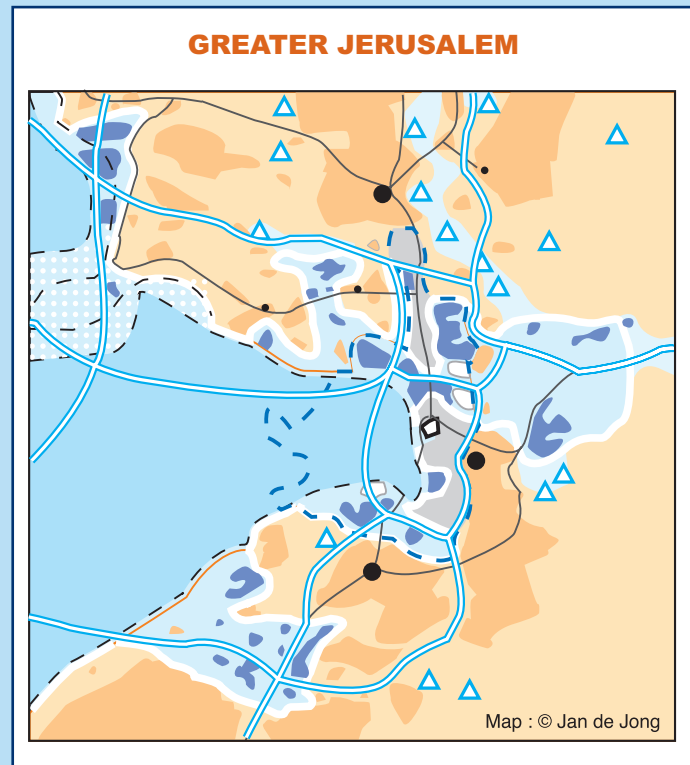
The following two maps illustrate why the Palestinians object strongly to an annexation of 6% of the West Bank.

Roughly half of the intended annexation is made up of the so-called “Shomron Bloc” of settlements anchored by Ariel, Emanuel, Alfe Menashe and Elkana. This bloc would carve a deep indent into the northern West Bank, cutting three quarters of the Qalqilya district off from its main city, on which it relies for public services, employment and the trade. The main Palestinian highway to the west, leading from Ramallah to Qalqilya and Tulkarem, would run dead at the village of Rantis, leaving only the Nablus-Jerusalem highway for through traffic. Palestinians will also be subjected to the annexation of the open areas within the Shomron Bloc, where Israel today monopolizes exclusive control over the vital national water resources that can be tapped from there. In all, the intended annexation would adversely affect the livelihood of round four times as many Palestinian citizens as the number of settlers residing in the blocs.





The other half of the 6% of the West Bank Israel intends to annex is made up of the extensive settlement blocs in and around Jerusalem. The same settlement-induced patterns that negatively effect the socioeconomic capacity of the northern West Bank are, to a much graver extent, ruining the potential of Arab Jerusalem to develop into the metropolitan capital that Palestine so urgently needs. The map shows wide, open spaces in the middle of the bloc areas, which, even if relatively small (1.5-3%) in the overall context of the West Bank, cannot be foregone for the urban development of Arab Jerusalem. Without this land, at least 120,000 Palestinian Jerusalemites will, in the next two decades, be forced to find alternative residences away from the city, for lack of available living space. These same bloc areas also stand to deprive Arab Jerusalem of vital space for commercial and industrial zones that are currently lacking but much needed in the light of the anticipated tripling of the city's Arab population by 2020. Above all, the bloc areas would obstruct free transport linkage between the northern and southern West Bank, as well as to the city's hinterland, across the Jordan River and toward and beyond Gaza.



Further Research Sources:

<http://www.fmep.org> (Foundation for Middle East Peace; maps, photos, database, bimonthly reports)
<http://www.arij.org> (Applied Research Institute – Jerusalem; maps, analysis, photos)
<http://www.lawsociety.org/isrocc/setexp.html> (LAW, Jerusalem)
<http://peacenow.org.il/English.asp> (Peace Now Israel)
<http://www.peacenow.org/news/news.htm> (American Peace Now)
http://www.un.org/Depts/dpa/qpal/p_stlmnt.htm (UN documents related to the settlement issue)
<http://www.escwa.org.lb/issues/palestine/report.html> (UN ESCWA reports on Israeli settlements)
http://www.geocities.com/CapitolHill/Senate/7891/index_zion2.html

Maps: http://www.un.org/Depts/dpa/qpal/pal_maps.htm
<http://www.dartmouth.edu/~gov46/>
<http://domino.un.org/Maps.nsf/1c0ee1e66b322bf9852561ca0062475d/41cb0dd139aee54d0525671a00096ecb!OpenDocument>

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