

Chapter 11

ISRAELI SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORY



Photo: United Nations

For nearly four decades Palestinians have remained a deprived people, most of them living makeshift lives away from ancestral soil. A whole generation has grown and matured, with many knowing nothing other than life in the refugee camps. The painting reveals a child's view of such a life.

United Nations opposition to Israeli settlement policy, 1979

Since the early 1970s, Israel has established settlements in the Palestinian and other Arab territories it occupied in 1967. In 1979, action was taken by the Security Council and the General Assembly regarding the establishment of Israeli settlements in the occupied Palestinian territory, in contravention of international law—the 1949 Fourth Geneva Convention—and United Nations resolutions. In resolution 446 of 22 March 1979, the Security Council determined that the policies and practices of Israel resulting in the establishment of settlements in the

Palestinian and other Arab territories occupied since 1967 had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. Through the same resolution, the Council established a Commission consisting of three of its non-permanent members—Bolivia, Portugal and Zambia—to examine the situation relating to settlements in the occupied territories, including Jerusalem. Despite repeated appeals, the Commission was unable to obtain, in the fulfilment of its mandate, the cooperation of the Government of Israel.

In its report of 12 July 1979 the Commission addressed the consequences of the Israeli settlement policy for the local Arab population, such as the displacement of the Arab population, seizure of land and water resources, destruction of houses, banishment of persons and continuous pressure to emigrate in order to make room for new settlers, as well as drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population, which changed profoundly the geographical and demographic nature of the affected territories in violation of the Fourth Geneva Convention.

A second report of the Commission was submitted to the Security Council on 4 December 1979. In the conclusions contained in the report, the Commission reiterated that Israel's policy of settlement, pursued in spite of Security Council decisions and appeals, was incompatible with the pursuit of peace in the area. In its third report, dated 25 November 1980, the Commission reaffirmed the entirety of the conclusions contained in its two previous reports and also focused on Israel's exploitation of natural resources in the occupied territories. This report was never considered by the Security Council.

In the late 1990s, the General Assembly convened its tenth emergency special session on the basis of resolution 377 A (V) of 3 November 1950, entitled "Uniting for peace". The attention of the Assembly was drawn particularly to a recent decision by the Israeli Government to start building Israeli settlements in

East Jerusalem's Jabal Abu Ghneim and other districts, which was considered an illegal act. At that meeting, the Assembly, in a resolution adopted on 25 April 1997, requested the Secretary-General "to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jabal Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

In his report of 26 June 1997 the Secretary-General stated that, according to the information available to the United Nations, as of 20 June 1997 Israel had not abandoned its construction of a new Israeli settlement at Jabal Abu Ghneim.

HCR Special Rapporteur on settlements, 2000

According to a report on the situation of human rights in the Palestinian territories, submitted on 15 March 2000 by the Special Rapporteur of the Commission on Human Rights, Israel had confiscated since 1967 an estimated 60 per cent of the West Bank, 33 per cent of the Gaza Strip and approximately 33 per cent of the Palestinian land in Jerusalem for public, semi-public and private use in order to create Israeli military zones, settlements, industrial areas, elaborate "bypass" roads and quarries, as well as to hold "State land" for exclusive Israeli use. The findings of the Special Rapporteur's report, which was written after extensive on-site visits to the occupied Palestinian territory, included:

- * Israel then maintained 19 settlements in Gaza, 158 in the West Bank and at least 16 in occupied Jerusalem.
- * In 1999 alone, Israel established 44 new settlement outposts in the West Bank.
- * Israeli occupation forces frequently carried out punitive and violent demolitions of Palestinian homes for lack of permits as well as forcible evictions of entire villages. Since 1987, 16,700 Palestinians (including 7,300 children) had lost their homes in this way.

