

# Half a million Israelis live on stolen West Bank land

Danny Richardson  
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The civil rights organisation B'Tselem states that more than half a million Israeli settlers are living on land situated within the West Bank. A report finds there are an estimated 300,000 people living in 121 official settlements, plus 100,000 in smaller unofficial "outposts". The remainder in the 12 Jerusalem neighbourhoods annexed to the Jerusalem Municipality.

This represents a total control of 42.8 percent of West Bank land, equalling 2,399,824 dunam, (1 dunam = 1000 square meters) Outposts are settlements built without government approval, but with the support of various government ministries, the army, and the Civil Administration. The annexed Jerusalem neighbourhoods are part of a scheme meant to separate Jerusalem from the West Bank.

*By Hook and by Crook: Israeli Settlement Policy in the West Bank*, is an update to the B'Tselem 2002 report, *Land Grab: Israel's Settlement Policy in the West Bank*. It was compiled using official state documents, cross-checked data from the Civil Administration, the settlements jurisdictional area and aerial photos taken in 2009.

In spite of the obstacles placed in its way, the report sets out in detail the historical expansion of settlements, official and unofficial, into the West Bank. It documents the methods used by successive Israeli governments since 1967 to illegally take control of land in the West Bank, the majority of which was known to be owned privately by Palestinians who were prevented from claiming back their land. It argues that this land grab is "an instrumental, cynical, and even criminal approach to international law, local legislation, Israeli military orders and Israeli law".

The construction of settlements is a state run operation. From the misappropriation of the land, turning a blind eye to the lack of building regulations, the building of roads, power and water treatment plants and security fences, through to enticing Israeli citizens to populate the settlements, various offices of state ensure the construction goes ahead unimpeded. By classifying settlements as National Priority "A", the future settlers are given enormous non means-tested enticements to relocate. Cash incentives allow settlers to purchase quality inexpensive apartments that become linked to an automatic subsidised

mortgage. Wide ranging benefits in education and community benefits are also on offer. Teachers receive higher salaries. Unemployment is lower than in Israel proper.

The gross monthly income in settler households was 10 percent higher in 2006. Grants, subsidies and tax breaks for industry and agriculture also makes living and operating a business in a settlement a financially better prospect. The communities and local authorities receive better and larger grants. Establishing day care centres, libraries and community centres all fare better than in Israel. The full costs of meeting the incentives cannot be ascertained, virtually impossible, the report says, due to government ministries obscuring details in documentation concerning settlement projects within their budgets.

The report, written and researched by Eyal Hareuveni, displays the growth in the official settlements from the solitary Kfar Etzion settlement established in 1967, to the 121 with a population of 301,202 by the end of 2009. An article in *Haaretz* in February 2010 noted that within the 2009 figures, 66 percent of settlements showed a higher increase in population than in Israel itself. These figures are for officially recognised settlements only.

To give an indication of the scale of this expansion, Hareuveni uses the growth between 2001 and 2009 in the area of the three largest West Bank settlements. Modi'in Illit grew by 78 percent, Betar Illit by 55 percent and Ma'ale Adumim by 34 percent. Many of the settlements borders exceed the original jurisdictional orders, so the actual areas taken by the settlements will be even greater.

The 200 strategically-placed settlements that connect to each other and Israel by an elaborate system of road works have created territorial islands that come under Israeli control. This makes it impossible for Palestinians to move about freely. The construction of the separation barrier wall has been deliberately placed outside the Green Line. It not only breaks up communities, but—using the abuse of official military orders in an occupied territory—allows Israel to snatch fertile land belonging to Palestinians.

The establishment of "illegal outposts", which began after the 1967 War, escalated in 1996, following a government decision

that new settlements would require the approval of the entire government. Outposts are built without building plans or any official jurisdictional borders, but still benefit from state help. B'Tselem's report estimates the outposts control 16,000 dunam, 7,000 of which is plundered private Palestinian land.

All the West Bank land used for settlements, authorised or not, was obtained by various methods of double dealing using a dubious legal framework to achieve the political desires of the Israeli state. The report severely criticises the Israeli legal establishment for not only allowing the illegal constructions to go ahead, but placing it within the Israeli legal framework.

In an Internet introduction to "Land Grab" (2002), B'Tselem takes issue with the legal discrimination practiced in the occupied West Bank. It notes, "The Israeli administration has applied most aspects of Israeli law to the settlers and the settlements, thus effectively annexing them to the State of Israel. This has taken place although in formal terms the West Bank is not part of the State of Israel, and the law in effect there is Jordanian law and military legislation. This annexation has resulted in a regime of legalized separation and discrimination. This regime is based on the existence of two separate legal systems in the same territory, with the rights of individuals being determined by their nationality."

The 2010 report goes further, claiming the interpretation that the State Attorney's Office gave to the concept "state land" in the Ottoman Land Law contradicted explicit statutory provisions and judgments of the British Mandatory Supreme Court. Behind a "legal cloak", using a combination of methods—claiming land for "military needs", declaring or registering land as "state land", and expropriating land for "public needs"—the Israeli state has gained approximately half of the West Bank. In the cases of the "outposts", the Israeli judiciary have done nothing to uphold the law and return land seized directly by settlers to their legal owners. A system of banditry is carried out without punishment. Yet the law is used ruthlessly to remove Palestinians from their property or to demolish Palestinian homes and structures that do not have the correct permits attached to their construction.

The use of military requisition orders began after the 1967 occupation and continued unabated for a decade: "This contention was made because international humanitarian law permits the occupying country to appropriate property under private ownership for military purposes, but on a temporary basis only. Appropriation of this kind does not grant property rights, and the occupying country is not permitted to sell the assets it appropriated. Fifty-six settlements, some of which began as Nahal (youth cadre) army bases that were subsequently declared civilian sites, were built on the appropriated land."

After a court case over the Elon Moreh settlement in 1979 questioning this practice, it was meant to be curtailed. But no land appropriated by military order has been returned to its

Palestinian owners, and a further 11 settlements were established on military acquired land.

Requisitioning land and naming it "state owned land" became the main practice after Elon Moreh. The process to rename Palestinian land as state land began by applying a very narrow interpretation of Ottoman Law. By claiming the Israel Defence Force Commander to be the sovereign in the territories, and contradicting judgments made by the British Mandate Supreme Court concerning cultivation and ownership of the land, the Israeli Civil Administration took possession of more than 16 percent of the West Bank. By freezing the registration of West Bank property at the Land Registration Office in 1968, any land could be claimed as state land.

In 1984 the military commander took on more powers to "retroactively" broaden the definition of government property. Land requisitioned as military land was later declared state land and then designated for settlement use or kept in reserve for new settlements. By fencing off any farmland surrounding the settlements borders, Palestinians were prevented from working it. The land then became classed as "uncultivated", passing over to settlers for their use.

The report leaves the reader in no doubt concerning past and present US administrations' acquiescence to Israel's settlement activity, by disregarding several agreements specifying a halt to building and the removal of the outposts. President Barak Obama's recent praise of Netanyahu as a man of peace, a man notorious for his support for expanding the settlements, highlights the disregard his administration has for the rights of Palestinians. Since the US-sponsored Oslo "Peace process" began in 1993, the settler population in the West Bank, not counting East Jerusalem, has almost trebled.

See Also:

*By Hook and By Crook: Israel Settlement Policy in the West Bank*— the full 2010 report

*Land Grab*— the full May 2002 report



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