
ISRAELI SETTLEMENTS IN GAZA AND THE WEST BANK (INCLUDING JERUSALEM) Their Nature and Purpose

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INTRODUCTION

The establishment of settlements in the occupied territories started immediately after the 1967 war. In July 1967, a group of young Israelis founded the first settlement in the Golan (Herom ha Golan). In September 1967, near the city of Hebron (West Bank), children of the pre-1948 settlers persuaded the Government to let them rebuild a kibbutz known as the Etzion Bloc. During Passover 1968, a group of religious nationalists went to Hebron and stayed there despite government reluctance to let them establish themselves in an Arab town. Finally, a settlement was established (Kirvat Arba) on the north-east side of Hebron with the Government's permission. (An ancient Jewish community had been settled in Hebron until 1929).

The first official support to settlement construction came in June 1967, when 160 Arab houses were demolished in the old city of Jerusalem in order to open a court in front of the Western Wall. Immediately, 600 buildings were expropriated and approximately 6,500 Arabs, both tenants and land owners, were removed. New buildings were late» occupied by Israeli residents.

From 1967 to 1970, the Government's settlement priorities appeared to be the southern part of the Golan Heights, where agricultural settlements were established, and the north side of East Jerusalem. 1/

"Both sets of settlements had acknowledged strategic purpose: the Government signalled its intention to prevent the Syrians from returning to the heights overlooking the Sea of Galilee, from which they could train their guns on the Israeli fishermen and farmers below. The Jerusalem suburbs were popularly dubbed the 'Rogers Plan Housing', indicating that their construction sought to pre-empt American pressure on Israel to leave East Jerusalem." 2/

The construction of settlements continued at an increased rate after the Likud Government came into power in 1977. According to a document of the World Zionist Organization entitled "Master plan for the development of settlement in Judea and Samaria, 1979-1983", 3/ 46 new settlements in Judea and Samaria would be added within five years, and inhabited by 16,000 families. Furthermore, following the policy of "thickening" the already established settlements, in five years 27,000 families will have settled down in the area. This plan has already been amended so that 22 more settlements will have been established there by the same date.

A more recent report entitled "Settlement in Judea and Samaria - strategy, policy and plans" by Matityahu Drobles, author of the master plan, is said to have been adopted by the Government of Israel in January 1981. In sending a copy of this report to the Secretary-General and the President of the Security Council, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated: "The perusal of this document leaves one in no doubt of Israel's intention to annex the Arab territories it has illegally occupied".

The report reads, in part:

"Forty-four settlements have so far been established - or are in the process of being established - in Judea and Samaria: 21 communal settlements, 12 urban settlements, 3 moshavim, 3 kibbutzim, 3 industrial villages, 1 regional centre and 1 industrial centre. Thirty-five settlements have been or are being established in Judea and Samaria over the past 3 years, since 1977 (see attached list of settlements in Judea and Samaria). The Jewish population in these regions totals some 10,000 people today.

"The majority of the settlements in Judea and Samaria are communal villages. The communal settlement is a relatively new form of settlement. Such a settlement is designed to have a population of 300 families, in order to enable the development of an intensive and productive form of communal life, a closed rural society capable of generating a quality of life and services on a higher level than normally found in larger and open urban societies on the same economic level.

"In light of the current negotiations on the future of Judea and Samaria, it will now become necessary for us to conduct a race against time. During this period, everything will be mainly determined by the facts we establish in these territories and loss by any other considerations. This is therefore the best time for launching an extensive and comprehensive settlement momentum, particularly on the Judea and Samaria hilltops which are not easily passable by nature and which preside over the Jordan Valley on the east and over the Coastal Plain on the west.

"It is therefore significant to stress today, mainly by means of actions, that the autonomy does not and will not apply to the territories but only to the Arab population thereof. This should mainly find expression by establishing facts on the ground. Therefore, the state-owned lands and the uncultivated barren lands in Judea and Samaria ought to be seized right away, with the purpose of settling the areas between and around the centres occupied by the minorities so as to reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish settlements, the minority population will find it difficult to form a territorial and political continuity.

"There mustn't be even the shadow of a doubt about our intention to keep the territories of Judea and Samaria for good. Otherwise, the minority population may get into a state of growing disquiet which will eventually result in recurrent efforts to establish an additional Arab state in these territories. The best and most effective way of removing every shadow of a doubt about our intention to hold on to Judea and Samaria forever is by speeding up the settlement momentum in these territories.

"

"The population in these settlements will amount at the first stage to between 50 and 300 families which will find their means of livelihood mainly in industry, tourism and services and to a much lesser extent in sophisticated agriculture, owing to the shortage of agricultural means of

production in these territories. Regional services in the educational, health and cultural spheres are planned to set up at the very first stage of the implementation of the settlement program - in each and every bloc, in one of the central settlements thereof. The setting up of these services as early as possible will contribute to the welfare of the new settlements. The establishment of the settlements is preceded by forming a group of potential settlers and getting them ready for taking occupancy of the land. The absorption unit of the Settlement Division sets up the framework for social assimilation activities among the settlers (both new immigrants and veteran citizens), in co-ordination with the various settlement movements and with other social bodies. It should be noted that the current potential for settlement is very high. There is an increasing stream of applications submitted by people wishing to settle in Judea and Samaria, and the number of families wishing to settle in these territories - either by setting up new settlements or by joining existing ones - amounts to many thousands, both in Israel and in the diaspora.

"Over the next five years it is necessary to establish 12 to 15 rural and urban settlements per annum in Judea and Samaria, so that five years from now the number of settlements will grow by 60 to 75 and the Jewish population thereof will amount to between 120,000 and 150,000 people." 4/

According to the report of the Security Council Commission established under resolution 446 (1979):

"Between 1967 and May 1979, Israel has established altogether 133 settlements in the occupied territories, consisting of 79 in the West Bank, 29 in the Golan Heights, 7 in the Gaza Strip and 18 in the Sinai.

"...

"As a whole, therefore, leaving aside the Sinai area, where settlements have been vacated. Israel has established 33 new settlements since the adoption by the Security Council of its resolution 446 (1979) referred to above, wringing the total number to 148. In addition, a number of the existing settlements have been expanded, sometimes to more than twice their original size."

The number of settlers has also increased. According to the same source:

"Since the Government came to power in 1977, the number of settlers in the West Bank alone has risen from 3,200 to 17,400. Those figures do not include the settlers in East Jerusalem and the Jerusalem area, which by now number approximately 80,000." 5/

A more recent (1981) estimate places the number of Jews in the West Bank at 20,000, an increase of 620 per cent. Including the settlers in East Jerusalem and the Jerusalem area, therefore, there were approximately 100,000 settlers. According to The Jerusalem Post, the Council of Jewish Settlements in the West Bank and Gaza had appointed a special team to seek ways to increase the Jewish population to 40,000 during 1981, 6/ not including Jerusalem.

In connexion with the acquisition of land, the Security Council Commission reported:

"The extent of the land confiscated in the West Bank had increased from 27 per cent of the total area in May 1979 to 33.3 per cent in September 1980. No precise figure has been given for additional confiscation of land in the Golan Heights. However, on the basis that only 5 Arab villages have been left and that only some 8,000 inhabitants have been able to remain out of the original population of 142,000, it seems fair to conclude that the occupying authorities control virtually all the land.

"Similarly in the Gaza Strip, according to witnesses, confiscation of land is final; however, no reliable figures have been made available to show the extent of the land confiscated so far." 7/

According to figures supplied by the United Nations Special Committee on Palestine, in 1947, on the eve of the Israeli statehood, Jewish possession of land in all of Palestine represented between 9 and 12 per cent of the cultivable land of the country, in 1977, of the total land surface of mandated Palestine, Arabs held 19 per cent and Israelis slightly more than 81 per cent. 8/

The United Nations General Assembly and Security Council have determined that the establishment of settlements in the occupied territories "constitute a serious obstruction to efforts aimed at achieving a just and lasting peace in the Middle East." 9/

On 27 January 1981, the following statement was made on behalf of the Secretary-General of the United Nations:

"The Secretary-General would like to repeat that he regrets any decision which may result in the expansion or increase of settlements in the occupied territories. Such a decision would clearly be in contravention of resolutions and decisions of the General Assembly and the Security Council and can only hamper the search for a just, lasting and comprehensive settlement of the Middle East problem."

I. GENERAL LEGAL REQUIREMENTS UNDER MILITARY OCCUPATION

Israeli conduct in the occupied territories is assessed in light of the international law of military occupation. The basic rules of international law generally accepted as applicable to the Israeli occupied territories are given below.

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (referred to as the fourth Geneva Convention), and the Hague Convention on the Laws and Customs of War on Land, signed on 18 October 1907. The fourth Geneva Convention has been ratified by all States party to the Middle East problem. Israel ratified the Convention on 10 April 1951;

The articles of the fourth Geneva Convention applicable to the situation are:

(a) Article 2, first paragraph, which reads:

"In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.";

(b) Article 47, which provides:

"Protected persons who are in occupied territory shall not be deprived in any case or any manner whatsoever of the benefits of the present convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, or by any agreement concluded between the authorities of the occupied territories and the occupying power, and nor by any annexation by the latter of the whole or part of the occupied territory.";

(c) Article 49 is directly concerned with the question of transfer of civilian population. It states:

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

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

(d) Article 53, which provides:

"Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or the state, or to any other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operation."

The Government of Israel, which participated in the negotiations of the fourth Geneva Convention and was one of the first to ratify them, has not recognized its legal applicability to the occupied Arab territories and has not applied it.

According to Leonard C. Meeker, Attorney, Centre for Law and Social Policy, and former legal adviser to the United States Department of Labor, 10 / the Regulations annexed to the Hague Convention IV on the Laws and Customs of War on land are also applicable to the occupied territories. Article 2 of the Convention states:

"The provisions contained in the Regulations referred to in article 1 as well as in the present Convention, do not apply except between the Contracting Powers, and then only if all the belligerents are parties to the Convention."

In connexion with the applicability of this Convention, it is stated: 11 /

"This article [2] appears on its face to limit the applicability of the Regulations. However, the general acceptance of the rules set forth in the Regulations over the course of 70 years has led to the rules now being considered as rules of customary international law binding on all countries whether or not they ever became parties to Hague Convention IV."

Article 46 of the Hague Regulations provides:

"Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated."

Leonard C. Meeker further notes: 12 /

"Testimony presented to the Subcommittees at a certain hearing indicates that in various instances Israeli settlements in the occupied territories have been established through the expropriation or confiscation of private property. It does not seem possible to conclude that expropriation of private property in these territories - even if accompanied by compensation - has been in conformity with the laws in force in the territories prior to their occupation by Israel. As to confiscation of private property, article 46 flatly bans it."

Articles 55 and 56 of the Hague Regulations are relevant here. They provide:

"The occupying State shall be regarded only as administrator usufructuary of public buildings, real estate, forest and agricultural estates belonging to the hostile state, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with these rules of usufruct.

"The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when state property, shall be treated as private property. All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings."

In this connexion, Meeker argues; 13 /

"So far as the property of local communities is concerned, article 56 requires that it is to be treated in the same way as private property. Thus, confiscation is prohibited, and expropriation would not be in conformity with the laws in force in a territory before the Israeli occupation, as required by article 43.

"With respect to public lands, belonging to or administered by a national government such as that of the Syrian Arab Republic, Egypt or Jordan, Israel, as military occupant, would be entitled to administer those lands and to derive current revenues from their accustomed use. But Israel would not be entitled to appropriate such lands on a permanent basis for new uses of its own choosing. An authority on the law applicable to international conflict [Julius Stone, *Legal Controls of International Conflict* 714 (1954)] has written as follows:

"Real property belonging to the state, which is of military character (ports, arsenals, dock yards, magazines, aerodromes, barracks and railways, lands, bridges, piers and wharfs, submarine bases) remains in the hands of the occupant until the end of the occupation. Such property may be damaged and destroyed in the interest of the military occupation. State property, on the other hand, which is essentially of a civil, non-military character is, under article 55, on a somewhat different basis.

"The occupying state shall regard itself only as administrator and usufructuary of such public buildings, immovable property, forests and agricultural undertakings belonging to the hostile state (and situated in the occupied country). It must protect the capital of these properties and administer them according to the rules of usufruct. The usufructuary principle forbids wasteful or negligent destruction of the capital value, whether by excessive cutting or mining or other abusive exploitation, contrary to the rules of good husbandry. And though it permits the occupant to let or utilize public land and buildings, sell crops on public lands, cut and sell timber, and work mines, such contract or lease must not extend beyond the termination of the war'."

As regards the fourth Geneva Convention, the Government of Israel has refused its applicability in toto and in particular article 49 on the occupied territories. The main argument for the denial of the application of the Geneva Conventions given by the Israeli Government is that, previous to the 1967 war. Jordan and Egypt were not the legitimate sovereigns of the West Bank and Gaza Strip respectively. 14 /

However, the applicability of the fourth Geneva Convention in the occupied territories has been asserted unequivocally by the International Committee of the Red Cross, by the United Nations, through both the General Assembly and the Security Council, and by most Governments in the world. 15 / Moreover, the Security Council unanimously adopted resolution 465 (1980) "Affirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including

Jerusalem".

In connexion with article 2 of the Convention, Professor W. T. Mallison from George Washington University explained:

"Even if the claim that Jordan annexed the West Bank unlawfully should be accepted for purposes of legal argument, this does not mean that this territory is not 'the territory of a high contracting party' within the meaning of article 2. It is well established that the word 'territory' includes, in addition to the jure title, a mere de facto title to the territory. Otherwise, civilians in disputed territory would be denied the protection of law on the basis of a trivial, and indeed a non-existent, technicality.

"... the idea that in order to apply the law of belligerent occupation it is necessary for the belligerent to recognize the displaced government's title to the territory finds no support in either the text of the Convention or its negotiating history. In addition, it is contrary to the well-established customary law based upon state practice. For example, during the American Civil War, the United States treated territory which it claimed as sovereign but which the Confederate States had held as de facto possessor as being subject to the law of belligerent occupation up until the conclusion of the Civil War. This was the widely accepted customary international law, with the exception of the Nazi and Japanese militarist practices of the Second world War, and there is nothing in the Geneva Convention which changes it."

He continues:

"... the Government of Israel claims the right unilaterally to categorize the opponent's title to land as being the result of aggression with the effect that civilians do not receive the protection of the international humanitarian law. If the humanitarian law were to be changed so that its application was made contingent upon recognition by the belligerent occupant of the justness of the war aims of its opponent, it is perfectly clear that the humanitarian law would be rarely, if ever, applied." 16/

In Professor Mallison's opinion, the Governments represented at the Geneva Diplomatic Conference of 1949, including the Government of Israel, stated in the preamble to the Convention that they met "for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War". He argues, therefore, that the attempt to avoid humanitarian protection for civilians by alleging the existence of non-specified governmental rights is to turn the entire Convention upside down.

The same interpretation of article 2 of the fourth Geneva Convention has been given by other international lawyers. For instance, Stephen M. Boyd, Assistant Legal Adviser for Near Eastern and South Asian Affairs, United States Department of State, in 1971 stated:

"I do not think that the ICRC (International Commission of the Red Cross) expressly considered the sovereignty question in drafting the Convention. Their interest was to provide a substantial regime under international law — a widely accepted Convention for the protection of the inhabitants of occupied territories, with the language broad enough to include the type of situation in which Israel finds itself now. It does not say 'the sovereign territory of a High Contracting Party' but merely 'the territory'. The Red Cross has interpreted this language consistently with the purpose and interest of the Convention, which is protection of individuals in a humanitarian way, not the settlement of disputed questions of sovereignty, which, obviously, the Convention was not intended to do." 17/

The establishment of Israeli settlements in the occupied territories is closely linked with the issue of self-determination contained in Article 73 of the Charter of the United Nations.

Leonard C. Meeker gives the following view on the issue:

"It is inconsistent with their right of self-determination for Israel to move Israeli settlers into those areas in the absence of agreement, thereby complicating substantially the demographic situation. As pointed out earlier, such actions are incompatible with Israel's obligations as military occupant of the territories in question.

"The Gaza Strip and the West Bank stand on a footing somewhat different from Golan and Sinai because they were part of the former Palestine mandate. There it should be noted that the whole mandate system, originally proposed by President Wilson, was designed to protect non-self-governing peoples and to lead to their exercise of the right of self-determination. The United Nations partition plan of 1947 had attempted to respect, in an approximate way, the location of Jewish and Arab communities within Palestine. However, the plan was not put into effect, and in the spring and summer of 1948 a large number of Arab residents were displaced and became refugees as a result of the hostilities. Today, both the Gaza Strip and West Bank continue to be areas inhabited by a large number of Palestinian Arabs; others became and still are refugees in neighbouring countries.

"It seems clear that the Palestinian Arabs constitute people entitled to self-determination within the meaning of various international instruments containing provisions on self-determination.

"It would seem clear that Israel, a member of the United Nations, assumed responsibility for the administration of territories 'whose peoples have not yet obtained a full measure of self-government', when it occupied the Gaza Strip and the West Bank. The Israeli Government asserts claims to those territories that are in no way related to the principle of self-determination of peoples and that, indeed, run counter to self-determination. Strategic and security considerations are among the arguments advanced. Establishing settlements within those occupied territories has been undertaken to bolster the Israeli claims, and the whole process of colonization appears designed to defeat exercise of the right of self-determination by the Palestinian Arabs resident there.

"It might be noted in connexion with the principle of self-determination that it occupies a very prominent place in the United Nations Covenants on Human Rights. Article 1 of the Covenant on Civil and Political Rights and article 1 of the Covenant on Economic, Social and Cultural Rights are identical.

"Israel and Egypt have signed these Covenants but not ratified them, while Jordan and the Syrian Arab Republic have both signed and ratified.

"...

"Similarly, resolution 2633 (XXV) of the General Assembly adopted in 1970 ...

"This declarative resolution of the General Assembly was adopted through consensus procedures without a vote, meaning that all members concurred, or at least had no objection to the resolution. The General Assembly does not have law-making power. However, when the members join without dissent in a declaration expressing their view concerning the content of international law in a particular area, their expression constitutes strong and persuasive evidence of what the law is. The declaration confirms the rights and obligations with respect to self-determination that are set forth in Article 73 of the Charter.

"To sum up, I believe that the Israeli establishment of settlements in the occupied territories contravenes the obligations of Israel both under customary international law and under the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In addition, the establishment of these settlements are incompatible with Israel's obligation to respect and to promote the rights of self-determination of the peoples of these territories." 18/

II. THE UNITED NATIONS AND THE QUESTION OF SETTLEMENTS

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, established by the General Assembly in resolution 2443 (XXIII), has expressed grave concern in several of its reports about the implications of the establishment of settlements in the occupied territories.

In its second report, of 17 September 1971, the Special Committee observed:

"The evidence, including testimony before the Special Committee regarding annexation and settlement, supports the allegations that the Government of Israel is following the policy of annexing and settling occupied territories in a manner calculated to exclude all possibility of restitution to lawful ownership.

"The distinction between annexation of conquered territory and occupation of territory in wartime is clarified in the following passage in the commentary published by the International Committee of the Red Cross on the fourth Geneva Convention:

'As was emphasized in the commentary on article 4, the occupation of territory in wartime is essentially a temporary, de facto situation, which deprives the occupied Power of neither its statehood nor its sovereignty; it merely interferes with its power to exercise its rights. That is what distinguishes occupation from annexation, whereby the Occupying Power acquires all or part of the occupied territory and incorporates it in its own territory.

'Consequently, occupation as a result of war, while representing actual possession to all appearances, cannot imply any right whatsoever to dispose of territory. As long as hostilities continue, the Occupying Power cannot therefore annex the occupied territory, even if it occupies the whole of the territory concerned. A decision on that point can only be reached in the peace treaty. That is a universally recognized rule which is endorsed by jurists and confirmed by numerous rulings of international and national courts.

'...

'A fundamental principle emerges from the foregoing considerations: an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory ...'

"The Special Committee reaffirms the validity of this proposition. It would furthermore reiterate that every attempt on the part of the Government of Israel at carrying out a policy of annexation and settlement amounts to a denial of the fundamental human rights of the local inhabitants, in particular the right of self-determination and the right to retain their homeland, and a repudiation by the Government of Israel of accepted norms of international law.

"The following facts tend to support the conclusion that it is the Government of Israel's policy to annex and settle the occupied territories:

"(a) The existence, in the Government of Israel, of a 'Ministerial Committee for Settlement of the Territories';

"(b) Express pronouncements to this effect by Israeli Ministers and leaders;

"(c) A memorandum presented on 8 July 1971 to the Special Committee by Mr. Rouhi El-Khatib, Mayor of Jerusalem at the time of the June 1967 hostilities, the facts of which are confirmed by other evidence;

"(d) Uncontradicted reports, appearing in the information media, of the planned establishment of Israeli settlements in the occupied territories;

"(e) Allegations, as yet unrefuted but consistent with other facts and contained in several letters addressed by the Governments of Jordan and the Syrian Arab Republic concerning measures by the Government of Israel in violation of the human rights of the persons living in occupied territories;

"(f) The absence of any serious attempt at repatriation of the refugees to their homes in the occupied territories;

"(g) The mass expulsion and continued deportation of individuals from the occupied territories;

"(h) The continued transfer of the population of the occupied territories to other areas within the occupied territories." 19/

In its fifth report, of 25 October 1973, the Special Committee expressed:

"On the basis of its investigation, the Special Committee finds that there is conclusive evidence that the Government of Israel is following a policy of establishing settlements in the occupied territories, populating them with Israeli nationals, some of whom are new immigrants and, with regard to certain parts of the occupied territories, such as Hebron (West Bank), Rafah and Sharm el-Sheikh (Sinai) and the Golan Heights, the Government of Israel has adopted long-range plans for settlement.

"The evidence before the Special Committee clearly established that the fact that the Government of Israel is continuing with its policy of the unilateral annexation of the occupied part of Jerusalem and the enlargement of the municipal boundaries of the city by the incorporation of considerable areas of land forming part of the occupied West Bank."

On 20 December 1971, the General Assembly adopted resolution 2851 (XXVI) in which it strongly called upon Israel to rescind forthwith all measures and to desist from all policies and practices such as:

(a) The annexation of any part of the occupied Arab territories;

(b) The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territory;

(c) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property.

General Assembly resolution 3525 (XXX) of 15 December 1975 condemns in particular the following Israeli policies:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(c) The destruction and demolition of Arab houses;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other.

General Assembly resolution 32/5 of 28 October 1977 reads, in part:

"1. Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;

"2. Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the occupied Arab territories;

"3. Calls upon Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"4. Calls once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

"5. Urges all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem;"

By Security Council resolution 446 (1979) of 22 March 1979, a Commission was established of which the main purpose is "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".

In the same resolution, the Security Council further determines;

"... 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:

"3. Calls once more upon Israel, as the occupying Power, to abide scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 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;

"4. Establishes a commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council ...".

In its third report, the Commission came to the following conclusions:

"Consequently after having carefully examined all the elements of information which the Commission has been in a position to gather in the implementation of its mandate, the Commission would like to reaffirm the entirety of the conclusions contained in its two previous reports and more specifically the following:

"(a) The Israeli Government is actively pursuing its wilful, systematic large-scale process of establishing settlements in the occupied territories;

"(b) A correlation exists between the establishment of Israeli settlements and the displacement of the Arab population;

"(c) In the implementation of its policy of settlements, Israel is resorting to methods -often coercive and sometimes more subtle - which include the control of water resources, the seizure of private property, the destruction of houses and the banishment of persons in complete disregard for basic human rights;

"(d) The settlement policy has brought drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population; and is causing profound changes of a geographical and demographic nature in the occupied territories including Jerusalem;

"(e) Those changes constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the relevant decisions adopted by the Security Council in the matter.

"Consequently, the Commission wishes to reiterate that Israel's policy of settlement, by which, as an example, 33.3 per cent of the West Bank has been confiscated to date, has no legal validity and constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the area.

"In view of the recent deterioration of the situation in the occupied Arab territories, the Commission considers that Israel's settlement policy, with the unjustified sufferings which it imposes on a defenceless population, is an incitement to further unrest and violence.

"The Israeli policy of settlements has led to major displacements and dispossession of Palestinians, adding to the ever-growing number of refugees with all the attendant consequences.

"Available evidence shows that Israeli occupying authorities continue to deplete the natural resources, particularly water resources, in the occupied territories for their advantage and to the detriment of the Palestinian people.

"As water is a scarce and precious commodity in the area, its control and apportionment means control of the most vital means of survival. It would seem, therefore, that Israel employs water both as an economic and even political weapon to further its policy of settlements. Consequently, the economy and agriculture of the Arab population is adversely affected by the exploitation of water resources by the

occupying authorities.

"On Jerusalem, the Commission has noted with grave concern that tension and confrontation between Israel and the Islamic world have increased, especially following the enactment of a basic law in the Israeli Knesset, proclaiming a change in the character and status of the Holy City, which has also affected Christendom." 20/

Taking note of the reports of the Commission established under resolution 446 (1979), the Security Council unanimously adopted resolution 465 (1980) that reads, in part:

" Affirming once more that the Geneva convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

"...

"5. Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

"6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of 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;

"7. Calls upon all states not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;

"8. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;"

III. NATURE AND PURPOSE OF SETTLEMENTS

Settlements may be classified as military or civilian. The military settlements also called Nahal (Soldier-Pioneer Youth) outposts are both military installations and farming villages. Israeli leaders stress their fundamental strategic role. In January 1977, the Prime Minister, Yitzhak Rabin, declared that settlements increased Israel's security and provided a firm basis for its demand for peace with defensible borders. This type of settlement is the core of the Israeli Defence Force and combines agricultural tasks with military service.

Civilian settlements are of two kinds: the kibbutz, or collective farm, and the moshav, which is an individual farm benefiting from collective farming.

According to the report of the 1977 Middle East Delegation of the National Lawyers Guild:

"Deputy Defence Minister, Mordecai Tzipori, explained [Al-Hamishmar, 11 October 1977] that settlers in such camps have the official status of 'civilians in military service'. He said that the army might employ some of the settlers, who would become civilian army employees: their salaries would be paid by the Defence Ministry, which would have them sign six-month contracts. Tzipori said that the army would eventually evacuate the camps and help to turn them into permanent settlements." 21/

On October 1979, the Israeli High Court of Justice ruled that the Elon Moreh settlement, near the West Bank city of Nablus, had to be dismantled within 30 days for it had been taken for political reasons and not for security needs. The High Court, in an unprecedented ruling, invoked articles 49 and 53 of the Geneva Convention and articles 23 (g), 46 and 52 of the Hague Convention.

In addition to the prohibitions provided by special conventions, article 23 (g) of the Hague Convention states that it is particularly forbidden "to destroy or seize enemy property, unless such destruction or seizure be imperatively demanded by the necessities of war".

Article 52 states that "requisitions in kind and services shall not be demanded from local authorities or inhabitants except for the needs of the army of occupation".

The High Court expressed the view that the Hague Convention was applicable in this case for it constituted customary international law and, in their view, was not contrary to specific Israeli legislation. This Convention permits settlements for the fulfilment of military needs and the principle does not apply to the purely civilian character of Elon Moreh. The Court also affirmed that "land expropriation for military purposes must, by nature, be temporary and that an outpost cannot be designed to outlive the temporary military administration of an occupied territory". 22/

Military encampments are often transformed into civilian settlements, though the "military disguise is not an innovation of the Likud Government which came to power in May 1977. Israel Galili, in charge of Israeli settlements policy in the previous Labour Government, undertook and authorized military 'stations' in Bethlehem and Kochar-Hashar 'to avoid foreign policy problems and domestic opposition'. And in December 1976, Minister of Social Affairs Hammer suggested that new settlements be given the character of 'security settlements'". 23/

Raymond Tanner, Professor of Political Science at the University of Michigan, giving testimony before the United States House Committee on International Relations affirmed that "a majority of civilian settlements are former Nahal camps". 24/

The Israeli Government maintained strict control over the location of settlements in the West Bank and Gaza. In 1974, the Minister of Justice, Chaim Tzadok, indicated that Government permission was required to live in that area since the West Bank was a "closed area" under military law.

According to Israeli officials, Israeli policy on settlements in the occupied territories "was based on a series of priorities, on security and political considerations, on settlement requirements and on the existing possibilities and restrictions".

In 1977, the Minister of Social Affairs reaffirmed the concern of the Government in connexion with the settlements policy.

In an interview, Yigal Allon commented: "...if you sum up the empirical behaviour of the Government of Israel in determining the points of settlement, you will find that they add up to a concept: that is, settlements are placed in strategically important areas along existing borderlines or in

the vicinity of areas likely to become borderlines in the future". 25/

Other interpretations of the purposes of the settlement policy have, however, been put forward. According to Paul Quiring, Director of the Mennonite Relief Agency:

"Settlements have been established along three prongs which appear to be aimed at containing and isolating the Palestinian communities.

"The first prong runs along the Jordan River, which separates the West Bank from Jordan. This string of settlements isolates West Bank Palestinians from Jordan.

"The second prong runs along the 1948 armistice line between Jordan and Israel, commonly referred to as the 'Green Line'. This string separates West Bank Palestinians from Israel.

"The third prong (not yet completed) calls for settlements to ring the most populous Palestinian towns, like Nablus and East Jerusalem." 26/

Since 1967, successive Israeli Governments have clearly encouraged and contributed to the policy of settlements. The Government sees the West Bank and Gaza as part of the natural boundaries of the Jewish homeland, or biblical Israel.

According to the 1977 report of the national Lawyers' Guild:

"Under this 'homeland' doctrine, the Israeli Government regards the Palestinian inhabitants of the West Bank and Gaza as being there by sufferance only. Prime Minister Menachem Begin and others refer to the West Bank as 'Judea and Samaria' - the ancient names of the region. Israeli Ministry of Tourism maps obtained by the delegation 27/ show the West Bank and Gaza as part of Israel, with no indication of their status as occupied areas.

The maps refer to the West Bank as 'Judea' and 'Samaria'." 28/

As regards Jerusalem, the policy of settlements promoted by the Israeli Government aims at a complete annexation of the city.

Soon after the 1967 war, Israel officially annexed East Jerusalem into Israel. The Government promoted Jewish immigration into the area. A 10-year Israeli Government plan proposed the reconstruction and substitution of Jewish families for Palestinians.

The National Lawyers' Guild report of 1977 contains the following information:

"In 1975, the Housing Minister, Avraham Ofer, stated that the peopling of East Jerusalem and the surrounding area with Jews was a 'matter of priority'. In May 1977, the Israeli Government proposed a new program of construction in East Jerusalem, intended to accelerate Jewish migration there by the construction of 18,000 apartments.

"...

"By 1975, more than 6,000 Palestinians had been evicted after being offered some compensation and their homes were destroyed; 200 Jewish families had already moved in, while only 20 Palestinian families remained." 29/

In May 1980, the Israeli Knesset enacted the "Basic Law" which provides that unified Jerusalem in its borders after the June 1967 war is the capital of Israel. The Security Council, on 20 August 1980 in its resolution 478 (1980), affirmed that those legislative and administrative measures "constitute a violation of international law", that they are "null and void" and "constitute a serious obstruction to achieving a comprehensive and lasting peace in the Middle East".

The Israeli Government has closely co-operated in the establishment of settlements in the occupied territories. "Co-operation has taken many forms, all directed toward the successful transfer of Israeli citizens into the occupied territories". 30/

The aid provided by the Israeli Government includes income tax exemptions, inexpensive loans, and material assistance such as water, electricity, telephone service, bulldozer and transportation facilities. According to one source:

"The primary method by which the Israeli Government encourages settlers to transfer to the occupied territories is with direct subsidies to the settlements. The Government acknowledged that, through June 1977, it had allocated 400 million dollars to settlements in the occupied territories.

"The 1978 Israeli budget provides a considerable increase in expenditures for the absorption of new settlers into the settlements already established in the occupied areas...

"The 1978 allocation to the Ministry of Agriculture includes the highest amount ever set aside for new settlements - 426 million Israeli pounds (it was 267 million Israeli pounds in 1977). In the Ministry of Housing's budget, 840 million Israeli pounds have been allocated for the construction of 1,550 building units in the new settlements." 31/

It was reported in The New York Post on 28 February 1981 that "Parliament's Finance Committee has approved about 4 million dollars for the construction of 400 homes in already existing settlements..." and it has been estimated that by 1976 Israel had spent at least 500 million dollars on settlements.

IV. ACQUISITION OF LAND AND IMPACT ON THE ARAB RESIDENTS

Article 11 of the Jordanian Constitution, which applied to the West Bank at the time it was occupied by Israel in 1967, forbids expropriation of private property for public benefit unless fair compensation is paid according to law. The law provides publication of the intended expropriation, in order to allow the person the right to appeal the decision to the Court of First Instance. According to Jordanian law, an authority or corporate body wanting to expropriate land must first publish in the Official Gazette its intention to submit to the Council of Ministers the application for expropriation. The approval of the Council of Ministers is provided if within 15 days no objections are submitted. The approval must be endorsed by the King. Then it is published in the Official Gazette. The authority interested in the expropriation must compensate the owners of the land with an amount equal to the market value of the property on the date of the expropriation.

In his article "The West Bank and the rule of law". Raja Shehadeh claims that, in order to facilitate the expropriation of land, soon after 1967 Israel modified the regulations concerning the matter.

The principal steps taken were:

"Firstly, by Military Order 321, the requirement to publish the intention to expropriate was removed. Secondly, the right of appeal to civil courts was replaced by a right of appeal to the Objection Committee. Thirdly, by virtue of Military Order No. 291, the former procedures

for the settlement of land disputed by a settlement court under which title to land was conclusively determined and recorded in the land registry, were abolished. 32/ At the time when the occupation took place, only about a third of the area of the West Bank had been registered and its titles 'settled'.

"By these means the Israelis ensured that title to large areas of land remained in dispute, providing the possibility of conflicting claims. Furthermore, a military authority appointed by the area commander has been given all the powers that were previously vested in the Jordanian Government.

"A new article has been added to the law whereby the Area Commander may order that force be used to evacuate the owner of the land if he refuses to vacate it within the period decided upon by the Area Commander. Anyone resisting, such an order may be imprisoned for a period of five years or fined or made to suffer both punishments." 33/

All these changes aimed at eliminating the requirements needed by law to make possible the expropriation of land in the occupied territories. The only remedy left to the aggrieved party is the appeal to the Objection Committee, which is entirely composed of military personnel and whose impartiality has been questioned. 34/

Besides the legislation mentioned above, other Israeli laws apply to the West Bank and Gaza.

These include article 125 of the Defense Emergency Regulations of 1945. This provision, passed during the British mandate, permits the Israeli Government to declare an area "closed" for security reasons. A permit is required to leave or enter the area. Implementation of this article is left to the Israeli Military Governor. Article 90 of the Security Provisions Order, put into effect when the Israeli Army entered the West Bank in 1967, also has a "closed area" provision.

In the report of the 1977 Middle East delegation of the National Lawyers' Guild, it is alleged:

"In implementing these provisions, Israel sometimes offers some compensation to the uprooted families; however, the resulting expropriation is entered into without any public hearing and without prior consultation with the community or individuals concerned. In a considerable majority of cases, expropriation amounts, in practical terms, to confiscation, since most Palestinians, for many reasons, do not accept any compensation offered by the Israel Land Authority." 35/

Paul Quiring, Director of the Hennonite Belief Agency, stated:

"First with regard to land ownership, all Israeli settlements constructed on the West Bank are located on land which either (1) was in the domain of the Hashemite Kingdom of Jordan, or (2) belonged to villages and individuals at the time of the occupation. The land for these settlements is acquired by means of purchase, expropriation, or confiscation. As West Bankers are rarely willing, for political reasons, to sell land to Israeli institutions, the majority of the settlements have been built on land which was not sold but was either expropriated or confiscated.

"Expropriation' refers to land where the title has been transferred through legal proceedings and where the original landowner may have been compensated in cash or may have been offered other property in exchange. The expropriation process is often used for annexation of small plots of land in urban settings, especially Jerusalem.

"Confiscation' refers to land which is usually cordoned off by the Military Governor of the district who then informs the landowner that the land must be vacated for reasons of 'state security'. In some cases this is government land which is occupied by tenants. The confiscation process is a method frequently used in rural areas. The landowner has no legal rights once his land is confiscated. His only alternative is to petition the Military Governor, pleading for reversal of the confiscation order." 36/

The Government of Israel, in order to justify its measures to acquire property, has drawn a distinction between state and private property in the occupied territories. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has analysed this argument. In its opinion, "the fourth Geneva Convention and the Hague Conventions make it abundantly clear that, irrespective of whether the land belongs to the state or to private individuals, the occupying power has no right under international law to acquire ownership of such property. Any such acquisition, therefore, is ipso jure invalid". 37/

It further states

"... the fourth Geneva Convention prohibits the annexation of occupied territory as well as the transfer of parts of the occupying power's own civilian population into the occupied territory. The Geneva Convention is based on the premise that the occupation of territory in wartime is essentially a temporary de facto situation and cannot imply any right whatsoever to dispose of occupied territory. A decision on that point [the annexation of occupied territory] can only be reached in the peace treaty. That is a universally recognized rule which is endorsed by jurists and confirmed by numerous rulings of international and national courts. The Hague Conventions of 1899 and 1907 also endorse this interpretation. Article 46 of the Regulations annexed to the Conventions specifically prohibits the confiscation of private property. With regard to public property in occupied territory, see article 55 of the Regulations, reproduced in chapter I above.

"In the seventh edition of Oppenheim's International Law, Lauterpacht, commenting on the subject of warfare on land, states:

'Appropriation of public immovables is not lawful so long as the territory on which they are found has not become state property of the occupant through annexation. During mere military occupation of enemy territory, a belligerent may not sell, or otherwise alienate, public enemy land and buildings, but may only appropriate their produce'.

"As regards immovable private property, Lauterpacht goes on to state:

'Immovable private enemy property may under no circumstances or conditions be appropriated by an invading belligerent. Should he confiscate and sell private land or buildings, the buyer would acquire no right whatever to the property.'"

In consequence the payment of compensation does not render such transactions valid.

The Absentee Property Law is similar to the Absentee's Property Law passed after the end of the 1948 Arab-Israeli war and was enacted on 23 July 1967. It deals with property in general, not only with immovables. It defines "absentee" as a person who left the area of the West Bank before, on or after 7 June 1967. Few of these people have been allowed to return to the occupied territories. Article 2 of the law created a Custodian. He acts as a trustee to hold the property in trust for the absentee until his return. A jurist explains:

"As was the case with Arab property of Palestinian refugees who fled after the 1948 war, the Custodian who took over that property, also as

a trustee, has used it with a freedom equivalent to absolute ownership. When some of the landowners whose land had been disposed of ceased to be absent, according to the definition of the law, they were offered only nominal compensation. Through the tight control exercised by the Custodian over land transactions and through surveys carried out to determine the areas of land the titles of which have been registered, the military authorities have now a thorough knowledge of the conditions of land registration and the percentages of areas of land in every category on the West Bank." 38/

The purpose of this law has been to acquire land for settlements. The International Commission of Jurists found:

"... that much the greater part of the land for the Israeli settlements has been acquired under legislation giving title to public authorities over 'waste lands' or 'abandoned land' or 'absentee property'. In other words, the settlements have to a substantial extent been established through the expropriation or confiscation of private property." 39/

In 1947, before the Israeli State came into existence, land possessed by Jews in Palestine represented between 9 and 12 per cent of the cultivable land. According to John Ruedy, Professor of History at Georgetown University:

"Some of this land had been assigned to Jews by the British [mandate] authorities out of reserves of state land. Most of it had been purchased over the years by Jewish agencies and individuals. A good portion, though by no means all, was purchased from absentee landowners.

"By virtue of their 1948 victory, Zionists fell heir to the legal apparatus of the State, which in turn permitted them to enter into possession of all but 53,000 hectares of cultivable land within their lines. Firstly, they inherited the mandate's public domain, a not inconsiderable portion of which consisted of land actually farmed or used for grazing by Arabs. Secondly, they took over an enormous amount of land owned by Arabs who had fled or were driven beyond Jewish lines and whom they did not subsequently permit to return. Forty per cent of land owned by Arabs who were still in Israel was also appropriated and assigned to a Custodian of abandoned property. By far the largest part of the property acquired by the Jewish State in the late 1940s or early 1950s was property owned by Arabs and classified by the State as vacant or abandoned. A third widely used technique of land acquisition was the use of the power of expropriation for the benefit of public interest ...

Arabs were deprived of property at fixed 1950 prices even many years after 1950 so that Jews could be settled in their places. While some Palestinians accepted the compensation offered, many would not, wishing to avoid definitively signing away their rights. In these cases expropriation amounted in fact to confiscation.

"A final technique was the imposition of ex post facto legal texts of land ownership. In order to regularize what the Israelis perceived as a confused land tenure situation, a law required all Arab proprietors to produce deeds of ownership or other proof of continuous holding of a property for the past 15 years. Many smallholders could produce neither and subsequently lost their houses, gardens, farms and shops."

The Security Council Commission established under resolution 446 (1979) found that in the "Gaza Strip, according to witnesses, confiscation of land is final". 40/

In the West Bank, "the extent of the confiscated land increased from 27 per cent of the total areas in May 1979 to 33 per cent last September (1980)". 41/

The Commission also noted:

"According to recent information, by early 1980, six major new residential suburbs housing over 50,000 Israelis had been practically finished, thus encircling the 110,000 Palestinians who were still living in East Jerusalem and separating them from the rest of the West Bank. Furthermore, a plan was announced last March [1980] for the construction of a wide living complex in the district of Beit Hanina. In addition, the Commission was informed of the existence of another plan, called the 'Great Jerusalem Plan', which is reported to be under implementation. That plan would lead to the additional expropriation or dispersion of some 130,000 Arab inhabitants living in 27 villages in order to include the area concerned within the city limit of 'Great Jerusalem'." 42/

In relation to Israel's announcement that Jerusalem had become the united capital of Israel, "on the buildings to be used by the Prime Minister and his Cabinet, the work is said to be proceeding. Arab properties adjacent to it have already been confiscated and several Arab families have been ordered to vacate their nearby houses due to be demolished". 43/

There exists a close correlation between the establishment of Israeli settlements and the displacement of the Arab population. Since 1967, the Arab population has been reduced by 32 per cent in Jerusalem and the West Bank. 44/

The policy of demographic changes has taken another step. In September 1980, Israeli officials announced the Government's decision to speed up the process of "thickening" (in the official terminology) the settler population before June elections. 45/ The number of Jews in the West Bank increased in the last four years (from 1977 to 1981) from 3,200 to 20,000. That means an increase of 620 per cent.

The Council of Jewish Settlements in the West Bank and Gaza appointed a special team to seek ways to increase the Jewish population from 17,000 to 40,000 within a year (an increase of 150 per cent in 1981). 46/

Salim Tamari, a Professor of Sociology at the University of Birzeit (occupied territories) stated the following:

"People who emigrate are the young of the population. These are young Arabs who usually have to support their families by seeking employment in other Arab States ...

"This has created a situation where academicians and professionals, and also labourers who were made redundant and who no longer can find employment in the occupied territories, or in Israel, as a result of a recession, have left the country, many of them because of political repression, and created a demographic imbalance in that section of the population which is most productive.

"So, if we look at the structure of the population between the ages of 30 years and 44 years, we find that the ratio of females to males is in excess. The consequence of this in social terms is very severe because it creates a distorted composition of the population. It leaves a very important section of the productive population out of the country and creates conditions for further reduction of the population in the occupied territories." 47/

According to the Security Council Commission established under resolution 446 (1979): "In the implementation of its policy of settlements, Israel has resorted to methods often coercive and sometimes more subtle, which include the control of the water resources, the seizure of private properties, the destruction of houses and the banishment of persons". 48/

The economic and social patterns of the Arab population in the occupied territories have been substantially modified. The Security Council Commission states that "a number of Arab landowners are now compelled to earn their living and that of their family by working on their own land as the hired employees of the Israeli settlers". 49/

Another aspect of the social consequences of the policy of settlements is the relationship between the settlers and the Arabs. It can be said that:

"In general there is no real relationship. The rural settlements have a barbed wire perimeter and must be checked before entering. The settlements do not rely on the Arab villages or towns for their basic needs. There is no economic relationship between the settlements and the surrounding villages. There are no educational or social ties between them." 50/

According to Paul Quiring:

"By way of conclusion, the construction of each settlement invariably produces an impact on the indigenous population of the West Bank. In some cases the impact is easily measurable -either in terms of acres of land or meters of water. In other cases it is more subtle - loss of land or loss of a future. At best the impact will be disruptive? at worst it will help to turn a people out of their land. While the physical impact of the settlement can be minimized, its over-all consequences cannot be eliminated.

"Increasingly, West Bankers recognize settlements as the most threatening consequence of the occupation. Whereas the occupation intended to govern, the settlements seek to transform. Regardless of their location, size or stated purpose, West Bankers regard each settlement as little more than a euphemism for the theft of their land and political future." 51/

CONCLUSIONS

1. The establishment of settlements in the occupied territories has been widely condemned by the international community and the United Nations through its various bodies, the General Assembly, the Security Council, the Commission on Human Rights etc. United Nations resolutions have called upon Israel to desist from taking any action which would result in changing the legal status and geographical nature and demographic composition of the Arab territories occupied since 1967.
2. Taking into account that the fourth Geneva Convention and the Hague Convention are applicable to the territories occupied by Israel, the General Assembly has declared that the establishment of settlements and the transfer of population that it entails are illegal.
3. The General Assembly has condemned the evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right of return.
4. The Security Council, in its resolution 465 (1980), called upon the Government and people of Israel to dismantle the existing settlements and to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.
5. The international community considers that the policy of settlements constitutes a serious obstruction to the achievement of a comprehensive, just and lasting peace in the Middle East.
6. The Security Council has determined that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity.

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- 2/ Ibid., p. 11.
- 3/ Letter dated 18 October 1979 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General and the President of the Security Council (A/34/605-S/13582), contained in Bulletin No. 9-10 of September/October 1979 of the Special Unit on Palestinian Rights, p. 7.
- 4/ Letter dated 19 June 1981 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General, contained in document A/36/341-S/14566.
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- 8/ John Ruedy, Professor of History at Georgetown University, "Israeli land acquisition in occupied territory, 1967-1977", United States Senate Subcommittee on Immigration and Naturalization (Committee on the Judiciary), Ninety-fifth Congress, first session, 17 October 1977, pp. 124, 127.
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- 18/ Leonard C. Meeker, *op. cit.*, p. 112.
- 19/ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, document A/8389 of 5 October 1971, p. 27.
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- 21/ "Treatment of Palestinians in Israeli-occupied West Bank and Gaza", report of the National Lawyers Guild, 1977, Middle East delegation (National Lawyers Guild, New York, 1978), p. 10.
- 22/ The Washington Post, 22 October 1979.
- 23/ "Treatment of Palestinians in Israeli-occupied West Bank and Gaza", *op. cit.*, p. 10.
- 24/ Raymond Tanner, Professor of Political Science at the University of Michigan. Statement made before the Subcommittee on International Organizations and on Europe and the Middle East of the Committee on International Relations, United States House of Representatives, Ninety-fifth Congress, first session, 12 September 1977, p. 52.
- 25/ "Treatment of Palestinians in Israeli-occupied West Bank and Gaza", *op. cit.*, p. 9.
- 26/ *Ibid.*
- 27/ In July 1977, the National Lawyers' Guild sponsored a visit to the Middle East by 10 of its members to study the situation of the Palestinian people and to investigate allegations of violations of human rights. The group visited Lebanon, Jordan, Israel, the West Bank and Gaza.
- 28/ "Treatment of Palestinians in Israeli-occupied West Bank and Gaza", *op. cit.*, p. 12.
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- 30/ *Ibid.*, p. 9.
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- 32/ Raja Shehadeh. The West Bank and the rule of law (The International Commission of Jurists, 1980), p. 61.
- 33/ *Ibid.*, p. 108.
- 34/ See, in this connexion. Raja Shehadeh, *op. cit.*, p. 30.
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- 36/ Paul Quiring, Director of the Mennonite Relief Agency. Statement made before the Subcommittees on International Organizations and on Europe and the Middle East of the Committee on International Relations, United States House of Representatives, Ninety-fifth Congress, first session, 12 September 1977, p. 44.
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- 48/ Report of the Security Council Commission established under resolution 446 (1979), document S/13450, p. 41.
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Annex I
LIST OF SETTLEMENTS a_/

A. ISRAELI SETTLEMENTS ON THE WEST BANK

	Name	Date founded	Location	Type	Economic base	Land used (in dunums)	Original landowners
1.	Atrot	1970	Jerusalem, edge, near airport	Industrial zone	61 factories	10,000	Arab residents of Beit Hanina village
2.	Neve Ya'akov	1973	Jerusalem, north of town	Residential suburb	2,500 housing units	10,000	Arab residents of Beit Hanina village
3.	Ranot	1973	Jerusalem, north-west, near Rabi Samwil	Residential suburb	750 housing units (8,000 units planned)	30,000	Arab residents of Beit Ikksa village; 100 Arab homes demolished
4.	Ramat Eshkol	1968	Jerusalem, north side	Residential area	1,700 housing units	600	Arab land (expropriated)
5.	French Hill	1969	Jerusalem, north side, along Jerusalem-Ramallah road	Residential area	2,100 housing units	15,000	Arab land, land from Catholic convent
6.	Nahalat Defna		Jerusalem, north of town	Residential area	250 housing units	270	Arab families Waqf properties
7.	Gilo Sharafat (Gilo)	1973	Jerusalem, south near Beit Jala	Residential suburb	1,200 housing units out of 10,000 planned	4,000	Palestinian residents of Jerusalem, Beit Jala, Beit Safafa and Sharafat
8.	East Talpiot	1973	Jerusalem, east of Jabal Al-Mukabber where UN headquarters was situated	Residential area	1,000 housing units (3,000 planned)	20,000	Arab residents of Jerusalem, Sur Bahir, Sheikh Sa'ad and UN enclave expropriated
9.	Jewish Quarter (Old City of Jerusalem)	1967	Jerusalem, "Old City" between western wall of Al Aqsa Mosque and Latin Convent	Residential	320 housing units and shops		160 Arab houses demolished, 600 homes expropriated, 6,500 Arab residents evacuated
10.	Hebrew University	1969	Jerusalem, north side	University campus	Offices, classrooms, dormitories and hospital		Expansion of pre-1948 old university for which land expropriated
11.	Sanhedria Extension	1973	Jerusalem, north side	Residential area	250 housing units		Former demilitarized zone, entirely expropriated
12.	Shiloh	1976	East of Nablus-Ramallah road	Gush Emunim		15,000	From villages of Tamus Ayya, Qaryut, Abu-Elfalah and El-Maghireh
						80 to 90	Dunums closed off, almond trees cut down
13.	Kochav Hashahar	1975	North-east of Taiyyibe village	Nahal, then Kibbutz	Agriculture	4,000	Land from Dier Jarir and Kufur Malik; water from Ain Samia, Ramallah's sole water source
14.	Ofra b/ (Ba'al Hatzor)	1975	East of Ramallah on Jericho road	Gush Emunim	Workshops and agriculture	350	100 dunums from Ain Yabrud village, 250 dunums from Silwad village
15.	Mevo Horon	1969	Latrun salient	Moshav	Agriculture	16,000	Mevo Boron
16.	Beit Horon b/	1977	Mid-way on Latrun-Ramallah road, near Tira	Gush Emunim		150	Initial takeover of Arab land
17.	Mevo Horon Dalet (Matatyahu)	1977	Latrun area, 3 km from armistice line		Agriculture		DMZ - (Midya Arab village prior to 1948)
18.	Rfar Ruth	1977	Latrun area, 1 km south-east of Shayelet settlement		Agriculture		DMZ - (site of Midya village), thousands of dunums of irrigated lands
19.	Givat Hamivtar	1975	On north side of Jerusalem		350 housing units		Land area entirely expropriated
20.	Canada Park	1976	Latrun salient, on Latrun-Ramallah road	Jewish National Fund Park		4,200	Land of destroyed villages of Yalu, Imwas and Beit Nuba (including 1,500 dunums of orchards)
21.	Raminim b/	1977	North-east of Taybeh and Ramun villages, north of Ramallah-Jericho road	Nahal		300	Residents of Taybeh village (expropriated lands)
22.	Beit El	1977	North of Ramallah-Nablus road	Gush Emunim		35	Arab land. Settlement to expand on 250 dunums of expropriated land
23.	Giv'on b_/_	1977	North-west of Jerusalem, near El-Jib village	Gush Emunim			Ex-Jordanian military base. 5,000 dunums needed to be expropriated from El-Jib village
24.	Shayelet (Mevo Hori'im)	1977	Latrun area	Moshav	Agriculture		DMZ land (site of Arab village of Midya)
25.	Neve Zuf (Nabi Saleh)	1977	North-west of Ramallah, near Beir Micham	Gush Emunim		400	Closed off, including 100 dunums of wheat fields and almond trees of Nabi Saleh villages
26.	Mehola	1968	Jordan valley, north end of West Bank	Nahal until Nov. 1969, then moshav	Field crops, metal factory 1 well and	3,000	Residents of Bardala and Ain el-Beida

					1 reservoir		villages. Water supply of villages depleted by wells of Mehola
27.	Argaman	1968	Near end of Damiya-Nablus road	Nahal until May 1971, then moshav	Agriculture 5 absentee wells and 1 reservoir	5,000	Arab agricultural land, including 1,000 dunums from Marj al-Maja
28.	New Massuah	1976	Jordan valley, south of Nablus-Damiya road			800	Residents of Arab villages of Al-Ajajra and Jiftlik
29.	Massuah	1970	Jordan valley, just south of No. 28	Nahal until May 1974, then kibbutz	Vegetables, fishpond, water from Hamra, 1 well, 2 reservoirs	3,000	Residents of Al-Ajajra and Jiftlik villages, "expropriated land"
30.	Phatza'El B'	1977	South of settlement No. 29	Rural settlement		1,500	Arab land
31.	Phatza'El	1970	End of south-west road from Aqraba [Agaba?]	Moshav	Vegetables 3 wells "60Q cubic metres per hour" 1 reservoir	3,000	Residents of Fazayil village
32.	Tomer	1976	Jordan valley, south of settlement No. 31		Hothouse vegetables	Unknown as construction still going on	
33.	Gilgal	1970	Jordan valley: south of settlement No. 32	Nahal until May 1973, then moshav	Vegetables, citrus, field crops	3,300	Arab land field crops "plan to pump water from Jordan river"
34.	Netiv Hagdud	1976-1977	South of Gilgal settlement No. 33	Nahal to become moshav		Unknown as construction still going on	
35.	Mivsom (Na'aran)	1977 began construction	Jordan valley, near Arab village of Awja	Nahal to become moshav			Land expropriated from residents of Al-Awja village
36.	Yitav	1970	West of Al-Awja village	Nahal until Oct. 1976, then kibbutz	Vegetables, field crops	2,000	Arab land from Al-Awja village "including that of absentee owners", water from Ain Al-Awja and two wells nearby
37.	Almog	1977	Jordan valley: north-west of Dead Sea	Nahal			Water supply drawn by 12-inch pipeline from well near Aqbat Jaber, Jericho refugee camp
38.	Kalia	1968	Jordan valley: north-west of Dead Sea	Nahal until 1975, then kibbutz	Vegetables, dairy, vineyards, fishponds		Previously Jordan army camp, water supply from Wadi Kelt west of Jericho
39.	Mitzpe Shalem	1970	Dead Sea, west shore	Nahal then kibbutz	Date palms, vegetables	over 50	
40.	Malki Shua	1976	North edge of West Bank, south of Mt. Gibboa, access road from Beit Shean	Nahal			
41.	Po'I	1974	"Limit of settlements" road (IS), north end	Nahal, then moshav by 1978	Agriculture	2,500	Tubas village residents, land cultivated with wheat
42.	Bega'ot	1972	IS road, north end: south of Ro'I (No. 41)	Moshav	Poultry, vegetables, citrus	5,000	Tamun village, land closed off
43.	Hamra	1971	IS road, on east West Nablus-Damiya road, in lush valley. Farm land	Moshav	Vegetables, flowers, citrus, poultry; 1 well, 2 reservoirs, 12-inch water pipeline to Massuah (No. 29) in Jordan valley	450	Land from Bab al-Nagab village; valley land near Damiya Bridge 450 dunums of "absentee owner grove"
44.	Mekhora	1973	IS road, south of Hamra (No.43)	Nahal until July 1976, then moshav	Vegetables, fruit	4,000	Beit Dajan and Beit Furik villages water supply includes 1 well, 3 reservoirs
45.	Gitit	1972 Aug.	IS road, near east-west Aqraba valley road	Nahal until Dec. 1975, now kibbutz	Vegetables, field crops	5,000	Land from Aqraba closed off, sprayed with defoliants early 1972
46.	Ma'al Ephraim	1972	IS road, on east-west Aqraba valley road	Regional centre		200	Arab land
47.	Nevo Shiloh (Givat Aduma)	Nov. 1976	South of Ma'al Ephraim settlement No. 46			1,300	Residents of Tumus Ayya, Abu-Fallah and al-Hughayyir villages
48.	Mishor Adomin (Ma'ale Adomin)	Nov. 1974	Dominates Jericho-Jerusalem road	Industrial estate and army base; Gush Emunim settlers	Industry	(81,000)	70,000 dunums closed off Oct. 1972 by army; additional 1700 dunums expropriated from villages of Abu Dis, Itaaryya and Issawyya 10,000 dunums from Silwa; 300 dunums from Silwa and Anota
49.	Mitzpeh Jericho	early 1978	East of Mishor Adomin settlement (No. 48) overlooking Jericho				Land expropriated from above-mentioned villages
50.	Reihan (Nei'ami, Bet)	1977	North-west of Jenin, 3 km beyond armistice line	Nahal, 1978 kibbutz	Agriculture		Arab land
51.	Dotan (Sanur)	Oct. 1977	Along Nablus-Jenin road in Sanur valley	Gush Emunim			Land of pre-1967 Jordanian police station near Sanur village

52.	Natal Ma'ale	Jan. 1978	East of Nablus-Jenin road	Gush Emunim		550	Land confiscated from Silat Al-Dhaha village including 25 olive trees
53.	Shomron	Oct. 1977	On Nablus-Jenin road			1,680	Kufr Sur village
54.	Sal'it (Tsur Nathanael Bet)	Aug. 1977	South-east of Tulkarm	Nahal		1,000	Kufr Sur village half of land privately owned (cultivated), half common land for grazing
55.	Elon Moreh (Qaddum)	Dec. 1975	Near Nablus-Qalqilya road	Gush Emunim		300	Arabs of kufr Qaddum village
56.	Qanay-Shomron	Oct. 1977	South side of Nablus-Qalqilya road, near Jinsafut village	Gush Emunim		150	Taken from villages Jinsafut, Hajj and kufr Iagif
57.	El Qana b/ (Mes'ha Pe'erim)	April 1977	South-east of Qalqilya	Gush Emunim Nahal		10 300	Site of former Jordanian police station from Mes'ha village
58.	Tafuah (Bareget)	Jan. 1978	Along Nablus-Ramallah road 13 km south of Nablus			150	Arab villagers of Yasuf
59.	Haris	Feb. 1978	2 km west of Nablus-Ramallah road, near Salfit junction	Nahal 2 km access road built		800	300 dunums expropriated for military camp 500 dunums of pasturage closed off from villages of kufr Haris, Harda and Salfit
60.	Har Gilo	1976	In Beit Jala village area	Residential suburb		400	Grapevines and fruit trees expropriated from Beit Jala residents, June 1976
61.	Efrat	1978	On road south of Bethlehem			7,000	Expropriated land, most of which cultivated
62.	Takoah	June 1975	South-east of Bethlehem near Hebron	Nahal		3,000	Land expropriated from Rafidya village
63.	Elazat	Oct. 1975	South of Bethlehem	Religious moshav	Chemical laboratory electronics	350	Vineyards expropriated from Hadar village, 1973
64.	Rosh Tzurim	July 1969	North of Hebron (Etzion bloc)	Kibbutz	Poultry	3,000	Including site of pre-1948 settlement plus expropriated land from Nahalin village
65.	Alon Shvot	July 1969, settlers, 1972	North of Hebron (Etzion bloc)	Regional centre for religious Jews	Yeshiva students plus families commute to Jerusalem	1,200	Land expropriated in 1969 from Arabs
66.	Kfar	Sept. 1967 first settlement on the West Bank	North of Hebron (Etzion bloc)	Kibbutz	Some agriculture, a factory		Site (1943-1948) of Etzion Jewish settlement and cultivated land (vineyards)
67.	Migdal Oz	1977	West of Hebron (Etzion bloc)	Kibbutz	Agriculture	1,000 to 2,000	Residents of Beit Umar village, closed first as military area 600 plum and almond trees uprooted in Dec. 1977
68.	Qiryat Arba b/	1970	Adjoins town of Hebron	Urban settlement	Factories, services, some commute to Jerusalem 401 housing units	4,250	Individuals from Hebron and Halbul, of which 1,500 dunums expropriated
69.	Yattir	July 1977	South of Hebron, near armistice line	Gush Emunim Moshav		17,000 planned to be fenced	Pasture land
70.	Zohar						
71.	Sailat Dhahr	1978	On Nablus-Jenin road			550	Expropriated from Arab residents of Sailat Dhahr
72.	Anatot	Late 1978	North of Jerusalem			3,000	Expropriated from residents of Anata ' village
73.	Ya'afu Horom	1978	Near Arab village of Yatta, west of Hebron				
74.	Tretseh						
75.	Jericho	Approved 1978	Jericho area				
76.	Zif	1978	South of Hebron	Under construction			
77.	Neweimeh	1979	Near Jericho				
78.	New Kfar Etzion	1979	On road between Bethlehem and Hebron				
79.	Huwara	1979	Few miles east of Nablus	600 settlers already live there			
80.	Tell Kebir	1979; still under construction	New location/village of Deit El Hatab in the district of Nablus				
81.	Karnev Shomron (b)	mid-June 1979	On the main road between the towns of Nablus and Tulkarm, 3 kilometres west of the settlement of Karnev Shomron (a)				
82.	Karnev Shomron (d)	Sept. 1979	South of the settlement of Karnev Shomron (a)			Scheduled to accommodate 100 families initially and 300 families after 5 years	
83.	Reihan	Sept. 1979	in the district of Jenin/third settlement			to accommodate	

						50 families initially and 100 after 5 years	
84.	Elazar	Sept. 1979	District of Etzion in the vicinity of another settlement, Eliazar				
85.	Yafit	second half of 1979	in the district of Jiftlik			500	confiscated land from Arab owners in the Jordan Valley
86.	Gebeiot Oz (b)	beginning of 1980	Between the villages of Sha kh, Iskandar and Kafr Salim in the district of Jenin				
87.	Reihan (e)	1980	East of the settlement of Reihan (b) , in the district of				
88.	Eidan	July 1980	middle part of Wadi Araba, south of the Dead Sea			presently populated by 17 families and due to be joined by a further 20	Government-owned land previously sealed off
89.	El Qana (b)	July 1980	east of the settlement of El Qana, west of Nablus			111	Government-owned land previously sealed off
90.	Karney Shomron (h)	began construction Sept. 1979	8 km west of Karney Shomron (a)	scheduled to accommodate 100 families initially and 300 more after 5 years			
91.	Ma 'ale Adomim	1979	north-east of Jerusalem el-Khan (El Aher)				
92.	Ma 'ale Adomim (c)	1979	East Jerusalem			400	Land belonging to Jerusalem
93.	Mehola (b)	1979	North of the Jordan Valley	Consists only of military tents			
94.	Nahal Maoz	1979	north-east of Hebron in the district of Al Yaghama	established as a camp to protect settlements in the district			
95.	Airel (b)	1979	In the district of Salfit, next to the settlement of Ariel (Haris)			1,330	Villages of Mardeh and Sikaka
96.	Leona	1980	on the Jerusalem-Nablus				Village of Al-Iaban
97.	Beit El (b)	1980	in the district of Ramallah				Village of Beitein
98.	Efrat (town)	mid-October 1979	West Bethlehem, centrally located in relation to the Kfar Etzion			1,300	Village of Al Khudr
99.	Giv'a Hadasha	decision on its establishment - mid-October 1979	in the vicinity of another settlement, Giv'on, district of Ramallah			85	confiscated land, belonging to the village of El-Jib
100.	Matatyahu	1976	District of Ramallah			600	Private land of inhabitants of the village of Naalein
101.	Giv'on (b)	1977	District of El-Jib, north-west of Jerusalem				
102.	Elon Moreh c/	June 1979	5 kilometres south of Nablus			1,300	villages of Rujeeb and Aurta
103.	Neve Tzuf	Sept. 1979	between the villages of Deir Bailout and Aboud, north of Ramallah			900	
104.	Dotan	1977	south of Jenin, near the village of Araba	scheduled to accommodate 150 families nitially and rising to 500 within 5 years			
105.	Ariel (Haris) b/	1977		currently inhabited by 30 Jewish families		500	villages of Kafr Haris (Salfit)
106.	El Qana	1977	in the district of Abu-l-Qarnain on the Nablus road	scheduled to accommodate 500 Jewish families		150	2/3 of area previously privately owned by Arab citizens
107.	Tafvah	1978	in the district of Jenin				village of Taffouha

Source: List of settlements, maps, information supplied by the Government of Jordan as of September 1980.

a/ Report of the Security Council Commission established under resolution 446 (1979), document S/14268 of 25 November 1980.

b/ Settlement planned for expansion (for details, see annex III below).

c/ Work on settlement suspended following Israeli Supreme Court order. Instead, a new settlement was started (Tell Kebir) as an alternative. Elon Moreh settlement was not abandoned.

B. ISRAELI SETTLEMENTS IN THE GOLAN HEIGHTS a/

	Name	Date founded	Location	Type	Economic base	Land used (in dunums)	Original landowners
1.	Neve Ativ	1971	South slope of Mount Hermon	Moshav	Ski-station/400 dunums apples at Benia's spring	Total land of village	Syrian village, dab'at azzayat
2.	Shir	1967	Edge of ex-DMZ pasture on-Golan	Nahal up to 1968, then kibbutz	Agriculture		Syrian village lands
3.	Har Odeh	1976	Mount Odeh/between from Mas'ada and Bugatha villages	Moshav	Industrial base established	200	Syrian nature reserve 200 dunums from Bugatha
4.	El Rom	1971	North, near Bugatha	Kibbutz	Agriculture	Total land of	Syrian village

					(apples)	Ainkharja, some land from Bugatha	Ainkharja and some land Bugatha
5.	Merom Golan	July 1967	North, west of Quneitra	Kibbutz	Cattle, 6,000 dunums field crops	6,000	Agricultural land west of Quneitra
6.	Ein Zivan	1968	North, west of Quneitra	Kibbutz	Agriculture, 340 dunums orchards in Quneitra	340 orchards	Agricultural land west of Quneitra; near former Syrian village, Ain Ziwane
7.	Katzrin	1973	Centre-West, near Yaakov bridge across Jordan River	Industrial centre, field-school	Industries (200 housing units under construction)		Near Syrian village, Qasrine
8.	Keshet	1974	Originally in Quneitra, then in Khusniya	Religious moshav, Gush Emunim settlers	Plans for field-school, botanical garden, wood-working, agriculture		Syrian town, Khusniya
9.	Ani'em	1976	South of Katzrin (No. 7)	Industrial; moshav	Industries		Syrian village land, Qasrine
10.	Yonatan (Yonati)	1975	Tel faraz, south of Keshet (No. 8)	Bnei Akiva religious youth movement	Agriculture		
11.	Sha'al	1976	Centre	Moshav	Agriculture, industries		Syrian village
12.	Gamla	1976	Overlooks Lake Tiberias	Moshav	Agriculture		Syrian village lands
13.	Ramot	1969	Overlooks Lake Tiberias	Moshav	Agriculture		Syrian village land
14.	Merkaz Hisfin (Khisfin)	1973	South Golan	Rural centre			Syrian town Khisfin
15.	Ramat Magshimim	1968	South-east 1.8 km from buffer zone	Moshav	Agriculture, cattle		Former Syrian Army base
16.	Avni Eitan	1976	South Golan	Moshav	Agriculture		
17.	Nov (Kab)	1972	South Golan	Moshav	Agriculture, reservoir nearby		
18.	Geshur	1969	South, moved west due to 1974 disengagement	Nahal	Field crops		
19.	Eli-Al (El-Al)	1968	South Golan	Nahal until May 1973, then moshav	Agriculture		
20.	Givat (Yo'av)	1968	South Golan, adjoins No. 21	Histadrut Moshav	Field crops, poultry, cattle		
21.	Merkaz Bnei Yahuda	1972	South Golan, joint entrance with No. 20	Rural centre			
22.	Ne'ot Golan	1968	South, overlooks Lake Tiberias	Moshav	Agriculture	100 dunums field crops	
23.	Afik	1967	South Golan	Nahal until 1972, then kibbutz	Agriculture		Near Syrian town Fiq
24.	Kfar Haruv	1973	South, overlooks Lake Tiberias	Kibbutz	Agriculture		Near Syrian village Kafr Hared
25.	Hevo Hanna	1968	South, overlooks Lake Tiberias	Kibbutz	Agriculture; tourism at Hanna Springs, pasture	25,000	Syrian village at Hanna Springs
26.	Urtal	1978	Centre-west	Kibbutz	Industries planned		Syrian village land
27.	Ramath Shalom						
28.	Bar Shifon						
29.	Dalhmiya						
30.	Natur	1980	5 km south-west of Ramat Maghshimim				

Source: List provided by the Government of the Syrian Arab Republic. Information on settlements provided by Ann M. Lesch.
a/ Report of the Security Council Commission established under resolution 446 (1979), document S/14268 of 25 November 1980.

C. ISRAELI SETTLEMENTS IN THE GAZA STRIP

	Name	Date founded	Location	Type	Economic base	Land used (in dunums)	Original landowners
1.	Netzarim	1972	4 km south of Gaza City, between north-south highway and coast	Nahal became moshav	Agriculture	700	Land expropriated from Abu Madyan Arab tribe, early 1971
2.	Kfar Darom	1970	South of Mughazi refugee camp, east side of north-south	Nahal until 1978, then kibbutz	Glasshouse vegetables	200 enlarged to 400	
3.	Netzer Hazani	1973	North of Khan Yunis	Nahal until 1977, then moshav	Glasshouse vegetables	300	State land
4.	Katif A	1973	West of Netzer Hazani settlement (No. 3) between Deir El Balah and Khan Yunis	Moshav	Glasshouse vegetables))))) 1,000	
5.	Katif B	1978	Close to Katif A settlement		Glasshouse vegetables)	
6.	Katif C	1979	Close to Katif A and B				
7.	Morag	1972	On coast between Khan Yunis and Rafah	Nahal, then kibbutz	Agriculture	12,000	Land expropriated from from Umm Kalb village, El Abadella, Khan Yunis early 1971
8.	Eretz Azoor	1969	North-east of Gaza City		Industries	800	
9.	Nahal Taadeel	1972	Close to Gaza and Deir El Balah next to El Ogool	Nahal	Agriculture	4,000	State land
10.	Holeet	1977	Close to Rafah			300 housing unit	

11.	Beit Lahat (under construction)		North Gaza				
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Source: List of settlements provided by the following: the Government of Egypt; Najib Al-Almad, Special Representative, Political Department, Palestine Liberation Organization; Ann M. Lesch, former representative in the Middle East of the American Friends Service Committee, from part of her testimony before the Subcommittee of the Committee on International Relations, United States House of Representatives, 19 October 1979.

Annex II a/
SETTLEMENTS ALREADY ESTABLISHED OR BEING ESTABLISHED IN JUDEA AND SAMARIA

	<u>Established</u>	<u>Name of Settlement</u>	<u>Type of Settlement</u>	<u>Settlement movement</u>	<u>Area/bloc</u>
1.	1967	Kfor Etzion	Kibbutz	Religious Kibbutz	Etzion
2.	1968	Qiryat Arba	Urban	-	Hebron
3.	1969	Har Giloh	Urban	-	Etzion
4.	1970	Mevoh Horon	Moshav	Poulei Ayudat Yisrael	Modiim
5.	1970	Elon Shvut	Regional Centre	-	Etzion
6.	1975	Kedumim	Communal	Amanah	Kedumim
7.	1975	O'frah	Communal	Amanah	Beit-El
8.	1975	Rosh Tzurim	Kibbutz	Religious Kibbutz	Etzion
9.	1975	Mishor Adumim	Industrial centre	-	Adumim
10.	1977	El 'Azar	Industrial Village	Association of the Moshavs of the Mizrahi worker	Etzion
11.	1977	Belt Horon	Communal	Amanah	Givon
12.	1977	Halamish	Communal	Amanah	Halamish
13.	1977	Sanor	Communal	Amanah	Shavei Shomron
14.	1977	Shave i Shomron	Communal	Amanah	Shavei Shomron
15.	1977	Belt El	Communal	Amanah	Beit El
16.	1977	Belt El b	Urban	-	Beit El
17.	1977	Mitzpeh Yeriho	Communal	Amanah	Adumim
18.	1977	Migdal Oz	Kibbutz	Religious Kibbutz	Etzion
19.	1977	Kokhav Hashahar	Communal	Amanah	Beit El
20.	1977	Mevoh Shiloh	-	-	Shiloh
21.	1977	Rimonim	Communal	Agricultural Union	Beit El
22.	1977	Karnei Shomron	Urban	-	Karnei Shomron
23.	1977	Mahaneh Givon	Urban	-	Givon
24.	1977	Elkaneh	Urban	-	Ariel
25.	1977	Shiloh	Communal	Amanah	Shiloh
26.	1978	Arich	Urban	-	Ariel
27.	1978	Salit	Industrial Village	Herut-Bitar	Salit
28.	1978	Taquah	Communal	Amanah	Ariel
29.	1978	Teguah	Communal	Amanah	Etzion
30.	1979	Elon Moreh	Communal	Amanah	Elon Moreh
31.	1979	Maaleh Shomron	Communal	Herut-Bitar	Karnei Shomron
32.	1979	Kfor Adumim	Communal	Amanah	Adumim
33.	1979	Reihan	Communal	Zionist Worker	Reihan
34.	1980	Homesh	Communal	National Worker	Shave i Tzion
35.	1980	Horshah (matzeh Givon)	Communal	Amanah	Givon
36.	1980	Nahal Zohan	Communal	-	Yatir
37.	1981	Mattityahu	Industrial Village	Worker of Ayudat Yisrael	Modiim
38.	1981	Yakir	Communal	Amanah	Karnei Shomron
39.	1981	Beit Ariyeh	Communal	Herut-Bitar	Halamish
40.	1981	Hinanit	Communal	Moshavira Movement	Reihan
41.	1981	Ephrata	Urban	-	Etzion
42.	1981	Ma' ale h Adumim	Urban	-	Adumim
43.	1981	Dotan	Communal	Amanah	Reihan
44.	1981	Ma 'on		-	Yatir
45.	1981	Karnel		-	Yatir
46.	Being established	Karnei Shomron C	Urban	-	Karnei Shomron
47.	Being established	Birgan (Yakir B)	Communal	Amanah	Ariel
48.	Being established	Givat Zeev	Urban	-	Givon
49.	Being established	Makhmesh	Communa l	Amanah	Adumim
50.	Being established	Nili	Communal	-	Modiim
51.	Being established	Mitzpeh Gourin	Communal	Herut Bitar	Har Hebron
52.	Being established	Shave i Shomron (B)	Communal	Amanah	Shavei Shomron
53.	Being established	Ma'aleh Amos (Tekoah B)	Communal	Herut Bitar	Etzion
54.	Being established	Shaked (Hinanit B)	Communal	-	Reihan

Annex III
(Map showing Israeli settlements)
MAP NO.3070 Rev.1
September 1980

Annex VI
(Map of West Bank and Gaza)
MAP NO.3071 Rev.1
September 1980

