



**Arab American University**  
**Faculty of Graduate Studies**

**The Role of Israeli Settlement in Impeding the  
Establishment of a Palestinian State**

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**This Thesis was Submitted in Partial Fulfillment of the  
Requirements for the Master`s Degree in Public  
International Law**

**March / 2023**

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**Thesis Approval**  
**The Role of Israeli Settlement in Impeding the Establishment of a  
Palestinian State**

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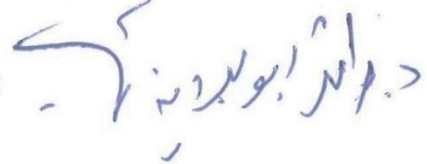
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## Declaration

I, the undersigned, submit the letter entitled:

The Role of Israeli Settlement in Impeding the Establishment of a Palestinian State

I acknowledge that the contents of this thesis are the product of my own efforts, except as indicated where mentioned, and that this thesis in its entirety, or any part of it, has not been submitted before to obtain any scientific or research degree or title at any other educational or research institution.

Name: Qasem Awwad

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A handwritten signature in black ink, consisting of a large, stylized loop followed by the initials 'Q.A.' written in a cursive style.

Date:

## **Dedication**

Thank God for the communication and completion, thank God in Word and deed, thank you and satisfaction

I dedicate my letter to the one whom God has exalted with reverence, to the one whose name I proudly bear, to the one whose darkness has illuminated my prison, "my father."

To the bliss of life and the secret of existence, and to the love and tenderness with us to those who provided me with light in the darkness of my prison "Mother"

To my Derby mate and my hope smile and what life is like with their presence "My wife and children"

To my dear sisters and brothers

To everyone who supported me in my life's journey

To the soul of the martyr Ziyad Abu Ein, head of the Colonization and Wall Resistance Commission, who allowed me, through my work in the Colonization and Wall Resistance Commission, to be who I am today

### **Thankful and Appreciation**

Praise be to Allah, by whose grace good deeds are done, praise be to Allah, the Almighty of Destinies, the creator of night and day, may Allah bless and grant peace on our Prophet Muhammad, on his good gods, and on his righteous and pure companions.

In this regard, I can only express my sincere thanks to the sincere people who spared no effort in helping me in the field of scientific research, and throughout the period of study at the university, especially "Dr. Raed Abubadawia", who accompanied me from the beginning of this study and directed me to compile this research material, revise it and show it in the appropriate form, may Allah be well rewarded.

Thanks also go to my family, who stood by me with all love and sincerity, until the realization of a dream that I had after many years, by completing my mission, in which I endured a lot to achieve and complete it to come out into the light in full.

## **Acknowledgment**

Now as my thesis has been completed, first, I would like to express my gratitude to Almighty Allah to enabling me to complete this research. I would like to thank everyone who supported the research from the very beginning. I am also thankful to the people who have made the essential information accessible to me. My appreciation especially goes to my supervisor,

**Dr. Raed Abubadawia**

Finally, I would like to deliver my sincere thanks to my colleagues and friends.

# **The Role of Israeli Settlement in Impeding the Establishment of a Palestinian State**

**By: Qasem Awwad**

**Supervisor: Dr. Raed Abubadawia**

## **Abstract**

This thesis discusses one of the most prominent topics of the conflict between Palestinians and Israelis, centered on the conflict on the ground. The Palestinians are the owners of the right and suffer from the policy of expulsion from their land by successive Israeli settlements in favor of the settlement project in the West Bank. This study aimed to shed light on the policy of Israeli colonial settlement and its projects in the Palestinian territories and the geopolitical implications on the possibility of establishing a Palestinian state, especially in light of the continued official adherence to the two-state solution as a framework for resolving the conflict.

This study has achieved its objective by tracking the various settlement projects and the way they are geographically distributed and the implications of this on the geographical connectivity of the Occupied Palestinian territories. This study has come up with several results, the most important of which are: the geographical distribution of settlement sites took the form of settlement belts around the governorates of the West Bank, in addition to the role of settlements in isolating Palestinian villages from major cities, in addition to the geographical control of most of the West Bank areas produced by settlements and their scattered locations.

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## **Chapter one**

### **Introduction to the Study and its Theoretical Background**

#### **1.1 Background of research**

The control of the Palestinian territories and their cleansing from their indigenous inhabitants is the essence of the philosophy pursued by the Zionist movement since the emergence of the idea of settling Jews in Palestine, and Israel has followed it after it was carried out in a systematic and thoughtful way. The invasions of the Occupied Palestinian territories were accompanied by a demographic change process in all cases of land seizure, and large numbers of Jews were brought from all over the world to replace the indigenous population.

Settlement in Palestine began in the nineteenth century with the beginning of the Zionist movement, and what followed during the Nakba of Palestine in 1948, when the Israeli governments sought to force the Palestinians to leave their lands by force in order to displace the Palestinian population from its lands and ethnically cleanse it, so the powers were given to army officers to use maximum force for this purpose.

After the June 1967 war, it became clear to the Israeli government that repeated displacement of Palestinians was no longer possible, as happened in 1948, which exposed Israeli settlement policies, but that exposure did not prevent it from displacing and expelling Palestinians from their areas of residence, as happened to the residents of Jerusalem living in the neighborhoods surrounding the Temple Mount, where they were forcibly expelled from those areas.

The settlement process in the West Bank is an ongoing process and an extended journey to control the Palestinian territories by displacing them outside the Occupied Palestinian territories, or by grouping them in specific areas with a high population density. There are areas that are still under the control of Israel.

After talking about the possibility of concluding peace agreements between Palestinians and Israelis in the late eighties and early nineties, which ended with the conclusion of the Oslo Accords between the PLO and the Israeli governments, these governments intensified their settlement activity with the aim of imposing a fait accompli on the ground when there was talk of Israeli withdrawals from the West Bank. The establishment of a Jewish majority in these areas, in order to block the way to the establishment of an independent sovereign Palestinian state in the territories occupied in 1967.

## **1.2 Research problem**

The majority of the members of the international community, specifically Europe and the United States, still believe in the possibility of applying the two-state solution to the Palestinian-Israeli conflict, in light of the geopolitical and demographic changes imposed by the policies of the Israeli occupation on the West Bank, while others believe that it is not possible to resolve this conflict based on the framework of the two-state solution.

The way of establishing colonial sites in the West Bank and Jerusalem created a complex situation of geopolitical reality that made this presence affect the totality of Palestinian rights guaranteed by international agreements represented by international humanitarian law, human rights charters and other resolutions of international

legitimacy that have repeatedly confirmed the illegality of settlement on the Palestinian territories occupied in 1967, this settlement leads to preventing Palestinians from taking advantage of their sovereign rights and the continuity of the geography of the Palestinian state and puts obstacles and life difficulties on them, which ultimately serve the main goal of occupation, which is to empty the land of its inhabitants indigenous peoples and the absolute exploitation of their Palestinian resources.

The main problem of the study, which seeks to determine the main motive, the basic Israeli idea and the real goal behind the implementation of the continuous occupation since 1967 of its settlement projects, including the establishment of settlement sites, in addition to identifying the most important damage caused by the establishment of these settlement sites and what affected the geography of the future Palestinian state, and research into all the geopolitical implications embodied on the ground and the opportunities for the possibility of establishing a full Palestinian state.

Especially with the international community continuing to support the two-state solution and at the same time the inability of the international community to put pressure on Israel to stop the settlement, which creates geographical and demographic facts in the Palestinian Territories, makes the researcher investigate the possibility of establishing a Palestinian state in light of the new facts imposed by this settlement on the ground.

### **1.3 Study questions**

This study seeks to answer a number of questions, namely:

1. The main question: What is the impact of the settlement on the possibility of the Palestinian people to exercise their right to self-determination and the establishment of their state in light of the demographic and geographical facts imposed by the Israeli settlement on the ground?
2. What tools are used by the occupation authorities to promote the settlement project?
3. What is the impact of the geographical distribution of settlements on the establishment of a Palestinian state?
4. What measures are being taken by the occupation authorities to promote the settlement project?

### **1.4 Study importance and justification**

The importance of the research is due to the statement of the impact of the establishment of Jewish settlements in hindering the establishment of a Palestinian state, and the research in the diversity of motives and their sequence and mechanisms shows the real purpose of this settlement project, which contributes to the formation of a Palestinian and international vision that understands the reality of this settlement clearly and more clearly so that it can reduce its impact, mitigate it or even resist it by all international legal and political methods and Means. Perhaps following this study of the impact of the establishment of these colonial sites will form a more realistic vision capable of answering the question of whether there is still room for the establishment of a Palestinian state despite all these measures, as well as this study contributes to

providing the political framework with documented information that qualifies it to reject any projects put forward with full awareness that disabling it for any part or parts of this occupation settlement project will contribute to mitigating the impact on our people and our cause and more opportunity to preserve the hope of establishing a Palestinian state in the presence of settlements, and this is what I aspire this study to answer.

### **1.5 Study objectives**

This study seeks to achieve the following objectives:

1. Identify the major settlement projects and their most important geopolitical effects on the Occupied Palestinian Territories.
2. Identify the motives, justifications, pretexts and Israeli strategy that establish the establishment of these settlement sites.
3. Identify the political geography of Palestine in a concrete way on the ground that shows the size of settlements and settlement sites in the West Bank and east Jerusalem.
4. Reviewing the areas covered by the occupation measures and analyzing their geopolitical implications.
5. Identify the different patterns of the occupation settlement presence in the West Bank and east Jerusalem and link these projects to each other.

### **1.6 Research methodology**

This study is based on the following approaches:

1. Descriptive analytical method: which works to find out the reasons and interpret them in a logical way and try to find appropriate solutions to them, in order to

find out the reasons and factors that led to the intensification of settlement projects and the establishment of their sites in more areas than others, in addition to identifying the effects of settlement, which will give the researcher the ability to determine the real goals behind the establishment of these sites and the growth of the settlement project.

2. Historical approach: I have tracked the settlement project historically from its inception to today, indicating its most important historical stages; in order to track and sequence the growth of the settlement project to identify its goals and complementary objectives.

## **1.7 Study literature**

There are many studies that have dealt with the topic of Israeli settlement in the Occupied Palestinian territories, including some that discuss the types of settlements, some that follow their geographical distribution in an abstract way, some that discuss settlement within specific regional areas, and some that discuss its political impact and developmental impact. The most important of these studies:

1. "The impact of Israeli settlement policies on the future of the Palestinian cause in the period from 2002 to 2018," Wael Mohammed Rabie this letter discussed the control and seizure of Palestinian lands by successive Israeli governments of different ideologies, expelling their people, establishing settlements on them, and bringing Jews from abroad to settle there. The study focused on the importance of developing policies to activate peaceful popular resistance and tools for its implementation, provided that it is a continuous resistance and is not limited to the area of the event but includes all areas of the West Bank, including

Jerusalem, and takes multiple forms of struggle to disperse the occupation authorities.

2. "Israeli settlement in the West Bank and its impact on political development", Bilal Mohammed Saleh Ibrahim, this study highlighted the policy of expulsion and displacement of the Palestinian people in the West Bank and east Jerusalem by successive Israeli governments in favor of the settlement project. the researcher touched on the settlement policies through the different stages of the occupation of Palestine, focusing on the settlement in the West Bank after the Oslo Agreements concluded between the two sides in 1993.
3. "Atlas of settlement sites", the organization of resistance to the wall and settlements - the Information Center, where he addressed the distribution of settlement sites in all Palestinian governorates, and their impact on the territories controlled to establish these settlement sites. This atlas also discussed – through comparative aerial photographs – the ongoing settlement expansion and the process of its expansion.

All studies have come short of studying and assessing the geopolitical impact of settlement sites in the Occupied Palestinian territories, and my study came to link all the factors associated with colonial settlement, its location and geographical distribution, as a key factor in transforming the Occupied Palestinian territories into a group of cantons and ghettos.

## **1.8 Study plan**

In order to answer the questions of the study, I divided this study into five chapters, where the first chapter dealt with a methodological introduction to the study and its theoretical framework. The second chapter clarified the position of international law on settlements, while the third chapter deals with the tools of the Israeli occupation to implement its settlement projects. The fourth chapter of this study dealt with the geographical effects of the settlement distribution, while the fifth and final chapter drew conclusions about the consequences of the settlement and its geographical distribution and its impact on the possibility of establishing the expected Palestinian state.

## **Chapter Two**

### **Settlements and International Law**

The settlers have used various means to expel the native population through extermination, terrorism and repression. They have as well innovated twisted methods and strategies to justify, their violations, and their colonization of lands.

As the settlers established and consolidated their dominance, they perpetuated a regime of terrorism, genocide, and racism against the native peoples. Despite repeated attempts by native peoples to reclaim their stolen lands and defend their rights, they have consistently faced marginalization, subjugation, and exploitation. In light of these historical realities, many indigenous communities have come to view resistance, armed struggle, and revolution as the only viable means of achieving liberation from settler colonization and securing their sovereignty and self-determination.

The Zionist movement has pursued a policy of planting settlements in Palestine, with the aim of controlling the land and expanding the presence of settlers in the region. To achieve this objective, the movement has established approximately 500 colonial settlement sites in the West Bank governorates, which it has sought to transform into cantons and ghettos. The implementation of this policy has involved the declaration of military zones, the confiscation of state lands, and the acquisition of Palestinian lands under security pretexts for the purpose of building roads and other infrastructure projects to serve the settlement project. The ultimate goal of these measures has been to displace as many Palestinians as possible from their ancestral lands. As of 2023, the West Bank has a total area of 5,654 square kilometers, of which 52% has been subjected

to such measures. The occupation has also established a series of outposts, security zones, industrial areas, and service zones in addition to the settlements themselves. These measures have been accompanied by a range of policies aimed at consolidating Israeli control over the region, and have had a profound impact on the lives and livelihoods of the Palestinian people.

The Israeli settlement project in the Palestinian Territories has been a primary source of concern for the Palestinian people throughout the years of occupation, particularly in recent times as the number of settlements has grown significantly, posing a grave threat to the survival of the Palestinian state. This chapter aims to investigate the origins of the Israeli settlement scheme in the Palestinian territories within the framework of international law, utilizing the following analytical tools:

### **2.1: Settlement history**

### **2.2: The motives of the settlement project**

### **2.3: Settlement projects and tools**

## **2.1 Settlement history**

Since its occupation in 1967, the West Bank has been the site of the largest and most sustained settlement expansion in the history of the Israeli-Palestinian conflict. This expansion has taken the form of increased numbers of settlements and settlers, as well as the confiscation of Palestinian land for the purposes of settlement construction. These efforts are part of a larger strategy to absorb as many Jewish settlers as possible in the West Bank, with the ultimate goal of Judaizing the region and precluding the possibility of an independent Palestinian state. Although settlement in Palestine has a long history, dating back to the early years of the Zionist movement, the current phase of settlement expansion in the West Bank can be understood through the following stages:

### **2.1.1 The settlement phase before the establishment of the state of "Israel" until 1948, which was adopted by Zionist movements and organizations**

The origins of Israeli settlement in Palestine can be traced back to the emergence of the religious reform movement in Europe during the time of Martin Luther. The movement promoted the idea that Jews were "God's chosen people" and that they had a holy homeland in Palestine that they must return to. The idea of creating a Jewish state in Palestine was first proposed by Napoleon Bonaparte during his campaign against Egypt and Syria in 1799. However, organized settlements did not appear until 1878, when a group of Jews living in Jerusalem established settlements such as Petah Tikva, Zikhron Yaakov, and Rishon Letzion. The Ottoman government recognized the danger of the influx of Jews to Palestine and issued a ban on settling in Palestine in 1882, but the Zionist movement was able to circumvent these laws and increase the number of Jewish visitors and settlers in Palestine. The World Zionist Organization intensified

settlement activity after the first Zionist conference held in Basel, Switzerland in 1897, and the Balfour Declaration in 1917 granted permission for a national homeland for Jews in Palestine. Settlement activities intensified with encouragement from the British mandatory government, and by 1948 Israeli organizations controlled several scattered areas in Palestine. This history of settlement serves as the backdrop for the current situation in the West Bank, where settlement expansion continues to threaten the possibility of an independent Palestinian state.

### **2.1.2 The settlement phase after the occupation of the West Bank**

Israeli settlement activity in the West Bank has been a continuous process since the occupation began in 1967. Starting from the Jordanian army camps, settlements quickly expanded throughout Palestinian territories, resulting in the confiscation of private Palestinian lands. Settlements were initially concentrated in the northern, central, and southern highlands, as well as the Jordan Valley area, as part of the security plan. The expansion continued over the years, increasing the number of settlements and settlers in the West Bank. However, there is no accurate data on the exact number of settlements and settlers, due to factors such as fluctuation in numbers and the Israeli government's reluctance to provide information. Various types of settlements exist, including permanent and temporary settlements, outposts, and military sites. Israeli governments have taken advantage of certain political events to intensify settlement activity, as was the case during the Camp David agreement

The Israeli governments have continually increased the number of settlements in the West Bank since the occupation began in 1967, starting with the camps of the Jordanian army and extending to all Palestinian territories. The settlements were

established on lands that belonged to Palestinian citizens, particularly in the northern, central, and southern highlands, as well as the Jordan Valley area. The Israeli government has constantly expanded these settlements, resulting in a rapid increase in the number of settlements and settlers in the West Bank since 1967. However, it is difficult to determine the exact number of settlers due to fluctuations in the number according to conditions in the West Bank, the Israeli government's refusal to provide accurate figures, and the existence of various settlement types. Israeli governments have exploited political situations, such as the Camp David agreement of 1979, to intensify settlement establishment in certain areas. The development of settlements has been influenced by the different strategies of successive occupation governments and the launch of peace processes, such as the Oslo agreement of 1993, which resulted in an apparent deceptive Israeli commitment to stop settlement. Despite this commitment, settlement projects have continued to be pumped into the West Bank, making settlement a first step for all components of the occupation in proposing their strategies.

In order to comprehensively understand the settlement issue in the Palestinian territories, it is essential to trace its origins and examine the major milestones and turning points that have shaped its development. One such significant factor is the implementation of settlement plans by successive Israeli governments, which has led to increased confiscation, theft, and looting of Palestinian land. The settlement projects were launched according to the ruling political parties' vision, and the peace process that began in 1991 and the Oslo Agreement of 1993 did not lead to a cessation of settlement expansion. Instead, the Israeli government's commitment to halting settlements proved to be deceptive, as settlement projects continued to be intensified, thereby further exacerbating the conflict.

## **2.2 Motives of the settlement project**

Understanding the underlying motives and dynamics behind the settlement phenomenon is crucial for developing effective strategies to address it. The Israeli colonial settlement of Palestine differs from previous colonial projects in that it is based on a historical narrative that asserts the Israeli right to the land and justifies the settlement presence as a return to their ancestral homeland. This narrative is also rooted in Zionist ideology that promotes the seizure of Palestinian territories, making the occupation a global colonial base that links Asia, Africa, and Europe. The settlement project is therefore not just about territorial expansion but also involves the permanent confiscation of Palestinian land and natural resources. The settlement concept is intrinsically linked to the idea of long-term occupation.

### **2.2.1 Historical and religious motives**

Understanding the motivation behind the Zionist movement's colonization and occupation of Palestine is crucial in developing effective strategies to confront it. Unlike other colonizations that ended after short periods, the Israeli colonial settlement of Palestine is ongoing, fueled by a historical narrative that promotes the occupation's right to the land and a Zionist ideology aimed at seizing Palestinian territories. One significant factor driving the settlement project is the religious conviction that Jews have a historical right to Palestine, and that returning to it is part of the Jewish people's destiny. Thus, Israeli governments have utilized biblical religious principles and slogans to promote the narrative that "Judea and Samaria" is the kingdom of the Jews and their historical homeland throughout history.

To achieve their settlement goals, Israeli governments have encouraged Jews around the world to immigrate to Palestine, employing immigration campaigns throughout the history of the occupation and the establishment of new settlements in the West Bank. The Israeli right's ideas and parties are the most radical for the Palestinian territories, considering themselves an extension of the greater state of Israel. They offer material, economic, and security incentives to settlers, allowing them to form an armed security force consisting of 6,000 settlers under the pretext of the so-called settlement guards. This force, including "price-paying gangs" and "hill boys," has carried out bloody attacks against Palestinian citizens, such as the burning of the Dawabsha family and the killing of citizen Aisha al-Rabi, among many other serious attacks.

The settlements established in the Palestinian territories fall into three main groups, with a large percentage being formed for religious reasons in the area or its surroundings. Religious settlements, including Kiryat Arba in Hebron, Ma'ale Adumim in Jerusalem, and Emmanuel on the lands of the villages of Deir Estia and Jinsafot west of Nablus City, make up 48% of all settlement sites. Furthermore, intensive attempts have been made by settlers, with the support of the occupation army, to establish a settlement on Mount Barnat in the town of Asira al-Shamaya/Nablus, claiming that the Yusha Ben Nun altar is located on the mountain.

2- In addition to religious settlements, there are also secular settlements which were established mainly for the purpose of exploiting natural resources and agricultural areas. These settlements were established through the granting of Absentee Property disposer by the occupation government, which allowed the confiscation of lands from their

original Palestinian owners. The proportion of secular settlements is approximately 27% of the total settlement sites in the Palestinian Territories.

Another type of settlement is mixed settlements, which were established under the pretext of security concerns, such as protecting the future borders of Greater Israel. These settlements were established along the Jordan River to reach the Dead Sea. The type of settlement sites is a very recent expansion, as the occupation government announced a group of nature reserves in the same place, and the occupation decision issued in 2018 included the confiscation of 12,800 dunums from Palestinian citizens in areas adjacent to these settlements.

### **2.2.2 Security motives**

Israel's settlement network across Palestinian territories serves as evidence of its pursuit of security goals. The choice of settlement sites and military points in the Highlands, as well as the presence of checkpoints throughout Jerusalem and the West Bank, underscores this motive, which has been further emphasized by the separation wall. The establishment of agricultural settlements in the West Bank, particularly in the Jordan Valley, surrounded by security settlements covering 1,306,336 km<sup>2</sup>, has been justified by Israel as necessary to prevent acts of resistance, particularly in the Jordan Valley. Israel also maintains settlements in areas separating the occupied West Bank (1967).

Settlers believe that the presence of settlements in Palestinian territories will safeguard their security during any conflicts or wars with the occupation, as the other side will avoid targeting the lands where Palestinians reside. Consequently, the West Bank is considered a haven for Israelis during attacks, as was seen during the rocket

attack by Hezbollah in 2006 during the war between Israel and Lebanon, as well as for residents of settlements close to the range of rockets fired from the Gaza Strip by resistance groups.

To increase security control over the West Bank and Jerusalem and to isolate Palestinian cities, the occupation has developed plans to transform the West Bank into cantons and security enclaves, deploying settlement sites and intensive military barriers. The occupation has implemented five enclaves within the cantons and enclaves project in the West Bank, in addition to tightening control over Jerusalem:

In this thesis paper, the focus is on Israel's construction of three isolators that aim to isolate and annex parts of the Palestinian Territories.

### **The first isolator is the Western isolator**

Also known as the wall of annexation and expansion. Construction began in 2002 and it is located within the West Bank territory along the armistice line. Once completed, it will isolate approximately 10% of the West Bank area and around 1.5 million Palestinians living in approximately 200 communities. The purpose of this isolator is to annex Israeli thousands of agricultural dunums and natural water basins and wells in the area.

### **The second isolator is the eastern isolator**

Also known as the scheme. It is an Israeli plan that aims to extend its control over the eastern foothills and the valley, which make up about 33% of the West Bank area (5842 km<sup>2</sup>). The plan would cut off communication between the Palestinians and the borders of their eastern state, isolate them from the rest of the Arab countries, and

extend Israel's control over the Jordan River and the Dead Sea. The Israeli government has issued orders to confiscate about 140 thousand dunums from which the Dead Sea water dried up. The aim of this isolator is to secure a military defense line for Israel outside the borders of the occupied territories in 1948.

**The third isolator is the northern isolator in the vicinity of the villages of Mashariq.**

The details about this isolator are not provided in the prompt. In pursuit of its goal to isolate the northern governorates from the rest of the West Bank, Israel is working to secure what is considered one of the most dangerous isolators. This isolator is located in the area where the governorates of Nablus, Salfit, Ramallah, and Jericho meet, and aims to sever communication between the northern and central West Bank. To achieve this, Israel has developed an integrated plan with settlers, which includes the confiscation of thousands of agricultural dunums in the axis stretching from Qalqilya to Salfit and south of Nablus. In addition, the path of the annexation and expansion wall, known as the Western wall, extends deep inside the West Bank in that area to form a sealed and isolated zone with the Eastern isolator.

The intensification of settlement presence in this axis, particularly the Israel and Ali blocs, aims to make settlers the majority compared to the Palestinian communities in the same area. The occupation authorities have established numerous sites and massive settlement blocs, and increased the number of settlers in these areas. These efforts highlight the extent of Israel's determination to achieve its isolation goals and sever communication between the northern governorates and the rest of the West Bank.

**The fourth isolator: isolator (E1) east of Jerusalem:**

This thesis paper discusses Israel's various isolation plans in the West Bank and their implications on Palestinian communities. The first isolator, the Western isolator, is a wall of annexation and expansion that will isolate approximately 10% of the West Bank area and about 1.5 million Palestinians. The second isolator, the Eastern isolator, aims to extend Israel's control over the eastern foothills and valley, cutting off communication between the Palestinians and their eastern state and extending its control over the Jordan River and the Dead Sea. The third isolator, the Northern isolator, seeks to isolate the northern governorates from the rest of the West Bank, and the fourth isolator, the Jerusalem isolator, aims to isolate Jerusalem from its Palestinian surroundings.

The fifth isolator, the E2 isolator south of Bethlehem, is the most recent plan announced by Israel, which seeks to isolate Bethlehem from its countryside and the southern region from the rest of the West Bank. This plan includes the establishment of new settlements and the expansion of existing ones, such as the Beitar Illit bloc, Gush Etzion bloc, Efrat bloc, and Tekoa settlement, and the establishment of a new settlement called "Nahla." If implemented, this plan will enable Israel to control more land and limit the Palestinian presence in the area, with significant implications for the Palestinian population's public life and well-being.

In conclusion, the Israeli government's continued implementation of isolation plans in the West Bank poses significant challenges to Palestinian communities' social and economic life. These plans not only contribute to the expansion of Israeli

settlements but also result in the displacement and isolation of Palestinian communities, cutting them off from their surroundings and creating significant security concerns.

### **2.2.3 Political motives**

The Israeli government's primary objective is to establish the Greater State of Israel based on the Zionist idea. This is being pursued through the establishment of Hebrew settlements strategically located in the country's political and economic centers, key topographic sites, and areas that enable military control over historical Palestine. The settlements in the West Bank serve this political goal by making it challenging to separate from Palestinian territories and withdraw from them, as the de facto policy is determined by the presence of settlements and the seizure of land.

The geographic distribution of settlements in the West Bank also reveals the political objectives and motives behind them. The settlements aim to fragment the West Bank, annex the largest possible area of Palestinian land, isolate Palestinian population centers, and separate Jerusalem from its Palestinian surroundings. These objectives make it impossible to achieve peaceful solutions that would lead to the establishment of a Palestinian state. Instead, they serve the purpose of establishing the Great State of Israel with a unified Jerusalem as its capital and keeping the West Bank divided into sections, thereby preventing the creation of a Palestinian state. This situation undermines the possibility of a negotiated settlement or any future international thesis.

### **2.2.4 The ideological motive for Israeli settlement**

The rationale behind Israeli settlement in the West Bank is a multifaceted and intricate issue that has deep historical, political, and religious roots. One of the core ideological motives is the fulfillment of the biblical promise of the land of Israel to the

Jewish people. Many Israelis see the West Bank as an inseparable part of their cultural and religious legacy, encompassing the biblical regions of Judea and Samaria.

Moreover, settlement in the West Bank is viewed by some Israelis as a strategic imperative to protect the borders of the state of Israel and to prevent the establishment of a Palestinian state. The presence of Jewish settlements in the West Bank is believed to make it harder for any future Palestinian state to emerge, enabling Israel to maintain control over the territory.

In addition to the religious and strategic rationales, there are also political motivations for Israeli settlement in the West Bank. Certain Israeli political parties and leaders use the settlement issue to garner support from their political base. Therefore, settlement in the West Bank has become a major issue in Israeli politics.

Additionally, economic incentives have also played a significant role in Israeli settlement in the West Bank. The Israeli government has offered tax breaks, housing and infrastructure subsidies, and other benefits to encourage Israelis to settle in the West Bank. This has made settlement an appealing option for many Israelis, particularly those seeking affordable housing.

However, the ideological motive for Israeli settlement in the West Bank is complex and influenced by a combination of historical, political, religious, and economic factors.

Settlement in the land of Israel has been a fundamental principle of the Zionist movement since its inception in the late 19th century. The movement saw settlement as a means of achieving political independence for the Jewish people and building a

thriving Jewish community in Palestine. This idea was reinforced at the World Zionist Congresses, which governed the movement and made decisions on issues related to the establishment of a Jewish state, including settlement policy.

At the congresses, Theodor Herzl, the father of modern political Zionism, proclaimed that the movement's goal was to establish a home for the Jewish people in Palestine secured by public law. The idea of settlement was central to the Zionist vision and was affirmed at subsequent congresses. For example, the "Uganda Plan" was rejected at the Sixth Zionist Congress in 1903, which affirmed the commitment to settlement in Palestine as the only solution to the Jewish problem. Similarly, the "Transfer Agreement" adopted at the Twentieth Zionist Congress in 1937 reflected the need for settlement in Palestine as a means of ensuring the survival of the Jewish people in the face of rising anti-Semitism in Europe.

In summary, settlement has been a crucial principle of the Zionist movement and has been formalized and discussed at the World Zionist Congresses as a means of establishing a Jewish homeland in Palestine and building a thriving Jewish community in the land of Israel. Economic incentives have also played a role in Israeli settlement in the West Bank, but the ideological motive for settlement in the region is shaped by a combination of historical, political, religious, and economic factors.

### **2.3 Settlement projects and tools**

The scenes of the map of settlement sites in the West Bank make the viewer fully aware of the Israeli intentions towards these areas. Settlements, the wall, bypass roads and military barriers ultimately aim to divide the West Bank into several main

enclaves<sup>1</sup>. In 2003, Shaul Mofaz stated that the Israeli government is developing a vision of a Palestinian state divided into seven cantons in the main Palestinian cities, all of which are closed by the Israeli army, and isolated from the rest of the West Bank territory that will become part of Israel<sup>2</sup>.

The Jordan Valley was part of the settlement plans, as the Israeli governments established a belt of settlements along the eastern border with Jordan, and those areas became free of any presence of Arabs compared to the size of the settlements planted there, starting from the Dead Sea to the sea of Galilee in the North.

The danger of this stage is the great development included in the settlement projects that have taken place, where this stage dealt with comprehensive projects for absolute control over the Palestinian territories, in addition to the madness of the spread of outposts and settlements, perhaps the most prominent and most dangerous of these projects and laws are the following:

**First: The settlement of settlement buildings law" the law legalized by settlement outposts "017"**

The aim of this legislation is to legitimize, strengthen and develop settlement construction in the Palestinian territories occupied in 1967. this law is based mainly on the legalization of the settlement presence of outposts located in the West Bank, which were built in a random manner. The law includes the term good faith and states that the settlers established these outposts in good faith and without knowing that there are owners of these lands on which the outposts were established. The law provides for the legalization of outposts and grants the owners of the land on which they were

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<sup>1</sup> Look Appendix (3)

<sup>2</sup> The Palestinian Ministry of Information, "The Apartheid Wall in Palestine", 1/5/2010 available at: <http://www.minfo.ps/arabic/index.php?page=main&id=574>.

established material compensation shall be determined by the disposer of absentee property in the occupation government.

The phenomenon of "outposts" has spread, which today number more than 171 outposts, the majority of their buildings, roads leading to them, or services attached to them are built on private land. This law came to transform these outposts into settlements officially recognized by the Israeli occupation government.

### **Second: Nationality law 2018**

The law on the nation-state of the Jewish people, according to Article (1), considers the land of Israel to be the historical homeland of the Jewish people, and in it the state of Israel was established, in which its natural, cultural, religious and historical right to self-determination is exercised.

On the basis of this clause that self-determination in the state of Israel is exclusive to the Jewish people, the settlers ' claim is constitutionally supported with respect to their residence in the West Bank that it is considered part of their exercise of their National Right and that the expansion of settlements is considered an acquired right and serves to encourage

He supported its establishment, as its content stated that settlement is a national value and work on it will be encouraged and the necessary support and promotion will be provided for that.

While the content of Clause (1) of the law on the nation-state of the Jewish people States that the land of Israel is the historical homeland of the Jewish people, we

conclude that the Palestinian citizen residing in Israel and the territories occupied since 1967 becomes a spatial and demographic danger to them.

According to Article No. (7) the nation-state law provides a constitutional basis within the green line to deepen the policies of Judaization of the territories, this clause relates to the Israeli settlement project in the Palestinian territories and according to this clause, the state of Israel provides full and unconditional support for the realization of this settlement project and even work to develop it by all available ways and means, as this project will be established on the occupied territories and aims to legitimize all settlement outposts, and the continuation of this settlement project means that Israel is violating all agreements and positions aimed at restricting and freezing settlements, i.e. according to this law freezing or halting settlements is not possible at all, and therefore this will affect any future political solution or settlement between the parties.

The settlement legislation in accordance with this law means more confiscated Palestinian lands, and the confiscation of vast areas of private land on the pretext that these lands promote settlement, and that Israel under the nation-state law is obliged to develop settlements as confiscated lands promote the settlement project as a whole, not only in the West Bank but also includes the Negev and Galilee. In particular, area C, which makes up 60% of the territory of the West Bank, fundamentally changed the policy of the recent Israeli governments, in order to translate their plans for the creeping annexation of the territory by A set of actions. As mentioned earlier, which is building more settlements and annexing them by continuing to build the apartheid wall, not to mention making bypass roads and preventing development for Palestinians in Area C, demolishing their homes on the pretext that they do not have permits, and finally, what

it has done in deepening the separation between the Jewish and Palestinian populations through a series of legislative steps, is also no longer interested in distinguishing between settlements near the Green Line, which are supposed to be part of the land exchange clause and isolated settlements located in the West Bank, and to document this, Netanyahu approved the decision to build a bypass road 260 million shekels. In favor of four isolated settlements inhabited by 7,500 settlers, this approval of the annexation proposals despite the Palestinian rejection of the deal of the century indicates that Israel intends to move to a policy of legal annexation, and this officially leads to the cancellation of the Oslo agreement.

Israel has exploited the nation-state law in order to implement its plans to expand its settlement enterprise to annex more Palestinian land. In order to expand the settlement in more than one direction, this was embodied in many practices after the enactment of the law. For example, in Jerusalem, the occupation authorities decided to confiscate tens of dunums from the town of Silwan to exploit them for settlement projects, as excavation work is underway on parts of it to build a political bridge. For pedestrians, it connects the Al-Thawri neighborhood and the Nabi David area through the Wadi Rababa neighborhood, in addition to creating corridors for settlers and tourists and digging fake graves.

In Nablus governorate, the occupation forces seized approximately 25 dunums from the harayik Al-Awil area in the town of jamaeen, south of Nablus, with the aim of building a railway line starting from the town of Kafr Qasim inside the line Green up to the settlement of Ariel on the territory of Salfit. In addition, it is planned to establish a settlement project to isolate 4 villages from Bethlehem in order to annex them, and turn

these villages (batyr and Anna Fokin Hosan) into residential communities isolated from Bethlehem governorate and cut off transportation with their surroundings. "Another of the practices carried out by Israel after the enactment of the law was the bulldozing of the lands located between the settlements of Etzion and Alon shevot, south of Bethlehem, to create new settlement units, in addition to the establishment of four settlement industrial zones in the Salfit governorate, which polluted the area. The environment of the governorate, especially groundwater and surface water, by dumping sewage and sewage in the valleys of the governorate near Sarata and qarawa Bani Hassan. In Jerusalem, rooms and barracks in the village of Jabal Mukaber, south of Jerusalem, were demolished under the pretext of building without a permit. In addition, settlers have attacked Palestinians by raiding their homes, writing racist slogans on them, damaging car tires, destroying their land, uprooting olive trees and other practices.

### **Third: Bypass roads<sup>3</sup>**

Bypass roads represent a form of Israeli settlement in the West Bank, through which "Israel" aims to isolate Palestinian areas from each other, so that it seized more than (800 km) of Palestinian land in order to build roads connecting Israeli settlements to each other, which contributed to isolating Palestinian communities from each other and tearing them apart, and the real danger is in the permanent impact. While the distance of the Crossroads is 20 meters, the setback imposed by Israel along these roads is usually three times that number.

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<sup>3</sup> Appendix (6)

But the figures and the volume of confiscations of bypass roads are deceived by the occupation from two sides, the first in terms of announcing them for the uses and interests of citizens so that no one from the Palestinians can object to them, and then those roads are used as bypass roads for settlement, and the announcements often include areas that are not actually affected by the 1,500 dunums each for the construction of these two bypass roads, which leads to an increase in land confiscation by Palestinians and an increase in settlement control.

#### **Fourth: Military checkpoints**

Israeli military checkpoints are one of the forms of Zionist settlement in the West Bank, and these checkpoints have been classified as a form of settlement on the following:

1. The vast areas on which the fixed barriers were erected, which extend beyond the area on which the barriers were erected to include dozens of surrounding dunums that Palestinians are forbidden to approach, so it is difficult to determine the square on which these barriers were erected.
2. The strength of the negative effects that arise from the presence of these barriers, which are no less dangerous than the establishment of the settlement, which results in the death of a number of citizens at the checkpoints due to the delay of ambulances from reaching the place in addition to hindering traffic and the lives of citizens.
3. The permanent protection provided by these checkpoints to settlers living in West Bank settlements either near or far from these checkpoints.

4. A large number of soldiers working at these checkpoints are originally from inside settlements on the territory of the West Bank.
5. Since the first days of the occupation in the West Bank, the Israeli government has deployed these barriers throughout the West Bank under security pretexts, but in reality<sup>4</sup>, these barriers represent collective punishment to which they resorted to achieve many of their political goals. These barriers have turned the Palestinian geographical reality into fragmented areas that make it difficult for people to communicate.
6. Military checkpoints are a point for arrests and carrying out field executions of citizens who are killed in cold blood, in addition to being considered a place for the escape of settler herds who are considered to be protected by the higher administrations to attack Palestinians and their property.<sup>5</sup>

Container barrier one of the examples of these Checkpoints that played an important role in dividing west bank for several cantons.

Following the outbreak of the second Palestinian intifada in September 2000, the Israeli occupation forces expanded and developed the "Israeli container barrier" after it was an ordinary Israeli military post to become a barrier with pedestrian and car paths and equipped with all the additions, in addition to the establishment of an Israeli military base next to the barrier on the territory of the Palestinian town of Al-sawahrah al-Sharqiya. the container barrier separates the north of the West Bank from its South and is considered one of the most important Israeli military barriers in the West Bank,

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<sup>4</sup> website of Al-Quds Newspaper, "Hamsa... Military Checkpoints and Palestinian Suffering", 11/2/2008 available at:5808/http://www.alquds.com/node.

<sup>5</sup> website of Al-Quds , "The United Nations report, Israeli military checkpoints will turn the West Bank into isolated areas", 9/24/2008, available at: /http://www.alquds.com/node.

causing its presence in the vicinity of the city of Jerusalem from the eastern side of it, and also constitutes a major obstacle to the movement of Palestinian citizens between the North and south of the West Bank. Palestinians are forced to cross through it daily during their daily movements between the North and the south to work, study or get health services and other Palestinian governorates (in the center and South).

It is worth mentioning that Palestinian citizens have suffered greatly from the presence of Israeli barriers and obstacles distributed throughout the West Bank for many years, which have escalated over the past decade from just several barriers to more than 650 obstacles, including fixed barriers (7), flying barriers (17), military watchtowers (71), Gates, checkpoints, etc agricultural (113), concrete barriers (7), earthen berms (234) and iron gates (85), all of which directly contribute to limiting the freedom of movement of Palestinian citizens

#### **Fifth: The plan of annexation of area (C)**

According to the second Oslo agreement on the West Bank and the Gaza Strip signed on 9/28/1995, the Palestinian territories were divided into three areas in the West Bank: (A), (B), (g), and each of these areas has different security and administrative arrangements and authorities, where Area 1 is under full Palestinian control over cities and towns (Hebron, Nablus, Tulkarm, Qalqilya and Ramallah), where the Palestinians are entrusted with the task of maintaining internal security, as well as the deployment of Palestinian Authority police patrols. Area (B) is under Palestinian civilian control and its security control is under Israeli control and includes villages adjacent to the cities in the parent Area (A).

Areas (g) where the Israeli army is fully present and under the control of Israel, including settlements, roads and strategic areas adjacent to the borders of Israel. It is estimated to account for (63%) of the extremely fertile and resource-rich land in the West Bank. The purpose of this agreement was to gradually transfer control over these territories (B) and (g) from Israeli control to Palestinian control (A), in practice this agreement was not adhered to, and none of these territories in (g) to Palestinian control the entire West Bank, including areas "A", remained under Israeli occupation. Illegal settlements have been built in Area (g) even though it is private Palestinian land, and in Area (g) Israel controls planning and construction, and has made part of the territory C nature reserves, settlements and areas designated for training. Israel is also using these methods in Area (g)<sup>6</sup>, expelling as many Palestinian residents as possible.

In these areas. most of the Israeli settlements are located in these areas, where the number of settlers increased to more than during the Oslo Accords. Israel plans to annex these areas while granting the Palestinian population in those areas Israeli citizenship, as well as making the outposts there legal. The occupation's goal to control Area (G) did not come from a vacuum, but because these areas have many advantages, the most important of which is the availability of water sources and fertile complementary agricultural lands, where Israel has paid great attention to them.

Since the beginning of the occupation of Palestine, the issue of<sup>7</sup> water has become in order to achieve their ambitions and the strategic importance of water in establishing their state, and it has imposed control over water resources since its occupation of the

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<sup>6</sup> Jerusalem," The Palestinian Academic Society for International Affairs",11/22/2019available at :<https://cutt.us/oiTIW>.

<sup>7</sup> Abu Amer, Anan. The Conflict Over Water in Palestine Historical Roots and Living Reality." research paper, 2018,pp.33.

Palestinian territories in 1967, in addition to its control over groundwater to feed the lands of the colonies by digging wells and depriving the Palestinians of them .

Water is sold to the Palestinians through the mokurt company, which steals water from the Palestinians and puts it at a higher price than the price of the Jews, so Israel has established settlements in places where there are available water sources and deprived the Palestinians of them, as 70% of these settlements are built on the eastern reservoir Basin in the West Bank. Also, the low population density in these areas is about 5% of the West Bank residents reside in these areas if the residents of these areas want to build or make any change on the land, they need permits.

The occupation plays a key role in trying to displace the inhabitants of these areas, such as Bedouin communities threatened with departure. The Jordan Valley is the best example of a sparsely populated territory, despite its large area, the number of Palestinians in it is only 52 thousand, and the rest of its areas are empty. This gave the occupation an incentive to establish large Israeli settlements and communities on them, as well as to control part of these areas and make them closed military zones in order to exploit them for the purpose of training the Israeli army. Palestinians living in Area (G) suffer from very poor security conditions. Due to the low per capita income in them, they are isolated and sparsely populated areas due to the large presence of outposts and their wide spread in Area (G), and therefore they are under Israeli security and military control, which will force the residents of those areas to voluntarily migrate in search of

job opportunities to improve their standard of living and thus achieve their individual security<sup>8</sup> .

Recently, there have been calls from Israeli politicians to annex areas of the West Bank to Israel's sovereignty, and what encouraged them to do so was the assumption of the presidency of the United States of America by Trump, so that this demand becomes from a mere call to an actual legislative step. They see Trump's assumption of the presidency as the end of the Palestinian statehood project, which was opposed by the Israelis, a good example of which are members of the Likud party. This solution, they believe, is embodied by the annexation of areas (G) to Israeli sovereignty, through the annexation of Jerusalem in 1967 and the annexation of the Golan in 1981 to Israel's sovereignty in order to maintain the authority within the area it currently owns and the level of sovereignty that includes the permanent reality on the ground<sup>9</sup> .

Because Israel, including the right-wing parties, refuses to reach a settlement with the Palestinians regarding withdrawal to the 1967 borders and the establishment of a Palestinian state in line with the two-state solution and aimed at keeping the entire Palestinian territory as it claims from the river to the sea. At the same time, it does not want to keep the Palestinians in these territories within the framework of one state, and from its point of view this will lead to a demographic increase in favor of the Palestinians and thus death for Israel, because in this way it reaps upon itself the

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<sup>8</sup> Shaheen, Sawsan. Areas (C) have dimensions of security vision a research study participating in the Political Security Conference in Areas (C) in Palestine." Arab American University, 2010,pp. 98.

<sup>9</sup> Al-Jarjawi, Ali. The Creeping Israeli Annexation and the Palestinian Response." Birzeit University, 2018,pp.55.

emptying of the land of its inhabitants, and perhaps the best way to do this is to annex as much of these Palestinian territories as possible, including settlements in Area (G)<sup>10</sup>.

- **Importance of Area G**

Israel has been pursuing a policy of creeping annexation of Area (G) for several years, and it is possible that what helped it reach this result was the Oslo agreement, which somehow guaranteed control over the majority of the Palestinian territories inhabited by the fewest inhabitants in line with the Israeli colonial project. This agreement helped in the existence of two realities on the ground where there had to be two emergency or temporary situations, namely the establishment of the authority and the division of areas into classifications A, B and C, where the latter are under Israeli security and civilian control. This has contributed to making him a key to the right in Israel with the development of rhetoric and at the same time maintaining colonial control over the Palestinian territories, where the annexation of Area (G) is considered the most important link in the policy of imposing a *fait accompli*, and its policy consists of several components, including the construction of settlement housing units in Area "G", supporting the institutional construction of settlements, reducing the Palestinian area, displacing its residents and demolishing their homes. As well as depriving Palestinians of obtaining building permits and restricting them in the planning of projects for Area G, in addition to using a soft hand approach with the settlers by dealing with their attacks on Palestinian property, in addition to recognizing important settlement institutions, for example, recognizing a university in the settlement<sup>11</sup>.

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<sup>10</sup> Al-Jarjawi, Ali. The Creeping Israeli Annexation and the Palestinian Response." Birzeit University, 2018,pp.56.

<sup>11</sup> Mada al-Karmel, Arab Center for Applied Social Studies," Calling for the annexation of areas in the West Bank to Israeli sovereignty",3/2/2017 available at: <https://mada-research.org/>.

- **Deal of the century**<sup>12</sup>

The vision of the administration of former US President Donald Trump for achieving peace "in the Middle East", branded as "peace for Prosperity", and known in the media as the "deal of the century", the deal clearly stipulated the legality of settlement by that Israel is not obliged to lift any settlement established in the West Bank and that it will annex all settlements in the West Bank . The deal was officially announced during a press conference held by former US President Donald Trump, on January 29, 2020. This vision was committed to the "two-state solution", as it includes a blueprint for the establishment of a Palestinian state, but with significant amendments to the conditions and criteria for the establishment of this state, including making adjustments to the borders and areas that will be subject to the sovereignty of the Palestinian state, in addition to its orientation to recognize the Jewish settlement blocs in the West Bank and granting their legitimacy, as well as declaring that the entire city of Jerusalem with its parts: eastern and Western, is under Israeli sovereignty. This is why this proposed vision of achieving peace "goes beyond the UN and Security Council resolutions on the conflict in Palestine issued for more than seven decades in an unprecedented way".

The first reflections of this vision came to address the issues of land, sovereignty and population, and paved the way for the treatment and suggestions I made by saying: "both the state of Israel and the United States do not believe that the state of Israel is legally obliged to provide the Palestinians with a safe proportion of the pre-1967 territories, a belief that is consistent with UN Security Council Resolution 242 . However, the proposal added that "this vision represents a just settlement, and envisages

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<sup>12</sup> Look Appendix (5)

the establishment of a Palestinian state that includes territories the size of the West Bank and Gaza, to a reasonable extent, before 1967," this is what the project sought to achieve by granting the proposed lands to connect them to the Gaza Strip in the Negev desert areas near the border with the Arab Republic of Egypt, but without direct contact with the borders and in the form of two separate areas with a link road between them, where these areas granted there will be compensated for what will be announced under this plan to annex them to the state of "Israel," especially in the eastern regions of the West Bank, specifically in the areas of the Negev desert near the border with the Arab Republic of Egypt, " the Jordan Valley and the areas bordering the Dead Sea, in addition to the areas lost in the West Bank due to.

## Chapter Three

### Settlement from the Perspective of International Law

Settlements in the West Bank are a large-scale housing operation in an occupied territory, purportedly for reconstruction and establishing the dominant state's control over the annexed land. Settlements may be driven by religious and racist ideology. The settlements involve the seizure of land or territory from others and the expulsion of the indigenous population, often through the use of force, and replacing them with citizens of the occupying state. Israeli settlements differ from others in that they aim to replace the indigenous population with immigrant Jews, reflecting the Zionist ideology of separation, which rejects coexistence with other indigenous people

The practice of settlement contradicts the provisions and principles of international humanitarian law, specifically the Fourth Geneva Convention, which outlines the duties of the occupation authorities towards the civilian population and their property. The Convention prohibits the deportation or transfer of part of a civilian population to the occupied territories and imposes a duty not to forcibly deport the indigenous population from their areas of origin. It also criminalizes the confiscation of occupied lands. In addition, dozens of UN General Assembly resolutions have condemned Israeli settlement in the Occupied Palestinian territories, the latest being Resolution No. A/RES/72/86 of 2017. In Resolution No. 446 of March 22, 1979<sup>13</sup>, the Security Council emphasized that Israel's policy of establishing settlements in the occupied territories since 1967 is not legitimate and constitutes a significant barrier to achieving a just and lasting peace in the Middle East. The resolution called on Israel to

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<sup>13</sup> Al Jazeera website," Jerusalem in settlement negotiations ",3/10/2004available at: <https://www.aljazeera.net/>.

fully comply with the Fourth Geneva Convention of 1949, to withdraw from its previous actions, and to refrain from taking any measures that would alter the legal status, geographical character, or demographic composition of the occupied Arab territories, including Jerusalem. In particular, the resolution demanded that Israel not transfer any groups of its civilian population to the occupied Arab territories.

### **3.1 The impact of settlements on the right of the Palestinian people to self-determination**

In international forums, the right of self-determination is a fundamental principle of international law, which holds that all peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. The United Nations General Assembly has recognized the right of the Palestinian people to self-determination in various resolutions, including resolution 3236/d-29 on 22/11/1974. This resolution has become a historical legal-political document that defines the rights of the Palestinian people and has become the basis and reference for various resolutions adopted by the General Assembly and other international organizations.

Despite international consensus, the realization of the right of self-determination for the Palestinian people remains elusive. The ongoing Israeli occupation of the West Bank and the Gaza Strip, as well as the expansion of Israeli settlements in these territories, are considered by many to be major obstacles to the realization of the right of self-determination for the Palestinian people. The impact of settlements on the right of the Palestinian people to self-determination is widely regarded as negative and detrimental. Settlements are built on land that is considered to be occupied territory under international law, and their expansion has resulted in the displacement of large

numbers of Palestinians from their homes and lands, contributing to a humanitarian crisis. Additionally, settlements have led to the fragmentation of the West Bank and restrictions on freedom of movement for Palestinians.

Overall, while the right of self-determination of the Palestinian people is recognized in international law, its realization remains hindered by the ongoing conflict and occupation in the Middle East, particularly the expansion of settlements. The international community has called on Israel to halt the expansion of settlements and to take steps to respect the rights of the Palestinian people and support the establishment of a viable and sovereign Palestinian state alongside the state of Israel.

### **3.2 Colonial occupation settlement from the point of view of international law**

International law views Israeli settlements in the occupied Palestinian territories as illegal. This position is based on the Fourth Geneva Convention, which prohibits an occupying power from transferring its own civilian population into the territory it occupies. The United Nations Security Council has also passed several resolutions, including 242 (1967) and 338 (1973), which call for Israel to withdraw from the territories occupied in the 1967 war, including the West Bank and East Jerusalem.

In addition, the International Court of Justice issued an advisory opinion in 2004 stating that the construction of the wall by Israel in the occupied Palestinian territory, including in and around East Jerusalem, and its associated regime are contrary to international law.

However, despite the international community's position, Israeli settlements in the West Bank have continued to grow, and the Israeli government has not shown any signs of reversing its settlement policy. This has been a major obstacle to peace in the region and has led to ongoing conflict between Israelis and Palestinians.

Several United Nations Security Council resolutions have been passed to address the issue of Israeli settlements in the occupied Palestinian territories. Some of the most notable ones include:

1. Resolution 242 (1967): This resolution calls for the withdrawal of Israeli armed forces from the territories occupied in the 1967 war, including the West Bank and East Jerusalem.
2. Resolution 338 (1973): This resolution calls for a ceasefire in the Yom Kippur War and for the implementation of Resolution 242.
3. Resolution 465 (1980): This resolution expresses concern about Israeli settlements and calls on Israel to desist from settling its civilian population in the occupied territories.
4. Resolution 681 (1990): This resolution reiterates the demand for the implementation of Resolution 242 and 338 and calls for the protection of the Palestinian civilian population in the occupied territories.
5. Resolution 1515 (2003): This resolution reaffirms the need for Israel to comply with its obligations under international law, including the Fourth Geneva Convention, in the occupied territories.
6. Resolution 2334 (2016): This resolution reaffirms the position that Israeli settlements in the occupied Palestinian territories, including East Jerusalem, are

illegal under international law and calls for their immediate and complete cessation.

These resolutions represent the international community's stance on Israeli settlements and its demand for their cessation. However, the Israeli government has disregarded these resolutions and continued its settlement policy, leading to ongoing conflict and instability in the region.

International law describes Israeli settlements in the occupied Palestinian territories as colonial because they involve the transfer of an occupying power's own civilian population into the territory it occupies. This is considered a violation of the Fourth Geneva Convention, which prohibits an occupying power from transferring its own civilian population into the territory it occupies.

The Fourth Geneva Convention was adopted in 1949 to protect the rights of civilians in times of war and occupation. Article 49 of the Convention specifically states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." This provision is designed to protect the rights of the occupied population and to prevent the occupying power from permanently altering the demographic makeup of the occupied territory.

In the case of Israeli settlements in the West Bank and East Jerusalem, the Israeli government has encouraged its citizens to move into these areas and has provided them with financial and other incentives to do so. This has led to the establishment of large Israeli settlements in these territories, which have changed the demographic makeup of

the occupied Palestinian territories and made it more difficult for the Palestinians to establish their own independent state.

For these reasons, the international community views Israeli settlements in the occupied Palestinian territories as colonial and considers them to be a violation of international law.

### **3.3 The position of international law on the apartheid wall**

The construction of the Israeli wall around the West Bank has been deemed illegal by international law, with the International Court of Justice (ICJ) issuing an advisory opinion in 2004 stating that it contravenes international law. The wall, which is commonly referred to as the "separation barrier" or the "security barrier," has had a severe impact on the rights of Palestinians, including their right to self-determination, freedom of movement, work, health, education, and an adequate standard of living. The ICJ concluded that Israel must stop the construction of the wall, dismantle sections that have already been built, and make reparations for all damage caused. However, the construction of the wall has continued, leading to significant tension in the region and negatively impacting the lives of Palestinians living in the West Bank.

Critics of the wall argue that it has been constructed in a way that discriminates against Palestinians, with the purpose of confiscating large amounts of Palestinian land, limiting their freedom of movement, and creating a de facto annexation of large areas of the West Bank. The wall has had a number of negative impacts on the lives of Palestinians, including limiting their freedom of movement, causing significant economic harm through land confiscation and disrupting the Palestinian economy, and having a significant impact on their social, psychological, and political well-being. The

construction of the wall has contributed to the ongoing humanitarian crisis in the West Bank, making it more difficult for Palestinians to rebuild their lives and communities. The West Bank's agricultural sector and small-scale industries have been particularly impacted by the restrictions on movement imposed by the wall and the broader conflict in the region.

## **Chapter Four**

### **Israeli Tools to Implement the Replacement Colonial Settlement**

The Israeli occupation has implemented measures to impede the Palestinian people's right to self-determination and hinder the establishment of a sovereign Palestinian state on their land, in defiance of international resolutions. Throughout history, the establishment of Israeli settlement sites has been met with resistance from the Palestinian people, prompting the Israeli occupation to institutionalize these tactics through legislation to facilitate settlement expansion. This chapter will examine the most significant tools utilized by the Israeli occupation to acquire land and further settlement projects.

#### **4.1 Occupation plans in favor of the settlement expansion project**

##### **4.1.1 Alon Project 1967**

##### **4.1.2 Galilei project 1977**

Furthermore, alongside the Alon project, which was the preeminent mirakh settlement initiative, other settlement endeavors emerged under the Labor Party, among which the Al-Galili project was the most significant. The Ministerial Committee for Settlement Affairs, led by Israeli Minister Galili in 1977, devised the project with the objective of creating 186 settlements across diverse regions of Palestine, in a plan that spanned from 1977 to 1992. This initiative included the establishment of 49 settlements in the territories occupied by the 1967 aggression.

### 4.1.3 Fuchman's project "The later Gush Ammonim" 1976

In 1976, Professor Avraham Fuchman from the Institute of Applied Engineering in Haifa developed a settlement project known as the "double backbone" Gush Ammonim - Transformation and Large-Scale Takeover. The project was initially submitted to the Ma'arakh government but was rejected, only to be later adopted by Sharon during the Likud government, where he served as the Minister of Agriculture<sup>14</sup>.

The Gush Emunim movement played a vital role in settling the Occupied Palestinian Territories and implemented its socio-political ideological project on a large scale. The movement's primary objective was to create a situation that would prevent the establishment of a binational state and ensure the non-annexation of the West Bank and Gaza to Israel. To achieve this goal, Gush Ammonim adopted a settlement plan based on two parallel lines, which included the establishment of large settlement blocs in populated Palestinian areas and the settlement of one million Jews in one hundred locations throughout the West Bank<sup>15</sup>.

The movement's first settlements, Kedumim, Ofra, and Ma'ale Adumim, were established in the Nablus and Ramallah areas in the early 1970s<sup>16</sup>. Later, in the late seventies, the Yesha Council or the Council of Settlements in Judea, Samaria, and the Gaza Strip was founded by Gush Ammonim<sup>17</sup>. However, Gush Ammonim's plans to attract hundreds of thousands of settlers were not realized. Nonetheless, it inaugurated a

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<sup>14</sup> Michigan," the difference between segregation and segregation. Seeing that both terms are used as synonyms to express the concept generally within a human rights framework",28/2/2020 available at: [html.mxt14/speeches/mxp/mmt/projects/edu.c](http://html.mxt14/speeches/mxp/mmt/projects/edu.c)

<sup>15</sup> The Palestinian National Information Center Wafa," The Settlement Project", available at: [https://info.wafa.ps/ar\\_page.aspx?id=4113](https://info.wafa.ps/ar_page.aspx?id=4113)

<sup>16</sup> Orbit of the Palestinian Center for Israeli Studies, "The Pigal Alwan Project", available at: <https://www.madarcenter.org/>.

<sup>17</sup> Orbit of the Palestinian Center for Israeli Studies, "The Pigal Alwan Project", available at: <https://www.madarcenter.org/>.

new era of settlement that took shape significantly during the Likud government's years of 1977-1984, characterized by several characteristics<sup>18</sup>.

These included the escalation of settlement fever to impose a new reality on the ground, increasing the weight of private capital in settlement activity, and growing religious settlement trends. During these seven years, 120 settlements were established compared to the 34 established by the Labor Party governments from 1967 to 1977. The culture of the land of Israel and the forerunners of settlements attracted more religious people, and settlement projects associated with biblical names, such as the Tomb of Joseph of Nablus, Alon Moreh, Yahushua Ibn Nun, and Revava, were launched.

#### **4.1.4 The dropless project**

The Likud settlement policies, along with the Gush Ammonim plan, were guided by what is considered the most significant settlement project, known as the General Plan for the Development of Settlements in Judea and Samaria<sup>19</sup>. This project was presented in 1978 by Mattiyahu Dropless, head of the Settlement Department of the Zionist Organization, and aimed to establish approximately 70 civil settlements in the West Bank over 13 years (1979-1993) at a rate of 12-15 settlements per year<sup>20</sup>.

The plan also aimed to increase and intensify existing settlements, with a goal of reaching 120-150 thousand settlers. The project was founded on several principles, including settlement throughout the land of "Israel" for the sake of security and the right of the Jews, distributing settlements among interconnected blocks for common means of

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<sup>18</sup> Adwan, Akram Mohamed. Zionist projects and ideas towards settling the Palestinian issue and the Arab-Israeli conflict." Journal of the Islamic University, 2004, Vol. 12, No. 2, pp. 269-321.

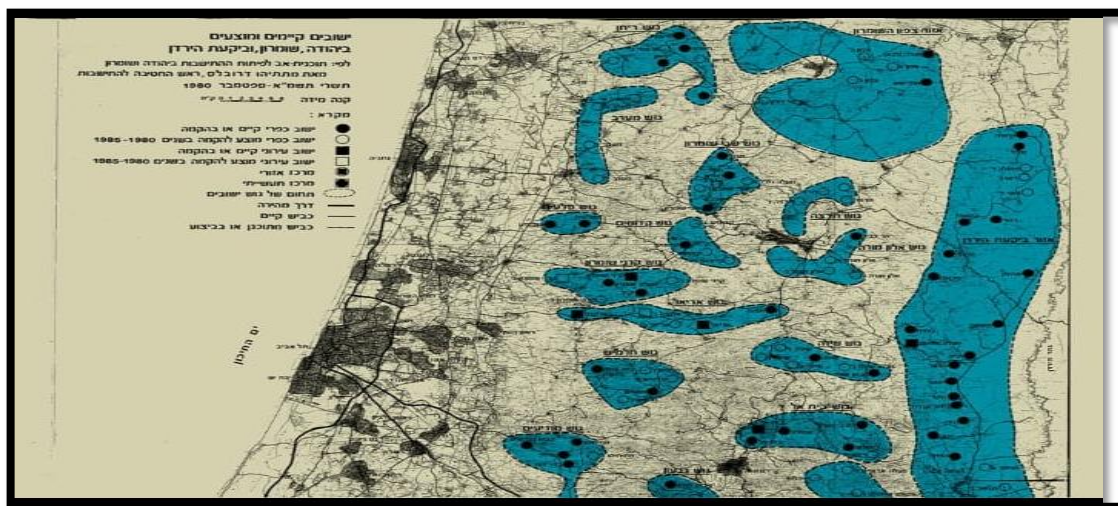
<sup>19</sup> Ghazi Hussein, The Jewish Settlement in Palestine from Colonialism to Imperialism, Arab Writers Union, Damascus, 2003, {in Arabic}.

<sup>20</sup> Palestinian Legislative Council website, "Projects for a peaceful settlement of the Palestinian issue", 21/1/2022 available at: [http://www.plc.gov.ps/menu\\_plc/arab](http://www.plc.gov.ps/menu_plc/arab)

production and services, and not only around Palestinian minorities but also among them.

The Dropless plan emphasized the importance of several key settlement blocks, including the Rayhaan block west of Jenin, the Shomron block north of Nablus, the Kadumim block east of Qalqilya, the Karni Shomron block west of Qalqilya, the Ariel block next to the city of Salfit, the mass of depositors in Latrun, the Etzion mass in Bethlehem, the Amos block north of Hebron, the Adumim block east of Jerusalem, the Beit El block north of Ramallah city, the Ephraim block in the extreme southeast of Nablus, and the Aylon Moreh block east of Nablus.

In 1984, Dropless developed Greater Jerusalem, which aimed to double the number of Jewish residents in the Greater Jerusalem area within 25 years, increasing it to 700-750 thousand.



#### 4.1.5 Sharon's first and Second projects ( 7-star project)

During his tenure as Minister of Agriculture in the Likud government, Ariel Sharon introduced the dual spine project, also known as the Fuchman project, which aimed to establish two settlement spines in Palestine over a 20-year period. The first

spine would stretch along the coastal plain, while the second would parallel it and extend from the Golan Heights to Sharm el-Sheikh on the Red Sea, including a series of settlements in the Jordan Valley on the western and eastern slopes of Nablus down to the Hebron mountains. Sharon also proposed intensifying settlement in Jerusalem and establishing settlement links between the coastal plain and the spines<sup>21</sup>.

In 1987, there were discussions about a large-scale settlement plan that was based on Sharon's proposal to add 100,000 settlers to the West Bank, 20,000 settlers to the Golan Heights, and 10,000 settlers to the Gaza Strip within four "vertebral columns" dividing the West Bank horizontally from east to west.

When Sharon became the Finance Minister in the Shamir government in 1993, he presented a new settlement project called the Seven Stars. This project aimed to establish a continuous series of settlements along the settlement line since June 4, 1967, from the north and northwest of the city of Jerusalem. The plan involved establishing overlapping settlement blocs in three sections that would later be annexed to Israel: the Latrun block, the block west of Ramallah centered on the settlement of Mabuhurun, and the settlement belt extending from the area adjacent to the Triangle and the vicinity of Kafr Qasim to the north of Qalqilya.

Moreover, Sharon's successor, Benjamin Netanyahu, proposed the Alon+ project, which rejected the idea of a Palestinian state, redeployment, or stopping settlements.

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<sup>21</sup> Al-Ghoul, Omar Helmy. The growing role of settlers in the State of Israel and its impact on the political solution." Al-Quds Open University Journal for Human and Social Research, 2019, Vol. 1, No. 48, pp. 55.

Settlements remained a primary concern for the Likud party, and these projects played a significant role in shaping the Israeli settlement policy<sup>22</sup>.

#### **4.1.6 Third road project**

The "Third Way" group was formed by several Knesset members and IDF reserve generals in order to oppose Israel's withdrawal from the Golan Heights in 1995. Among its prominent members were Avigdor Kahalani and Zeman, both from the Labor Party, and reserve general Dan Shomron, a former IDF chief of staff. The group proposed a plan for a permanent settlement in the West Bank, which included several key principles<sup>23</sup>. These principles included the recognition of Israel's historical rights to the land, the separation of Israeli citizens from the majority of Palestinians, Israeli sovereignty over areas inhabited by Jews and a small Arab population, and the inclusion of Greater Jerusalem and its surrounding areas under Israeli sovereignty. Additionally, the group advocated for Israeli sovereignty over the Jordan Valley, the northern Dead Sea, the Judean Desert, the settlement bloc west of Samaria, Gush Katif, and vital roads in the area<sup>24</sup>.

#### **4.2 Tools for implementing the settlement project<sup>25</sup>**

In accordance with international law, Palestinians residing in the Occupied Palestinian Territories are entitled to protected status and any forced displacement from their homes and lands would be considered a breach of international law provisions.

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<sup>22</sup> Palestinian Central Bureau of Statistics, "Israeli Settlements in the Palestinian Territories", 00/ 8/2011 available at: <https://www.pcbs.gov.ps/Downloads/book1776.pdf>.

<sup>23</sup> Wafa Palestinian National Information Center, "settlement projects", available at: [https://info.wafa.ps/ar\\_page.aspx?id=4113](https://info.wafa.ps/ar_page.aspx?id=4113)

<sup>24</sup> Center for Middle Eastern Studies, "Jewish settlement and its impact on the future of the Palestinian people", 05/5/2006 available at: <https://down.ketabpedia.com/files/bnr/bnr15299-1.pdf>

<sup>25</sup> Wafa Palestinian National Information Center, "settlement projects", available at: [https://info.wafa.ps/ar\\_page.aspx?id=4113](https://info.wafa.ps/ar_page.aspx?id=4113)

### 4.2.1 Land confiscation

Throughout its history, Israel has relied on the confiscation of land and preventing its owners from using or disposing of it as a fundamental tool to seize Palestinian land. This has been a key factor in the ongoing forced displacement of Palestinians. The purpose of this study is to provide evidence that Israel's land confiscation policy is a systematic practice that leads to the displacement and forced displacement of Palestinians, both directly and indirectly, and lacks legal justification<sup>26</sup>.

Israel's policy of land confiscation employs various mechanisms to transfer ownership or property rights belonging to Palestinians, including the right to dispose of their land and transfer it to Israeli authorities or organizations such as the Jewish National Fund and Israeli individuals. These mechanisms can be categorized into two types: de jure and de facto land confiscation. De facto confiscation occurs when Israel extends control over land without an official transfer of ownership, while de jure confiscation involves the official transfer of ownership through Israeli laws or military orders. The Israeli authorities apply a range of measures to impede landowners or prevent them from benefiting from their land, including declaring land plots as closed military zones, nature reserves, national parks, contiguous areas, or for the construction of the annexation and expansion wall, the establishment of settlements, the erection of military barriers, and the construction of bypass roads. Actual land confiscation is defined as the denial of rights to dispose of, use and access land. Despite obstacles to implementing its policies of land confiscation, including Palestinian resistance and international opposition, the Israeli government continues to use various mechanisms to

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<sup>26</sup> Al-Qeeq, Abd al-Rahman Abd al-Aziz. Israeli settlement policy 1967-2006." Al-Quds University,2010.

confiscate land and prevent its owners from using it. The most significant of these mechanisms are:

#### **4.2.1.1 Use of force**

The use of force to confiscate Palestinian lands has a long history in Israel. The Nakba, or "Catastrophe," is perhaps the most prominent example of this. In 1948, Israel forcibly expelled 750,000 Palestinians from their lands to gain control of them. This included the immediate seizure of 17,178 square kilometers of Palestinian refugee land, followed by an additional 700 square kilometers from the lands of Palestinians who had migrated to other areas within Palestine. Palestinian rights were not a concern for Israel during this process, as former Prime Minister David Ben-Gurion stated: "the war will give us the land"<sup>27</sup>.

The use of military force has continued to be a key tool in depriving Palestinians of their lands. After occupying the West Bank<sup>28</sup>, the occupation forces completed their control over the territory through the use of force. The forced displacement of the Jahalin Arabs from Tel Arad in the Negev in 1949 to make way for the Maale Adumim settlement is one example. Another recent example is the occupation authorities' storming of Khirbet Humsa in the northern Jordan Valley in 2021, where they forcibly transferred and demolished the property of its residents<sup>29</sup>.

In the past two years, the occupation army has allowed settlers to establish more than 24 new settlement outposts in different parts of the West Bank, as part of a plan to

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<sup>27</sup> Abu Kishk, Bakir .Arab Lands and Israeli Policy." Journal of Palestine Studies,1981,vol. 11, no. 127.

<sup>28</sup> Maeaden," The seizure of Palestinian property by the law of absentees",4/8/2019 available at: <https://www.almayadeen.net/butterfly-effect/1329696/>

<sup>29</sup> state of Palestine ministry of foreign affairs and expatriates," Settlement in international law",16/1/2019 available at: <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/>

expand their deployment in the area. The occupation army has also confiscated 49,000 dunums of Palestinian land by granting settlers permission to enter their residential communities, while also establishing three new outposts and deploying cattle farms for settlers. This has prevented Palestinian residents from accessing pastoral areas, and is a common occurrence in areas targeted by the occupation or its settlers.

#### **4.2.1.2 Demolition**

In the last decade, Israeli occupation authorities have demolished 7,500 homes and facilities in the West Bank and Jerusalem, which were occupied by Palestinian residents. The authorities have used various policies to justify demolitions, such as confiscating land and real estate, accusing the owner of the building of illegal construction or not complying with the city's planning and organization, and claiming construction on government lands, public streets, or archaeological and historical lands. The authorities also justify demolitions under the pretext of preventing construction on green lands, which are intended for state use, and for security reasons. Additionally, demolitions occur as a reprisal. The Israeli Ministry of Interior and municipality claim that the construction is illegal, justifying demolitions in East Jerusalem, although they rarely grant building permits. Administrative demolition orders are issued without court approval, allowing the mayor to issue an administrative decision to demolish an Arab house, provided it is unoccupied for 30 days. If inhabited, an indictment is filed against the citizen, leading to a fine or punishment. Palestinians are often displaced by these policies, with more than 80,000 Palestinians being displaced in the last ten years due to the containment policy of the Israeli government. The Civil Administration of the occupying authorities enforces the implementation of the management objective law, preventing a citizen from settling in the area for more than 79 hours unless they have

completed all paperwork and ownership requirements. Only a few dozen homes have been approved for construction in areas classified as Area C, where the Israeli army of occupation decides the fate of Palestinian citizens.

#### **4.2.1.3 Legislation and legal tools**

In addition, the "Admissions Committees Law" was passed in 2011, which allows communities to set up admissions committees that have the right to screen and reject potential residents based on "suitability to the community's social and cultural fabric". This law has been used to exclude Palestinian citizens of Israel from living in Jewish-only communities in the Galilee and the Negev regions<sup>30</sup>.

The "Jewish National Fund Law" was passed in 1953, which allowed the Jewish National Fund (JNF) to own and manage land exclusively for Jewish people. This law has been used to acquire land for Jewish settlements and prevent Palestinians from accessing it<sup>31</sup>.

The "Absentee Property Law" was passed in 1950, which allowed Israel to seize land and property belonging to Palestinians who were absent during the 1948 war. This law has been used to confiscate Palestinian land and property and transfer it to Jewish settlers<sup>32</sup>.

The "Basic Law: Jerusalem, Capital of Israel" was passed in 1980, which declared Jerusalem to be the united and eternal capital of Israel. This law has been used to

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<sup>30</sup> Israel Ministry of Foreign Affairs, "Israel-Palestinian Interim Agreement Maps", 28/ 1/ 1995 available at: [http://www.mfa.gov.il/MFA\\_Graphics/MFA\\_Gallery/1995/9/MFAJ01v30](http://www.mfa.gov.il/MFA_Graphics/MFA_Gallery/1995/9/MFAJ01v30)

<sup>31</sup> Palestine Economic Policy Research Institute MAS, "The impact of Israeli violations on the housing sector in the occupied Palestinian territories", 00/00/2015 available at: [http://library.mas.ps/File\\_Manager/BookAttachmnt/1332/](http://library.mas.ps/File_Manager/BookAttachmnt/1332/)

<sup>32</sup> Masalha, Nouredine. Readings of the expulsion of the Palestinians, the concept of transfer in Zionist thought and planning 1882-1948." Journal of Palestinian Studies, 1992, vol.11, no.3, pp.185.

legitimize Israel's annexation of East Jerusalem, which is recognized by the international community as occupied Palestinian territory<sup>33</sup>.

The "Regulation Law" was passed in 2017, which retroactively legalized thousands of settler homes built on private Palestinian land in the West Bank. This law has been criticized by human rights organizations and the international community for its violation of international law.

Effects of the law	Scope of the law	Stated aim of the law	Law	Year
This law was used to expropriate lands from their Palestinian owners. The lapse of 25 years and the possibility of transferring ownership of the land to a third party prevent the Palestinians from filing legal claims to recover their lands that were confiscated from them.	The amendment to this law in 2010 allows the state not to use expropriated lands for the public purposes for which they were originally allocated for a period of 17 years. This amendment also provides for the prevention of land owners from claiming the return of confiscated lands that were not used for the purposes originally declared in the event that their ownership is transferred to a third party, or if more than 25 years have passed since their confiscation.	This law, which was enacted during the British Mandate era, allows the Minister of Finance to confiscate lands for public purposes. The phrase "public goal" includes any of the general goals that the Minister of Finance attests to be so <sup>34</sup> .	The Land Law "Appropriation for Public Purposes" and its amendments.	943
The property belonging to a total of 750,000 Palestinians who were displaced in the aftermath of the 1948 war was confiscated and placed in custody on the basis	This law stripped Palestinian refugees and displaced persons of their property rights, and once the Custodian of Absentee Property appropriated these properties, Israel	This law, which is loosely defined, applies to every Palestinian resident who left his usual place of residence after the United Nations adopted the Palestine Partition	Absentee property law	950

<sup>33</sup> State lands are owned by the state government, unlike privately owned lands or public lands administered by the state and designated for public use.

<sup>34</sup> Yifat Holzman-Gazit, *Land Expropriation in Israel Law Culture and Society*, Abingdon, Routledge, 2016.

<p>that all Palestinians who fled their homes after November were considered absentees. The Custodian of Absentee Property acquired one million dunams (1,000 square kilometers) of their lands by 1950. While the law provides for the protection of property in the possession of the Custodian of Absentee Property, this was not the case on the ground. The guard worked to transfer the ownership of vast areas of those lands to the Development Authority.<sup>36</sup></p>	<p>became able to benefit from and privatize Palestinian lands by saving more laws in partnership with government and non-governmental agencies..</p>	<p>Plan in November 1947 as for the Palestinians inside Israel. And those who did not leave their land and it was permissible to define them as enemies, so they were considered "present absentees." Their lands were confiscated as well. Sell this property<sup>35</sup></p>		
<p>The wording of the law came in a broad manner allowing the development authority to transfer ownership of lands and sell them to political parties and colonial organizations, which led in practice to the privatization of absentee property. In the period between 1948 and 1953 alone, 350 of the 370 Israeli Jewish communities were established on land confiscated under the Absentee Property Law, which granted it the authority to develop those communities.</p>	<p>The Development Authority was only allowed to sell land to the state, the Jewish National Fund, or institutions approved by the government.<sup>37</sup></p>	<p>The Development Authority was established in order for the law to work with government agencies, and it was given broad powers to acquire and develop land for sale. The Development Authority had to ensure that land ownership remained in the hands of the Jews at all times.</p>	<p>The Law Concerning Development Authority "Transfer of Ownership"</p>	<p>950</p>

<sup>35</sup> David Kretzmer, *The Legal Status of Arabs in Israel* 49, Westview Press, Boulder, 1990.

<sup>36</sup> Bisharat, George. *Land, Law, and Legitimacy in Israel and the Occupied Territories.* American University Law, 1994, no. 2.

<sup>37</sup> The Knesset Law Concerning Development Authority (Transfer of Ownership), Article 4(a), July 31, 1950.

<p>The property of the Palestinians, according to this law, was left to the discretionary power exercised by "Israel", in an appearance in which it appears as if it has a legal character.</p>	<p>The ownership of all lands that fell into the possession of the Custodian of Absentee Property was transferred to the Development Authority, and the rest of the property rights were withdrawn from their original Palestinian owners, and additional areas of land were confiscated under the pretext of development. The law stipulates that compensation be given to landowners dispossessed of their lands, but the overwhelming majority of Palestinians residing outside Israel did not benefit from this law and, moreover, the compensation was cheap.</p>	<p>This law allows the custodian of Ghanaian property to grant the ownership of Palestinian lands that he has acquired to the Development Authority for the purposes of developing "Israel." The law defines development as falling within "settlement, security or improvement, which opens the way for the confiscation of more land under these pretexts. It also allows Law Registering Expropriated Land Legally This law provides for compensation to land owners who have been dispossessed of their land.</p>	<p>Land Acquisition Law "Approval of Procedures and Compensation"</p>	<p>953</p>
<p>The land area classified by this law as the land of Israel in what became known as Israel amounted to 93%, and the Palestinian population owns only a percentage ranging from 3% to 3.5% of the land<sup>38</sup>.</p>	<p>The law prohibits the Israel Land Authority from selling land, but allows it to lease it.</p>	<p>Negotiation is defined by the law as "Israeli lands" as those lands owned by the state, the Jewish National Fund and the Development Authority. The law stipulates that the ownership of lands that fall under the administration of the Israel Lands Administration may not be transferred.</p>	<p>Basic Law: Lands of Israel</p>	<p>960</p>
<p>This law allows this government body to exercise greater control over the distribution of Palestinian lands, as these lands are leased mainly to Israeli Jews. Lease contracts were</p>	<p>Accordingly, this authority administers almost all lands of Palestinian refugees and displaced persons. And granting the Israel Lands Council some powers that authorize it to sell, transfer and lease Israeli</p>	<p>This law provides for the establishment of the Israel Lands Administration, which is the governmental authority to administer Israel Lands, and for the establishment of the</p>	<p>Israel Lands Administration Law</p>	<p>960</p>

<sup>38</sup> Adalah, "Land Acquisition Law Actions and Compensation", 19/11/2017 available at: <https://www.adalah.org/en/law/view/533>.

<p>usually granted for periods ranging from 49 to 69 years. These long-term leases became a form of ownership and paved the way for Toward the eventual transfer of land ownership under laws enacted at later stages.</p>	<p>lands based on the approval it issues in this regard</p>	<p>Israel Lands Council, which decides on policy related to Israel Lands and supervises the activities of the said department.</p>		
<p>The Jewish National Fund, a quasi-governmental body, has assumed a strong and influential position in the Israel Lands Council, as it manages all the land of Israel, including the percentage that it owns directly. The tenders for lands belonging to the fund are open only to Jewish Israelis, thus excluding non-Jews, especially Palestinians. Explicit access to lands under the administration of the Jewish National Fund.</p>	<p>The JNF is prohibited by its by-laws from offering property in its possession for sale or lease to non-Jews. While the lands belonging to the Fund are administered by the Israel Lands Council, the Israel Lands Council, which falls under the influence of the Fund, decides the policies to be implemented by this department.</p>	<p>This agreement gave the JNF a 50% representation in the Israel Land Council, even though the JNF owns only 13% of the lands of Israel.</p>	<p>Agreement between the government and the Jewish National Fund</p>	<p>961</p>
<p>Once the privatization of the land is completed and after it has been purchased by a bona fide buyer, it is impossible for the Palestinians to claim ownership of the land in question, even if under the provisions of the Absentee Property Law. The additional land areas that were exchanged also facilitated the JNF's ability to settle exclusively Israeli Jews in other</p>	<p>The law facilitates the transfer of land ownership between the Israel Lands Administration and the JNF, and the Israeli government has agreed that lands in the Negev and Galilee will be administered in accordance with the principles sponsored by the JNF, meaning that they will be administered for the exclusive benefit of Jews.</p>	<p>This law amended the seats of the Israel Lands Council, but it kept the large representation enjoyed by the Jewish National Fund by 6 out of 13 members. The law also offered 800,000 dunams of state land for privatization, which allowed individuals to own property rights. The law provided for an agreement to exchange lands between the Land Department. The newly established Israel and the Jewish National</p>	<p>Israel Land Authority Law Land Law Reform.</p>	<p>009</p>

communities within Israel. <sup>41</sup>		Fund, so that the Fund would relinquish control of the lands that were developed in the center of the country, and in return the Israel Lands Administration would grant the Fund the right of ownership of the lands <sup>39</sup> located in the Negev <sup>40</sup> and the Galilee.		
Accordingly, this law is based on confiscating lands from their original owners and turning them into outposts to establish settlements and bypass roads.	This law came to end the problem of private ownership that hinders the continuation of the implementation of the Israeli settlement project in the Palestinian territories, whether it is related to the lands that the settlers exploited as economic and housing sources or that they plan to control after the failure of the traditional plundering mechanisms that they use to provide the appropriate legal basis and to spare the Israeli government waves of International condemnation and denunciation whenever you legitimize a new focus as it did in previous years. Accordingly, the real and objective name for such a law is the legalization of the usurpation of private Palestinian lands.	The stated goal of this law is to legitimize, consolidate and develop settlement construction in Judea and Samaria.	Land Settlement Act	017

<sup>39</sup> It is the area that Israel refers to as the Negev Desert.

<sup>40</sup> Adalah, " Adalah and Citizen Rights demand the annulment of an agreement that obliges the Israeli government to the principle of lands for Jews only", 19/11/ 2017 available at: <https://www.adalah.org/ar/content/view/B.Z26>.

<sup>41</sup> One of the main principles governing private land ownership is the principle related to "a bona fide purchaser or sale proceeding in good faith." As long as a bona fide purchaser purchases the land without noticing any other party's claim on it and records the sale transaction properly, that bona fide purchaser is granted title to that land despite the claims of the liabilities

Overall, Israel's policies and laws related to land confiscation and settlement building in the occupied Palestinian territories have been widely criticized for their violation of international law, including the Fourth Geneva Convention. The international community has called for Israel to end its settlement building and to recognize the rights of Palestinians to their land and property.

### **4.3 Settlement under the labor party governments (1967-1976)**

During this period, Israeli government officials planned and oversaw the establishment of 35 settlements in the West Bank and 22 settlements in Jerusalem.

#### **4.3.3.1 Sharon's plan**

Following the 1977 victory of the Likud party, settlers celebrated what they referred to as a "wedding day," and the party adopted a slogan proclaiming "raise the flag above every foot." In accordance with this philosophy, the Israeli government undertook several settlement initiatives with the aim of besieging Palestinian residential communities. Of particular concern was the government's focus on encouraging settlement within Arab neighborhoods, as well as efforts to Judaize the Ibrahimi Mosque in Hebron and control certain areas of Nablus, such as Jacob's well and Joseph's shrine, as well as intensifying settlement activity in Jerusalem<sup>42</sup>.

The Likud government's settlement philosophy in the West Bank was predicated on the establishment of large settlements with high population numbers, political,

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<sup>42</sup> Ma'an News Agency, "Settlement in the Jordan Valley, an Insurmountable Obstacle to Peace", 05/23/2009, available at: <http://www.marineews.net/arbView>.

security, and economic activities - essentially a settlement system in the form of large cities - including Ariel, Beit El, Qarnei Shamron, and others<sup>43</sup>.

During this period, the Likud government succeeded in doubling the population of the settlements in the West Bank between 1977 and 1984, providing a clear picture of the Zionist mentality of the party and the origins of settler thought in its buildings and philosophy.

Ariel Sharon, who at the time was the minister of Agriculture and chairman of the high ministerial committee for settlement affairs, laid out his settlement plan for twenty years, establishing a series of settlements from the north to the south of the West Bank, effectively isolating Arab residential communities from each other and sheltering more than two million Jews during this period<sup>44</sup>.

#### **4.3.3.2 Gush ammonim plan**

The Gush Emunim movement is widely recognized as one of the most active and extreme Israeli settlement movements. Its objective is to create Israeli settlements in the midst of Palestinian villages and cities, thereby expropriating Palestinian land and establishing settlements with the official backing of the government of the World Zionist Organization, and funding from Israeli ministries<sup>45</sup>.

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<sup>43</sup> Abdel Rahman Abu Arafa, Settlement The Practical Application of Zionism, Abu Arafa Agency for Press and Information Jerusalem, Jerusalem ,1981 {in Arabic}.

<sup>44</sup> Ghulamy, Muhammad Odeh. History of Jewish Settlement in the Nablus Region 1967-1998." An-Najah National University, 2000, pp. 154.

<sup>45</sup> Palestinian Central Bureau of Statistics, "Israeli Settlements in the Palestinian Territories",00/ 8/2011 available at: <https://www.pcbs.gov.ps/Downloads/book1776.pdf>.



settlements within Palestinian residential communities in the West Bank in accordance with the Gush Emunim policy<sup>46</sup>.

The Israeli government pursued a vertical expansion method, which included establishing informal settlements that would become permanent settlements. This policy has been consistently pursued by successive Israeli governments. However, after the outbreak of the first intifada in 1987, new settlements in the West Bank stagnated and some settlements were even evacuated due to actions by the Palestinian resistance<sup>47</sup>.

Prior to the Oslo Accords, the West Bank experienced the greatest increase in settlements and settlers, especially during the Likud government, which accounted for 62.8% of the population in the percentage of settlements during this period. Despite declared policy differences between Israeli parties; their settlement policy is unified and serves the general Israeli goal of keeping the largest area of land under Israeli control. Settlements in the West Bank represent a strategic depth for Israeli governments, regardless of their specific settlement methods<sup>48</sup>.

#### **4.5 The settlement phase after the Oslo agreement of 1993**

This particular stage is widely regarded as one of the most significant and remarkable periods in the Palestinian people's history, encompassing various political aspects. It marked the establishment of the first national authority on the ground, spanning across the Palestinian territories, from the West Bank to the Gaza Strip, and witnessed several pivotal events, such as legislative elections held from 1996 to 2006,

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<sup>46</sup> Abdel Rahman Abu Arafa, *Settlement The Practical Application of Zionism*, Abu Arafa Agency for Press and Information Jerusalem, Jerusalem, 1981.

<sup>47</sup> Palestinian Central Bureau of Statistics, "Israeli Settlements in the Palestinian Territories", 00/ 8/2011 available at: <https://www.pcbs.gov.ps/Downloads/book1776.pdf>

<sup>48</sup> Ghulamy, Muhammad Odeh. *History of Jewish Settlement in the Nablus Region 1967-1998*. An-Najah National University, 2000, pp. 164.

and presidential elections conducted in two stages during the reign of late President Yasser Arafat and Mahmoud Abbas, respectively<sup>49</sup>.

During this phase, the Palestinian territory underwent significant changes, including the Second Intifada (Al-Aqsa Intifada), the construction of the apartheid wall, and the Zionist enemy's withdrawal from the Gaza Strip in 2005, leading to the geographical division between the West Bank and the Gaza Strip, and the internal divide caused by the two Hamas movements. The period also witnessed successive wars waged by the Zionist enemy on the Gaza Strip, beginning with the war in 2008, and which continue to this day.

These successive events have had a considerable impact on Israeli settlements in the West Bank, which we will examine in detail, given their significance on the Palestinian territories.

#### **4.6 Israeli settlements: 1993-1999**

Following the inception of the peace agreements between Palestinians and Israelis, known as the "Oslo agreement," in 1993, the Israeli High Court of Justice ruled to establish permanent Israeli ownership of the Al-Haram al-Sharif area, which Israel refers to as the "Temple Mount area." Despite Israeli governments committing to refraining from building settlements, they utilized a tactic of expanding existing settlements and increasing the number of settlers and houses inside them<sup>50</sup>.

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<sup>49</sup> Ghulamy, Muhammad Odeh. History of Jewish Settlement in the Nablus Region 1967-1998." An-Najah National University, 2000, pp. 165.

<sup>50</sup> See Appendix 6, the map of the apartheid wall.

This method allowed them to give the illusion of not building new settlements while actually encroaching on Palestinian Territories. From the outset, Israel's intentions were clear in their response to the peace agreements, which were based on a policy of expansion.

Peaceful protests through negotiation channels were met with Israeli government responses claiming that there was no agreement to halt settlements. The Labor Party signed the agreement with the Palestinians, while the Likud party opposed it. After winning the 1996 elections, the Likud party was confronted with the reality of the situation. As a result, the Palestinian territories were only granted 40% of the West Bank area distributed in the form of small cantons separated by Israeli settlements, with the Israeli government aiming to maintain Jerusalem as their unified capital in the West Bank<sup>51</sup>.

The Palestinian Central Bureau of Statistics highlighted that the Israeli government did not establish any settlements in the Jordan Valley area in particular during this period, and there was a decrease in the pace of settlement, with only 10 settlements established during this time<sup>52</sup>.

#### **4.7 Israeli settlements: 2000-2005**

During the Palestinian National Authority's reign, the Second Intifada occurred, marking a significant period of events in Palestine. As resistance escalated, the industrial city of Atarot became a ghost town, resulting in the closure of factories,

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<sup>51</sup> Shaza Jamal Khatib, Arab Jerusalem Thirty Years of Threat and Challenge, Dar Majdalawi for Publishing, amman,2001{in Arabic}.

<sup>52</sup> Ghulamy, Muhammad Odeh. History of Jewish Settlement in the Nablus Region 1967-1998." An-Najah National University, 2000, pp. 168.

warehouses, and other facilities. This marked the beginning of the decline of this city located north of Occupied Jerusalem. The town of Al-Ram surrounded Atarot to the east, the Qalandia camp to the north, and Bir Nabala to the west. Israeli factories were burned, and due to increasing security risks, the Israelis were about to leave Atarot permanently<sup>53</sup>. The entrances of Atarot and Al-Ram were closed with stones and barriers, and the siege and guard points were tightened until the area became deserted. During the Second Intifada, Israeli governments attempted to conceal the effects on the settlers and established more than twenty new outposts in parts of the West Bank, where a number of settlers temporarily resided. However, the settlers faced difficulty in terms of movement and exposure to acts of resistance. On the economic level, the intifada significantly impacted the economic and industrial spheres of the settlements<sup>54</sup>.

The case of the Atarot settlement provides an example of the intifada's impact on the areas of industrial settlements in the West Bank. Atarot, an industrial settlement of over 3,000 dunums, was confiscated from the lands of the village of Beit Hanina by a decision of the Israeli Foreign Minister in 1970. Various Israeli companies established a large number of factories and warehouses, with creation costs exceeding two billion dollars.

Throughout this period, Israel implemented various schemes, including the establishment of settlements in the West Bank and attempts to prove that the Palestinian intifada had failed to deal a blow to the settlements.

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<sup>53</sup> Al-Quds International, a study entitled, "The Jewish Settlement and Its Political and Security Impact on the City of Jerusalem", 10/15/2008 available at: <http://www.alquds.com>.

<sup>54</sup> Al-Bureij website, "The Impact of the Intifada and Resistance on Settlement in the Palestinian Territories", available at: <http://www.alburayj.com/est%20moqawamah.htm>.

#### **4.7.1 Barack's separation plan**

Following the outbreak of the Second Intifada in 2000, a new plan emerged in which Ehud Barak stated that in the event that the intifada persists, he would pursue unilateral separation. The objective was to create a separation between Israel and the Palestinians, and if negotiations failed, a unilateral approach would be taken. The plan involved grouping settlers in the West Bank into three primary settlement blocs and annexing them to Israel. An open border would be established between the two sides to allow for trade exchange through designated crossings.

#### **4.7.2 Sharon's second plan**

In the aftermath of the Second Intifada in 2000, Ariel Sharon presented a plan for the establishment of a Palestinian state on 42% of the West Bank. However, he also put forth certain preconditions for any unilateral declaration of a Palestinian state, including the deployment of Israeli forces in three main sectors in the West Bank (the Jordan Valley, Jerusalem, and the Green Line), the maintenance of West Bank settlements, the establishment of a Palestinian state contingent on political progress, and the establishment of two security belts in Jerusalem.

To respond to the intifada and its repercussions on settlements, Sharon proposed intensifying settlements and supporting settlers to achieve two goals: preventing Palestinians from feeling that they had achieved an important victory and emphasizing that Israelis were still present in the area. Sharon established several settlement blocs,

including the Gush Etzion group, the Ma'ale Adumim cluster, and the Modi'in cluster, all aimed at securing Israeli control over strategic areas in the West Bank<sup>55</sup>.

#### **4.7.3 Roadmap plan**

In regards to settlements, the Israeli government refused to dismantle settlements immediately and rejected calls for a freeze on construction in settlements, citing the level of security and calm in the region. Meanwhile, the settlers opposed the Road Map and called on Sharon's government to reject it. In a statement dated May 23, 2003, the Settlements Council argued that any government that would approve the Road Map would shirk its responsibility to defend its citizens and harm the people's interests<sup>56</sup>.

Between 2001 and 2009, Israeli governments established 232 outposts in the West Bank, consisting of civilian or paramilitary settlements established without government approval. The government used these outposts to compensate for the settlement policy that received international criticism. Eventually, these outposts became officially recognized settlements once they met the conditions of the Israeli Central Bureau of Statistics for being a permanently inhabited place within certain criteria, not being included in the official boundaries of another community, and being established officially. These outposts were scattered throughout the West Bank<sup>57</sup>.

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<sup>55</sup> Roenstein, Danny. writer and editor in Hart newspaper article entitled Israeli Settlement in the Occupied Territories 1967 AD." Israeli Issues Magazine, vol.5, pp. 106-42.

<sup>56</sup> Arab Network for Human Rights Information, "A report issued by the Palestinian Law Society", 10/3/2004 available at: <http://www.anhri.net/palestine/lawsociety/pr040310.shtml>.

<sup>57</sup> Arab Network for Human Rights Information, "A report issued by the Palestinian Law Society", 10/3/2004 available at: <http://www.anhri.net/palestine/lawsociety/pr040310.shtml>.

#### 4.7.4 Israeli withdrawal in 2005

The Israeli perspective has been based on the belief that the entire Palestinian land is a divine right granted by God to the Jewish people, as reflected in the Zionist movement's slogan, "Gush Katif is the blocs of aviv." However, the Israeli government's withdrawal from settlements in the Gaza Strip and some areas in the West Bank indicates a departure from this philosophy for various reasons<sup>58</sup>.

Despite the Israeli government's motives for withdrawing from the Gaza Strip, this was the first time in the country's history since its occupation of Palestine in 1948 that it dismantled settlements, evacuated settlers, and relocated them to the West Bank. This move was part of a plan by Sharon to seize as much Palestinian land as possible and increase the number of settlers, and marks a point of retreat in Zionist thinking.

Israeli leaders have come to recognize that military force alone has not achieved their goal of denying the national rights of the Palestinian people or erasing their history and existence<sup>59</sup>.

The July 2006 war in southern Lebanon and the Israeli offensive on the Gaza Strip in late 2008 and early 2009 were harsh lessons for Israel<sup>60</sup>. Therefore, the Israeli withdrawal from the Gaza Strip can be considered a significant setback for Zionist ideology, and not a gesture of generosity towards the Palestinians. The withdrawal was

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<sup>58</sup> Al-Bureij website, "The Impact of the Intifada and Resistance on Settlement in the Palestinian Territories", available at: <http://www.alburayj.com/est%20moqawamah.htm>.alburayj.com/est%20moqawamah.htm

<sup>59</sup> Al-Bureij website, "The Impact of the Intifada and Resistance on Settlement in the Palestinian Territories", available at: <http://www.alburayj.com/est%20moqawamah.htm>.alburayj.com/est%20moqawamah.htm

<sup>60</sup> Shaaban, Khaled Mahameed, Muslim, and others. The Impact of the Intifada on the Zionist Entity," Researcher for Studies, 2004, pp. 55.

a consequence of the blows inflicted on Israel by the Palestinian resistance in all its forms<sup>61</sup>.

The Israeli withdrawal from the Gaza Strip also accelerated the pace of settlement activity in the West Bank to accommodate settlers displaced from Gaza. The Israeli government approved the construction of 48 housing units in the Ariel settlement south of Nablus for settlers who were evacuated from Gaza<sup>62</sup>, increasing the number of settlers in the West Bank to over 443,000 in 2002, compared to 365,000 in 2000. As a result, Gaza became settlement-free for the first time since it was occupied in 1967<sup>63</sup>.

#### **4.7.5 Israeli settlements: 2006-2009**

The second Palestinian elections had far-reaching effects on Palestinian society, including economic, social, and political ramifications. The Hamas movement's entrance into political action was not accepted by the Israeli government, allowing Israel to use international legitimacy resolutions as a reference point during its tenure in the Palestinian government. This allowed Israel to gain support from global public opinion, intensify military barriers, and increase settlements in the West Bank

The formation of the Hamas government, coupled with regional and international divisions and an international blockade, created an environment ripe for Israeli exploitation. The Israeli government increased the number of settlers in the West Bank, particularly in Jerusalem, during this time. The Olmert government alone is estimated to have increased the number of settlers by fifty thousand, with a settlement project still

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<sup>61</sup> ARIJ Institute for Applied Research, a symposium on settlements was attended," An-Najah National University, 2010.

<sup>62</sup> Palestinian Central Bureau of Statistics, "Israeli Settlements in the Palestinian Territories", 00/ 8/2011 available at: <https://www.pcbs.gov.ps/Downloads/book1776.pdf>.

<sup>63</sup> See Appendix (7) showing the outposts for the year 2019.

underway. The current Netanyahu government is completing the construction of 3,200 housing units in the West Bank<sup>64</sup>.

Despite continuous demonstrations in Budrus, bil'in, and NI'lin, there were no significant Palestinian manifestations of resistance against the settlement project during this time. Negotiations between the Palestinian and Israeli sides continued, but no progress was made regarding the cessation of settlements. Neither Palestinian, Arab, nor international pressures were successful in stopping the settlement, except for the American proposal to hold the Annapolis peace conference in 2008.

Unfortunately, the Annapolis Conference failed to achieve its goals, as the Israeli government continued its settlement offensive in the West Bank, with plans for new settlements in northern East Jerusalem and the territory of Qalandia airport. The Israeli government denied Palestinian rights and failed to implement any agreements made at Annapolis or the road map<sup>65</sup>, despite Palestinian commitments to abandon violence and follow the road map provisions. Thus, the failure of the Annapolis Conference can be attributed to the Israeli government's refusal to halt its settlement expansion<sup>66</sup>.

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<sup>64</sup> Nabil Mahmoud Al-Sahli, Features of the demographic, political, economic and military structure Israel until 2015 Dar Pages for Study and Publishing, Damascus, , 2008 {in Arabic}.

<sup>65</sup> Islam Online website, "The settlements are growing since the Annapolis conference", 31/ 3/2008 available at: [http://www.islamonline.net/servlet/Satellite?e=ArticleA\\_C&cid=1203758569361&pagename=Zone-Arabic-News/NWALayout](http://www.islamonline.net/servlet/Satellite?e=ArticleA_C&cid=1203758569361&pagename=Zone-Arabic-News/NWALayout).

<sup>66</sup> Arab 48 website, "Malouh and Al-Baladi in a Comprehensive Hadith on the Third Movement and the Current Situation", 5/26/2002 available at: <http://www.arabs48.com/print.x7c-11&id -28306>.

## **Chapter Five**

### **Settlement Effects**

The Israeli settlement activities in the West Bank have had profound impacts on the lives of the Palestinian people. These impacts include:

#### **5.1 The impacts of Israeli settlements project on Palestinian development**

The Israeli settlement process in the West Bank has had significant impacts on the Palestinian population, particularly on their development. The control of Palestinian land, water, and resources by the settlements, along with the severing of communication links between Palestinian areas and settlements, has resulted in a duplication of development standards. The settlements enjoy smooth implementation of their development requirements, while the Palestinians face hindrances in their development components, subject to Israeli laws and administrative regulations. The establishment of bilateral administrative and municipal frameworks and systems for Palestinian systems deepens the dependence of Palestinian society on the settlement community by providing job opportunities in the construction sector, cheap labor, and the industry that is developing in the settlements<sup>67</sup>.

Furthermore, Israeli settlements pose a significant obstacle to any Palestinian development process. The lands proposed for annexation contain the majority of underground and surface water resources, mineral salts in the Dead Sea, stone resources, and the fertile agricultural lands of Palestinians, including irrigated ones.

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<sup>67</sup> Wafa Agency for Palestinian Information, "The impact of Israeli settlement on agriculture, the environment and the social situation in Palestine", 3/12/2022 available at: [https://info.wafa.ps/ar\\_page.aspx?id=4068](https://info.wafa.ps/ar_page.aspx?id=4068).

Israeli control over most of the tourist and archaeological sites and religious shrines also deprives the Palestinians of enjoying their rights in these sites. The annexation will subject the import and export movement to and from Palestine to the Israeli authority, controlling all goods and products entering or leaving the Palestinian territories. It will also control the movement of goods and products between Palestinian governorates and cities, as well as the infrastructure at the regional and local levels, making the extension or development of road networks, water, and electricity lines challenging. Finally, the funds received by the Palestine refugees' property, registered as "absentee property," will be the same as the final funds received from the annexation process.

## **5.2 The political impacts of the settlement**

In 2020, the municipality of Jerusalem released a long-term plan until 2050 that included an expansion of the municipality's borders, resulting in a 30% increase in the area of the West Bank that would be used as a guarantee area for future generations<sup>68</sup>.

This expansion was not limited to Jerusalem, but also included settlements throughout the West Bank. Analysis of this plan, along with historical evidence of settlement projects and the distribution of settlements in the West Bank, indicates that the Israeli occupation has gone beyond the stated plan, utilizing laws that facilitate settlement construction and allowing settler criminal groups to carry out systematic and continuous attacks against Palestinians. These groups have established over 300 training camps annually inside settlements, espousing a culture of hatred and violence towards Palestinians. Settlement construction has been concentrated on mountain peaks, often

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<sup>68</sup> Ibrahim, Bilal Muhammad. Israeli settlement in the West Bank and its impact on political development." An-Najah University,2010.pp55.

surrounding Palestinian villages and towns with security areas and a judicial system that is lenient towards Jewish perpetrators of crimes.

The Qalqilya governorate serves as a prime example of the challenges faced in establishing a viable Palestinian state due to the presence and impact of Israeli settlements. The Qalqilya governorate has been completely isolated to make way for the expansion of the ALFI Mansheh settlement, with a population of only 2,000 settlers compared to the 56,000 Palestinians residing in the same geographical area. The occupation has intentionally severed communication between Qalqilya and its villages, forcing Palestinians to rely on tunnels controlled by the occupation army for transportation. Palestinians are deprived of control over land and sea ports, which serve as the gateway to their Arab and global connections. Israeli control over the airspace, including electromagnetic wave frequencies, restricts the movement of individuals and goods to and from Palestine. Israel also maintains military control over strategic locations in the Palestinian territories, encompassing at least 30% of the total area. Settlement enclaves further fragment Palestinian territories, with Israeli control over the streets connecting these enclaves to Israel, compromising the security and stability of Palestinian residents. The ultimate goal of Israeli settlements is to prevent the establishment of a contiguous Palestinian state, with Israeli control over roads and crossings connecting Palestinian governorates, thereby endangering the prospects of a secure and stable future for Palestinians. The presence of Israeli settlements near Palestinian cities poses a significant security threat, as Israel can close or attack these cities at will. This was demonstrated during the Al-Aqsa Intifada, when several Palestinian cities, including Nablus, Ramallah, Beit Jala, Hebron, Jenin, and Gaza, were

heavily shelled from inside these settlements. This security threat jeopardizes the essence of the expected Palestinian sovereignty and statehood.

Furthermore, Israeli settlements require ongoing security protection, necessitating a permanent Israeli military presence in these areas. This situation creates a state within the state, whereby Israeli settlements become demographic, military, and security enclaves of Israel, undermining the national security of the future Palestinian state.

The demographic effect of Israel's settlement policies on Palestine is a complex and controversial issue that has far-reaching implications for both Israeli and Palestinian populations. Israel's settlement policies in the West Bank and East Jerusalem have led to the displacement of thousands of Palestinians from their homes and the confiscation of their land, resulting in a decline in the Palestinian population in these areas and a corresponding increase in the Israeli population. This trend is viewed by many as an attempt to change the demographic balance and establish Israeli control over these territories.

The impact of Israeli settlements on the Palestinian population is significant in terms of demographics. Israeli settlements have increased the Jewish population in the West Bank, East Jerusalem, and Gaza Strip, leading to the dispossession of Palestinians from their land, homes, and communities. Additionally, the construction of settlements, roads, and infrastructure for Israeli settlers has limited the freedom of movement of many Palestinians, preventing them from accessing their homes, farms, and workplaces. The Israeli separation barrier in the West Bank has also made it more difficult for Palestinians to travel between different parts of the occupied territories, separating many from their families, friends, and communities. In addition to the demographic impact of

Israeli settlements on Palestine, these settlements have also had significant economic effects. The growth of settlements has frequently resulted in the confiscation of Palestinian land, water resources, and other resources, which has had a negative impact on the ability of Palestinians to support themselves and their families. This has contributed to poverty and unemployment, exacerbating the demographic effects of the settlements on the Palestinian population.

Moreover, the policies of settlement occupation in the C area and Jerusalem have hindered the natural growth of the Palestinian population in those regions and have forced the Bedouin and other communities that have lived there for centuries into a state of siege. The Israeli authorities have implemented policies of house demolition and military presence, with the number of Palestinian residents in these areas not exceeding 150,000 citizens, while the number of settlers in the West Bank and East Jerusalem has reached approximately 750,000. Most of these settlers are located in the C area or in East Jerusalem, which comprises 62% of the area of the West Bank. This illustrates the Israeli authorities' efforts to facilitate the presence of settlements in the occupied territory, constituting a war crime as defined by international law.

### **5.3 The political impacts of the settlement**

This letter addresses the hindrance of Israeli settlements to the establishment of a Palestinian state and questions the impact of local investment on enabling the formation of such a state. The settlement project in the West Bank began with the occupation of the territories in 1967 and aimed to create a demographic buffer separating the West Bank from its Arab extension to the East and to control the natural Palestinian resources. The project targeted forested and agricultural lands, isolated the West Bank

from its eastern border, and controlled the entire Jerusalem governorate. The Alon colonial plan, which started in 1978, aimed to establish 70 settlements and bring 120 to 150 thousand settlers to live in them by building interconnected settlement blocs. This plan was met with opposition but merged with other plans, such as the Josh amonim plan, to create a group of separated and isolated territories. The Israeli occupation has implemented measures on Palestinian territories since 1967 with the aim of fulfilling their colonial settlement ambitions. These measures have not ceased and are a strategic development to gain further control and seizure of Palestinian territories. The initial annexation of Jerusalem and the issuing of land acquisition orders were followed by the announcement of absolute control over the lands of the treasury of the Hashemite Kingdom of Jordan. Additional measures included the confiscation of 1200 square kilometers of state land, closure of areas, and expansion of Israeli colonies to cover 540 square kilometers of the West Bank.

The construction of the annexation wall in 2002 was a major development in the Israeli occupation's measures. Although an advisory decision by the International Court of Justice attempted to halt the construction of the wall, it was completed on a 715-kilometer-long area around the West Bank<sup>69</sup>. The wall was built to deceive the international community that the occupation was committed to legitimate decisions. The Israeli occupation continued with measures such as declaring Palestinian lands as nature reserve areas and confiscating 140 square kilometers for the benefit of the occupation government. A company was established to steal minerals and natural resources from the Dead Sea. Bypass roads were created to facilitate control of settler gangs, and there

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<sup>69</sup> Ibrahim, Bilal Muhammad. Israeli settlement in the West Bank and its impact on political development." An-Najah University, 2010.pp57.

are around 500 colonial sites in the West Bank and east Jerusalem occupied by the Israeli occupation<sup>70</sup>.

These measures hinder the establishment of a contiguous sovereign Palestinian state and make it impossible to control its resources. It is necessary to apply a set of maps to realize the limited opportunities for establishing a Palestinian state that is geographically connected and provides a peaceful home for Palestinian citizens.

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<sup>70</sup> Israel's project to annex Palestinian lands, report submitted to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territory.

## **Conclusion**

Despite numerous international resolutions calling for the establishment of an independent Palestinian state, Palestinians have been unable to achieve this goal due to the Israeli occupation of their land. Israel has occupied the West Bank since 1967 and has built settlements in the area, making it increasingly difficult to establish a Palestinian state on those territories. This thesis seeks to investigate the ideology behind these settlements and their impact on the Palestinian people. The study concludes that:

The settlement of the Occupied Palestinian territories is not based on demographic or geographical needs, but rather on a Zionist religious ideology that views these lands as the national homeland of the Jewish people.

Despite Israel's involvement in various political processes, it has not stopped the settlement project in the West Bank. This suggests that Israel is using these negotiations as a means to further its own territorial goals.

The continued settlement of the West Bank has led to the fragmentation of Palestinian geography, with settlements forming belts between Palestinian governorates, resulting in a series of cantons and micro-ghettos. The strategic placement of these settlements in mountainous areas also makes it challenging to maintain security and sovereignty for any future Palestinian state.

The establishment of a comprehensive road network connecting all the settlement outposts in the West Bank has contributed to the blockading of Palestinian cities and the severing of their connections, while also providing settlers and settlements with a geographic advantage.

Furthermore, demography has been a significant concern for occupation governments, particularly in Jerusalem and the West Bank, with all settlement projects being linked to the aim of influencing the demographic makeup of the Occupied Palestinian Territories. Israel has emptied Area C, which constitutes 60% of the West Bank area, of its Palestinian majority through the implementation of settlement construction, resulting in the displacement of Palestinians from this region. In contrast, the number of settlers has risen to 728,000 individuals at present, which has had several implications, including the settlers' ability to serve as a powerful lobbying force in elections and their participation in the development of policies and political programs that endorse settlements and reject the establishment of a Palestinian state.

Given the existence of Israeli settlements, their Jewish religious references, Zionist ideology, and the imposed creation of geographic and demographic facts in the Occupied Palestinian Territories, it is impossible to progress towards establishing the desired Palestinian state unless these settlements are halted and dismantled.

In light of the findings presented in this study, the researcher puts forth several recommendations:

Prior to any resumption of political negotiations between the parties involved in the conflict, Israel must commit to halting its settlement activities and commit to dismantling existing settlements. This necessitates the need for international guarantees beyond those provided by the United States.

In the event that the Israeli government continues to maintain control and formulate policies related to the occupation, the Palestinian side should consider

expanding their local tools of resistance by launching a comprehensive national program against the Israeli occupation.

The researcher recommends expanding and activating international political and legal tools, with a focus on isolating the Israeli occupation as an apartheid regime.

The Palestinian government should adopt policies to prevent the Israeli policy of displacing Palestinians from Area C and support the steadfastness of Palestinian citizens in resisting these policies.

A new negotiation framework should be created with the Israeli side that avoids the mistakes made in past peace processes.

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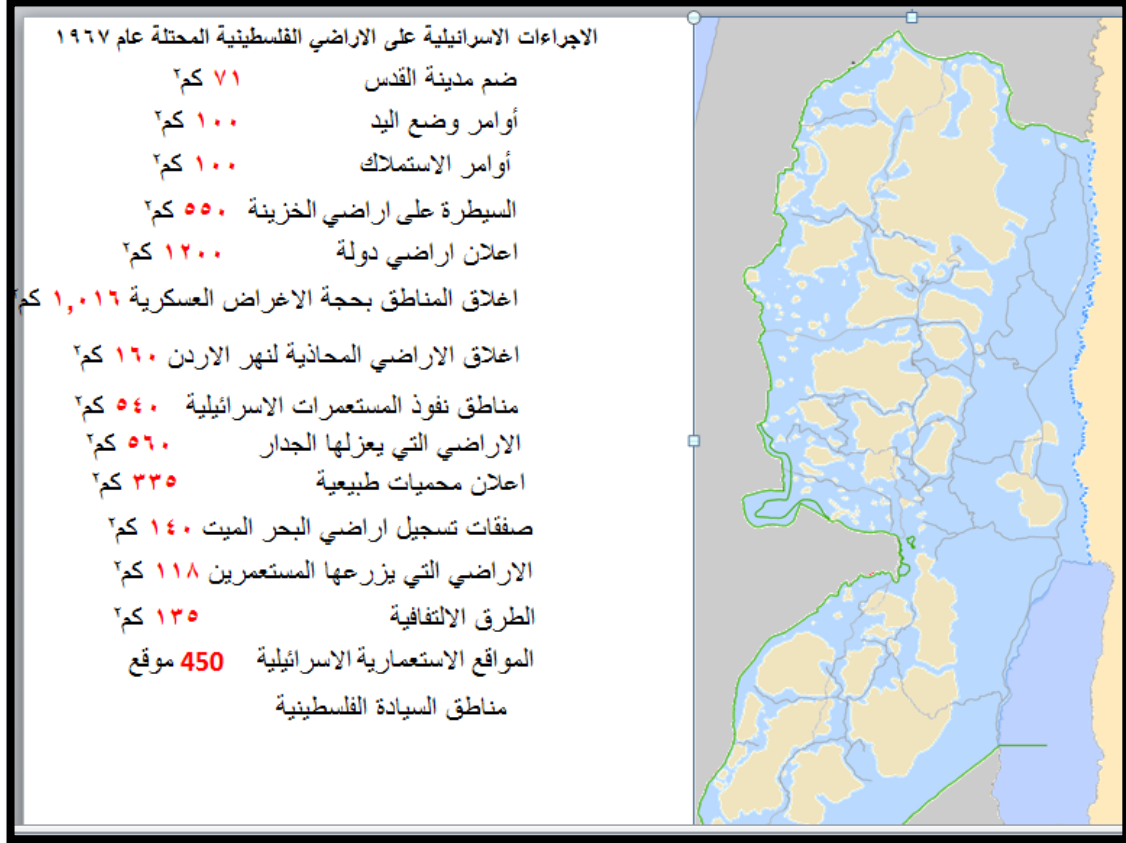
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# **Appendixes**

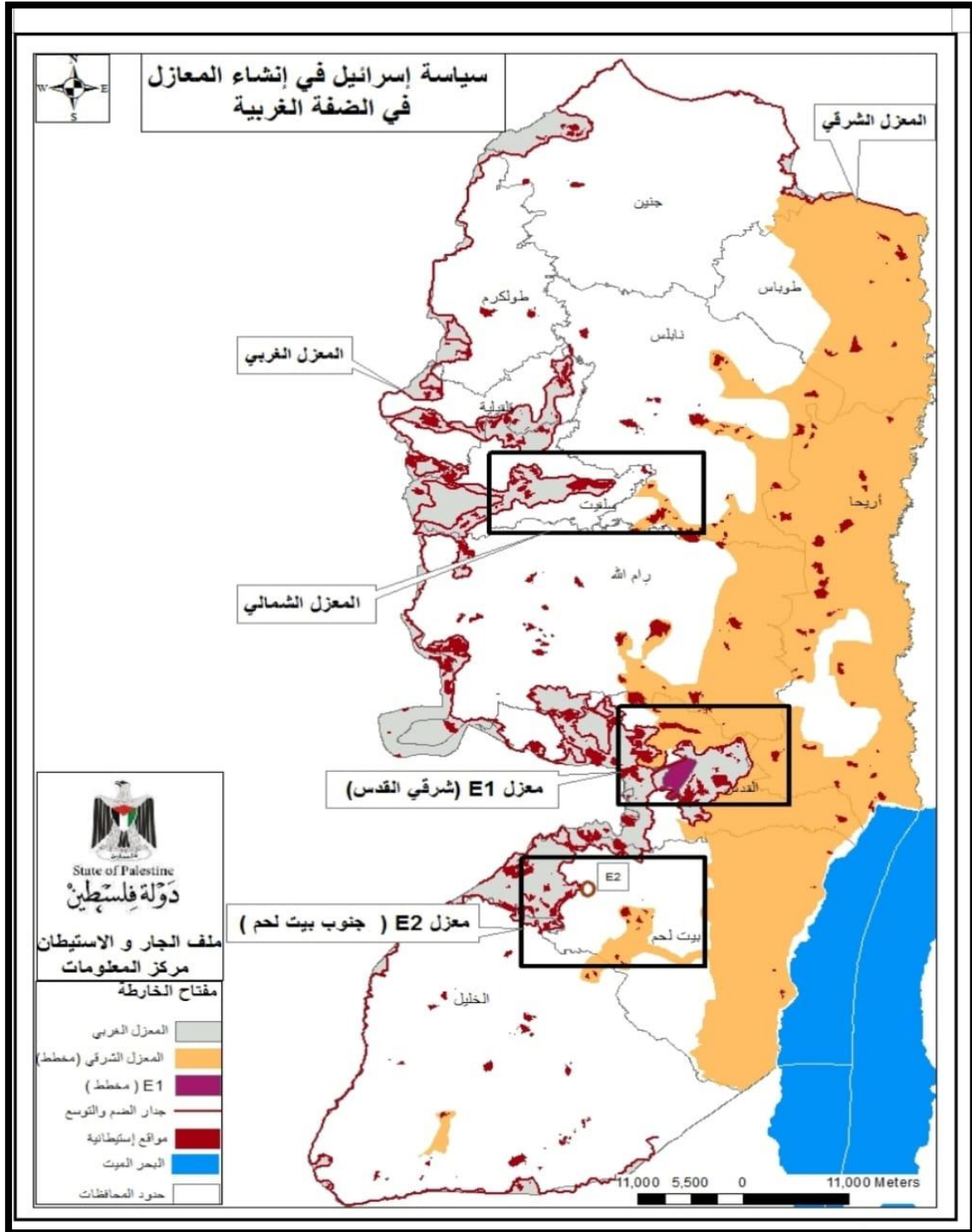
## Appendix (1)

## Map of occupation procedures in controlling the land



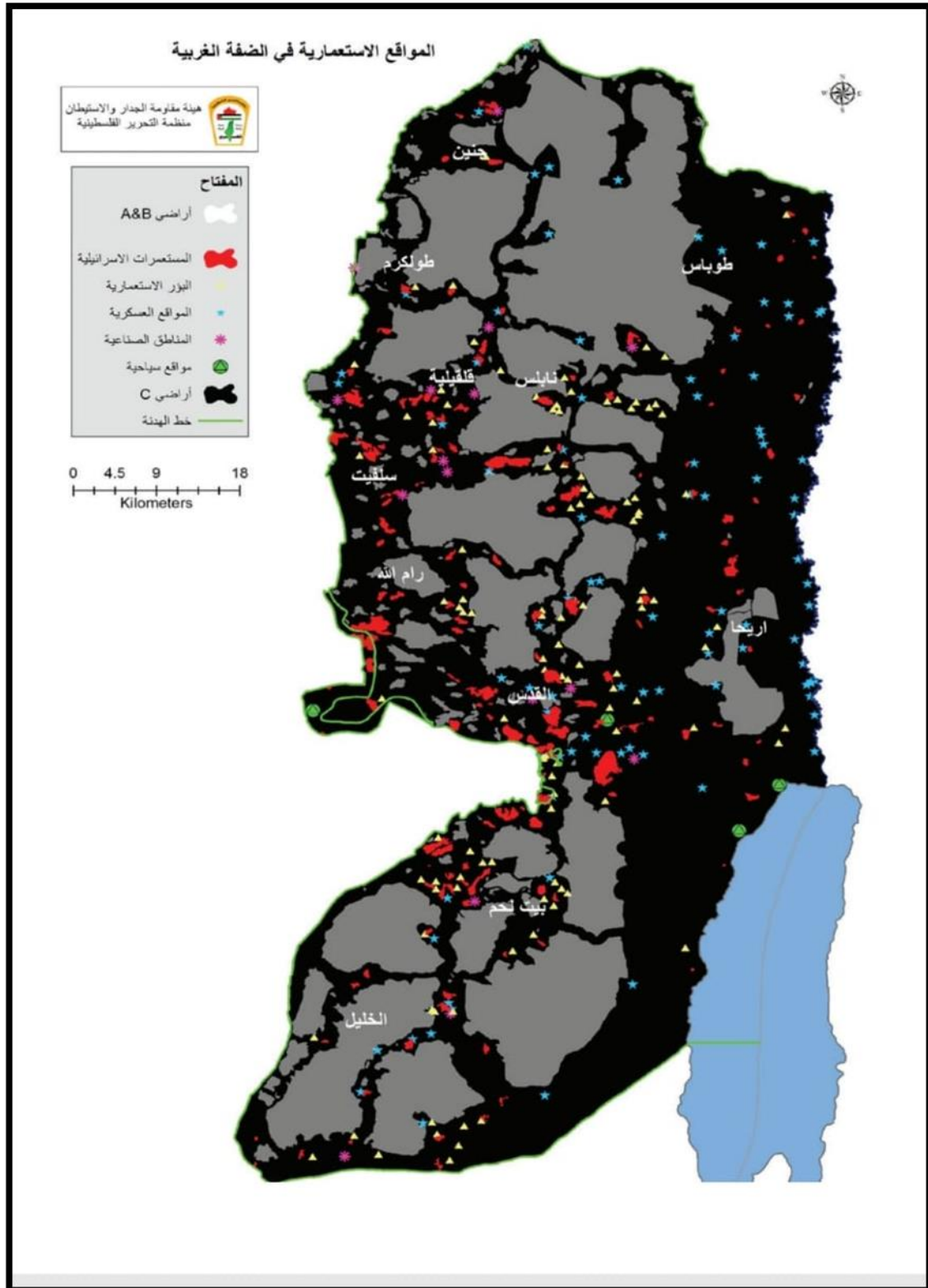
## Appendix (2)

## "Settlement colonies"



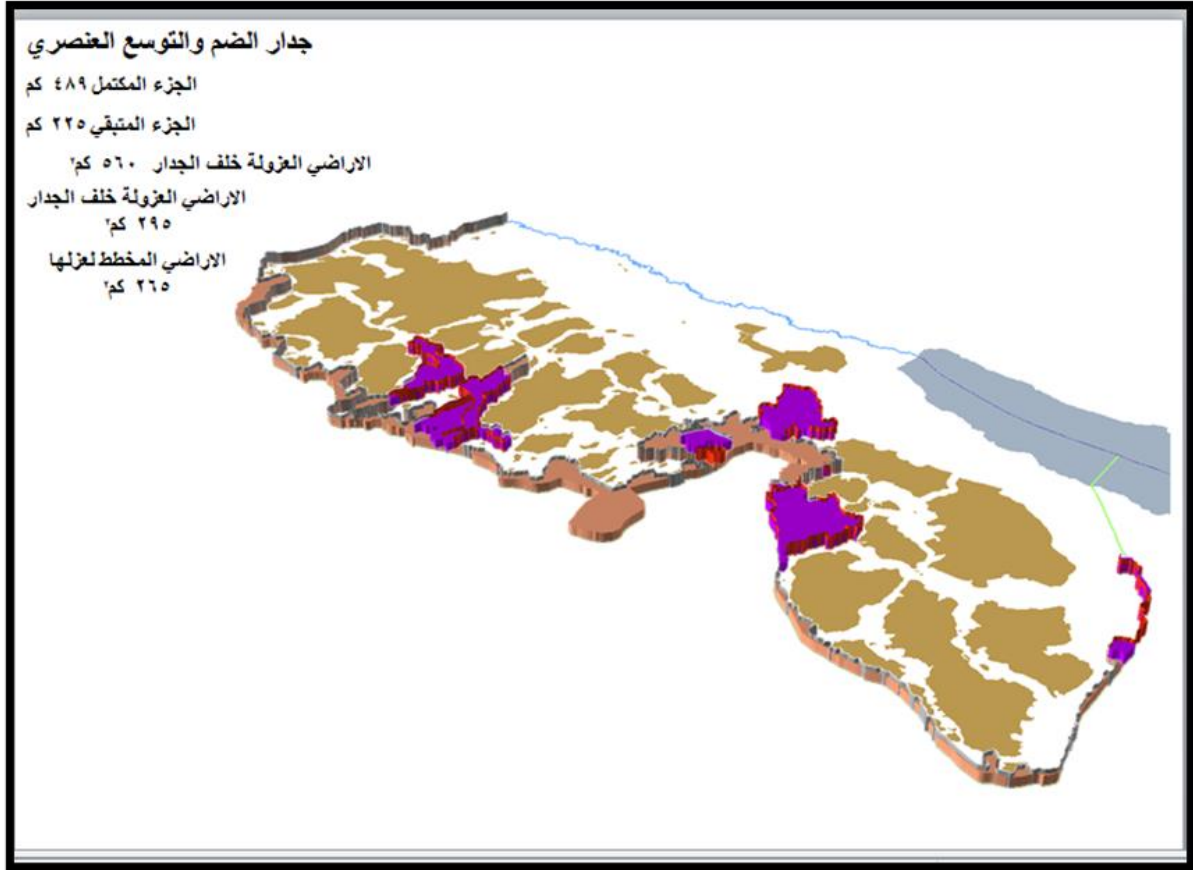
## Appendix (3)

## Military sites, outposts, industrial sites and settlements



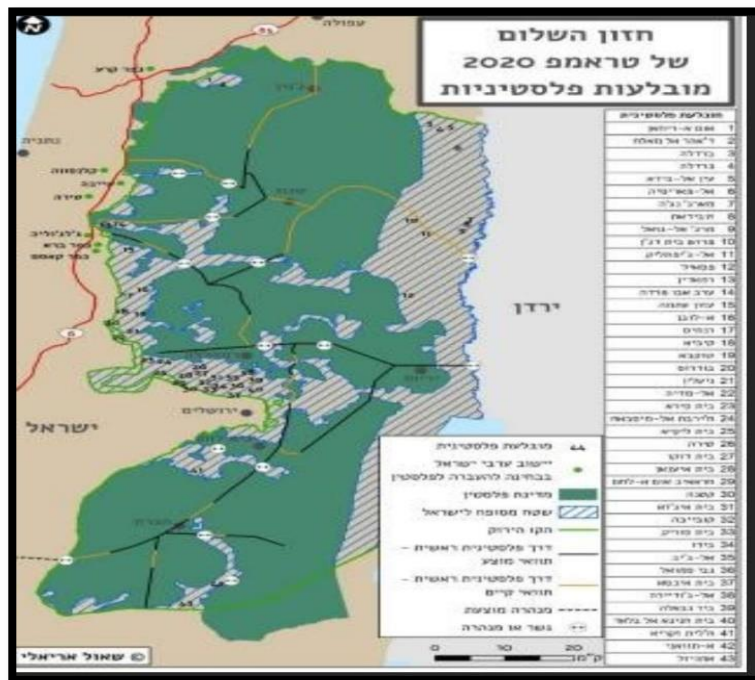
## Appendix (4)

## Apartheid wall



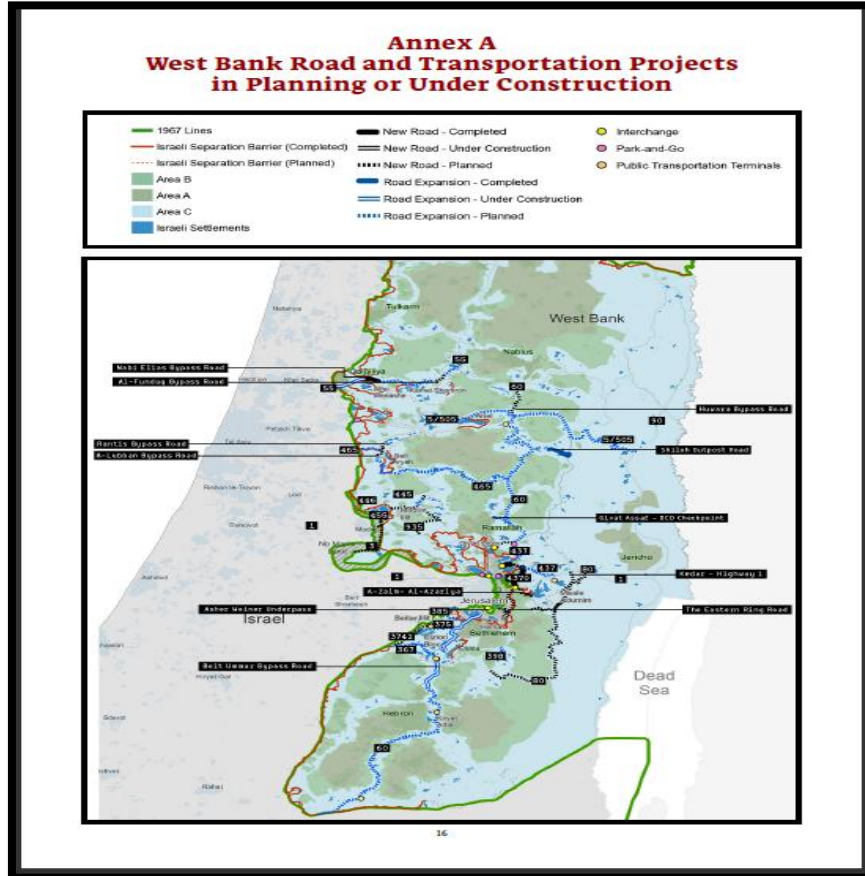
Appendix (5)

Palestinian enclaves according to “Deal of century “



### Appendix (6)

### Bypass Roads



## المخلص

تناقش هذه الأطروحة أحد أبرز موضوعات الصراع بين الفلسطينيين والإسرائيليين، والتي تتمحور حول الصراع على الأرض. الفلسطينيون هم أصحاب الحق ويعانون من سياسة الطرد من أراضيهم من قبل المستوطنات الإسرائيلية المتعاقبة لصالح المشروع الاستيطاني في الضفة الغربية. هدفت هذه الدراسة إلى تسليط الضوء على سياسة الاستيطان الاستعماري الإسرائيلي ومشاريعه في الأراضي الفلسطينية والانعكاسات الجيوسياسية على إمكانية قيام دولة فلسطينية، خاصة في ظل استمرار التمسك الرسمي بحل الدولتين كإطار لحل الصراع.

وقد حققت هذه الدراسة هدفها من خلال تتبع المشاريع الاستيطانية المختلفة وطريقة توزيعها جغرافياً وانعكاسات ذلك على الربط الجغرافي للأراضي الفلسطينية المحتلة. وقد توصلت هذه الدراسة إلى عدة نتائج، أهمها: أن التوزيع الجغرافي لمواقع المستوطنات أخذ شكل أحزمة استيطانية حول محافظات الضفة الغربية، وأن دور المستوطنات تمثل في عزل القرى الفلسطينية عن المدن الكبرى، بالإضافة إلى السيطرة الجغرافية على معظم مناطق الضفة الغربية التي تنتجها المستوطنات ومواقعها المنفردة.