



Arab American University
Faculty of Graduate Studies

The Impacts of Israeli Settlements on Palestinians' Right to Self-Determination

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**This thesis was submitted in partial fulfillment of the requirements for
the Master's degree in International Law and Diplomacy**

02 /2024

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Thesis Approval

The Impacts of Israeli Settlements on Palestinians' Right to Self-Determination

By

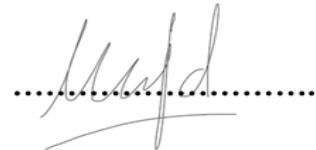
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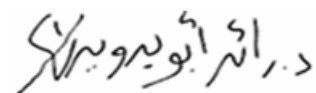
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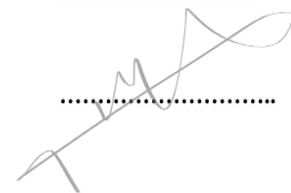
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Declaration

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution.

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Dedication

To my beloved mother, who has been both a mother and a father to me, especially after the loss of my father. Your resilience and boundless love have been the guiding light in my life, shaping me into the person I am today.

To my dear husband, thank you for being my strong partner and support in every part of our journey together.

To Hasan and Celina, my wonderful kids, the love of my life, I hope you both keep learning and growing every day. May you achieve your dreams and get the best education. You make me proud, and I cannot wait to see all the great things you will do.

To my brothers and sisters, your camaraderie and shared memories have given me strength and laughter in equal measure; your support means everything to me.

To my family-in-law, who have welcomed me with open arms, your kindness and support enrich my life.

To my friends who have journeyed alongside me, your encouragement and belief in my dreams have been a source of endless inspiration and comfort.

Each word in this thesis carries a piece of my heart, a reflection of the unwavering support and love I've received. It stands as a symbol of my journey, intertwined with the encouragement and strength each of you gives. As this chapter of my academic life concludes, I am reminded that the knowledge I've gained is as much a product of your support as it is of my effort. Thank you for being part of this meaningful journey.

Rawan Majed AlAsttal

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Abstract

This master's thesis conducts a comprehensive investigation into the impacts of Israeli settlements on the Palestinian right to self-determination. It employs a qualitative research methodology to scrutinize the legal and socio-political aspects of the Israeli occupation and its settlements, analyzing how they affect Palestinian self-governance and statehood ambitions. The research traces the historical progression of the occupation, examines the development of international law concerning self-determination, and discusses the practical challenges Palestinians face in claiming their rights. It critically reviews the reactions of international organizations such as the UN and the International Court of Justice, emphasizing the complex interplay between law, politics, and human rights. The thesis critically examines the role of Israeli settlements in diminishing the opportunities for Palestinians to exercise their right to self-determination. It underscores the asymmetric nature of the occupation, highlighting the unique challenges faced by Palestinians under these circumstances. The study emphasizes the need for adherence to international legal norms and human rights standards as essential for addressing the complexities of this situation and moving toward a just resolution.

Keywords:

Israeli settlements, Palestinian self-determination, Israeli occupation, international law, United Nations (UN), International Court of Justice, Human rights standards, Asymmetric dynamics, Statehood challenges, Political response, and international diplomacy.

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Introduction

"To deny people their human rights is to challenge their very humanity." - Nelson Mandela.¹

This quote by Nelson Mandela means that when individuals are denied their basic human rights, it is a direct attack on their fundamental human dignity and worth. It suggests that denying people their rights is not just a legal or political issue but a moral and ethical one that goes to the core of their humanity.

Nelson Mandela's profound observation echoes poignantly in the context of the Palestinian experience under Israeli occupation. This thesis embarks on a critical exploration of the impacts of Israeli settlements on the Palestinian's right to self-determination, situated at the heart of one of the most enduring conflicts in modern history. The establishment and expansion of Israeli settlements in the occupied Palestinian territories have not only reshaped the physical landscape but have also deeply hindered the Palestinians' aspirations for self-governance and statehood.²

This introductory chapter lays the foundation for our exploration of Palestinian self-determination in the context of Israeli settlements. It begins by defining the concept of self-determination, tracing its evolution from a philosophical idea to a recognized legal right. This chapter sets the stage for the subsequent analysis by outlining the scope, objectives, and methodology of the thesis, ensuring a comprehensive understanding of the fundamental principles that underpin this study.

The Israeli settlements, emerging after the 1967 Six-Day War and proliferating over the decades, represent a contentious issue within the international community. Regarded by many as a contravention of international law, particularly the Fourth Geneva Convention, these settlements have become entrenched symbols of a broader conflict over land, identity, and

¹ Nelson Mandela, speech at a joint meeting of the United States Congress, Washington DC, 26 June 1990.

² Peretz, D. (1991). "The Impact of the Gulf War on Israeli and Palestinian Political Attitudes." *Journal of Palestine Studies* 21: 17-35. This paper discusses the impact of the Gulf War and the influx of Jewish immigrants on Israeli-Palestinian relations.

statehood.³ The presence and continuous expansion of these settlements raise pressing questions about the violation of Palestinian human rights and the undermining of their aspirations for an independent state.⁴

The historical trajectory of this conflict, tracing back to the formative years of the 20th century, provides essential context for understanding its current dimensions. The establishment of the State of Israel in 1948 and the subsequent Arab-Israeli war marked a transformative period in the region, leading to the Palestinian Nakba—a term reflecting the catastrophe of mass displacement and loss of homeland.⁵ This era set the stage for events that would shape the Israeli-Palestinian conflict for decades. The pivotal Six-Day War of 1967 resulted in the Israeli occupation of the West Bank and Gaza Strip, laying the foundation for the settlement enterprise that continues to fuel the conflict.⁶

The concept of self-determination, central to the United Nations Charter, empowers people to pursue political, economic, social, and cultural development without external interference. For the Palestinian people, this inherent right has been continually undermined by the expansion of Israeli settlements. Since the 1967 Six-Day War and Israel's subsequent occupation of Palestinian territories, these settlements have grown both in number and in the extent of their impact on Palestinian lives and land.

Israeli settlements, widely viewed as violating international law, especially the Fourth Geneva Convention, have significantly changed the demographics, culture, and physical landscape of the occupied territories. These settlements not only symbolize the occupation but

³ Benvenisti, E. (1993). "The Israeli-Palestinian Declaration of Principles: A Framework for Future Settlement." *European Journal of International Law* 4: 542-554. This paper examines the Declaration of Principles on Interim Self-Government Arrangements signed in 1993, setting the stage for the Israeli-Palestinian conflict settlement.

⁴ Maoz, I., Yaniv, I., & Ivri, N. (2006). "Decision Framing and Support for Concessions in the Israeli-Palestinian Conflict." *Journal of Peace Research* 44: 81-91. This study explores the influence of decision framing on Israeli Jewish respondents' support for the concession of Jewish settlements in the West Bank and Gaza.

⁵ Weirich, M. A. (2010). "Hijacking the Charitable System: An Examination of Tax-Exempt Status for Charities That Support Israeli Settlements." *The Journal of Gender, Race and Justice* 14: 327. This paper investigates the funding of Israeli settlements and its implications for peace and human rights.

⁶ Portugali, J. (1991). "Jewish Settlement in the Occupied Territories." *Political Geography Quarterly* 10: 26-53. The paper examines the implications of Israeli settlement activities in the occupied territories on Israel's social geography and Israeli-Palestinian relations.

also form a significant barrier to the realization of a sovereign Palestinian state. This, in turn, complicates the path towards a fair and sustainable resolution.

The daily existence of Palestinians living under these conditions is fraught with challenges. Restrictions on movement, limited access to essential resources such as water, and the loss of ancestral lands depict a stark reality. The settlements, more than just residential zones, represent a strategic effort to fragment and control Palestinian land, thereby hindering the prospects for self-determination.

This thesis delves into the legal, ethical, and political dimensions of Israeli settlements, examining their complex interplay with Palestinian self-determination. It assesses the impact on peace negotiations, regional stability, and international diplomacy, offering a comprehensive analysis of historical events, international legal frameworks, and diplomatic initiatives. Through this lens, the work aims to provide a nuanced understanding of how Israeli settlements have shaped the dynamics of the conflict and the prospects for its resolution.

Problem statement:

The expansion of Israeli settlements in the occupied Palestinian territories presents a critical challenge to the Palestinian people's right to self-determination, a foundational principle in international law. These settlements, often deemed violations of international norms, particularly under the Fourth Geneva Convention, have significantly altered the occupied territories' demographic, cultural, and physical landscape. This phenomenon poses not only a geopolitical challenge but also a profound human rights issue, as the settlements impact various aspects of Palestinian life, including freedom of movement, access to resources, and the ability to govern themselves within their own territory.

Despite widespread international attention and condemnation, the growth of Israeli settlements continues, raising pressing questions about the efficacy of existing international legal mechanisms and the broader implications for regional peace and security. The persistent expansion of these settlements and their impacts on Palestinian self-determination represents a

gap in the current academic and policy-oriented discourse, necessitating a comprehensive investigation.

This thesis seeks to address this gap by examining the multifaceted consequences of Israeli settlements on Palestinian self-determination. The study aims to explore the legal, social, and economic dimensions of this issue, providing an in-depth analysis of how the settlements impede the Palestinian quest for statehood and autonomy. Furthermore, the research will evaluate the international community's response to these settlements and assess potential pathways toward resolving this critical issue in a manner that upholds the rights and aspirations of the Palestinian people.

Research Questions

The overarching aim of this thesis is to explore the complex relationship between Israeli settlements and the Palestinian right to self-determination. This inquiry is guided by research questions designed to address a different facet of the issue.

Main Research Question:

What are the impacts of Israeli settlements on the Palestinians' right to self-determination in the context of international law and regional dynamics?

Sub-Questions:

Legal Implications:

- How do Israeli settlements contravene international laws and conventions that recognize and protect the right to self-determination?
- What has been the response of international legal bodies, like the International Court of Justice, to the issue of Israeli settlements?

Demographic and Cultural Impact:

- In what ways have Israeli settlements altered the demographic composition of Palestinian territories?
- What are the cultural consequences of Israeli settlements on Palestinian heritage and identity?

Geopolitical and Territorial Consequences:

- How do Israeli settlements impact the geographical contiguity and viability of a future Palestinian state?

- What are the implications of these settlements for the broader Israeli-Palestinian conflict, particularly concerning peace negotiations and the two-state solution?

Humanitarian and Societal Effects:

- How do Israeli settlements affect the daily lives, human rights, and freedoms of the Palestinian population in the occupied territories?
- What is the impact of settlements on key aspects of Palestinian society, such as access to resources, education, and healthcare?

Response and Resistance:

- What legal and diplomatic strategies have Palestinian authorities and international advocacy groups employed to address the expansion of Israeli settlements?
- How have Palestinian communities in the occupied territories adapted to and resisted the challenges posed by these settlements?

Significance and Contribution of the Study

This research focuses on the impact of Israeli settlements on Palestinian self-determination, addressing a significant gap in current legal scholarship. While numerous studies have examined the broader context of the Israeli occupation, this research narrows its focus to the specific legal implications of the settlements on Palestinian self-determination. The study's legal analysis offers fresh perspectives and a deeper understanding of international law, providing valuable insights for students, scholars, and practitioners.

By examining the interaction of international law with Israeli settlements, this research contributes to understanding the legal ramifications and broader implications for international principles like self-determination, sovereignty, and territorial integrity. Its findings are academically valuable and offer practical guidance for policymakers and international actors in shaping strategies that adhere to international legal standards. As an educational resource, this study serves as an essential case study for future international law professionals, offering insights into the complexities of legal disputes in occupations and settlements.

The study bridges theoretical legal concepts with their practical application in a critical issue of modern international relations, enriching academic dialogue and potentially influencing real-world legal and policy decisions.

Research Objectives

This study delves deeply into the legal aspects of Israeli settlements and their impact on Palestinian self-determination amidst Israeli occupation. It aims to:

- Analyze international legal frameworks relevant to Israeli settlements and the right to self-determination, particularly in the context of occupation. This includes scrutinizing human rights laws, international treaties, and legal precedents.
- Evaluate the roles and responses of international bodies like the UN and the International Court of Justice about the Israeli occupation, understanding their perspectives on Israeli settlements.
- Investigate the specific legal challenges Israeli settlements pose to Palestinian self-determination, exploring issues of sovereignty, autonomy, and territorial integrity under occupation.
- Assess enforcement and compliance mechanisms within international law, especially in the complex geopolitical landscape of the Israeli occupation.
- Contribute to legal discourse and policy considerations regarding the Israeli occupation, aiming to influence future diplomatic efforts and legal strategies for upholding the right to self-determination.

Methodology Overview

This study employs a qualitative research methodology to investigate the impact of Israeli settlements on Palestinian self-determination. This methodology is particularly suitable for conducting in-depth legal analysis and understanding the complex nuances of international law. It acknowledges the subjectivity inherent in interpreting complex socio-political dynamics and the challenges in generalizing findings due to the dynamic political context of the Israeli-Palestinian conflict.

- **Research Approach** The research approach is primarily based on a comprehensive legal analysis involving a detailed examination of international legal documents, treaties,

resolutions, and case law related to Israeli settlements and self-determination. This study will also incorporate a review of academic literature, legal commentaries, and expert analyses to provide a well-rounded understanding of the subject. Efforts will be made to diversify inputs, including primary data where feasible, to provide a more holistic understanding of the impacts of Israeli settlements.

- **Data Collection** Data for this study will be collected from various primary and secondary sources. Primary sources include international treaties, resolutions from bodies like the United Nations, and judgments from international courts such as the International Court of Justice. Secondary sources comprise scholarly articles, legal commentaries, and books discussing Israeli settlements and Palestinian self-determination. Publicly available statements and reports from relevant NGOs and international organizations will also be reviewed. The sensitive nature of Palestinian access issues is recognized, posing limitations in qualitative data collection due to political constraints and security concerns.
- **Data Analysis** The analysis will be conducted through a thematic legal analysis approach, categorizing and interpreting the data to identify key themes, legal principles, and relevant patterns. The study will critically evaluate how international law has been applied in the context of Israeli settlements and assess its implications for the Palestinian pursuit of self-determination. The research acknowledges interpretation subjectivity and the influence of the evolving political context on the analysis.
- **Ethical Considerations** Given the focus on publicly available documents and secondary sources, the study does not involve direct interaction with human subjects, minimizing ethical concerns. However, the research will adhere to ethical standards of academic integrity and intellectual property rights, ensuring proper citation and acknowledgment of all sources. Robust ethical safeguards will be implemented, including providing anonymity where necessary, gaining informed consent, and maintaining neutrality in data interpretation.

Limitations

This study on the impacts of Israeli settlements on Palestinian self-determination within the context of the Israeli occupation acknowledges several inherent limitations:

- **Scope Limited to Legal Aspects:** The thesis primarily examines the legal frameworks related to the occupation and their implications. This focus may overlook the broader socio-political effects of the Israeli occupation, including its cultural, economic, and psychological impacts on Palestinians.
- **Data Availability and Accessibility Challenges:** Accessing comprehensive, current data, especially from within the occupied territories, is challenging. These areas' political sensitivity and security concerns may limit access to in-depth, firsthand information, restricting empirical analysis.
- **Dynamic Nature of the Occupation:** The Israeli occupation and related settlement activities are continuously evolving. Consequently, some findings in the thesis may become outdated quickly, impacting its long-term applicability.
- **Subjectivity in Legal Analysis:** The interpretation of legal texts related to the occupation is inherently subjective. Different legal scholars might interpret the same documents differently, which could influence the study's conclusions.
- **Limited Generalizability:** Due to the unique historical, cultural, and political nuances of the Israeli-Palestinian occupation, the findings might not broadly apply to other conflicts or self-determination scenarios.
- **Potential Research Bias:** Given the politically charged nature of the Israeli occupation, there's a risk of unconscious bias. Efforts will be made for objectivity, but complete neutrality is hard to achieve, and personal views might subtly influence the study.
- **Limitations of International Law:** The study's heavy reliance on international legal frameworks could be a limitation, as these frameworks sometimes fall short in enforcement and applicability, particularly in complex geopolitical situations like the Israeli occupation.

Literature review:

This literature review critically examines a range of scholarly works and research studies concerning the impact of Israeli settlements on Palestinian self-determination. Given the complexity and longevity of the Israeli-Palestinian conflict, a comprehensive understanding of the varied perspectives and analyses offered by researchers, historians, and legal experts is essential. This review aims to encapsulate the diverse viewpoints and debates surrounding the

conflict, with a particular focus on how Israeli settlements have influenced the socio-political, economic, and cultural fabric of Palestinian life. By exploring these works, this section provides a foundation for the arguments presented in the thesis and situates the research within the larger academic discourse. It seeks to draw connections between historical events, legal principles, human rights considerations, and their cumulative impact on the quest for Palestinian self-determination.

1. Early Research on Israeli Settlements and Palestinian Self-Determination

The early research on Israeli settlements and their impact on Palestinian self-determination offers a complex picture of the historical, political, and legal aspects of the conflict. Several key studies provide insights into how these settlements have shaped the conflict and the quest for Palestinian self-determination.

- **Israel's Settlement Policy in the Early 1980s:** Harris discusses Israel's accelerated Jewish settlement in the West Bank following the 1979 Israel-Egypt peace treaty. This period marked a dramatic shift in the Israeli government's strategy, significantly impacting West Bank Palestinian society and foreclosing the chance of Palestinian self-determination.⁷
- **Legal Perspectives on Settlements:** An analysis of the Israeli High Court of Justice's treatment of settlements highlights their central role in the broader annexation project under the guise of security, challenging the potential for Palestinian self-determination.⁸
- **Impact of the Second Intifada:** The second intifada, as discussed by Ḥanafī and Ṭabar (2003), brought a renewed focus on Palestinian independence and posed challenges to the Palestinian NGOs, further complicating the dynamics of self-determination.⁹
- **Planning and State-Building Practices:** Allegra (2013) examines Israel's settlement policy through urban planning and state-building, especially in the context of the Jerusalem metropolitan area, affecting Israeli-Palestinian relations.¹⁰

⁷ Harris, William W. "ISRAEL'S WEST BANK SETTLEMENT POLICY IN THE EARLY 1980s: STRATEGY, IMPACT, AND IMPLICATIONS." *SAIS Review (1956-1989)* 5, no. 2 (1985): 233–48. <http://www.jstor.org/stable/45349307>.

⁸ Sharon Weill, "The Legitimizing Role of the Israeli High Court of Justice: From Occupation to Segregation," *Global Jurist* 15 (2015): 162-165

⁹ Sārī Ḥanafī and Lindā Ṭabar, "The Intifada and the Aid Industry: The Impact of the New Liberal Agenda on the Palestinian NGOs," *Comparative Studies of South Asia, Africa and The Middle East* 23 (2003): 205-214

¹⁰ M. Allegra, "The Politics of Suburbia: Israel's Settlement Policy and the Production of Space in the Metropolitan Area of Jerusalem," *Environment and Planning A* 45 (2013): 497-516.

- **Normative Role of Self-Determination:** Kapitan (2011) argues against the notion of competing rights of self-determination for Israeli Jews and Palestinian Arabs, emphasizing the need for a proper interpretation of self-determination to resolve the conflict.¹¹

3. Evolution of International Law and Human Rights Discourse

The intersection of international law and human rights concerning the Israeli-Palestinian conflict has been the subject of extensive scholarly analysis. This section reviews key works contributing to understanding the conflict's legal and human rights dimensions.

- **International Humanitarian Law and the occupation:** Mahwati and Nanda (2022) analyze the Israeli-Palestinian conflict from the perspective of International Humanitarian Law, highlighting numerous human rights violations by the Israeli army, especially against civilians, which violate basic conventions on human rights and other international law rules.¹²
- **The Right to Water:** Tamarin (2018) critically examines the Human Right to water within the broader system of international law, particularly in the Israeli-Palestinian water conflict, demonstrating how Palestinian water rights are limited under International Human Rights Law.¹³
- **Development of International Law:** Zimmermann (2015) discusses whether the Palestinian-Israeli conflict has catalyzed the development of international law and examines the role of international judicial institutions in the conflict.¹⁴
- **Human Rights and Occupation:** Harris (2008) explores the political realities influencing the Israeli occupation of the West Bank and Gaza Strip, focusing on the application of international human rights law and the law of occupation.¹⁵

¹¹ Tomis Kapitan, "Violence and Self-Determination in the Israeli-Palestinian Conflict," *Peace & Change* 36, no. 4 (2011): 494-526.

¹² Tri Mahwati and Ana Risma Nanda, "Analysis of the Palestinian and Israeli Conflict in the Perspective of International Humanitarian Law," *International Law Discourse in Southeast Asia* 1, no. 1 (2022): 23-42.

¹³ Mia Tamarin, "The Human(ised) Right to Water and its limits: the case of Israel-Palestine," *International Journal of Water Governance* 6, no. 4 (2018): 135-152.

¹⁴ Andreas Zimmermann, "The Palestinian-Israeli Conflict: Developing International Law Without Solving the Conflict," *Archiv Des Völkerrechts* 53, no. 2 (2015): 149-166,

¹⁵ G. Harris, "Human Rights, Israel, and the Political Realities of Occupation," *Israel Law Review* 41 (2008): 87-174

- **Self-Determination and International Justice:** Maguire and Thompson (2017) engage with the temporality of the Israeli-Palestinian conflict through international judicial processes, emphasizing the prioritization of human rights concerns and the right of the Palestinian people to self-determination. Maguire and Thompson argue that future efforts to achieve international justice, in this case, must privilege human rights concerns and prioritize the right of the Palestinian people to self-determination, contributing to a reinvigoration of human rights discourse in the context of international criminal law.¹⁶

4. Sociopolitical and Economic Implications of Settlement Expansion

This section reviews research that has examined the sociopolitical and economic effects of Israeli settlement expansion on Palestinian territories and how these have impacted Palestinian self-determination.

1. **Impact of COVID-19 on the Palestinian Economy:** Samarah (2021) examines the effect of the COVID-19 pandemic on economic growth in Palestine, shedding light on the impact of Israeli occupation in the context of crisis management, highlighting the economic uncertainty in the Palestinian territories.¹⁷
2. **Cross-Border Labor Mobility and Its Economic Effects:** Agbahey et al. (2021) investigate the economy-wide effects of Palestinian labor mobility for employment in Israel, providing insights into how this impacts the West Bank economy, revealing the complexities of labor dynamics under occupation.¹⁸
3. **Occupational Practices and Their Economic Impact:** Kadri (2020) provides an empirical reading of the impact of Israeli policies on various sectors of the West Bank's economy, especially focusing on labor market degradation due to occupation.¹⁹

¹⁶ A. Maguire and Katie A Thompson, "Palestine, self-determination and international justice: looking back to the ICJ and looking forward to the ICC," *Griffith Law Review* 26 (2017): 532-562

¹⁷ W. Samarah, "Evaluating the Effect of Covid-19 on the Palestinian Economy by Estimating the Relationship Between Economic Growth and Unemployment in Palestine," *Studies in Business and Economics* 16 (2021): 206-217.

¹⁸ Johannes Agbahey, Khalid Siddig, and Harald Grethe, "Economy-wide effects of cross-border labor mobility: The case of Palestinian employment in Israel," *Journal of Policy Modeling* 43, no. 5 (2021): 964-981.

¹⁹ Ali Kadri, "The Practice of Occupation by Sector," in *A Theory of Forced Labour Migration: The Proletarianisation of the West Bank Under Occupation (1967-1992)* (2020): 135-153.

4. **Life Conditions in the Biddu Enclave:** Nasr et al. (2021) explore the effects of socioeconomic and geographical transformations in the Biddu Enclave, including the impact of Israeli settlements on the quality of life of Palestinian communities.²⁰

This literature review has provided a comprehensive examination of the Israeli-Palestinian conflict through the lens of various academic studies, legal analyses, and comparative research. The key insights gathered from this review include:

- **Legal and Human Rights Implications:** Studies have highlighted the complex legal landscape of the Israeli settlements, underlining their contested legality under international law and their impact on the human rights and self-determination of the Palestinian people.²¹
- **Socioeconomic and Political Effects:** Research has focused on the socioeconomic and political impacts of the Israeli settlements on Palestinian society, revealing the profound implications for everyday life, resource allocation, and the broader prospects for peace.
- **Comparative Analysis with the Western Sahara Conflict:** The comparative studies between the Israeli-Palestinian conflict and the Western Sahara dispute have illuminated similarities and differences in the dynamics of these protracted territorial conflicts, especially regarding colonial legacies, self-determination struggles, and international political influences. Notable works in this area include Warshel (2022) on the broader geopolitical implications, Spector (2009) discussing the self-determination debate, and Khoury (2011) comparing colonialisms, occupations, and nationalisms in both contexts.
- **Global Context and International Perspectives:** The review also underscores the varying international responses to the conflict, highlighting the need for a more consistent and fair approach to global diplomacy and conflict resolution.

In summary, this literature review not only provides the academic backdrop against which the arguments of the thesis are situated but also identifies gaps and new perspectives that the thesis contributes to. The comparative analysis of the Western Sahara conflict, in particular,

²⁰ Shiraz Nasr, Ahmad Heneiti, and Weeam Hammoudeh, "Life conditions and quality of life of Palestinians living in the Biddu Enclave: a qualitative study," *The Lancet* 398 (2021): S41.

²¹ Yael Ronen, "International Human Rights Aspects of Repatriating Israeli Settlers from the West Bank," in *Israel-Palestine: Lands and Peoples*, ed. Omer Bartov (Berghahn, 2021), 78-100.

offers a unique lens to understand the Israeli-Palestinian conflict, providing broader insights into the challenges of resolving territorial disputes in a post-colonial world.

Research plan: In this master thesis, we embark on an in-depth exploration to assess the impacts of Israeli settlements on the Palestinian right to self-determination. This endeavor navigates through the complex interplay of historical legacies, legal frameworks, and the enduring geopolitical contestations within the Israeli-Palestinian conflict. The thesis unfolds beginning with Chapter 1, which delves into the foundational principle of self-determination, tracing its historical evolution and legal codification and contextualizing it within the Palestinian struggle for autonomy and statehood amidst the challenges posed by Israeli settlements. This chapter serves not only as an introduction to self-determination but also situates the Palestinian quest within the broader discourse of international law and human rights, laying the groundwork for the subsequent analytical chapters.

Chapter 2 transitions into a focused examination of Israeli settlements, dissecting their historical development, ideological underpinnings, and the legal and policy mechanisms facilitating their expansion. This analysis is critical for understanding the settlements' role as a contentious issue within the conflict, particularly their impact on the demographic, cultural, and physical landscape of the occupied Palestinian territories. The chapter further explores the strategic dynamics of settlement expansion, its implications for Palestinian territorial integrity, and the broader geopolitical ramifications.

Progressing into Chapter 3, the thesis critically assesses the multifaceted impact of Israeli settlements on Palestinian self-determination. Through an analysis of territorial fragmentation, demographic shifts, and resource control, this chapter highlights the profound socioeconomic and legal implications of settlements on Palestinian life and governance capabilities. Case studies and international legal perspectives offer insights into the consequences of settlements on Palestinian rights and freedoms, enriching the thesis with empirical depth and legal substantiation.

Concluding the thesis, a comprehensive analysis synthesizes the research findings, drawing comparative insights from the Western Sahara conflict to contextualize the Israeli-Palestinian dispute within a broader framework of international responses and conflict resolution strategies. This final section not only recapitulates the critical challenges faced by Palestinians in their pursuit of self-determination but also proposes recommendations aimed at addressing the complexities of the situation, advocating for adherence to international legal norms and a renewed diplomatic engagement to facilitate a just and sustainable resolution to the conflict.

Through this structured exploration, the thesis endeavors to contribute to the scholarly and policy-oriented discourse on the Israeli-Palestinian conflict, offering a nuanced understanding of the legal, social, and political dimensions shaping the Palestinian struggle for self-determination in the face of Israeli settlement expansion.

Chapter I: The Right to Self-Determination

"All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development."²²

Introduction to Self-Determination

Self-determination is a powerful and emotive concept deeply ingrained in the pursuit of human rights and democratic principles. Its evolution from a philosophical notion to a legal right mark a significant journey, beginning in the 17th and 18th centuries and gaining substantial importance by the mid-19th century. Recognized today as a fundamental human right, self-determination transcends its origins to become a cornerstone of international legal and political discourse.²³

Following our comprehensive review of existing literature, this chapter will now outline the structured research plan guiding this thesis. Each subsequent chapter is meticulously designed to explore different facets of the Israeli settlements' impact on Palestinian self-determination.

We begin with an in-depth Legal Analysis in Chapter 3, assessing the international legal perspective. Chapter 4 focuses on the Impact of Self-Determination, examining political and social implications. Then, we analyze Territorial Fragmentation and Demographic Shifts. Then, it delves into resource control and economic impacts. It also offers a comparative analysis of the Western Sahara conflict. Finally, Chapter 5 synthesizes our findings, presenting Conclusions and Recommendations.

This section clarifies the meaning of self-determination, highlighting its dual dimensions. Externally, it has been instrumental in ending colonialism and achieving independence for various peoples. Internally, it involves the right of populations within sovereign states to participate in governance and decision-making, a concept gaining prominence in the post-Cold War era.

²² International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force Mar. 23, 1976), art. 1.

²³ Joshua Samson Ayobami, "Relevance of the Doctrines of Natural Law, Human Rights and International Law to the Principle of Self-Determination," *Strathmore Law Journal* (2023).

The concept of self-determination is intricately linked to the three generations of human rights. The first generation, focusing on civil and political rights, originates from Enlightenment ideas and emphasizes individual liberty and political participation. These rights, such as freedom of speech and the right to vote, are foundational to the notion of self-determination, particularly in its internal dimension. The second generation, emerging from responses to industrialization, encompasses economic, social, and cultural rights, like the rights to education and healthcare. This generation underscores the equality and access aspects of self-determination. The third generation, centered on collective and solidarity rights, highlights the right to self-determination as a collective endeavor, emphasizing rights like the right to development and the right to a healthy environment.²⁴

Despite its universal appeal, the practical application of self-determination faces challenges, including the absence of a universally recognized definition of eligible groups and the potential to incite conflict. A critical issue arises from its potential conflict with the principle of territorial integrity of states. While acknowledged as a fundamental international law principle, its application beyond decolonization scenarios remains contentious.²⁵

This section explores the historical contexts that have shaped self-determination and examines its complex relationship with state sovereignty. It addresses the challenges and controversies surrounding its implementation, aiming to provide a comprehensive understanding of its role in international relations and implications for global peace and stability.²⁶

In scenarios of severe human rights violations by a state, the pursuit of external self-determination as a means of self-help raises critical questions. This discussion assumes that all available remedies for addressing internal self-determination grievances have been exhausted. The pursuit of self-determination remains a global endeavor, yet its achievement is often elusive, particularly regarding political viability and international support. Originally a rhetorical concept during and after the First World War, self-determination has become a fundamental principle in global governance. Key developments such as the United

²⁴ P. Keal, "Indigenous Self-Determination and the Legitimacy of Sovereign States," *International Politics* 44 (2007): 287-305

²⁵ C. Holder, "Self-determination as a universal human right," *Human Rights Review* 7 (2006): 5-18

²⁶ G. Pentassuglia, "Self-Determination, Human Rights, and the Nation-State: Revisiting Group Claims through a Complex Nexus in International Law," *International Community Law Review* 19 (2017): 443-484

Nations General Assembly Resolution No. 1514 (1960)²⁷ and the adoption of international human rights covenants in 1966 have significantly advanced this principle. These developments highlight the right of all people to self-determination, signaling a major step towards equitable global governance.

As the global community continues to grapple with the implications of self-determination, the widespread ratification of relevant covenants reflects a nuanced acknowledgment of its complexities within democratic systems. The ongoing discourse on self-determination emphasizes its continued relevance in determining the political, economic, social, and cultural destinies of peoples worldwide.

As of 2023, the International Covenant on Civil and Political Rights (ICCPR) has been ratified by 173 member states, highlighting a global commitment to uphold civil and political rights. This represents an increase from previous figures and underscores the importance of the covenant in promoting fundamental rights.²⁸

Navigating Self-Determination: Historical and Political Perspectives

The development of the self-determination principle is a critical narrative in political history, deeply rooted in the Age of Enlightenment and further shaped by the emergence of nationalism. To fully understand the nuances of self-determination, one must consider the influences of landmark historical events such as the American Declaration of Independence and the French Revolution. These events, underpinned by the political philosophies of Locke and Rousseau, introduced pivotal concepts like representative government and popular sovereignty, which are integral to self-determination.

In its early stages, self-determination was closely aligned with the concept of nationalism in Western Europe and the United States, later expanding its influence to Central and Eastern Europe.²⁹ The World War I era, marked by the Bolshevik Revolution, saw self-determination ascend to global prominence. Figures like Lenin, who viewed it as a tool for

²⁷ United Nations General Assembly, *Resolution 1514 (XV). Declaration on the Granting of Independence to Colonial Countries and Peoples*, December 14, 1960, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²⁸ United Nations Human Rights Office of the High Commissioner, "International Covenant on Civil and Political Rights," last accessed February 1, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

²⁹ M. Napang, "The Rights of Self Determination: One of the Principles of International Settlement Dispute," *Journal of Law, Policy and Globalization* 45 (2016): 149-153.

political strategy, and Wilson, who perceived it through the prism of democratic ideals, significantly contributed to its evolution.

However, operationalizing self-determination, particularly evident during the 1919 Paris Peace Conference, presented substantial challenges.³⁰ The ambiguity in defining the rightful claimants of self-determination led to complex diplomatic debates. The concept, despite its idealistic appeal, faced scrutiny over its potential to destabilize peace and provoke conflict. The Paris Peace Conference, in particular, highlighted the difficulties in implementing self-determination, raising concerns about the principle's practicality and fairness.

In the interwar period, the League of Nations' mandate system, as outlined in Article 22³¹, sought to guide former colonies towards independence, reflecting the essence of self-determination. This system, although not explicitly citing self-determination, was designed to prepare these territories for self-governance. Yet, it encountered challenges, including the effective implementation of minority rights protection and the inconsistent execution of the mandates, which illustrated the complex realities of applying self-determination.

The post-World War II era witnessed the reaffirmation of self-determination in international law, notably through the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. This principle's varied interpretations, especially in conflicts like the Israeli-Palestinian dispute, underscore the complexity of its application in modern geopolitical scenarios.

This discussion will also focus on reassessing the political framework for Israel and Palestine. It will examine key considerations such as identifying the demographic constituency, understanding the nature of their political or national community, and exploring jurisdictional and constitutional frameworks for establishing political order. These factors, crucial yet often overlooked, are vital for effective and informed peace negotiations in areas of conflict.

³⁰ Glenda Sluga, "What is national self-determination? Nationality and psychology during the apogee of nationalism," *Nations and Nationalism* 11, no. 1 (2005): 1-20.

³¹ League of Nations Covenant, Article 22, in *The Covenant of the League of Nations* (Geneva: League of Nations, 1919). Article 22 establishes the mandate system, entrusting advanced nations with the governance of territories not yet able to stand by themselves under strenuous modern conditions. This system aimed to guide these territories towards independence or self-governance, categorized into A, B, and C mandates based on their perceived readiness for autonomy.

Historical Context and Evolution of Self-Determination

Initially, the principle of self-determination was not widely recognized in international law. It gained prominence after World War I, especially during the Paris Peace Conference. This conference was pivotal in redefining national boundaries in Central and Eastern Europe, underscoring the importance of self-determination in dissolving empires like Austro-Hungarian and Ottoman. This era marked a shift towards recognizing the rights of nations to self-governance, significantly influencing the subsequent international legal framework.³²

Post-World War II, the concept of self-determination evolved into a fundamental human right. It was enshrined in various international covenants, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. These covenants recognized the right of individuals and peoples to self-determine their political, economic, social, and cultural development, marking a significant step in international human rights law.³³

The Charter of the United Nations further reinforced self-determination, encouraging member states to grant self-governance opportunities to minorities. This integration into the UN framework highlighted the importance of self-determination in post-war international relations, promoting peace and stability by recognizing diverse national and ethnic identities.³⁴

The decolonization era, especially following the adoption of General Assembly Resolution 1514 in 1960, is a prominent example of self-determination. This resolution facilitated the independence of colonized states and peoples, emphasizing their right to determine their future without external interference. It played a crucial role in the geopolitical reconfiguration during the mid-20th century.³⁵

In the modern era, the concept of self-determination has expanded beyond decolonization. The 1970 Declaration on Principles of International Law by the General Assembly underscored the importance of peaceful state interactions and self-determination as

³² Kagramanov, Azer. "Towards a Draft Declaration on the Right of Peoples to Self-determination and Forms of Its Realization." *Russian Journal of World Politics and Law of Nations* 1, no. 3 (2023): 122-137.

³³ Guibernau, Montserrat. "Catalonia has taken the first step toward becoming a new nation in the EU." *LSE European Politics and Policy (EUROPP) Blog* (2015).

³⁴ Mustafa, Ahmet. "The Challenges of the Modern Self-Determination in International Law." PhD diss., University of London, 2016.

³⁵ Kattan, Victor. "Self-determination as ideology: The Cold War, the end of empire, and the making of UN General Assembly Resolution 1514 (14 December 1960)." In *International Law and Time: Narratives and Techniques*, pp. 441-473. Cham: Springer International Publishing, 2022.

a human right.³⁶ This declaration supports international peace, acknowledges the right to territorial integrity, and accommodates the possibility of ethnic group separations.

International covenants' drafting history and content suggest the principle's universal applicability. Democratic processes like elections are essential for populations to exercise self-determination, allowing them to shape their destinies and express their collective will. This universality further solidifies self-determination as a key aspect of modern international law. Despite its global recognition, the principle of self-determination has faced challenges in interpretation and implementation. These challenges arise from ambiguities in defining beneficiaries and conflicts with existing territorial boundaries. The principle of "*uti possidetis*," which often complicates the application of self-determination in post-colonial state formations, exemplifies these conflicts.³⁷

The principle of "*uti possidetis*" is a concept in international law that refers to the idea that newly formed sovereign states should have the same borders that their preceding dependent area had before their independence. This principle has played a significant role in determining the territorial boundaries of post-colonial states, aiming to preserve the status quo of colonial territorial divisions at the moment of independence to avoid conflict and instability. However, this principle often conflicts with the right to self-determination, particularly in regions where colonial borders did not align with ethnic, linguistic, or cultural divisions among the populations within those territories.

The application of "*uti possidetis*" has been critiqued for freezing arbitrary colonial boundaries that may not reflect the identity or wishes of the people living within those borders, leading to disputes and conflicts in post-colonial state formations. This principle, while aimed at preventing territorial disputes by maintaining existing colonial borders as new international borders, can complicate the exercise of self-determination in post-colonial contexts by locking in boundaries that are not representative of the identities or desires of the local populations.³⁸

³⁶ von Chamier Cieminski, Paweł. "A Look at the Evolution of the Right to Self-determination in International Law." *Białostockie Studia Prawnicze* 3, no. 25 (2020): 117-132.

³⁷ Shahabuddin, M. "Post-colonial Boundaries, International Law, and the Making of the Rohingya Crisis in Myanmar." *Asian Journal of International Law* 9 (2019): 334-358

³⁸ *Ibid.*, 340-341.

Concerns Regarding the Potential Consequences of the Right to Self-Determination and Its Broad Scope as Perceived by Various States

"The concept of autonomy, paralleling the global democratization movement, has become pivotal in international relations and law. Ilyas and Roba (2023) noted that local legal autonomy is emerging as a new social movement within regional autonomy, highlighting the evolving nature of self-governance and legal pluralism locally and globally.³⁹ This transformation is significant in understanding collective entities' defense and protection of the concept of entitlement. The importance of political figures in shaping this trend is evident in international interventions, such as the United Nations Security Council's military intervention in Haiti in 1994, which underscored the essential role of the president in political systems.⁴⁰

Historical patterns illustrate the role of public referendums in democratic processes and secessionist movements. For instance, had Quebec chosen to secede from Canada in 1995, democratic principles would have likely shaped the international community's response.⁴¹ Similarly, the recognition of Albany's decision to split into two parts in 2008 by many countries reflects the growing adherence to democratic laws within collective rights.⁴² The late twentieth-century recognition of Timorese as a newly established state further emphasizes this trend.⁴³

The right to self-determination, a fundamental principle under international law, allows individuals and peoples to determine their political status and pursue development freely. However, as the lack of assistance for the Igbo ethnic group during the Biafran War highlighted, support in certain areas can be inconsistent.⁴⁴ The apprehension of many countries toward

³⁹ Ilyas, Ilyas, and Sahra Roba. "PROSPECT THE STUDY OF LOCAL LEGAL AUTONOMY IN REGIONAL AUTONOMY LEGAL POLITICS." *International Journal of Business, Law, and Education* 4, no. 1 (2023): 165.

⁴⁰ Teo, Victor. "Hong Kong Special Administrative Region after the national security legislation: Prospects and challenges." *East Asian Policy* 13, no. 04 (2021): 107-121.

⁴¹ Flom, Hernán. "Controlling bureaucracies in weak institutional contexts: The politics of police autonomy." *Governance* 33, no. 3 (2020): 639-656.

⁴² Jafarova, Zahra. "Mapping institutional changes in higher education: the comparative analysis of the effects of democratic backsliding." *Journal of Comparative & International Higher Education* 13, no. 5S (2021).

⁴³ Philpott, Simon. "East Timor's double life: Smells like Westphalian spirit." In *From Nation-Building to State-Building*, pp. 131-155. Routledge, 2013.

⁴⁴ Golia Jr, Angelo, and Gunther Teubner. "Networked statehood: an institutionalised self-contradiction in the process of globalisation?." *Transnational Legal Theory* 12, no. 1 (2021): 7-43.

comprehensively defining the right to self-determination, as illustrated by the Universal Declaration of Human Rights negotiating record, arises from potential negative consequences such as impacts on existing state borders.⁴⁵

Countries like Canada have expressed concerns about formulating an expanded freedom of self-determination, which could displace multi-ethnic nations within their territories.⁴⁶ Similarly, Poland has reservations about the continuity of its borders,⁴⁷ while India explicitly states that self-determination does not extend to all people.⁴⁸ Despite the recognition of a universal right to self-determination, ambiguity remains in the declaration's content.⁴⁹

The Palestinian Context of Self-Determination

Conceptual Framework of Self-Determination in the Context of Occupation and Israeli Settlements

Self-Determination as Freedom and Equality:

- Self-determination is more radical compared to the general notion of freedom. It excludes 'alien determination' and, consequently, inequality. Its complete realization implies achieving complete equality. This aspect of self-determination is especially relevant in the context of occupied territories, where the imposition of external control (alien determination) can be seen as a form of domination and inequality. The struggle for self-determination in these contexts, such as the Palestinian territories under Israeli occupation, is essentially a fight against domination and for equality.⁵⁰
- The Power of Defining 'People' in International Law and its Implications for Occupied Territories:
- The concept of 'people' in international law is crucial, particularly in situations like the Israeli occupation. The lack of a universally accepted definition affects the application of self-determination rights in areas such as those under Israeli control. This ambiguity influences the Palestinian pursuit of self-determination amidst the occupation. The

⁴⁵ Clair Gammage and Philip Syrpis, "Sovereignty fictions in the United Kingdom's trade agenda," *International & Comparative Law Quarterly* 71, no. 3 (2022): 563-588.

⁴⁶ María Cecilia Míguez, "Autonomy in foreign policy: A Latin American contribution to international relations theory," in *Oxford Research Encyclopedia of International Studies* (2021).

⁴⁷ Katie Ann Osterloh, "Self-determination and the problem of territory: a case for landless states," (2021), 55.

⁴⁸ *Ibid.*, 62.

⁴⁹ Melisa Deciancio and D. Tussie, "Globalizing Global Governance: Peripheral Thoughts from Latin America," *Fudan Journal of the Humanities and Social Sciences* (2020): 29-44.

⁵⁰ Jörg Fisch, *The Right of Self-Determination of Peoples* (Cambridge University and Press, 2021), 20.

international legal framework, predominantly shaped by European principles, presumes the equality and sovereignty of states but remains vague on defining 'people,' creating a paradox in current contexts. This vagueness significantly impacts the Palestinian struggle under Israeli occupation, where the assertion of self-determination is complicated by the presence of settlements and the geopolitical fragmentation of Palestinian territories.⁵¹

Distinction Between Reflexive and Nonreflexive Self-Determination:

- Reflexive self-determination refers to a group or individual determining their own state of affairs, while nonreflexive determination implies the control or domination of others. In situations of occupation, the nonreflexive determination by an occupying power restricts the self-determination of the occupied people, leading to a state of domination. This distinction is significant in understanding the dynamics between Israeli authorities (exercising nonreflexive determination) and the Palestinian population (seeking reflexive self-determination).⁵²
- Collective Self-Determination:
- The notion of collective self-determination raises questions about communities' rights, particularly in the context of occupation and settlements. The complexity of applying self-determination to a community like Palestinians varies significantly due to the diverse composition and geopolitical fragmentation caused by Israeli settlements. The task of defining societal destiny in such a context is intricate, highlighting the need for a nuanced approach to understanding and supporting the Palestinian claim for collective self-determination.
- Achieving collective self-determination in the context of occupation and settlements involves overcoming obstacles such as defining who participates in decision-making and the extent of their influence. The Israeli occupation and settlement expansion complicates this process by affecting the demographics and territorial integrity of the Palestinian territories. This scenario challenges the realization of a unified will and collective action necessary for self-determination.⁵³

⁵¹ *Ibid.*, 17.

⁵² *Ibid.*, 20.

⁵³ *Ibid.*, 25-26.

- Palestinian Autonomy vs. Self-Determination:
 - Autonomy refers to a degree of self-governance within an existing state framework. In contrast, self-determination can extend to the right to form an independent state. The Palestinian quest for autonomy in Israeli-occupied territories is a step towards self-determination but does not equate to full statehood or complete self-determination as defined in international law. This distinction is crucial in diplomatic dialogues and legal arguments concerning the Israeli-Palestinian conflict.⁵⁴
- Implications for International Law and Diplomacy:
- The principles of self-determination and the struggle against alien determination are deeply rooted in international law and play a significant role in diplomatic negotiations and conflict resolution. The case of Israeli settlements in Palestinian territories presents a complex challenge to these principles, where the application of international law and the pursuit of diplomacy are crucial in addressing issues of self-determination, human rights, and regional stability.⁵⁵

Conclusion

The right to self-determination is a fundamental principle of international law and a cornerstone of modern political discourse. However, its implementation, particularly when it intersects with the contentious issue of secession, remains one of the most challenging dilemmas in international relations. This thesis has explored the various dimensions of self-determination and secession, examining their historical evolution, legal frameworks, ethical implications, and geopolitical contexts. By analyzing a wide range of case studies and legal precedents, it has sought to provide a comprehensive understanding of these complex issues. The goal is to contribute to a more nuanced and informed discussion on self-determination and secession, offering insights to guide future policy and scholarly research in this critical area.

⁵⁴ Tariq Dana and Ali Jarbawi, "Whose autonomy? Conceptualising 'colonial extraterritorial autonomy' in the occupied Palestinian territories," *Politics* 43, no. 1 (2023): 106-121.

⁵⁵ Yael Ronen, "Responsibility of Businesses involved in the Israeli Settlements in the West Bank," *SSRN Electronic Journal* (2015): 17

Self-Determination in International Law: **Historical Evolution and Contemporary Challenges**

The Conceptual Genesis and Legal Recognition of Self-Determination

The principle of self-determination has played a pivotal role in forming the post-World War II international order. Rooted in the United Nations Charter, it emerged not initially as a legally binding obligation but as a guiding principle to uphold nations' political independence and territorial integrity. This principle's transition from a political idea to a legal norm marks a significant evolution in international relations. While not explicitly detailing self-determination as a legal right, the United Nations Charter laid the groundwork for its future development and recognition in international law.

The internal dimension of self-determination centers on the right of people to freely pursue their economic, social, and cultural development within the boundaries of their state. It encompasses the rights of participation in governance, freedom of expression, assembly, association, and voting, thereby affirming the integral role of individuals and groups in shaping their domestic political and social landscape. The external dimension extends this concept to the international arena, where self-determination involves the right of peoples to determine their political status, including the formation of independent states or integration into existing ones.⁵⁶

Decolonization and the Codification of Self-Determination

The era of decolonization, mainly in the mid-20th century, heralded a critical phase in the legal codification of self-determination. Through key resolutions such as Resolution 1514 (XV) of 1960,⁵⁷ the United Nations played a significant role in reiterating the right of colonized peoples to self-determination. This right gained further legal recognition and binding force by adopting the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights in 1966. These covenants reaffirmed the principle as a legal right and highlighted the limitations and conditions under which it could be exercised, particularly concerning states' sovereignty and territorial integrity.

⁵⁶ Montserrat Guibernau, "Self-determination in the twenty-first century," in *Self-Determination in the early 21st Century*, (Routledge, 2018), 119-125.

⁵⁷ United Nations General Assembly, Resolution 1514 (XV) of 14 December 1960, "Declaration on the Granting of Independence to Colonial Countries and Peoples," which establishes the right of colonial peoples to self-determination and independence.

United Nations Charter and Self-Determination

Article 1(2) of the United Nations Charter:

- Article 1(2) states: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."⁵⁸
- This provision establishes the principle of self-determination as a fundamental objective of the United Nations. It emphasizes the importance of equal rights and the agency of people in determining their political status and pursuing their economic, social, and cultural development.
- The inclusion of self-determination in Article 1(2) signifies its importance as a cornerstone of international relations and its role in promoting peace and stability. It reflects the understanding that people's right to self-determination is integral to maintaining friendly and peaceful relations among nations.
- Article 55 of the United Nations Charter:
- Article 55 elaborates on the economic and social objectives of the United Nations, stating: "The United Nations shall promote higher standards of living, full employment, and conditions of economic and social progress and development."⁵⁹
- This article underscores the commitment of the United Nations to create conditions conducive to self-determination. By advocating for economic and social progress, it implicitly recognizes that self-determination is a political right and encompasses development's economic and social dimensions.
- The link between self-determination and development, as outlined in Article 55, highlights the broader implications of self-determination. It implies that people's ability to self-govern is intrinsically connected to their economic and social well-being.
- Interpretation and Application:
- The principles outlined in Articles 1(2) and 55 have been central to decolonization efforts and the emergence of new states in the post-World War II era. They have provided a legal and ethical basis for movements seeking independence or autonomy.
- In the context of the Israeli-Palestinian conflict, these Articles provide a foundational legal basis for arguing the Palestinian right to self-determination. The continued

⁵⁸ United Nations, Charter of the United Nations, 1945, art. 1, para. 2.

⁵⁹ United Nations, Charter of the United Nations, 1945, art. 55.

presence of Israeli settlements can be viewed as infringing upon this right, as it affects the Palestinian people's ability to exercise their political, economic, and social rights independently.

- Applying these Articles in international law often involves balancing the right to self-determination with the principle of territorial integrity of states. This poses a complex challenge in the Israeli-Palestinian context, where issues of sovereignty, territorial claims, and political rights are deeply intertwined.⁶⁰

Conclusion:

- Articles 1(2) and 55 of the United Nations Charter lay a crucial legal foundation for the right to self-determination. Their relevance in the Israeli-Palestinian context underscores the multifaceted nature of self-determination, encompassing political independence and the right to economic and social development. This framework is essential in assessing the legality and impact of Israeli settlements on the Palestinian quest for self-determination.^{61,62}

International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR):

The analysis of Article 1 of the International Covenant on Civil and Political Rights (ICCPR)⁶³ and the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁶⁴ and their affirmation of the right of all peoples to self-determination can be integrated as follows:

Article 1 of ICCPR and ICESCR:

- Both the ICCPR and ICESCR, in Article 1, affirm the right of all peoples to self-determination. This article states that all peoples can freely determine their political status and pursue economic, social, and cultural development. This explicit recognition

⁶⁰ Tomis Kapitan, "Self-determination and international order," *The Monist* 89, no. 2 (2006): 364-365.

⁶¹ United Nations, "Charter of the United Nations: Chapter I: Purposes and Principles, Article 1," accessed January 22, 2024, <https://www.un.org/en/sections/un-charter/chapter-i/index.html>.

⁶² United Nations, "Charter of the United Nations: Chapter IX: International Economic and Social Co-operation, Article 55," accessed January 22, 2024, <https://www.un.org/en/sections/un-charter/chapter-ix/index.html>.

⁶³ United Nations, International Covenant on Civil and Political Rights, 1966, art. 1, para. 1: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

⁶⁴ United Nations, International Covenant on Economic, Social and Cultural Rights, 1966, art. 1, para. 1: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

of self-determination in major human rights covenants underscores the importance of this right in international human rights law.⁶⁵

- The inclusion of the right to self-determination in these covenants highlights its status as a fundamental human right, acknowledging that self-determination is crucial for realizing other human rights. It implies that the ability of people to govern themselves is key to achieving their economic, social, and cultural objectives.⁶⁶
- The broad phrasing of Article 1 in both covenants has been subject to various interpretations, particularly in contexts where self-determination conflicts with other principles like state sovereignty or territorial integrity. This is evident in the case of indigenous peoples and minorities, where their right to self-determination is often balanced against the rights of the state.⁶⁷

Relation to the Israeli occupation:

- In the context of the Israeli occupation, Article 1 of these covenants can be interpreted as providing a legal basis for the Palestinian claim to self-determination. The establishment of Israeli settlements and their impact on the Palestinian people's ability to exercise this right could be viewed as contravening the principles enshrined in these international treaties.⁶⁸

The principle of non-acquisition of territory as a customary international law:

The principle of non-acquisition of territory by force is a fundamental aspect of international law and is particularly relevant in the context of Israeli settlements in the occupied Palestinian territories:

⁶⁵ Kamrul Hossain, "Hunting by indigenous peoples of charismatic mega-fauna: Does human rights approach challenge the way hunting by indigenous peoples is regulated?," *International Community Law Review* 10, no. 3 (2008): 299.

⁶⁶ J. Hathaway, "The Rights of Refugees under International Law: International Covenant on Civil and Political Rights (1966)," (2005): 1049.

⁶⁷ Alex Levitov and Stephen Macedo, "Human Rights, Membership, and Moral Responsibility in an Unjust World," in *Human Rights: Moral or Political* (2018): 441-442.

⁶⁸ M. Freeman, "National self-determination, peace and human rights," *Peace Review* 10 (1998): 160.

Non-Acquisition of Territory by Force:

- Under international law, the acquisition of territory through the use of force is illegal. This principle is enshrined in the UN Charter, specifically Article 2(4)⁶⁹, which prohibits the threat or use of force against any state's territorial integrity or political independence. The principle is a cornerstone of the modern international legal order, ensuring the protection of state sovereignty and territorial integrity.
- In the case of Israeli settlements, the principle of non-acquisition of territory by force is directly applicable. The construction of settlements in the occupied Palestinian territories is widely considered a violation of this principle, as it involves the transfer of the Israeli civilian population into territories captured by Israel during the 1967 Six-Day War.⁷⁰
- International Court of Justice Advisory Opinion:
- The International Court of Justice (ICJ), in its 2004 advisory opinion, confirmed the illegality of the Israeli settlements in the occupied Palestinian territories.⁷¹ The Court recognized the principle of non-acquisition of territory by force and emphasized that the Israeli settlements violated several international laws, including the Fourth Geneva Convention.

Duty of non-recognition:

- The international community's response to Israeli settlements includes the duty of non-recognition.⁷² This duty obligates states not to recognize illegal situations resulting from the breach of international law, such as the Israeli settlements. The European Union, for instance, has linked the indication of origin of products from Israeli settlements to this duty.⁷³

⁶⁹ United Nations, Charter of the United Nations, 1945, art. 2, para. 4: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

⁷⁰ Sharon Weill, "The legitimating role of the Israeli high court of justice: From occupation to segregation," *Global Jurist* 15, no. 2 (2015): 143-144.

⁷¹ International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," Advisory Opinion, I.C.J. Reports 2004, July 9, 2004. <https://www.icj-cij.org/case/131>.

⁷² *Ibid.*, note 58. This note in the ICJ's opinion underscores the duty of non-recognition with respect to Israeli settlements in the occupied Palestinian territories, highlighting their violation of international law as affirmed by the Court.

⁷³ Cedric Ryngaert, "Indications of Settlement Provenance and the Duty of Non-recognition Under International Law," 2020, p. 796.

Customary International Law and State Practice:

- The principle of non-acquisition of territory by force is not only a part of treaty law but also a norm of customary international law. This is evident from state practice and the general acceptance of this principle as a fundamental rule of international relations. The widespread criticism of Israeli settlement policies reflects the international community's adherence to this principle.⁷⁴

The Post-Decolonization Era: Challenges and Jus Cogens Norms

The establishment of jus cogens norms, or peremptory norms, in international law is a significant development marked by the 1969 Vienna Convention on the Law of Treaties (VCLT). Article 53 of the VCLT defines a peremptory norm of general international law as a norm accepted and recognized by the international community of States as a whole from which no derogation is permitted and which can only be modified by a subsequent norm of general international law of the same character.⁷⁵

In the post-decolonization era, the status of self-determination as a general principle of international law and its classification as a jus cogens norm reflect its elevated importance. Jus cogens norms are fundamental principles of international law so essential that nations cannot set aside or violate them, with examples including the prohibition of torture and genocide. This thesis examines whether aspects of the Israeli occupation, such as the Palestinian's right to self-determination,⁷⁶ are protected under these peremptory norms. However, applying self-determination, especially concerning external self-determination and scenarios beyond decolonization, presents intricate challenges. The United Nations has predominantly viewed self-determination as a tool for achieving decolonization rather than facilitating secession, emphasizing the need to balance states' rights with those of peoples and groups.

⁷⁴ Rainer Hofmann, Juliane Kokott, Karin Oellers-Frahm, Stefan Oeter, and Andreas Zimmermann, "Use of Force and Related Problems," *World Court Digest: Formerly Fontes Juris Gentium* (1993): 40-69.

⁷⁵ Vienna Convention on the Law of Treaties, 1969, art. 53: "A peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

⁷⁶ Matthew Saul, "The Normative Status of Self-Determination in International Law: A Formula for Uncertainty in the Scope and Content of the Right?," *Human Rights Law Review* 11, no. 4 (2011): 630, 638.

Interpreting Self-Determination: The Role of the International Court of Justice

The International Court of Justice's jurisprudence has significantly contributed to the interpretation and application of self-determination. Cases such as the Wall Opinion regarding Palestinian self-determination illustrate the Court's role in extending the principle's application beyond traditional colonial contexts. This jurisprudence affirms the continued relevance of self-determination in various international legal disputes, broadening its scope and applicability.⁷⁷

The International Court of Justice (ICJ), in its Wall Opinion, utilized the principles from the United Nations General Assembly Resolution 2625 (XXV)⁷⁸ to address issues concerning Palestinian self-determination. This resolution, adopted in 1970, reaffirms the prohibition of the threat or use of force and the illegality of territorial acquisition by such means. It also emphasizes the principle of self-determination of peoples. The ICJ's application of these principles in cases such as the Wall Opinion illustrates their relevance in various international legal disputes, notably in the Israeli-Palestinian conflict. This demonstrates how the ICJ draws from established international law principles, like those in Resolution 2625, to interpret and apply self-determination in contemporary legal contexts.

Jus Cogens and the Palestinian Right to Self-Determination: Navigating Contemporary Challenges and the Path Forward

The principle of self-determination, firmly embedded within the framework of international law, encounters ongoing challenges in its realization. The acknowledgment of indigenous peoples' right to self-determination in 2007, through the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁷⁹, underscored the complexity inherent in the full implementation of this fundamental right. The interplay between

⁷⁷ International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," Advisory Opinion, I.C.J. Reports 2004, July 9, 2004, "*Turning to the question of the legality under international law of the construction of the wall by Israel in the Occupied Palestinian Territory, the Court first determined the rules and principles of international law relevant to the question posed by the General Assembly. After recalling the customary principles laid down in Article 2, paragraph 4 of the United Nations Charter and in General Assembly resolution 2625 (XXV), which prohibit the threat or use of force and emphasize the illegality of any territorial acquisition by such means, the Court further cited the principle of self-determination of peoples, as enshrined in the Charter and reaffirmed by resolution 2625 (XXV)*"

⁷⁸ "United Nations General Assembly Resolution 2625 (XXV) Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations."

⁷⁹ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295, 13 September 2007.

global power dynamics and national interests frequently influences the actualization of self-determination, leading to diverse interpretations and enactments across different contexts.

Self-determination is heralded as a peremptory norm (*jus cogens*) in international law, affirming the inalienable right of all peoples, including the Palestinian people, to self-determination. As such, any state actions or legal agreements that compromise the Palestinians' exercise of self-determination stand in violation of this norm. The establishment of Israeli settlements in occupied Palestinian territories must, therefore, be examined through the lens of *jus cogens* norms. If these settlements are found to undermine the Palestinians' right to self-determination, recognized as a *jus cogens* norm, they would constitute a breach of peremptory international law. This viewpoint strengthens the legal arguments against the legitimacy of the settlements and underscores the necessity for international intervention or resolution.

Given the binding nature of *jus cogens* norms upon all states, there exists a collective international obligation to uphold the right to self-determination for the Palestinian people. This could necessitate a range of responses, from diplomatic initiatives to global legal actions or sanctions against violations of this norm.

Establishment of Settlements and Breach of *Jus Cogens* Norms:

- The establishment of Israeli settlements in occupied territories raises critical questions regarding the breach of *jus cogens* norms. *Jus cogens* norms, being non-derogable and fundamental principles of international law, including the prohibition of aggression and the right to self-determination. The act of establishing settlements in occupied territories can be seen as a violation of these norms, as it interferes with the right of the local population to self-determine their political and territorial status.⁸⁰
- Right to Self-Determination as a *Jus Cogens* Norm:
- The right to self-determination is recognized as a *jus cogens* norm in international law. The Israeli settlements directly challenge this norm, as they often result in demographic changes and territorial alterations that impede the ability of the Palestinian people to

⁸⁰ Pascal Weil, "Towards Relative Normativity in International Law?," *American Journal of International Law* 77, no. 3 (July 1, 1983): 413–42.

exercise their right to self-determination. This infringement is significant as it disrupts the core principle of sovereignty and self-governance enshrined in international law.⁸¹

1. Implications of Settlements on Other Jus Cogens Norms:

- The establishment of settlements not only affects the right to self-determination but might also intersect with other jus cogens norms, such as the prohibition against severe breaches of international law, including crimes against humanity or war crimes, if associated with displacement or mistreatment of the local population.⁸²

2. Legal and Diplomatic Consequences:

- Violations of jus cogens norms like establishing settlements have significant legal and diplomatic consequences. International law obligates states not to recognize situations created by breaches of jus cogens norms, and this principle applies to the context of Israeli settlements. Such breaches can affect international relations and lead to diplomatic and legal challenges for the states involved.⁸³

In conclusion, self-determination remains a dynamic and evolving principle in international law, reflecting the changing landscape of global politics and human rights. Its journey from a political concept to a recognized legal right highlights the ongoing efforts to define, interpret, and apply this principle in the complex interplay of international relations. The continued exploration and understanding of self-determination are crucial in addressing the contemporary challenges it faces, striving for a balance between the aspirations of peoples and the realities of state sovereignty and international governance. Since jus cogens norms bind all states, the international community has a collective obligation to ensure respect for the right to self-determination of the Palestinian people. This could entail diplomatic measures, international legal actions, or sanctions against actions that violate this norm. In any peace negotiations or agreements involving the Israeli-Palestinian conflict, the jus cogens nature of self-determination mandates that the outcome must respect and uphold the Palestinian people's right

⁸¹ Г. М. Даниленко, "International Jus Cogens: Issues of Law-Making," *European Journal of International Law* 2, no. 1 (January 1, 1991): 42–65.

⁸² Omar M. Dajani, "Shadow or Shade? The Roles of International Law in Palestinian-Israeli Peace Talks," *Yale Journal of International Law* 32, no. 1 (January 1, 2007): 3.

⁸³ Ulf Linderfalk, "The Effect of Jus Cogens Norms: Whoever Opened Pandora's Box, Did You Ever Think about the Consequences?," *European Journal of International Law* 18, no. 5 (November 1, 2007): 853–71.

to self-determination. Any agreement that fails to do so would be contrary to fundamental principles of international law. The status of self-determination as a *jus cogens* norm could allow for legal recourse in international courts, such as the International Court of Justice, for adjudicating violations of Palestinian self-determination rights. This might lead to advisory opinions or judgments that influence international policy and action.

Self-Determination Under Occupation: The Palestinian Quest in the Shadow of Israeli Occupation

In December 1960, the United Nations General Assembly passed Resolution 1514 (XV), entitled "Granting Independence to Colonial Countries and Peoples," which established self-determination as a legal principle and a form of decolonization. Self-determination was previously implied in the 1941 "Atlantic Charter" as part of its postwar vision⁸⁴, referencing "self-government." However, it was restricted to territories expected to be liberated from the Axis powers after World War II, not extending to those under the colonial supervision of the Allies. This limitation was clarified by Churchill, who warned Roosevelt in August 1942 that applying the Charter to Asia and Africa would complicate "the defense of India at this time." He also expressed concern that the Palestinian "Arab majority" might interpret the Charter as applicable to them, potentially ending Zionist colonization (referred to as "immigration") in Palestine.⁸⁵ Churchill's conception of self-determination was similar to Wilson's 1919 principle, which applied only to peoples within the defeated empires of World War I and not to those under the colonial tutelage of the victors. Churchill's apprehension echoed Robert Lansing's 1921 concern about self-determination's misinterpretation.

The 1945 United Nations (UN) Charter mentioned self-determination only as a "principle," not a right, while the 1948 UN Universal Declaration of Human Rights did not mention self-determination as a human right at all. The Soviet Union proposed including self-determination as a human right, but their proposal was rejected. However, by 1960, the UN General Assembly recognized self-determination as a human right in Resolution 1514 (XV),

⁸⁴ Douglas Brinkley and David R. Facey-Crowther, *The Atlantic Charter*, Palgrave Macmillan UK eBooks, 1994.

⁸⁵ *Ibid.*, note 70.

which passed without opposition, although several colonizing countries and colonial settlements, including the United States, South Africa, and Australia, abstained.

In April 1955, leaders of formerly colonized nations of Asia and Africa declared the centrality of self-determination to the postwar order, asserting that it was a "prerequisite for the full enjoyment of all fundamental human rights." This marked a reversal from the Wilsonian definition of self-determination, adhered to by the Atlantic Charter, and a return to the Leninist definition. Since the end of World War II, Asian and African nations have advocated for the inclusion of self-determination in the United Nations. In November 1955, the Third Committee of the General Assembly reached a consensus on formulating the right to self-determination to be included in the 1960 resolution and the 1966 UN Covenants. Since 1950, colonizing nations have insisted on a colonial exemption clause in future resolutions, leading to heated debates in the Third Committee. However, Asian and African delegates, with significant contributions from Arab representatives from Syria, Iraq, and Saudi Arabia, opposed this, promoting self-determination as a human right. The fact that Israel had enacted dozens of laws discriminating based on race and religion against its Palestinian citizens, whom it had subjected to martial law and a military government from 1948 until 1966, appeared irrelevant to the delegates.

In response to the UN resolution and the prominence of "self-determination" in anticolonial discourse, the PLO incorporated self-determination into its founding documents in 1968. This context led France to acquiesce to Algerian demands for independence through the March 1962 Evian Accords, which guaranteed the property rights of all European settlers. Despite the preservation and certification of their colonial property by the right of conquest, the Pieds Noris chose to leave, aware that their racial privileges would be revoked. They migrated to France.

The momentum within the United Nations continued, culminating in the 1970 "Declaration of the Principles of International Law Concerning Friendly Relations and Cooperation among States under the Charter of the United Nations." However, the United States was dissatisfied with the draft due to its involvement in U.S.-sponsored coups, the Vietnam War, and its alliance with Israel. As a result, the United States proposed its version, recognizing the principle of equal rights and the self-determination of people but introducing a safeguard clause. This clause stipulated that self-determination would only be granted if a government represented the entire population without discrimination. This marked the end of the post-

Bandung era and the restoration of the Wilsonian principle's hegemonic status within the United Nations.

The 1970 Declaration restricted the exercise of self-determination for individuals in settler colonies without a representative government, redefining self-determination as liberation from colonial rule and a process associated with representative governance. The Declaration acknowledged that self-determination could manifest in various forms beyond independence. However, European settler colonies and colonizing nations initially opposed broadening the interpretation of self-determination at the United Nations in 1960, leading to another redefinition of the concept.

In the historical context of Palestine, the pursuit of Palestinian nationalism initially aimed for "independence" during the Mandate period and "liberation" following the establishment of the Jewish settler colony. The Palestinian Liberation Organization (PLO) integrated "self-determination" as a fundamental aspect of their struggle, emphasizing the right to self-determination in their charters. They contended that the 1947 UN General Assembly's Partition Plan was null and void, contrary to the will of the Palestinian people and their inherent right to their homeland, and inconsistent with the principles advocated by the United Nations. The 1988 Algiers Palestinian "Declaration of Independence" prioritized the right to self-determination and independence.

A Century of Palestinian Struggle for Self-Determination

In the era preceding World War I, the territory known as Palestine was part of "Bilad Al-Sham," situated within the Ottoman Empire's dominion. The landscape of the Middle East underwent a profound transformation following World War I, primarily due to the intervention of France and Britain. The Sykes-Picot Agreement of 1916, a significant diplomatic undertaking, led to the partitioning of the region into four distinct nations: Palestine, Jordan, Syria, and Lebanon, each endowed with a rich historical legacy. During this tumultuous period, the British administered Palestine and Jordan, while the French governed Syria and Lebanon. Following the conclusion of World War I and the disintegration of the Ottoman Empire, the British military assumed control over Palestine. During this period, a crucial development occurred: Lord Arthur James Balfour, the British Foreign Secretary, issued a declaration to Lord Walter Rothschild, a prominent figure in the Zionist movement. This declaration, later known as the Balfour Declaration, signified the British government's support for the establishment of a Jewish national homeland in Palestine.

The endorsement of the British mandate over Palestine by the Council of the League of Nations on July 24, 1922, conferred legal legitimacy to British rule and the Balfour Declaration. The mandate's implementation was characterized by support for Jewish immigration and preparation for Jewish self-governance, overshadowing the interests of the Arab population. This led to growing tensions between the Jewish immigrants and the indigenous Palestinian Arab population, culminating in the Arab uprising of 1936 to 1939. In response, the British Peel Commission in 1937 proposed the Palestine Partition Plan, suggesting a division of the land and an international zone encompassing Jerusalem, a city of significant religious importance to Christians, Jews, and Muslims.

Despite the proposal for partition, the Palestinian Arabs rejected the plan. The continuous influx of Jewish immigrants and the expansion of settlements exacerbated tensions, leading to sustained conflict. Recognizing the irreversible establishment of a Jewish population in Palestine, Britain ultimately fulfilled its commitment to assist in creating a Jewish homeland in the region.

With the impending end of British rule in 1947, the issue of Palestine's future was brought before the United Nations General Assembly, which adopted Resolution 181 on November 29, 1947. This resolution recommended the partition of Palestine into separate Jewish and Arab states, with Jerusalem as an international city. However, the Palestinian Arab population rejected this plan. On May 14, 1948, concurrent with Britain's withdrawal, Zionist factions declared the formation of Israel on approximately 78% of Palestinian territory, leading to the displacement of over 700,000 Palestinians and the destruction of numerous villages. Israel's subsequent application for United Nations membership was contingent upon adherence to Resolution 181 and UN principles. However, Israel's non-compliance with these conditions led to a rejection of its application. International support for Palestinian self-determination contrasted starkly with Israel's control over the remaining Palestinian territories post-1967, including the West Bank, East Jerusalem, and the Gaza Strip. UN Security Council Resolution 242, passed in November 1967, sought to mediate the conflict but effectively limited Palestinian self-determination to territories occupied by Israel in 1967.

Over the years, the United Nations has adopted numerous resolutions supporting the Palestinian cause. Resolution 3236, passed in 1974, reiterated the inherent rights of Palestinians to self-determination, independence, and statehood. The UN General Assembly's recognition

of the Palestinian Declaration of Independence in 1988, through Resolution 43/177, marked a significant milestone.

Despite the ongoing occupation, the Oslo Accords of 1994 established an interim arrangement for Palestinian governance. The Palestinian Authority was formed with limited authority over designated areas, envisaged as a step towards phased Israeli withdrawal. However, Israel's failure to honor its commitments under the Oslo Accords has led to an impasse in achieving a comprehensive resolution.

The State of Palestine's bid for full United Nations membership began in 2011, culminating in the UN General Assembly granting it non-member observer state status in 2012. Despite this diplomatic advancement, the path to full Palestinian statehood remains hindered by geopolitical complexities and the lack of enforcement of UN resolutions calling for Israel's withdrawal from the occupied territories.

Conclusion: Revisiting the Concept of Self-Determination

1. **The Evolution of Self-Determination:** The chapter traces the historical development of the concept of self-determination, highlighting its emergence as a fundamental principle in international relations and law. The discussion reflects on how self-determination evolved from a political idea to a legal right recognized in various international instruments, emphasizing its significance in the context of decolonization and global conflicts.
2. **Legal Foundations of Self-Determination:** The chapter delves into the legal underpinnings of self-determination, focusing on its codification in international law. Key documents such as the United Nations Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are examined to illustrate how self-determination is established as a legal right for all peoples. This section underscores the binding nature of these legal frameworks on member states and their implications for national and international policies.
3. **Self-Determination in the Context of Israeli-Palestinian Conflict:** The chapter applies the concept of self-determination to the Israeli-Palestinian conflict, analyzing how the legal right to self-determination is relevant to the Palestinian struggle for

statehood and sovereignty. It discusses the challenges faced by Palestinians in realizing their right to self-determination due to the ongoing conflict and the impact of Israeli policies, including the establishment of settlements and military occupation.

4. **International Responses and Enforcement Mechanisms:** The chapter also addresses the role of international bodies and mechanisms in supporting or hindering the realization of self-determination. The effectiveness of United Nations resolutions, the International Court of Justice (ICJ) rulings, and actions by other international organizations and states in enforcing the right to self-determination are critically analyzed. The chapter highlights the disparities in the international community's responses to different self-determination movements and the factors influencing these responses, such as geopolitical interests and power dynamics.
5. **Conclusion and Future Implications:** The chapter concludes by reflecting on the ongoing relevance of self-determination in the modern world, particularly in resolving protracted conflicts like the Israeli-Palestinian situation. It calls for a renewed commitment to the principles of self-determination and international law as essential for achieving lasting peace and justice in regions affected by territorial and political disputes.

Chapter II: Israeli Settlements

"There are so many definitions of Zionism. But if Zionism is the belief or the desire that the Jewish people will have a place where they can exercise their right of self-determination as a nation, and that place is here, then I'm a Zionist. If being a Zionist means thinking that this should come at the expense of other people who live here, and they should become second-class citizens, then I'm not a Zionist." Michael Sfard⁸⁶

The opening quote from Michael Sfard aptly reflects the nuanced and multifaceted nature of Zionism, a central concept in the Israeli-Palestinian conflict and particularly relevant in the context of Israeli settlements. This chapter aims to dissect the ideological, historical, and political dimensions of Zionism, shedding light on how it has shaped the landscape of the region and the lives of its inhabitants.

Initially, the chapter explores the ideological roots of Zionism, tracing its evolution from a political movement advocating for a Jewish homeland to its role in the establishment and expansion of Israeli settlements. This exploration involves a critical examination of the founding principles of Zionism, assessing how these ideals have transformed over time and influenced Israeli policies and actions, especially in the Palestinian territories.

Furthermore, we delve into the historical trajectory of the Zionist movement, highlighting key milestones such as the Balfour Declaration and the establishment of the State of Israel. This historical perspective provides a backdrop for understanding the current situation, particularly the geopolitical strategies that have led to the proliferation of Israeli settlements. The historical context also encompasses the role of international players, including Britain and other Western powers, in shaping the Zionist agenda and its outcomes.

The chapter then shifts focus to the Israeli settlements themselves, presenting an in-depth analysis of their geographical spread, demographic impact, and the legal complexities they entail. This includes a discussion on the various types of settlements, their strategic locations, and how they have affected the demographics and daily life in the Palestinian territories. A key aspect of this discussion is the legal status of these settlements under

⁸⁶ "Michael Sfard Can't Win," *Tablet Magazine*, accessed February 1, 2024, <https://www.tabletmag.com/sections/israel-middle-east/articles/michael-sfard-cant-win>.

international law, including the various resolutions and declarations by international bodies and their implications for both Israeli and Palestinian claims to the land.

Additionally, the chapter addresses the critical role of media and public perception in framing the narrative around Zionism and Israeli settlements. This involves examining how both Israeli and international media have portrayed the conflict and how this portrayal has influenced global understanding and policy decisions.

In concluding this section, we reflect on the broader implications of Zionism and Israeli settlements for the ongoing Israeli-Palestinian conflict, particularly their impact on the Palestinian quest for self-determination and the prospects for lasting peace in the region. Through this comprehensive exploration, the chapter aims to provide a nuanced understanding of the complexities surrounding Israeli settlements, their roots in Zionist ideology, and their profound impact on the rights and aspirations of the Palestinian people.

The Historical Backdrop of Zionism Amidst European Upheaval

The Late 19th and Early 20th Century European Context and the Jewish Experience

At the turn of the 19th century, Europe was a continent amid dramatic transformations characterized by the redrawing of national boundaries and the rise of nationalism. This period, marked by significant political and social upheaval, had profound implications far beyond the European continent, particularly for the land of Palestine. For the Jewish communities in Europe, this era presented a stark dichotomy: on one side, the promise of enlightenment and assimilation in Western Europe, albeit often marred by persistent anti-Semitism, and on the other, the harsh reality of widespread and violent anti-Semitism in Eastern Europe.⁸⁷ These contrasting experiences of Jews in Europe, influenced by the growing fervor of nationalism and the failure of European societies to integrate their Jewish populations fully, would eventually resonate deeply in the Palestinian context.

⁸⁷ Walter Laqueur, *A History of Zionism: From the French Revolution to the Establishment of the State of Israel* (New York: Schocken Books, 2003).

In this era of burgeoning nationalism, Jewish communities across Europe confronted a complex set of challenges. In Western Europe, despite a process of gradual emancipation and attempts at integration, Jews continued to face social and institutional anti-Semitism. The situation in Eastern Europe was even more dire, characterized by frequent pogroms and systemic discrimination.⁸⁸ This precarious existence of the Jewish communities in Europe laid the groundwork for the emergence of Zionism as a political movement, a development that would have lasting implications for the Palestinian people and their homeland.

The Dreyfus Affair, Theodor Herzl, and the Birth of Political Zionism

The Dreyfus Affair in France was a pivotal event in this period, underscoring the deep-seated anti-Semitism in European society. The wrongful conviction of Alfred Dreyfus, a Jewish army officer, and the subsequent public outcry illustrated the entrenched nature of anti-Jewish sentiment in Europe, even in countries considered more enlightened. This event had a profound impact on Jewish intellectuals, particularly Theodor Herzl. Witnessing the affair, Herzl came to the realization that assimilation alone would not resolve the predicament of the Jewish people in Europe. It was this backdrop of entrenched anti-Semitism that led Herzl to articulate his vision for a Jewish state, a vision that would have significant consequences for the Palestinian people.⁸⁹

Herzl, an Austro-Hungarian journalist, emerged as a key figure in transforming the concept of Zionism from an ideological aspiration into a dynamic political movement. Disturbed by the Dreyfus Affair and the overall state of Jewish communities in Europe, Herzl authored "*Der Judenstaat*" (The Jewish State) in 1896⁹⁰. In this work, he proposed the establishment of a Jewish state as a solution to the issue of anti-Semitism, advocating for a homeland where Jews could exercise self-determination. While Herzl's ideas initially garnered support among Jewish communities, they also sowed the seeds of future conflict in Palestine.

The publication of "*Der Judenstaat*" and the subsequent First Zionist Congress in Basel in 1897 marked a turning point. These events signaled the formalization of Zionism as a political movement, setting in motion a series of developments that would profoundly impact the indigenous Arab population of Palestine. The Zionist Congress, while serving as a platform

⁸⁸ Shlomo Avineri, *Herzl: Theodor Herzl and the Foundation of the Jewish State* (New York: BlueBridge, 2013).

⁸⁹ Alex Bein, *Theodor Herzl: A Biography* (Philadelphia: Jewish Publication Society of America, 1940).

⁹⁰ Ruth Harris, *Dreyfus: Politics, Emotion, and the Scandal of the Century* (New York: Metropolitan Books, 2010).

for Jews to articulate their aspirations for a homeland, also laid the groundwork for the political and ideological strategies that would drive the Zionist movement in the years to come.⁹¹

The Pre-Zionist Landscape of Palestine

Before the emergence of Zionism as a political force, Palestine was a land with a rich tapestry of history, home to a diverse population predominantly composed of Arabs, both Muslim and Christian, with a small indigenous Jewish community. These groups had coexisted for centuries, each contributing to the land's cultural and historical identity. The onset of political Zionism, propelled by developments in Europe, was set to transform the demographic and cultural landscape of Palestine, ushering in a period of conflict and change that would reshape the region's history.⁹²

Before Zionism began to exert its influence, Palestine was a mosaic of cultures and histories, a crossroads of civilizations. Muslims, Christians, and a small community of Jews lived in a delicate balance, contributing in their own unique ways to the rich tapestry that was Palestinian society. Cities like Jerusalem, Nablus, and Bethlehem were not just places on a map but hubs of cultural and religious significance, each echoing centuries of shared history.

The arrival of Zionism on this historical stage, driven by the nationalist currents in Europe and the plight of Jews there, brought with it a paradigm shift.⁹³ The Basel Program, a cornerstone of the Zionist movement, articulated a vision for a Jewish homeland in Palestine, a revolutionary and contentious notion. To the indigenous Arab population, deeply rooted in the land's history and culture, this was not a mere political statement but a direct challenge to their longstanding connection to the land.

The impact of this shift began to be felt as the 19th century waned and the 20th century dawned. Increased Jewish immigration to Palestine, spurred by Zionist ideology, began altering the demographic landscape. The Jewish immigrants, many fleeing persecution and seeking

⁹¹ Louis Begley, *Why the Dreyfus Affair Matters* (New Haven: Yale University Press, 2009).

⁹² Aaron Rock-Singer, "Origins and Evolution of Zionism," Foreign Policy Research Institute. Accessed February 1, 2024. <https://www.fpri.org/article/2019/11/origins-and-evolution-of-zionism/>.

⁹³ Derek Penslar, *Zionism and Technocracy: The Engineering of Jewish Settlement in Palestine, 1870-1918* (Bloomington: Indiana University Press, 1991).

refuge in line with Herzl's vision, arrived in a land already home to a complex and intertwined community. This influx, though initially modest, laid the groundwork for escalating tensions.⁹⁴

For Palestinians, the growing Zionist movement represented not just a demographic change but a challenge to their very identity and existence on the land. The concept of a Jewish homeland, as propagated by Herzl and endorsed by the Basel Program, was seen through a lens of encroachment and dispossession. The idea that another group could claim their land, backed by an international movement and later by British imperial policies, was inconceivable and deeply troubling.

As the 20th century progressed, these tensions were further exacerbated by the British Mandate⁹⁵ and the Balfour Declaration of 1917⁹⁶, which promised support for establishing a "national home for the Jewish people" in Palestine. To the Palestinian Arabs, who constituted the majority of the population, this was a betrayal, an imperialist ploy that disregarded their rights and aspirations. The declaration and subsequent British policies fanned the flames of discontent, setting the stage for a protracted conflict that would define the region for decades.

The response of the Palestinian people was multifaceted. On one hand, there was a burgeoning sense of nationalism, a desire to assert their identity and rights in the face of growing challenges. On the other hand, there was passive and active resistance against what was perceived as an existential threat to their homeland. This period marked the beginning of a concerted effort to protect their land and heritage, a struggle that would be both long and arduous.

In conclusion, the Basel Program's declaration and the rise of Zionism marked a turning point in Palestinian history. It was a moment that challenged the centuries-old fabric of Palestinian society and set in motion a series of events that would lead to ongoing conflict and struggle. From this point forward, the story of Palestine would be one of resilience and

⁹⁴ Isaiah Friedman, *Germany, Turkey, and Zionism 1897-1918* (New Brunswick: Transaction Publishers, 1998).

⁹⁵ British Mandate for Palestine (1922), established by the League of Nations, which governed Palestine from 1922 to 1948.

⁹⁶ "Balfour Declaration," November 2, 1917, a letter from the United Kingdom's Foreign Secretary Arthur James Balfour to Lord Rothschild, expressing support for the establishment of a "national home for the Jewish people" in Palestine.

resistance as its people endeavored to navigate the complexities of a rapidly changing political and cultural landscape.

The Development of Early Zionist Ideology: A Political and Historical Analysis

In the nascent stages of Zionism, the movement was far from uniform, encompassing a broad spectrum of ideas about the nature and location of the proposed Jewish state. Key figures like Theodor Herzl saw Palestine as the natural destination due to its deep historical and religious connections to Jewish heritage. However, within early Zionist circles, there were significant debates over potential alternative locations and strategies regarding the existing Arab population in Palestine. As the movement progressed, these varied ideologies began coalescing around a central objective: establishing a Jewish homeland in Palestine.

Zionism's emergence and evolution cannot be detached from the broader context of European political and social dynamics at the time. It was both a reaction to the unique challenges Jews faced in Europe – notably pervasive anti-Semitism – and an expression of their aspiration for self-determination. Influences shaping this movement were multifaceted, including the prevailing European colonialism, the intricacies of international diplomacy, and the shifting power dynamics within the region.⁹⁷

With the turn of the 20th century, Zionism experienced an ideological expansion and diversification, adapting to the changing socio-political landscape. Initially grounded in a vision of cultural and spiritual revival for the Jewish people, the movement gradually adopted more pragmatic approaches toward state formation. This evolution saw the emergence of various strands within Zionism, such as political, cultural, and labor Zionism.

Political Zionism, primarily spearheaded by Herzl, emphasized establishing a Jewish state through diplomatic and political channels. Herzl, profoundly influenced by the anti-Semitic climate of Europe, notably the Dreyfus Affair, perceived the Jewish question as a national issue necessitating a political resolution. His strategy involved engaging with influential political leaders and governments worldwide to gain support for a Jewish state.

⁹⁷ Howard M. Sachar, *A History of Israel: From the Rise of Zionism to Our Time* (New York: Alfred A. Knopf, 2007).

Herzl's diplomatic efforts included meetings with key figures like the Ottoman Sultan, German Kaiser Wilhelm II, and British officials to further the Zionist cause.

The Zionist Congresses, initiated with the First Zionist Congress in Basel in 1897⁹⁸, were pivotal in uniting diverse Jewish groups under the banner of political Zionism. These congresses served as forums for formulating strategies and consolidating support for the Zionist aspiration of statehood. Herzl's legacy and approach laid the foundation for the eventual international acknowledgment of Zionist goals, notably epitomized by the Balfour Declaration of 1917 and the establishment of the British Mandate for Palestine.⁹⁹ This period marked a significant transition for Zionism from an ideological movement to a political reality with tangible goals and strategies.

The early 20th century, therefore, stands as a critical period in the history of Zionism. It was a time when the movement gained momentum and began to impact the geopolitical landscape of the Middle East, particularly Palestine. For the indigenous Palestinian population, these developments were the harbingers of profound changes, setting the stage for the complex and enduring conflict over their homeland. The Zionist movement's evolution from a diverse set of ideologies to a focused political endeavor had far-reaching consequences, fundamentally altering the course of Palestinian history and shaping the narrative of conflict and resistance that continues to define the region.¹⁰⁰

Strands of Zionism: Cultural Revival, Labor Ideals, and Political Foundations

Cultural Zionism, as advocated by figures like Ahad Ha'am¹⁰¹, placed a strong emphasis on the spiritual and cultural rejuvenation of the Jewish people. This strand of Zionism was not primarily focused on the immediate political establishment of a Jewish state but rather on

⁹⁸ "First Zionist Congress & Basel Program (1897)," Jewish Virtual Library,

<https://www.jewishvirtuallibrary.org/first-zionist-congress-and-basel-program-1897>.

⁹⁹ Great Britain, Foreign Office, "Balfour Declaration, November 2, 1917," in *The Avalon Project: Documents in Law, History and Diplomacy*, accessed February 1, 2024, https://avalon.law.yale.edu/20th_century/balfour.asp.

¹⁰⁰ Tariq Dana, and Ali Jarbawi, "A Century of Settler Colonialism in Palestine: Zionism's Entangled Project," *The Brown Journal of World Affairs* 24, no. 1 (2017): 201-203, <https://www.jstor.org/stable/27119089>.

¹⁰¹ Jewish Virtual Library, "Ahad Ha'am (Asher Ginsberg)," accessed February 1, 2024, <https://www.jewishvirtuallibrary.org/ahad-ha-am>. "Ahad" in *Ahad Ha'am* translates to "one" in Hebrew, symbolizing his vision of Jewish unity and cultural renaissance.

cultivating a rich Jewish cultural identity.¹⁰² Ahad Ha'am's vision was marked by the belief that a cultural revival should precede the foundation of a Jewish state. He advocated creating a vibrant Jewish community in Palestine that would be sustainable and deeply rooted in Jewish culture and values.¹⁰³ This perspective led to substantial efforts to revive Hebrew as a modern, spoken language and to establish educational institutions, libraries, and cultural centers. These endeavors were aimed at nurturing Jewish heritage and identity, and they significantly influenced the nature of Jewish settlements in Palestine, promoting communities deeply embedded in Jewish cultural traditions.

Labor Zionism, emerging in the early 20th century, blended the objectives of the Zionist movement with socialist ideals. It played a pivotal role in the establishment and development of Jewish settlements in Palestine. Labor Zionists championed the idea of collective agricultural settlements, known as kibbutzim, and workers' cooperatives.¹⁰⁴ They believed Jewish labor and self-sufficiency were essential for establishing a robust and independent Jewish society in Palestine. Prominent figures in this movement, like David Ben-Gurion and organizations such as the Histadrut (General Federation of Jewish Labor), fostered a strong labor force and infrastructure within Jewish settlements. The ethos of Labor Zionism profoundly influenced the social and economic structures of the early State of Israel, with kibbutzim becoming emblematic of Israeli collective identity and self-reliance.¹⁰⁵

The confluence of political, cultural, and labor Zionism created a dynamic and multifaceted Zionist movement. While each strand had its own unique focus and methodology, they formed a complex tapestry of ideology and action that profoundly shaped Jewish history. Political Zionism laid the diplomatic and political groundwork for realizing a Jewish homeland. At the same time, cultural Zionism nurtured a sense of Jewish identity and heritage, which was crucial for the spiritual and cultural foundation of this homeland. Labor Zionism contributed by building Jewish life's practical and societal foundations in Palestine. These diverse yet

¹⁰² Hertzberg, Arthur. *The Zionist Idea: A Historical Analysis and Reader*. Philadelphia: Jewish Publication Society, 1997.

¹⁰³ Avineri, Shlomo. "Ahad Ha'am; He Was the Prophet of Cultural Zionism." *The New York Times*, August 31, 1981, <https://www.nytimes.com/1981/08/31/opinion/ahad-ha-am-he-was-the-prophet-of-cultural-zionism.html>.

¹⁰⁴ Shapira, Anita. *Land and Power: The Zionist Resort to Force, 1881-1948*. Stanford: Stanford University Press, 1999.

¹⁰⁵ Ben-Gurion, David. *Letters to Paula and the Children*. Translated by Aubrey Hodes. Pittsburgh: University of Pittsburgh Press, 1971.

interconnected strands of Zionism wove together to drive the Zionist endeavor forward, culminating in the establishment of the State of Israel. Each strand reflected the diverse aspirations and challenges faced by the Jewish people in their quest for a homeland, showcasing the complexity and depth of the Zionist movement.

The Balfour Declaration: *British Strategy, Zionist Advocacy, and the Palestinian Context*

During World War I, the British Empire was strategically maneuvering to secure its global interests, with a keen focus on the Middle East due to its critical location and resources. The decline of the Ottoman Empire offered a unique opportunity for Britain to expand its influence in this region. Palestine, situated at the crossroads of Asia, Africa, and Europe, was of significant strategic value, especially for maintaining control over the Suez Canal, the vital maritime route to British India.¹⁰⁶

The British government's war efforts included a robust propaganda campaign, part of which involved supporting the Zionist cause. This strategy aimed to win Jewish support, particularly from influential communities in the United States and Russia, which were seen as pivotal to the Allied war effort.¹⁰⁷

Concurrently, Zionist leaders, most notably Chaim Weizmann, were actively lobbying the British government to recognize and support Jewish aspirations in Palestine. Weizmann, a scientist who significantly contributed to the British war effort through his development of a method to produce acetone, used his political leverage to advocate for Zionism. He built relationships with key British figures like Arthur James Balfour and David Lloyd George, effectively articulating Zionist aspirations aligned with British imperial interests.¹⁰⁸

The culmination of these political maneuvers was the Balfour Declaration of November 1917, a letter from Foreign Secretary Arthur James Balfour to Lord Rothschild expressing Britain's support for establishing a "national home for the Jewish people" in Palestine. For the Zionist movement, this declaration was a monumental victory, providing international

¹⁰⁶ Kent, Marian. *Oil and Empire: British Policy and Mesopotamian Oil, 1900–1920*. Macmillan International Higher Education, 1976.

¹⁰⁷ Fromkin, David. *A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East*. Avon Books, 1989.

¹⁰⁸ Wasserstein, Bernard. *Chaim Weizmann: The Making of a Zionist Leader*. Oxford University Press, 1993.

legitimacy to their aspirations. However, for the indigenous Palestinian Arab population, it marked the beginning of a prolonged struggle against foreign intervention and the displacement of their national aspirations.¹⁰⁹

The Balfour Declaration had profound and far-reaching implications. It paved the way for the British Mandate in Palestine and significantly altered Arab-Jewish relations in the region. Under the Mandate, Jewish immigration to Palestine increased, exacerbating tensions and conflicts with the Palestinian Arab population. This period laid the foundational groundwork for the eventual establishment of the State of Israel in 1948, fundamentally changing the demographic and political landscape of Palestine.

For Palestinians, the Balfour Declaration remains a poignant symbol of historical injustices, leading to their displacement and ongoing struggle for statehood and rights. The issuance of the Declaration, stemming from the complex interplay of British imperial strategy and Zionist advocacy, marked a critical juncture in the history of the Middle East. It underscores the intricate dynamics of global politics and national aspirations, highlighting the enduring impact on the Palestinian narrative—a narrative deeply intertwined with the quest for recognition, rights, and a homeland.

The Establishment of the State of Israel: A Palestinian Perspective on Dispossession and Self-Determination

The establishment of the State of Israel in 1948 marks a significant moment in Middle Eastern history, profoundly impacting Palestinian society and leading to what is widely recognized as the beginning of the Israeli occupation. This era is a testament to a series of transformative events that reshaped the region's geopolitical landscape and had enduring implications for the Palestinian people.¹¹⁰ The genesis of this transformative period can be traced back to the United Nations Partition Plan in 1947, a proposal that emerged in response to the urgency of creating a homeland for Jewish refugees in the aftermath of World War II and the Holocaust. This plan, which proposed the division of Palestine into distinct Jewish and Arab states, was met with starkly contrasting reactions; the Jewish leadership accepted it as a

¹⁰⁹ Reinharz, Jehuda. *Chaim Weizmann: The Making of a Statesman*. Oxford University Press, 1993.

¹¹⁰ Khalidi, Rashid. *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Boston: Beacon Press, 2006.

legitimate pathway to establishing a Jewish state but was vehemently opposed by Palestinian Arabs and the broader Arab world. For Palestinians, the partition plan was an embodiment of injustice, proposing an allocation of land that disproportionately favored the Jewish state despite the Jewish population constituting a minority in the region and owning a smaller portion of the land.

This proposal was perceived by Palestinians as a perpetuation of the policies set forth during the British Mandate and encapsulated in the Balfour Declaration, which facilitated the increase of Jewish immigration and land acquisition at the expense of the indigenous Arab population. Palestinians saw the international community's endorsement of the partition plan as a continuation of their disregard for their national rights and a betrayal of their majority status in their homeland.¹¹¹ The declaration of the State of Israel on May 14, 1948, followed by the Arab-Israeli War, marked a moment of triumph for the Zionist movement but signified a catastrophe, or Nakba, for the Palestinian people. The war resulted in a decisive victory for the new Israeli state and led to the displacement of approximately 700,000 Palestinian Arabs, marking the onset of the Palestinian refugee crisis.¹¹² This mass displacement, along with the substantial territorial losses, represented a profound disruption to Palestinian society. The aftermath of the war was characterized by the widespread destruction and depopulation of Palestinian villages and a significant migration of Arabs from major cities like Jaffa and Haifa, leading to further fragmentation of the Palestinian community.¹¹³

The establishment of Israel and the outcomes of the 1948 War had a critical impact on the Palestinian quest for self-determination.¹¹⁴ The Nakba represented not only a physical dislocation but also a severe blow to the Palestinian national identity and aspirations. The possibility of establishing an independent Palestinian state, as envisaged in the UN Partition Plan, was effectively obliterated in the aftermath of the war. The Palestinian narrative, thereafter, was shaped by themes of dispossession, loss, and a struggle for return and recognition. The experience of displacement and the subsequent statelessness galvanized various Palestinian political movements, leading to the formation of numerous factions

¹¹¹ Pappé, Ilan. *The Ethnic Cleansing of Palestine*. Oxford: Oneworld Publications, 2007.

¹¹² Morris, Benny. *The Birth of the Palestinian Refugee Problem, 1947-1949*. Cambridge: Cambridge University Press, 1987.

¹¹³ Sa'di, Ahmad H., and Lila Abu-Lughod, eds. *Nakba: Palestine, 1948, and the Claims of Memory*. New York: Columbia University Press, 2007.

¹¹⁴ Said, Edward W. *The Question of Palestine*. New York: Vintage Books, 1992.

committed to the Palestinian cause. The establishment of the State of Israel and the events of 1948 remain central to the Palestinian-Israeli issue. For Palestinians, these events are emblematic of a narrative of loss, resistance, and an unfulfilled quest for self-determination and statehood. The ongoing Israeli settlement expansion and the legacy of 1948 continue to present significant challenges to resolving the dispute, highlighting the complex interplay between history, politics, and the pursuit of national rights in one of the world's most protracted and contentious issues.¹¹⁵

The Evolution of Israeli Settlements: From Inception to the Present in the Context of Occupation

The development of Israeli settlements, initiated after the 1948 Arab-Israeli War and escalating significantly following the 1967 Six-Day War, stands as a pivotal element in the history of the Israeli occupation of Palestinian territories. This progression of settlement activities has played a central role in shaping the dynamics of the occupation and has had profound implications for the Palestinian struggle for self-determination.

Early Beginnings: Post-1948 Settlements

The initial phase of Israeli settlement activity post-1948 was primarily characterized by efforts to consolidate territorial gains following the Arab-Israeli War and to establish a security framework for the nascent state. In the immediate aftermath of the war, a significant number of Palestinian Arabs fled or were expelled from their homes, an event deeply ingrained in the Palestinian collective memory as the Nakba (Catastrophe). This led to a substantial demographic shift in the region, with the vacated lands, including entire villages and urban neighborhoods, becoming sites for new Israeli settlements. These settlements, rapidly established in many cases, partly served the urgent need to house Jewish refugees and immigrants arriving in the new state.¹¹⁶

Strategic and security considerations played a crucial role in the placement of these early settlements. Many were strategically located along the 1948 armistice lines, known as the Green Line, serving dual purposes: fortifying Israel's defensive position against potential future hostilities and establishing physical markers of territorial claims. These settlements varied in

¹¹⁵ Khalidi, Walid. *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*. Washington D.C.: Institute for Palestine Studies, 1992.

¹¹⁶ Morris, Benny. *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge University Press, 2004.

form, with kibbutzim (collective agricultural communities) and moshavim (cooperative farming villages) being predominant, serving as agricultural enterprises and frontier outposts.

Expansion and Diversification Post-1967

The Six-Day War of 1967 marked a watershed moment in the history of the Israeli-Palestinian situation, initiating a significant shift in Israeli settlement policies and practices. The aftermath of the war saw Israel's territorial expansion into the *West Bank*, *Gaza Strip*, *Golan Heights*, and the *Sinai Peninsula*, profoundly altering the geopolitical landscape of the region and setting the stage for a new phase in the nature and approach of Israeli settlement activities.¹¹⁷

In the newly occupied territories, the nature of Israeli settlement activities underwent substantial changes. Initially, these settlements primarily served security objectives, aiming to create buffer zones and secure strategic areas. They were strategically located in regions of critical importance, such as along the Jordan River and the hills surrounding Jerusalem. This period marked a notable transition from individual and organizational initiatives to more state-driven settlement policies, indicating a strategic shift in the Israeli government's approach to settlement expansion.¹¹⁸

Ideological Underpinnings and Geographical Expansion

Alongside these security considerations, ideological factors increasingly influenced settlement expansion in the post-1967 period. The notion of Greater Israel, which incorporated religious and historical claims to territories in the West Bank, commonly referred to in Jewish tradition as Judea and Samaria, became a central motivation for many settlers. This ideological drive viewed the settlement movement as fulfilling Jewish biblical heritage and reclaiming ancestral lands, intertwining religious and nationalistic sentiments in the settlement process.¹¹⁹

The landscape of Israeli settlement activity experienced a significant transformation following the 1967 war. The occupied territories witnessed a geographical expansion of settlements and diversification in their nature and underlying motivations. This period marked

¹¹⁷ Fischbach, Michael R. *Jewish Property Claims Against Arab Countries*. Columbia University Press, 2008.

¹¹⁸ Golan, Arnon. *War, Spatial Change, and Urban Life in Israel*. Sussex Academic Press, 1995.

¹¹⁹ Miriam Billig and Udi Lebel, "Introduction: Judea and Samaria Jewish settlers and settlements – cultural sociology of unsettled space," *Israel Affairs* 21, no. 309-312 (2015).

an intensification of the settlement enterprise within these territories, drawing international scrutiny and becoming a central issue in the Israeli-Palestinian situation.

Religious-nationalist ideology, particularly pronounced in the West Bank and East Jerusalem, began to play a more dominant role in the post-1967 settlement expansion. This ideological shift propelled the settlement movement beyond mere security strategy, asserting Jewish claims over historical and biblical lands and using settlements as instruments to establish control over key areas in the occupied territories. This expansion often led to land expropriations and the displacement of Palestinian populations, further entrenching the realities of occupation.¹²⁰

These initial settlements often began as small military outposts but gradually transformed into civilian communities. This was a strategic shift in Israeli policy, blurring the lines between military necessity and civilian expansion. The establishment of these early settlements laid the groundwork for the extensive network of settlements that would later spread throughout the West Bank and Golan Heights.

This early phase of settlement development was marked by a mix of government initiative and grassroots settler movement, with the latter often pushing the government towards a more expansive settlement policy. The government's tacit and sometimes overt support for these settlements set a significant precedent, signaling a long-term commitment to the retention of these territories and fundamentally shaping the landscape of the Israeli occupation.

The Allon Plan (1967): Shaping the Future of Israeli Settlements

Conceived by Israeli Minister Yigal Allon following the 1967 Six-Day War, the Allon Plan proposed a strategic approach to the newly captured territories, particularly in the West Bank and Golan Heights. The plan's primary objective was to ensure security by establishing a series of settlements along the Jordan River, effectively creating a buffer zone between Israel and Jordan. While the Allon Plan was not fully implemented in its original form, its principles significantly influenced Israeli settlement policy.¹²¹

¹²⁰ D. Newman, "Gush Emunim and settlement-type in the West Bank," *British Journal of Middle Eastern Studies* 8, no. 33-37 (1981).

¹²¹ Udi Manor, "Yigal Allon's plan to establish an independent Druze state," *Israel Affairs* 25, no. 1057-1064 (2019).

The plan advocated for annexing sparsely populated areas for security settlements while avoiding densely populated Palestinian areas to minimize friction. This selective annexation strategy aimed to integrate strategically valuable land into Israel, leaving the majority of the Palestinian population under Jordanian authority. Although the plan was met with political opposition and never officially adopted as state policy, its influence was evident in subsequent settlement activities.

The legacy of the Allon Plan is seen in the pattern of settlement expansion in the Jordan Valley and Golan Heights. It established a precedent for the strategic use of settlements in Israeli policy, intertwining security concerns with territorial expansion. This approach has had a lasting impact on the landscape of the Israeli-Palestinian conflict, complicating efforts toward a peaceful resolution and significantly affecting Palestinian aspirations for self-determination.

National Plans and Legislation: Shaping Settlement Expansion

Throughout the years, Israeli governments have actively shaped the settlement landscape through targeted plans and legislation. One of the most notable of these was the "Drobls Plan," formulated in the late 1970s. Named after its author, Matityahu Drobls, a member of the World Zionist Organization's Settlement Division, this plan aimed to establish a network of settlements. Its primary goal was to create Jewish demographic majorities in strategic areas, particularly in the West Bank. The plan was instrumental in expanding settlements around Jerusalem and along the central mountain ridge of the West Bank.¹²²

In addition to specific settlement plans, various Israeli laws have facilitated the growth of settlements. These laws often legalized the expropriation of land deemed necessary for state use, which, in many cases, included settlement construction. Over time, such legislation has not only enabled the expansion of existing settlements but also the establishment of new ones, often leading to disputes over land ownership and usage rights.

The combination of strategic plans like the Drobls Plan and supportive legislation has been pivotal in shaping the geographical and demographic realities in the occupied territories. These governmental actions reflect a long-term strategy of land control and demographic

¹²² Saleh Raed Shatat and O. A. Victoria, "ILLEGAL LAND GRAB: ISRAEL'S SEIZURE OF LAND IN PALESTINE," *Jurnal Akta* (2021)

change, significantly impacting the potential for the realization of a two-state solution and affecting Palestinian self-determination aspirations.

Acceleration in the Expansion of Israeli Settlements Since the Early 2000s

The acceleration of Israeli settlement expansion since the early 2000s, and notably between 1993 and 2000, is intertwined with a series of significant political and historical developments. The period was inaugurated by the Oslo Accords in 1993, a pivotal moment aimed at establishing a framework for peace negotiations and a two-state solution. Despite the Accords' historical significance, including the establishment of the Palestinian Authority, they did not explicitly address the issue of settlements. This omission allowed for the continued expansion of settlements, which became a point of contention and complicated the peace process further.

The assassination of Israeli Prime Minister Yitzhak Rabin in 1995 marked a significant setback to the peace efforts initiated by the Oslo Accords. Rabin's role in advancing peace negotiations had been crucial, and his death introduced a period of increased tensions and uncertainties within the region. This event underscored the fragility of the peace process and indirectly influenced settlement policies by leading to a political shift in Israel. The subsequent election of Benjamin Netanyahu as Prime Minister in 1996 brought to power a government that was perceived as less committed to the Oslo peace process and more favorable towards settlement expansion. Netanyahu's tenure from 1996 to 1999 is characterized by a notable acceleration in settlement activities, with the government providing incentives for Israeli citizens to move to these settlements, thereby further entrenching the occupation and complicating the prospects for peace.

The culmination of this period came with the Camp David Summit in 2000, an attempt by U.S. President Bill Clinton to resolve the Israeli-Palestinian issue. Despite initial high hopes, the summit concluded without an agreement, a failure often cited as a precursor to the Second Intifada. The intensified violence that followed the summit's collapse further entrenched divisions and led to an increase in settlement activities, as the Israeli government sought to consolidate its control over strategic areas in the occupied territories.

Throughout these years, the policy of establishing and expanding settlements in the Occupied Territories reflected a strategic commitment to territorial expansion and population growth within these areas, driven by both security and ideological considerations. This

approach led to a substantial increase in the settler population, especially in the West Bank, including East Jerusalem. Despite various governments claiming that expansion was necessary to meet the "natural growth" of the existing population, the political process between Israel and the Palestinians did not impede these activities. As a result, the number of settlers on the West Bank, excluding East Jerusalem, increased by almost 100 percent between 1993 and 2000. This period, therefore, represents a significant phase in the occupation, highlighting the complex dynamics between settlement expansion and the Israeli-Palestinian landscape, and underscoring the challenges to achieving a peaceful resolution.¹²³

Current Context: Israeli Settlements as a Contentious Issue

In the current context, Israeli settlements continue to represent a contentious and polarizing issue, seen as a significant obstacle to peace and a violation of international law. The ongoing expansion of these settlements is viewed as undermining the feasibility of a two-state solution and perpetuating the Israeli occupation. For Palestinians, the continuous growth of settlements represents a tangible manifestation of the occupation, posing significant barriers to their aspirations for an independent state and self-determination.

The issue of settlements encapsulates critical themes of land, identity, sovereignty, and rights, which are central to the Palestinian narrative. The growth of Israeli settlements has impacted not only the daily lives of Palestinians but also the broader political and social landscape of the region. Understanding the evolution and impact of Israeli settlements is critical to addressing the core issues at the heart of the Israeli-Palestinian situation and finding a path toward a just and sustainable resolution.

Legal Foundations and Frameworks for Israeli Settlement Expansion

Legalization of Israeli Outposts: Laws and Frameworks

The legalization of Israeli outposts is governed by specific laws and legal frameworks. The Regulation Law, enacted in 2017, is one such law aimed at retroactively legalizing numerous Israeli outposts built on privately owned Palestinian land in the West Bank. This law

¹²³ *Ibid.*, 67.

allows for the expropriation of land under certain conditions, even for outposts initially constructed without authorization. Additionally, the Israeli High Court frequently adjudicates cases involving the legality of these outposts and settlements, and its decisions can lead to their legalization or dismantling. The process also involves the use of planning and building laws, allowing the government to change land status and authorize outposts, often by reclassifying land use and adjusting municipal boundaries. These legal mechanisms are part of Israel's broader strategy to expand and consolidate settlements in the occupied territories.

Israeli Settlement Expansion and Annexation: The Role of Absentee Property and Land Acquisition Laws

Following 1948, Israel enacted various legislative measures that enabled the expansion and annexation of settlements in occupied territories. The Absentee Property Law (1950) and the Land Acquisition Law (1953) were key to this legal framework, which significantly altered land ownership and usage, thus contributing to the state's settlement expansion strategies.

The Absentee Property Law (1950): Legalizing Land Custodianship

The Absentee Property Law, promulgated in 1950, marked a significant shift in property rights within the nascent State of Israel. This law defined 'absentees' as individuals who had left their habitual residence in any part of the land of Israel for a country outside Israel or an area within Israel held by forces hostile to Israel from November 29, 1947, onwards. These 'absentee' properties were transferred to the control of the custodian of absentee property. This transfer facilitated the Israeli government's use of absentee lands, predominantly reallocating them for the development of Israeli settlements. Consequently, this law became a cornerstone in Israel's strategy to consolidate and expand Israeli settlements, particularly in areas with significant Palestinian populations.

The Land Acquisition Law (1953): Facilitating State-Controlled Land Acquisition

Complementing the Absentee Property Law, the Land Acquisition Law of 1953 provided a legal foundation for the state to acquire land for public purposes, including settlement expansion. The law established the mechanisms through which the state could legally acquire land deemed necessary for public use and outlined the process for compensating the original landowners. However, implementing this law, particularly in the context of Palestinian landowners, has been a subject of significant contention. Critics argue that the compensation process was often inadequate and that the law essentially legitimized the expropriation of Palestinian lands for settlement purposes.

These laws were pivotal in the Israeli government's efforts to expand Jewish settlements, reshaping the demographic and geographic landscape of the region. The Absentee Property Law effectively allowed for the transfer of a substantial amount of land from Palestinian to Israeli state control. Combined with the Land Acquisition Law, these legislative measures provided the Israeli state with the legal tools to consolidate land for settlement expansion, impacting the socio-political fabric of the occupied territories. These laws are viewed as mechanisms that facilitated the dispossession of Palestinian landowners and the strategic expansion of Israeli settlements. They are integral to understanding the broader narrative of occupation and settlement in the Palestinian territories, contributing to the ongoing debate over land rights, displacement, and the prospects for resolving the Israeli-Palestinian situation.

Geopolitical Expansion and Strategic Dynamics of Israeli Settlements

Annexation and Settlement Expansion in East Jerusalem:

The significant shift in the Israeli-Palestinian situation post-1967 Six-Day War was markedly evidenced by Israel's strategic actions in East Jerusalem. Following the war, Israel captured East Jerusalem from Jordan and, in a move of considerable geopolitical and symbolic import, proceeded to annex the area. This annexation, executed rapidly through a series of legislative and administrative measures, was a definitive act reflecting the city's complex historical and religious significance. The Jerusalem Law of 1980 was a notable legislative act, formalizing the annexation and extending Israeli law, jurisdiction, and administration over East

Jerusalem.¹²⁴ This legal integration of East Jerusalem into Israeli governance was a pivotal moment, given the city's centrality in the Zionist vision and its sacred status in Jewish tradition.

Concurrent with the annexation, Israel initiated a comprehensive strategy of settlement expansion in East Jerusalem. This process was characterized by the establishment of a network of settlements forming a 'ring' around the city, intended to consolidate Israeli control and influence the demographic composition. The construction of these settlements often involved the expropriation of Palestinian-owned land, frequently justified under claims of public use. These actions led to the establishment and expansion of Jewish neighborhoods on lands previously inhabited by Palestinian residents, significantly altering the demographic and cultural landscape of East Jerusalem.

The expansion of settlements in East Jerusalem was not merely a quest for geographical control; it was deeply rooted in ideological and strategic considerations. The annexation and subsequent urban development were driven by the objective of reinforcing the Jewish connection to Jerusalem, an aspiration central to Israeli national identity and Zionism. Israeli government policies in East Jerusalem, such as urban planning and housing development, aim to keep a Jewish majority in the city. These policies were implemented alongside measures that restricted the growth and development of Palestinian neighborhoods, manifesting in stringent zoning restrictions and limited issuance of building permits.

Palestinian residents of East Jerusalem were placed in a unique and complex legal status following the annexation. While they were granted permanent residency status, full citizenship rights were not extended, leading to a precarious situation regarding their civil and political rights. The residency status afforded certain privileges, such as the ability to live, work, and access social services in Jerusalem, but was conditional and subject to revocation. Moreover, the application of the Absentee Property Law in East Jerusalem facilitated further land acquisitions for Jewish neighborhood expansion, intensifying disputes over property rights and land ownership.

The international community's response to the annexation of East Jerusalem and the expansion of Israeli settlements has been predominantly critical. The United Nations Security

¹²⁴ Dumper, Michael. "The Politics of Jerusalem Since 1967." Columbia University Press, 1997.

Council, in Resolution 478 (1980)¹²⁵, declared the annexation null and void and a violation of international law.¹²⁶ Despite this international condemnation, the legal and administrative measures enacted by Israel in East Jerusalem have continued to be a focal point of the Israeli-Palestinian conflict, deeply impacting the socio-political dynamics of the city.

The annexation of East Jerusalem and the subsequent settlement expansion have been pivotal in shaping the historical, cultural, and political narrative of the Israeli-Palestinian situation. These developments have profoundly influenced the demographic composition of Jerusalem, the urban and cultural landscape, and the broader discourse surrounding the conflict.

Expansion of Israeli Settlements in the West Bank and Gaza: Strategic Dynamics and Legal Frameworks

The expansion of Israeli settlements in the West Bank, unfolding over several decades since the 1967 Six-Day War, represents a significant and strategically planned aspect of the broader Israeli-Palestinian situation. This expansion, carefully orchestrated to maximize Israeli territorial control while minimizing the geographical contiguity of Palestinian areas, has been a central feature of the conflict. The strategic placement and growth of settlements in both the West Bank and, until their evacuation in 2005, the Gaza Strip reflects a complex interplay of military, political, and legal factors.

Strategic Placement and Growth of Settlements in the West Bank

Initially, the settlements established soon after the 1967 War served primarily military and security purposes, strategically positioned to control key West Bank areas. Over time, these evolved from small, security-oriented outposts into larger settlement blocs. These blocs, comprising multiple settlements and their associated infrastructure, extend the Israeli presence deep into the Palestinian territories, significantly altering the region's landscape.¹²⁷

The role of the Israeli government in this expansion has been pivotal. Political backing, financial incentives, and infrastructural support were provided, underscoring the strategic intent behind the planning and development of these settlements. This governmental involvement has

¹²⁵ UN Security Council Resolutions on Jerusalem and related UN documents.

¹²⁶ Margalit, Meir. "Discrimination in the Heart of the Holy City." International Peace and Cooperation Center, 2006.

¹²⁷ Kretzmer, David. "The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories." State University of New York Press, 2002.

been instrumental in the systematic expansion of settlements, reflecting a broader strategy of territorial consolidation.

Land Acquisition and Classification in the West Bank

Israel's approach to expanding settlements involved a complex legal and administrative framework for land acquisition and classification. A key aspect of this approach was the utilization of the Ottoman Land Code of 1858, a remnant of the Ottoman Empire's rule over the region. This code categorizes land based on its use and registration. Israeli authorities focused on the "Miri" category, which covered land used for agricultural purposes but officially owned by the state.

Israeli authorities used Ottoman law to declare large areas of Miri land in the West Bank as state land. This was often justified by arguing that the land was not being used or cultivated as required by the Ottoman code. Extensive surveys and land registration processes were conducted to reclassify land from Palestinian private or communal ownership to state land. This reclassification process, often contested by Palestinian landowners, facilitated the expropriation of land for public purposes, including security and settlement construction. The Israeli Civil Administration in the West Bank played a crucial role in administering these land laws, often leading to land allocations for settlement expansion.

The 2005 Gaza disengagement:

In 2005, Israel executed a significant policy shift through its unilateral disengagement from the Gaza Strip, an action that fundamentally deviated from its previous settlement policies in the occupied territories. This disengagement, under the leadership of Prime Minister Ariel Sharon, entailed the complete withdrawal of all Israeli settlements and military installations from Gaza, marking the first such removal of Israeli presence since the 1967 Six-Day War. About 8,000 Israeli settlers from 21 settlements were evacuated, a move driven by strategic, demographic, and political considerations, primarily to alleviate the security and economic burdens of maintaining control over the densely populated and conflict-ridden area. This unprecedented action, executed unilaterally without a negotiated agreement with the Palestinian Authority, was met with substantial opposition and protests within Israel, reflecting deep divisions over national settlement policies. Although the disengagement ended Israel's permanent civilian and military presence in the Gaza Strip, it did not lead to a resolution of the Israeli-Palestinian conflict in the region. The Gaza Strip remained under an Israeli-Egyptian

blockade, and the area has since experienced recurring conflicts between Israel and Palestinian militant groups. This disengagement remains a pivotal and complex episode, underscoring the enduring challenges and complexities in the pursuit of sustainable peace in the Israeli-Palestinian context.

Israeli settlements in the Sinai Peninsula and the Golan Heights:

In the aftermath of the 1967 Six-Day War, Israel expanded its settlement activities beyond the West Bank and Gaza Strip, establishing settlements in both the Sinai Peninsula and the Golan Heights.

Sinai Peninsula:

- The disengagement in the Sinai Peninsula and the dismantling of Israeli settlements were direct outcomes of the 1979 Israel-Egypt Peace Treaty, also known as the Camp David Accords. This agreement was facilitated by the United States and led to the first peace treaty between Israel and an Arab state. Under this treaty, Israel agreed to withdraw from the Sinai Peninsula, which it had occupied since the 1967 Six-Day War. The United Nations did not pass specific resolutions concerning the dismantling of settlements in the Sinai, as this was handled bilaterally between Israel and Egypt with U.S. mediation.

Golan Heights:

- The situation in the Golan Heights has been the subject of several United Nations resolutions. One of the most notable is United Nations Security Council Resolution 242, passed in 1967, which called for the withdrawal of Israeli armed forces from territories occupied in the recent conflict, implying the Golan Heights.
- Another significant resolution is United Nations Security Council Resolution 497, passed in 1981, which declared that Israel's imposition of its laws, jurisdiction, and administration in the occupied Golan Heights is "null and void and without international legal effect." This resolution was in response to Israel's 1981 annexation of the territory.
- Despite these resolutions, Israel has maintained its control over the Golan Heights. In 2019, the United States officially recognized Israeli sovereignty over the Golan Heights, a move that diverged from the broader international consensus and was met with criticism from many countries and international organizations.

Extension of Israeli Law and Jurisdiction in East Jerusalem and the West Bank:

Following the 1967 Six-Day War, Israel implemented significant legal and administrative changes in the territories it captured, most notably East Jerusalem and parts of the West Bank. This shift involved the extension of Israeli law, jurisdiction, and administration to these areas, fundamentally altering their legal status.

The Jerusalem Law and Its Implications

Enactment of the Jerusalem Law (1980):

- The Jerusalem Law, passed by the Knesset in 1980, officially declared "complete and united" Jerusalem as the capital of Israel. This law marked the formal annexation of East Jerusalem, though this annexation had been effectively in place since shortly after the 1967 war.¹²⁸
- The Jerusalem Law of 1980 stands as a critical legislative act in the history of the Israeli-Palestinian conflict, symbolizing the formal annexation of East Jerusalem by Israel and asserting Jerusalem's status as the complete and undivided capital of Israel.
- Following the 1967 war, Israel rapidly extended its administration and jurisdiction to East Jerusalem, incorporating it into the municipal boundaries of Israeli-controlled West Jerusalem. The area was effectively treated as part of Israel, although this annexation was not immediately formalized in Israeli law.¹²⁹
- Strategic and Symbolic Significance: Jerusalem holds profound historical, religious, and cultural significance for Palestinians. For Israel, asserting control over the entire city reflected strategic interests
- Municipal Boundaries: The law effectively codified the expanded municipal boundaries of Jerusalem, which included East Jerusalem and surrounding areas captured in 1967.

¹²⁸ Lapidoth, Ruth. "Jerusalem: Some Legal Issues." The Jerusalem Institute for Israel Studies, 2010.

¹²⁹ Kretzmer, David. "The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories." State University of New York Press, 2002.

- Implications for Urban Planning and Development: The law facilitated Israeli urban planning and development policies in Jerusalem, further integrating East Jerusalem into the municipal and infrastructural framework of the Israeli-controlled city.¹³⁰

International Response to this law:

- The international community, including the United Nations, did not recognize the annexation of East Jerusalem or the proclamation of the city as Israel's capital. UN Security Council Resolution 478 (1980) specifically censured the Jerusalem Law and called upon member states to withdraw their diplomatic missions from the city.¹³¹
- Violation of International Law: Many international legal experts and bodies view the annexation of East Jerusalem and the Jerusalem Law as a violation of international law, particularly the Fourth Geneva Convention, which prohibits the acquisition of territory by force.
- Article 49 of the Fourth Geneva Convention (1949): Content of the Article:¹³² Article 49 of the Fourth Geneva Convention states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." This article is often cited in the context of international law to argue that the establishment of settlements and the transfer of an occupier's population into occupied territories are illegal.

Extension of Israeli Law to the West Bank

Military Occupation and Application of Civilian Law in the West Bank:

The legal landscape in the West Bank represents a unique and complex scenario where military occupation and civilian law intersect. Following the 1967 Six-Day War, Israel established a military occupation in the West Bank. Over the ensuing decades, aspects of Israeli civilian law have been incrementally applied, particularly concerning Israeli settlements. This situation has created a dual legal system where different laws apply to Israeli settlers and Palestinian residents.

¹³⁰ Dumper, Michael. "The Politics of Jerusalem Since 1967." Columbia University Press, 1997.

¹³¹ United Nations Security Council. "Resolution 478 (1980)." United Nations, S/RES/478 (1980).

¹³² Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 49

- The Framework of Military Occupation
 - Initial Military Governance: Immediately after the 1967 occupation, Israel established military governance in the West Bank. This was characterized by the issuing of military orders that governed various aspects of life in the occupied territory.
 - Military Legal System: A military legal system was implemented for Palestinians in the West Bank. This system operates alongside and sometimes supersedes the existing Jordanian laws (Jordanian laws were the legal system in place before 1967). The military legal system employed in the West Bank under Israeli occupation is governed primarily by a framework of military orders issued by the Israeli military authorities. These orders are based on the emergency regulations and powers granted to the military in occupied territories.
 - Scope and Nature of Military Orders: Military orders in the West Bank have regulated various areas, including judicial proceedings, security measures, land use, resource allocation, and civil affairs. These orders supersede existing Jordanian laws (which were in effect before 1967) in many aspects of governance and legal jurisdiction.
 - Example: Military Order No. 378: Military Order No. 378 is a prominent example. It deals with security provisions and establishing military courts in the West Bank. This order outlines the procedures for arrest, detention, and prosecution of individuals under military law, significantly impacting the judicial rights and processes of Palestinians.
 - The military orders that are in place today originate from the emergency regulations introduced during the British Mandate period. The British authorities initially enforced these regulations to quell civil unrest and maintain law and order.
 - Adaptation and Expansion by Israel: After 1967, Israel adapted and expanded these regulations to assert control over the West Bank. The emergency regulations provide military commanders with extensive administrative and legal powers to enact measures deemed necessary for security and public order.
- Gradual Application of Israeli Civilian Law to Settlers
 - Legal Exception for Settlers: Israeli settlers living in the West Bank are subject to Israeli civilian law, a legal exception created by a series of administrative and legal maneuvers. Applying civilian law to settlers reflects a policy of *de facto* annexation of settlements.

- Establishment of Civilian Institutions: Over time, Israel established civilian institutional structures within settlements, such as municipal councils and education systems, further entrenching the application of Israeli civil law in these areas.

Legal Dualism and Its Implications:

- Legal dualism in the context of the Israeli settlements in the occupied territories refers to the existence of two separate legal systems within the same geographic area, namely the West Bank. This duality manifests in the application of Israeli civil law to Israeli settlers and military law to Palestinian residents. The concept is crucial for understanding the legal complexities and disparities, which are two sets of laws that arise in the occupied territories.
- Following the 1967 Six-Day War, Israel established a military occupation in the West Bank. Under this occupation, the Israeli military implemented a system of military orders to govern Palestinian residents, while Israeli settlers, considered citizens of Israel, were subject to Israeli civil law.
- Over time, Israel extended various aspects of its civil legal system to the settlements in the West Bank. This extension has included administrative, civil, and criminal jurisdiction, creating a parallel legal system alongside the military regime governing Palestinians.
- Implications of Legal Dualism
- Disparate Legal Rights and Protections: Legal dualism has led to significant disparities in legal rights and protections between Israeli settlers and Palestinian residents. Settlers benefit from the rights and protections afforded under Israeli law, including greater procedural safeguards in the judicial system, while Palestinians are subject to military courts and orders with different standards and protections.
- Critiques of the Military Legal System: The military legal system governing Palestinians has been criticized for its limitations on due process, freedom of movement, and other civil liberties. Human rights organizations and legal experts have raised concerns about the fairness and impartiality of military courts.
- Violation of International Legal Principles: The Fourth Geneva Convention ¹³³prohibits an occupying power from transferring its own population into occupied territories and from

¹³³ Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 49, Paragraph 6.

altering the legal system in a manner not necessitated by military needs, and that undermines the rights of the occupied population.

Impact on Palestinian Residents

- **Legal Status and Rights:**
- Palestinians in East Jerusalem were offered permanent residency status, which granted them certain rights and benefits but did not equate to citizenship. In contrast, Palestinians in the West Bank remained under military occupation with a different set of rights and legal protections.
- **Residency Revocation and Property Rights:**
- In East Jerusalem, Palestinians faced the risk of residency revocation for various reasons, including prolonged absence from the city or acquiring citizenship or residency in another country. Property rights were also significantly affected, with instances of property expropriation and demolition orders.

The extension of Israeli law and jurisdiction to East Jerusalem and the application of Israeli laws in the West Bank have profound implications for the legal, political, and social landscape of these territories. This legal integration and the accompanying administrative measures have been pivotal in shaping the Israeli-Palestinian conflict, affecting the daily lives of Palestinians and the prospects for a resolution to the conflict. The legal complexities introduced by these measures continue to be a source of contention and debate within Israel and the international arena.

Planning and Zoning in the Palestinian Occupied Territories: *Israeli Policies*

In the context of the Israeli occupation of the West Bank, the planning and zoning policies implemented by Israeli authorities have played a significant role in shaping the region's physical and demographic landscape. These policies have been instrumental in facilitating the expansion of Israeli settlements while simultaneously restricting Palestinian development. The academic discussion of these policies involves an examination of their nature, implementation, and the international legal perspective regarding their impact.

- **Settlement Expansion Focus:** Israeli planning policies in the West Bank have been primarily oriented towards the expansion and consolidation of Israeli settlements. This includes the allocation of land for settlement construction, the development of infrastructure such as roads and utilities, and the designation of security zones around settlements.
- **Number of Settlements and Settlers:** Data on the total number of Israeli settlements established in the West Bank since 1967 and the growth in the number of these settlements over time. Population statistics show an increase in the number of Israeli settlers residing in the West Bank.
 1. **Total Settlements:** The number of Israeli settlements in the West Bank has grown steadily since 1967. As of the early 2020s, there were over 130 official settlements in the West Bank. This figure does not include outposts, which are smaller settlements often established without official authorization.
 2. **Population Growth:** The settler population in the West Bank has seen significant growth over the decades. From a few thousand settlers in the early years following 1967, the population had grown to over 400,000 by the early 2020s. This number excludes East Jerusalem, where an additional 200,000 to 300,000 Israeli settlers reside.
- **Land Allocation for Settlements:** Statistics on the amount of land allocated for settlement construction, including the geographical distribution of this land. Data on changes in land use in the West Bank, especially agricultural or open land transformation into settlement areas.
- The geographic spread of Israeli settlements in the West Bank is characterized by a concentration in several key areas, each with its own strategic significance. Here are some notable regions and specific settlements:

Key Areas with High Concentrations of Settlements

Areas Adjacent to Jerusalem:

1. **Ma'ale Adumim:** One of the largest settlements, situated east of Jerusalem, playing a significant role in the Israeli government's strategic planning in the region.

2. Gush Etzion Bloc: Located south of Jerusalem, this block of settlements is significant both strategically and historically for Israel.

Central West Bank:

1. Ariel is a major settlement located in the northern part of the central West Bank. Ariel is significant due to its size and its location deep within the West Bank.
2. Modi'in Illit: This settlement has seen rapid growth and is situated near the Green Line, closer to the center of Israel.

Southern West Bank:

1. Kiryat Arba: Located near Hebron, this settlement is known for its ideological significance to the settler movement.
2. Gush Etzion: Although sometimes considered part of the Jerusalem envelope, this area extends into the southern West Bank and includes several settlements.

Settlements in Strategically Important Areas

Settlements in the Jordan Valley:

- Settlements like Ma'ale Efrain and Beit HaArava in the Jordan Valley are strategically placed. Israel views the Jordan Valley as a critical security buffer.
- Settlements Near Palestinian Cities:
- Some settlements are situated close to major Palestinian cities. For example, Psagot is near Ramallah, and Beit El is also in the Ramallah area.

1. Infrastructure development involves the creation of crucial support systems for Israeli settlements, such as roads, water, and electricity networks. Examples of these developments could include the length of roads built, the capacity of utility services, and investment in infrastructure projects. In the West Bank, the Israeli government has constructed a network of bypass roads that connect Israeli settlements with each other and with Israel proper. This infrastructure has had significant impacts on Palestinian communities and the contiguity of Palestinian areas. Here are some specific examples:

Bypass Roads in the West Bank

1. Road 1: Jerusalem to the Dead Sea: This major highway connects Jerusalem to the Dead Sea, passing through or near several settlements. It's an important route for settlers traveling to and from Jerusalem.
 2. Road 443: Modi'in to Jerusalem: Road 443 serves as an alternative route to Jerusalem for settlers living in the central West Bank, including those in Modi'in Illit. Part of this road goes through Palestinian territory, impacting several Palestinian villages along its route.
 3. Road 60, North-South Axis: Often referred to as the "settlers' road," it runs north-south through the West Bank, connecting major settlements like Ariel in the north to Hebron in the south. Road 60 is crucial for settlers' mobility but has also been a source of conflict and tension.
 4. Road 5 Connecting Ariel: This road links Ariel, one of the largest settlements deep inside the West Bank, to the Israeli coastal plain. Its construction involved land expropriation and has affected several Palestinian villages in the vicinity.
 5. Road 90, Jordan Valley: Running along the eastern edge of the West Bank in the Jordan Valley, Road 90 connects northern settlements and kibbutzim down to the Dead Sea. Its strategic location affects access and mobility for Palestinians living in the Jordan Valley.
 6. Security Zones: Security zones often encompass areas surrounding settlements, including fenced-off perimeters, surveillance systems, and military patrols. These zones are typically established for the stated purpose of protecting settlers but have the effect of restricting Palestinian access to nearby land and resources.
- Notable Areas with Security Zones in the West Bank
1. Hebron Area: The city of Hebron and its surroundings, especially the areas close to the Israeli settlements within the city (like *Kiryat Arba* and the Israeli enclaves in the city center), are known for having stringent security measures, including zones that restrict Palestinian movement.
 2. Vicinity of *Ariel*: *Ariel*, one of the largest settlements in the West Bank located deep inside the territory, has surrounding areas that are under heightened security. The zones around Ariel impact several Palestinian villages and their access to agricultural land.
 3. Gush Etzion Bloc: This cluster of settlements south of Jerusalem
 4. has expanded its security perimeters over time, affecting nearby Palestinian villages and their residents' ability to access their lands.

5. **Jordan Valley:** In the Jordan Valley, security zones are often established around agricultural settlements and along the border area, impacting Palestinian communities' access to resources and agricultural land.
6. **East Jerusalem Periphery:** Settlements on the outskirts of East Jerusalem, such as Ma'ale Adumim, have extensive security zones that contribute to the isolation of Palestinian neighborhoods and affect mobility in the area.

The United Nations General Assembly has passed numerous resolutions over the years condemning Israeli settlement activities in the occupied territories. These resolutions reinforce the international consensus that such settlements violate international law. Here's a detailed look at some key resolutions:

Key UN General Assembly Resolutions on Israeli Settlements

1. Resolution 30/147 (1975):

- Title: "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes."
- This resolution, while primarily focused on international terrorism, also touched upon the issue of Israeli settlements, linking them to broader regional tensions and conflicts.

2. Resolution 31/106 (1976):

- Title: "Israeli human rights practices in the occupied territories."
- This resolution specifically addressed Israeli practices in the occupied territories, including settlement activities, condemning them as violations of human rights and international law.

3. Resolution 34/104 (1979):

- Title: "The Situation in the Middle East."
- It condemned Israel's settlement activities in the occupied Arab territories as a serious obstruction to achieving a comprehensive, just, and lasting peace in the Middle East.

4. Resolution 35/207 (1980):

- Title: "Israeli settlements and related activities in the occupied Arab territories."
- This resolution reaffirmed that Israeli settlements constitute a violation of the Fourth Geneva Convention and international law.

5. Resolution 36/147C (1981):

- Title: "Israeli settlements in the occupied Palestinian territories, including Jerusalem and the occupied Syrian Golan."
- The resolution condemned the continued establishment and expansion of Israeli settlements in the occupied territories as a violation of international law and an obstacle to peace.

6. Resolution 43/177 (1988):

- Title: "Question of Palestine."
- This resolution acknowledged the proclamation of the State of Palestine by the Palestine National Council and called upon all states to extend their support to the Palestinian people in their struggle for independence, implicitly criticizing the settlement activities.

7. Resolution 67/119 (2012):

- Title: "Peaceful settlement of the question of Palestine."
- It reiterated the illegality of Israeli settlements and called for the immediate cessation of all settlement activities.

8. Resolution 71/98 (2016):

- Title: "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem."
- This resolution expressed deep concern about the continuing Israeli settlement activities in the Occupied Palestinian Territory and their impact on the rights of Palestinians.

The United Nations Security Council has passed several resolutions addressing the issue of Israeli settlements in the occupied territories. These resolutions are crucial to the international legal and diplomatic discourse on the Israeli-Palestinian conflict. Below is a detailed overview of key UN Security Council resolutions related to Israeli settlements:

Key UN Security Council Resolutions on Israeli Settlements

1. **Resolution 242 (1967):**¹³⁴
 - **Adopted:** November 22, 1967
 - called for the withdrawal of Israeli armed forces from territories occupied in the recent conflict (Six-Day War) and emphasized the inadmissibility of acquiring territory by war. While it didn't specifically mention settlements, it laid the groundwork for future resolutions addressing them.
2. **Resolution 338 (1973):**¹³⁵
 - **Adopted:** October 22, 1973
 - Called for a ceasefire in the Yom Kippur War and urged the implementation of Resolution 242 in all its parts. It's a cornerstone for peace processes but does not explicitly address settlements.
3. **Resolution 446 (1979):**
 - **Adopted:** March 22, 1979
 - This resolution established that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity. It called on Israel to abide by the Geneva Conventions and to desist from changing the physical character and demographic composition of the territories.
4. **Resolution 452 (1979):**
 - **Adopted:** July 20, 1979
 - requested a report from the Secretary-General on the progress of the situation regarding Israeli settlements in the Arab territories occupied since 1967, including Jerusalem. This report was intended to assess compliance with the resolution's call for Israel to cease creating settlements and to inform the Security Council of any developments. Such reports are a standard practice in UN resolutions to monitor and evaluate the implementation of the resolution's directives.
5. **Resolution 465 (1980):**
 - **Adopted:** March 1, 1980
 - is a significant resolution concerning Israeli settlements. It strongly condemned the practice of settlement building in the Arab territories occupied since 1967, including

¹³⁴ UN Security Council Resolution 242 (1967).

¹³⁵ UN Security Council Resolution 338 (1973).

Jerusalem. The resolution called on Israel to dismantle existing settlements and cease planning, constructing, or enlarging settlements in the occupied territories. It also emphasized the need for member states not to provide Israel with any assistance that could be used specifically in relation to settlements. This resolution reaffirmed the view of the settlements as illegal under international law and as an obstacle to achieving peace in the Middle East.

6. **Resolution 471 (1980):**

- **Adopted:** June 5, 1980
- Condemned the Israeli government's failure to comply with UNSC resolutions on settlements and reaffirmed that the Fourth Geneva Convention is applicable to the occupied territories.

7. **Resolution 476 (1980): Adopted:** June 30, 1980

- Reaffirmed the illegality of the Israeli annexation of East Jerusalem and its settlements in the occupied territories. It also declared null and void any legislative and administrative measures that sought to alter the character and status of Jerusalem.

8. **Resolution 2334 (2016): Adopted:** December 23, 2016

- is a pivotal document in the context of the Israeli-Palestinian conflict. Passed with significant international support, it firmly positions Israeli settlement activity in the occupied Palestinian territories, including East Jerusalem, as a substantial obstacle to peace. The resolution's clear declaration that these settlements have no legal validity and represent a flagrant violation underlines its strength in international law. By specifically demanding that Israel cease such activities, it underscores Israel's responsibilities as an occupying power, as outlined in the Fourth Geneva Convention. The resolution also emphasizes the international community's commitment to a two-state solution, highlighting the settlements as detrimental to its viability. Thus, this resolution serves as a critical reference point in international efforts to address the conflict and pursue peace in the region.

These resolutions, passed over several decades, consistently emphasize that Israeli settlements in the occupied territories violate international law and pose

significant obstacles to peace. They reflect the international community's stance on the settlement issue and its role in the broader Israeli-Palestinian conflict.

The Hague Regulations

The Hague Regulations, formally known as the Regulations annexed to the Hague Convention IV Respecting the Laws and Customs of War on Land (1907), provide a foundational framework for the conduct of belligerents during armed conflict, particularly with respect to the treatment of occupied territories and their inhabitants. These regulations are critical in the context of international humanitarian law (IHL) and have implications for the Israeli occupation of the West Bank.

Key Provisions of the Hague Regulations Relevant to Occupation

1. Public Order and Safety:

- **Article 43:** This is a cornerstone of the law of occupation. It obliges the occupying power to restore and ensure public order and safety in the occupied territory, respecting, unless absolutely prevented, the laws in force in the country.

2. Private Property:

- **Article 46:** Stipulates that private property cannot be confiscated. This provision is particularly relevant in the context of land expropriation and property rights disputes in occupied territories.

3. Administration of Justice:

- **Article 64** states that the penal laws of the occupied territory remain in force unless they constitute a threat to the security of the occupying power or an obstacle to the application of the convention. The occupying power may only subject the population of the occupied territory to provisions that are essential to enable the occupying power to fulfill its obligations under the convention, to maintain the orderly government of the territory, and to safeguard the interests of the local population.

4. Labor for Protected Persons:

- **Article 52:** Prohibits compelling the population of an occupied territory to furnish information about the army of the other belligerent or about its means of defense. It also states that labor from the population can only be demanded for public service needs.

Application and Implications in the Context of Israeli Occupation

- **Governance and Legal Changes:** Under Article 43, Israel, as an occupying power, is expected to maintain the laws and administrative structures of the occupied territories (West Bank and East Jerusalem). However, introducing different legal and administrative systems, especially concerning settlements, raises questions under the Hague Regulations.
- **Property Rights and Settlements:** The establishment of Israeli settlements often involves the use or confiscation of land. Under Article 46, such actions are contentious, and their legality is debated in the context of the prohibition of private property confiscation.
- **Changes to Penal Laws:** The application of Israeli military laws and orders in the West Bank, as per Article 64, is a subject of scrutiny. The extent to which these laws replace or supersede existing local laws is a matter of legal and international debate.

The Hague Regulations form a fundamental part of IHL and provide essential guidelines on the conduct of occupying powers. In the case of the Israeli occupation of Palestinian territories, these regulations serve as a benchmark against which actions such as land appropriation, legal administration, and the treatment of local populations are measured. The application of these principles is central to discussions about the legality and morality of the occupation and related policies.

The Illegality of Israeli Settlements Under the Fourth Geneva Convention

The establishment and expansion of Israeli settlements in the occupied Palestinian territories present a significant challenge under international humanitarian law, particularly in relation to the Fourth Geneva Convention of 1949, formally known as the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), is a set of international

legal standards designed to protect civilians during armed conflicts. It prohibits actions such as the deportation or transfer of parts of the civilian population of an occupying power into occupied territories, which is central to our discussion of Israeli settlements. The key provision under scrutiny is Article 49, Paragraph 6, commonly interpreted as prohibiting the transfer of an occupier's civilian population into its territory. This section examines the implications of this provision for Israeli settlements and its broader impact on the Israeli-Palestinian conflict.

The Fourth Geneva Convention: Context and Purpose

- **Purpose of the Convention:**
- Formulated in the aftermath of World War II, the Fourth Geneva Convention aims to protect civilians in times of war and occupation. It sets forth the responsibilities and limits of an occupying power concerning the occupied territory's civilian population.
- Article 49, Paragraph 6: Legal Interpretation and Implications

Provision Text:

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

Interpretation:

- This clause has been interpreted by the majority of the international legal community, including the United Nations and the International Court of Justice (ICJ), as prohibiting the establishment of settlements by an occupying power in occupied territory. It aims to prevent demographic and geographic changes that could affect the occupied population's rights and the status of the territory.

Application to Israeli Settlements

- **Violation of International Law:**
- Israeli settlements in the West Bank, including East Jerusalem, are viewed as a violation of Article 49, Paragraph 6. These settlements are seen as attempts to alter the occupied territories' demographic composition and geopolitical landscape.

Israel's Interpretation of the Fourth Geneva Convention and Settlements

1. **Israel's Position:** Israel's interpretation of the Fourth Geneva Convention, particularly Article 49, which prohibits the transfer of an occupying power's civilian population into the territory it occupies, has been a subject of contention. Israel argues that the Fourth Geneva Convention does not apply de jure to the West Bank, Gaza Strip, and Golan Heights. The primary basis for this argument is that these territories were not recognized as part of a sovereign state prior to the 1967 Six-Day War. Israel contends that since there was no legitimate sovereign, the territories cannot be considered "occupied" in the context of the Convention.
2. **Legal Nuances:** Israel's legal stance also hinges on the interpretation of terms like "transfer" and "deportation" of the population. Israeli authorities argue that the settlement development in the occupied territories does not constitute a forcible transfer or deportation of its civilian population, as the settlers move voluntarily. This interpretation diverges from the international understanding of the Geneva Convention, where the transfer of civilians is viewed more broadly, encompassing both forcible and voluntary movements.
3. **Diplomatic Dispute Over Settlements' Status:** This interpretation by Israel has led to a legal and diplomatic dispute over the status of settlements. The international community, including the United Nations, the International Court of Justice, and most countries, maintains that the Israeli settlements are in violation of international law, specifically the Fourth Geneva Convention. These bodies and nations view the territories as occupied and consider the establishment of Israeli settlements therein as illegal.

Major Global Powers' Stances on Israeli Settlements in Occupied Territories

- The United States' Evolving Stance on Israeli Settlements

The United States' position regarding Israeli settlements has seen notable shifts over the years, reflecting varying diplomatic and political perspectives across different administrations.

Pre-21st Century Position

Historically, both Democratic and Republican administrations in the United States, prior to the 21st century, generally viewed Israeli settlements as an obstacle to the peace process in the Middle East. This stance was rooted in the belief that settlement expansion hindered the possibilities of reaching a two-state solution, a perspective consistently held across various U.S. leaderships¹³⁶.

The Obama Administration (2009-2017)

The Obama administration maintained the United States' long-standing opposition to Israeli settlements. A significant moment illustrating this stance occurred in 2016 when the United States abstained from voting on United Nations Security Council Resolution 2334. This resolution, passed in December 2016, condemned Israeli settlement building in the occupied Palestinian territories and declared it a violation of international law¹³⁷.

The Trump Administration Shift (2017-2021)

A substantial shift in the U.S. position on Israeli settlements occurred during the Trump administration. In November 2019, then-Secretary of State Mike Pompeo announced a reversal of the long-standing U.S. stance. Pompeo stated that the U.S. no longer viewed Israeli settlements in the West Bank as inherently inconsistent with international law¹³⁸. This announcement marked a significant departure from the positions held by previous administrations and was met with a mix of support and criticism internationally, reflecting the contentious nature of the settlement issue.

This evolution in the United States' stance on Israeli settlements illustrates the dynamic nature of international diplomacy and policy, particularly in relation to the complex and long-standing Israeli-Palestinian conflict. The shift during the Trump administration especially highlights how domestic political perspectives can influence a country's foreign policy approach to critical international issues.

¹³⁶ Historical Overview of U.S. Positions on Israeli Settlements, U.S. Department of State Archives.

¹³⁷ United Nations Security Council, "Resolution 2334 (2016)," UN Documents.

¹³⁸ Mike Pompeo, U.S. Department of State, "Statement on Israeli Settlements in the West Bank," November 2019.

The European Union's Stance on Israeli Settlements: Consistent Opposition and Diplomatic Measures

The European Union (EU) has maintained a consistent and firm position regarding Israeli settlements in the occupied territories, categorically considering them illegal under international law and viewing them as significant impediments to peace efforts in the Middle East.

EU's Legal Interpretation and Measures

Central to the EU's approach has been its adherence to international law, particularly in relation to the Fourth Geneva Convention, which prohibits the transfer of an occupying power's civilian population into the territory it occupies. This legal interpretation underpins the EU's stance that Israeli settlements in the occupied Palestinian territories are a violation of international law¹³⁹.

In line with this position, the European Commission, which executes policies for the EU, implemented a significant measure in November 2015. The Commission issued guidelines for the labeling of products originating from Israeli settlements. This directive mandates that goods produced in settlements be distinctly labeled as such rather than being marked as "Made in Israel." This measure aims to ensure that consumers are not misled about the origin of products, reflecting the EU's commitment to a clear distinction between the State of Israel and the territories occupied since 1967. The move, while primarily economic, carries substantial symbolic weight, underscoring the EU's opposition to settlement activities.¹⁴⁰

Diplomatic Engagement and Bilateral Relations

The EU's diplomatic engagements with Israel have consistently featured criticism of settlement expansions. The EU has repeatedly emphasized the illegality of settlements in its diplomatic dialogues and official statements. Furthermore, the EU has clarified that its bilateral relations and agreements with Israel do not apply to the territories occupied since 1967, including the West Bank, East Jerusalem, and the Golan Heights. This delineation is a crucial

¹³⁹ European Union External Action, "EU and Israel," various statements and documents.

¹⁴⁰ European Commission, "Interpretative Notice on Indication of Origin of Goods from the Territories Occupied by Israel Since June 1967," Official Journal of the European Union, 2015.

aspect of the EU's policy, ensuring that agreements such as trade and cooperation do not extend to these areas, thereby not implicitly recognizing Israeli sovereignty over them.¹⁴¹

The European Union's position on Israeli settlements represents a critical dimension of the international community's response to the Israeli-Palestinian conflict. The EU's consistent opposition to the settlements, grounded in international law and manifested through specific policy measures and diplomatic stances, highlights the ongoing challenges of resolving a conflict marked by legal complexities and differing interpretations of international statutes.

Reevaluation of International Law Enforcement Mechanisms and the Role of Political Will in the Context of Israeli Settlements

This section of the thesis critically examines the complex landscape surrounding the enforcement of international law in the context of Israeli settlements, an issue that sits at the heart of the Palestinian struggle for self-determination under occupation. Establishing and expanding these settlements has become a focal point for examining the application and efficacy of international legal norms and principles.

Israeli settlements in the occupied Palestinian territories present a contentious issue within international law. The divergence in interpretations and applications of laws, such as the Fourth Geneva Convention, highlights a significant gap in the consensus among international actors. This lack of uniformity extends to the enforcement mechanisms, which have been variably applied and often contested. The issue is further complicated by the fact that these settlements exist within a context of occupation, not a conflict between two equal states, underscoring the asymmetry of power and legal status.

The aim here is to delve into the mechanisms currently in place for the enforcement of international law as it pertains to Israeli settlements. This analysis will explore the role of political will and international cooperation or the lack thereof in upholding and implementing legal norms. By examining how these laws are applied, interpreted, and enforced, this section seeks to understand the challenges and potential pathways for more effective legal governance

¹⁴¹ Council of the European Union, "Council Conclusions on the Middle East Peace Process," 2016.

in situations of occupation and will also assess the implications of these dynamics for the broader pursuit of justice and self-determination for the Palestinian people.

In approaching this complex topic, the section will draw upon a range of legal documents, resolutions, scholarly works, and case studies. This comprehensive approach aims to provide a nuanced understanding of the interplay between international law, geopolitical realities, and the pursuit of rights and sovereignty under occupation.

Enforcement Mechanisms in the Context of Israeli Settlements

Current Mechanisms for the Enforcement of International Legal Norms

The international legal framework offers various mechanisms for enforcing norms, particularly in the context of contentious issues like Israeli settlements. These mechanisms include:

United Nations Resolutions

The United Nations, through both its Security Council (UNSC) and General Assembly (UNGA), has played a pivotal role in addressing the issue of Israeli settlements. The resolutions passed by these bodies are critical in setting international standards and expressing global sentiment regarding the settlements.

- **UNSC Resolutions:** The UNSC has passed several resolutions condemning Israeli settlement activities. Notably, Resolution 242 (1967) called for the withdrawal of Israeli armed forces from territories occupied in the recent conflict, and Resolution 2334 (2016) explicitly stated that Israel's settlement activity constitutes a "flagrant violation" of international law^{1^2}.
- **UNGA Resolutions:** The UNGA has also consistently addressed the issue, with numerous resolutions affirming the illegality of Israeli settlements and calling for their cessation³.

In the realm of international diplomacy, significant efforts have been undertaken to enforce United Nations Security Council Resolutions 242 (1967) and 2334 (2016), both of which are crucial to addressing the issue of Israeli settlements in the occupied territories. The enforcement

mechanisms for these resolutions involve multifaceted diplomatic channels, leveraging the influence of global and regional powers.

The United Nations, primarily through the Security Council and the General Assembly, has been a central platform for these diplomatic efforts. The UNSC's Resolution 242, following the Six-Day War, and Resolution 2334, passed in 2016, explicitly address the settlement issue, calling for withdrawal from the occupied territories and condemning settlement activities. The enforcement of these resolutions is largely dependent on diplomatic negotiations and dialogue facilitated by the UN.

In addition to these global platforms, regional powers in the Middle East play a critical role in the enforcement mechanisms. Countries like Egypt and Jordan, which have direct peace agreements with Israel, are pivotal in this context. Egypt, with its historic Camp David Accords leading to the Israel-Egypt Peace Treaty of 1979, and Jordan, through its 1994 peace treaty with Israel, have channels of influence and communication that are vital in diplomatic and negotiation processes. Their stance on the settlement issue is particularly influential given their geographical proximity and political relevance in the Arab world.

Moreover, other regional powers, including Saudi Arabia and the Gulf States, contribute to the diplomatic landscape through their involvement in broader initiatives, such as the Arab Peace Initiative. These countries, by virtue of their economic and political stature within the region, have the potential to exert significant influence on both the peace process and the enforcement of resolutions pertaining to Israeli settlements.

However, the effectiveness of these diplomatic efforts is contingent upon several factors, including the political will of the involved parties, international pressure, and the geopolitical interests of both global and regional actors. While the resolutions provide a legal and moral framework for addressing the settlement issue, their actual enforcement often faces challenges due to the complexities of international and regional politics.

In conclusion, the enforcement of UNSC Resolutions 242 and 2334 involves a nuanced interplay of global diplomacy, facilitated by the UN and supported by influential states, alongside the strategic involvement of key regional powers in the Middle East. This

multifaceted approach reflects the complexity of addressing the Israeli settlement issue within the broader Israeli-Palestinian situation.

The Quartet's Mediation Role in Addressing Israeli Settlements and International Non-Compliance

The Quartet on the Middle East, an assembly comprising the United Nations, the United States, the European Union, and Russia, has been engaged in addressing the complex issue of Israeli settlements, particularly in the wake of non-compliance with international resolutions such as UNSC Resolutions 242 (1967) and 2334 (2016). Established as a coordinated response to the Israeli-Palestinian conflict, the Quartet's role has evolved over the years, reflecting the changing dynamics of the region and the broader international context.

The Quartet's involvement in the peace process, especially regarding Israeli settlements, has been marked by a series of mediation efforts and peace initiatives. One of the pivotal moments in the Quartet's engagement was the introduction of the Roadmap for Peace in 2003, which outlined a phased plan towards a two-state solution, addressing the settlement issue, among other key points of contention¹. Despite these efforts, the expansion of Israeli settlements has continued, raising questions about the effectiveness of the Quartet's strategies.

Direct engagement with Israeli and Palestinian authorities by the Quartet has been central to its approach. These negotiations, aimed at aligning both parties with international legal standards as outlined in key UN resolutions, have often been met with challenges. The Quartet has faced difficulties in unifying its stance due to varying political agendas and interests among its members. This divergence has impacted the coherence and forcefulness of its diplomatic efforts.

The Quartet's success in ensuring Israel's compliance with international resolutions on settlements has been limited. While the Quartet has been effective in keeping the settlement issue within international discourse, its impact on ground realities has been less pronounced. The ongoing settlement expansion indicates the limitations and challenges faced in diplomatic mediation. Israel's position, often citing security concerns and historical connections to the land, continues to be a significant barrier to the Quartet's mediation efforts.

In light of these challenges, the Quartet's role in the peace process underscores the complexity of achieving a resolution to the settlement issue that aligns with international legal

norms. The need for a more unified and assertive international approach becomes evident when considering the Quartet's mixed success in addressing Israeli non-compliance and the broader aspirations for peace in the region.

Challenges in Mediation Over Israeli Settlements

The pursuit of a negotiated solution to the issue of Israeli settlements is an endeavor marked by significant challenges. These challenges affect the mediation process and reflect the intricate nature of the Israeli-Palestinian situation.

- **Asymmetry of Power** One of the foremost challenges in the mediation process is the asymmetry of power between Israel and the Palestinians. Israel's superior military, economic, and political stature significantly influences the dynamics of negotiation. This disparity often results in negotiations that are skewed in favor of Israel, making it challenging to achieve a balanced and equitable resolution. The power imbalance also affects the Palestinians' ability to negotiate from a position of strength and assert their demands effectively.
- **Political Divisions** The internal political landscape within both Israeli and Palestinian societies presents another major hurdle. Within Israel, political divisions, differing opinions on the settlement issue, and broader conflict affect the government's approach to negotiations. Similarly, the Palestinian side faces challenges due to fragmentation and the lack of a unified political front. These internal divisions complicate the negotiation process, as reaching a consensus within each society is often a prerequisite for advancing meaningful talks.
- **Ongoing Settlement Expansion** The continuous expansion of Israeli settlements poses a significant impediment to the negotiation process. Each new settlement or expansion of an existing one alters the facts on the ground, making negotiations more complex and often heightening tensions and mistrust between the parties. The expansion of settlements is viewed by Palestinians and much of the international community as a unilateral action that prejudices the outcome of negotiations and undermines the prospects for a two-state solution.

- **International Influence:** The involvement and interests of international actors in the region also play a critical role in the mediation process. The varying degrees of support or opposition to either side by influential countries can significantly impact the effectiveness of mediation efforts. The alignment of certain states with Israel or the Palestinians can influence the course and outcome of negotiations, sometimes leading to biased mediation processes or the imposition of external agendas that do not necessarily align with the needs and aspirations of the parties directly involved in the conflict.

The Role of the International Court of Justice in Exerting Legal Pressure on Israeli Settlements

The International Court of Justice's Authority and Influence in the Context of Israeli Settlements

The International Court of Justice (ICJ), as the principal judicial organ of the United Nations, holds a significant position in the global legal framework, particularly in addressing complex international disputes such as the issue of Israeli settlements. The ICJ's authority to provide advisory opinions is crucial, especially when legal questions are referred to it by UN bodies. While not legally binding, these opinions influence international legal discourse and state behavior considerably.

One of the most notable instances where the ICJ played a pivotal role regarding Israeli settlements was in 2004. The Court issued an advisory opinion on the legality of the separation barrier being constructed by Israel in the occupied Palestinian territories. This opinion was significant as it included observations about the legal status of the settlements, asserting that they were established in breach of international law, particularly in violation of the Fourth Geneva Convention. The ICJ stated that the settlements had been established on occupied territory and were thus contrary to the law.

The advisory opinions of the ICJ have substantial implications. They bolster legal arguments against the legality of Israeli settlements and support international efforts to pressure Israel to comply with international law.

Case: Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (International Court of Justice, 2004)

Background of the Case:

- The Israeli government began constructing a barrier in the West Bank in 2002, citing security concerns. This barrier is often referred to as the "wall" or "security fence," including a complex of fences, ditches, barbed wire, and concrete walls.
- The construction of this barrier led to significant international controversy, as it cut across the West Bank, often deviating from the 1949 Armistice Green Line and encroaching upon Palestinian land.

Request for Advisory Opinion:

The United Nations General Assembly requested the ICJ to provide an advisory opinion on the legal consequences of the wall's construction.

The question posed to the ICJ was: "What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"

Key Findings of the ICJ:

- **Applicability of International Law:** The ICJ affirmed that the territories Israel had occupied since 1967, including East Jerusalem, were subject to the international law of occupation, particularly the Fourth Geneva Convention.
- **Breach of International Law:** The court found that the construction of the wall and its associated regime created a breach of several international laws, including humanitarian and human rights laws.

- **Right to Self-Determination:** The court emphasized that the wall's route could "prejudge the future frontier between Israel and Palestine," thereby impeding the right to self-determination of the Palestinian people.
- **Illegal Seizure of Land:** The ICJ stated that the construction of the wall involved the illegal seizure of Palestinian land and resources.
- **Duty of States:** The ICJ declared that all states are obliged not to recognize the illegal situation resulting from the construction of the wall and to ensure Israel's compliance with international humanitarian law.

International Response:

The advisory opinion was met with varied reactions. While it was welcomed by the Palestinian leadership and many in the international community as a vindication of Palestinian rights, Israel and its allies criticized the ICJ's jurisdiction and findings.

The UN General Assembly subsequently passed a resolution demanding that Israel comply with the ICJ's ruling, but the implementation and enforcement of this ruling remain contentious.

Direct Connection to Key Themes of this Thesis:

- **Occupation and International Law:** this thesis examines the impact of Israeli settlements on Palestinian self-determination within the broader context of Israeli occupation. The ICJ's advisory opinion is a pivotal legal assessment of another aspect of this occupation - the construction of the wall. It sets a precedent in interpreting the actions of an occupying power (Israel) under international law, particularly the Fourth Geneva Convention, which is also applicable to the settlements.
- **Self-Determination and Humanitarian Law:** The ICJ emphasized that the construction of the wall impedes the Palestinian right to self-determination. This is directly relevant to this thesis as Israeli settlements are similarly criticized for undermining Palestinians' self-determination. The opinion provides a legal standpoint that any action impeding this right, be it the wall or settlements, is a violation of international law. The court's analysis

underlines the role of international humanitarian law in safeguarding the rights of the occupied population, a framework crucial to understanding the legal status of the settlements.

- **Legality of Territorial Changes:** The ICJ noted that the wall's route could prejudice future borders between Israel and Palestine. Similarly, Israeli settlements are often seen as attempts to unilaterally alter territorial demarcations, impacting the feasibility of a future Palestinian state. The advisory opinion's reasoning on unilateral territorial changes offers legal insights applicable to the settlement issue.
- **International Responsibility and Enforcement:** The ICJ's ruling that all states should not recognize the illegal situation resulting from the wall's construction and ensure compliance with international humanitarian law can be paralleled with the international community's responsibility regarding settlements. This aspect of the ruling underscores the global responsibility to address violations of international law, including those related to settlements.
- **Precedent for Legal Discourse:** The ICJ's advisory opinion is a key reference in international legal discourse regarding the Israeli-Palestinian conflict. It provides a juridical framework for assessing similar issues of occupation, making it a significant point of reference in your thesis's analysis of the legality of Israeli settlements.

Therefore, the ICJ's influence extends beyond the direct implications of its opinions. It shapes the global legal landscape, guiding the actions of states and international organizations in addressing contentious issues like Israeli settlements. The Court's role in elucidating legal principles helps in forming a consensus or a general direction in international law, which, in turn, impacts how states and the international community respond to legal challenges and disputes.

Sanctions and International Law in Addressing Israeli Settlements

Imposing Sanctions for Non-Compliance with International Laws on Settlements

The imposition of sanctions by the international community serves as a potential legal mechanism to enforce compliance regarding the issue of Israeli settlements. Theoretically, entities like the United Nations possess the capability to impose a range of sanctions or legal

consequences on Israel for its ongoing settlement activities in the occupied territories, which are widely considered a violation of international laws and resolutions.

These sanctions can take various forms, including economic measures such as trade embargoes, restrictions on financial transactions, and bans on investment in settlement-related businesses. Additionally, more targeted sanctions, like travel bans and asset freezes, could be implemented against individuals and entities directly involved in settlement activities. These measures aim to penalize non-compliance and deter further unlawful actions related to settlement expansion.

Implementing sanctions, particularly through the United Nations, requires a broad consensus among member states, which is often challenging to achieve. States' differing political and strategic interests significantly influence their stance toward sanctions. This divergence can lead to a lack of unified action, thereby diminishing the potential effectiveness of such measures.

Moreover, the dynamics within key international bodies, especially the United Nations Security Council (UNSC), critically impact the feasibility of imposing sanctions. The veto power held by the five permanent members of the UNSC is a notable factor; if any of these members oppose sanctions against Israel, the proposal can be effectively blocked. This aspect underscores the complexities and political sensitivities inherent in enforcing international legal norms, particularly in a conflict as protracted and contentious as the Israeli-Palestinian situation.

The Role of Other International Bodies

Apart from the United Nations, other international organizations and entities, such as the European Union (EU), have explored different forms of sanctions and restrictive measures. For instance, the EU has implemented guidelines for the labeling of products originating from Israeli settlements. This policy, introduced to distinguish products made in settlements from those produced within Israel's internationally recognized borders, acts as an indirect form of sanction. It aims to inform consumers and discourage economic support for settlement activities, reflecting the EU's stance on the illegality of the settlements under international law.

1. **European Union Labeling Guidelines:** One notable measure is the European Union's decision to label products originating from Israeli settlements differently from those produced in Israel. In November 2015, the European Commission issued guidelines for labeling products from Israeli settlements in the occupied Palestinian territories. This move, aimed at ensuring that settlement products were not labeled as "Made in Israel," sought to enable consumers to make informed decisions and to prevent misleading information. While not a direct economic sanction, this measure serves as a form of economic pressure by potentially impacting the marketability and sales of these products in the EU.¹⁴²
2. **Divestments and Boycotts:** Several organizations, universities, and companies have engaged in divestment from companies involved in settlement activities. For example, the United Nations has released a database of companies with ties to Israeli settlements, which has led to increased scrutiny and pressure on these companies. While these actions are not sanctions imposed by states or international bodies, they reflect a growing trend of using economic means to protest and pressure settlement activities.

The use of sanctions and legal measures by the international community represents a significant approach to addressing the issue of Israeli settlements. While these measures have the potential to influence state behavior and promote adherence to international norms, their implementation and effectiveness are intricately linked to the broader geopolitical landscape and the complexities of achieving international consensus.

The key findings from this chapter are as follows:

1. **Zionism and Settlements:** The chapter begins by exploring the ideological roots of Zionism, highlighting its transformation from a political movement advocating for a Jewish homeland to its role in the establishment and expansion of Israeli settlements. It underscores the significant impact of European political and social dynamics on the evolution of Zionism, particularly Dreyfus Affair's and Theodor Herzl's visions.

¹⁴² "Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967," Official Journal of the European Union, 2015.

2. **Historical Context of Zionism:** The chapter examines the late 19th and early 20th-century European context, including the Jewish experience and the emergence of Zionism as a response to anti-Semitism and the aspiration for Jewish self-determination.
3. **Development of Early Zionist Ideology:** There is an analysis of the varied ideologies within early Zionism, including debates over the nature and location of a Jewish state, with a focus on Palestine due to its historical and religious significance to Jewish heritage.
4. **Strands of Zionism:** The chapter discusses cultural Zionism, labor Zionism, and political Zionism, each contributing differently to the foundation of the State of Israel. These strands influenced the nature of Jewish settlements in Palestine, emphasizing cultural revival, collective labor ideals, and political foundations.
5. **Balfour Declaration and British Strategy:** The chapter covers the Balfour Declaration of 1917 and its implications. This British strategic maneuver during World War I was aimed at securing Jewish support and significantly altered Arab-Jewish relations in the region.
6. **State of Israel and Palestinian Dispossession:** The establishment of the State of Israel in 1948, following the United Nations Partition Plan and the subsequent Arab-Israeli War, is highlighted as a transformative event that led to the displacement of approximately 700,000 Palestinian Arabs and the onset of the Palestinian refugee crisis.
7. **Israeli Settlement Expansion:** The chapter describes the evolution of Israeli settlements from their early beginnings post-1948 to their expansion and diversification after the 1967 Six-Day War. It discusses the Allon Plan, Drobles Plan, and various Israeli laws that facilitated settlement growth.
8. **Legal Foundations for Settlements:** The legalization of Israeli outposts, particularly the Regulation Law of 2017, is examined as part of Israel's strategy to expand and consolidate settlements in the occupied territories.
9. **Land Acquisition and Annexation Laws:** The chapter discusses laws like the Absentee Property Law (1950) and the Land Acquisition Law (1953), which enabled the annexation and expansion of settlements in occupied territories.
10. **Geopolitical Expansion in East Jerusalem and the West Bank:** The annexation of East Jerusalem post-1967 and the strategic dynamics of settlement expansion in the West Bank

and Gaza are covered, highlighting the legal frameworks and strategic placement of settlements.

11. **2005 Gaza Disengagement:** The chapter addresses Israel's unilateral disengagement from the Gaza Strip in 2005, marking a significant policy shift and highlighting the complexities of achieving sustainable peace in the region.
12. **Settlements in the Sinai Peninsula and Golan Heights:** The expansion of Israeli settlements into the Sinai Peninsula and the Golan Heights post-1967 is noted, although specific details of this section were not provided in the quotes.

In summary, the chapter provides an in-depth analysis of the development and impact of Israeli settlements, their role in the Israeli-Palestinian conflict, and their implications for Palestinian self-determination and prospects for peace. Having established the foundational concepts of self-determination and its legal and philosophical underpinnings, we now turn our attention to the specific legal status of Israeli settlements. The next chapter will dissect these legal aspects, providing a critical backdrop for understanding the implications of these settlements on Palestinian rights and sovereignty.

Chapter III: Contested Grounds: Assessing the Impact of Israeli Settlements on Palestinian Self-Determination

"In the words of Nelson Mandela, a staunch advocate for justice and equality, 'We know too well that our freedom is incomplete without the freedom of the Palestinians' (Mandela, 1997). This profound statement resonates deeply in the context of the Palestinian struggle for self-determination in the shadow of Israeli settlements. It highlights a universal truth: the pursuit of freedom and self-determination is intrinsically linked to human dignity and the collective aspirations of people worldwide.

Chapter III of this thesis shifts focus from the legal status of these settlements, as extensively analyzed in Chapter II, to their tangible impacts on the Palestinian pursuit of self-determination. This chapter aims to provide a detailed examination of how these settlements, entrenched in disputed territories, continue to influence the socio-political and economic landscape of the Palestinian territories.

We will explore the multifaceted dimensions of this impact, including the implications for Palestinian society's demographic and cultural fabric, the economic dependencies and constraints imposed by the settlement expansion, and the broader ramifications for the prospect of a viable and lasting peace. This exploration is not just an academic exercise but a narrative imbued with the quest for a dignified existence and the fulfillment of the Palestinian right to self-governance within their homeland."

Focusing on Contemporary Developments and Future Implications

The Israeli settlement enterprise, as previously established, stands in violation of various international laws and resolutions. In this chapter, we seek to unpack the current and future implications of these settlements on the peace process, regional stability, and the daily lives of Palestinians. The focus will be on recent developments, including shifts in international diplomacy, changes in settlement policies, and their impact on the feasibility of a two-state solution.

As a Palestinian researcher, my approach to this analysis is deeply personal yet grounded in scholarly rigor. This chapter is not just an academic undertaking but a narrative steeped in pursuing justice and amplifying voices often marginalized in international discourse. It's an exploration of how the continued expansion of Israeli settlements has not only contravened international law but also systematically undermined the Palestinian people's ability to exercise their right to self-determination, as recognized by the international community.

This chapter will critically engage with the challenges posed by the settlements and explore potential pathways toward resolving this aspect of the conflict. By interweaving legal analysis with socio-political realities, the goal is to contribute a perspective that not only highlights the struggles for Palestinian self-determination but also underscores the urgency for a viable and just resolution in line with international law and human rights principles.

In doing so, Chapter III aims to build upon the groundwork laid in Chapter II, offering a comprehensive and in-depth analysis that resonates with the broader quest for peace and justice in the Israeli-Palestinian conflict."

Territorial Fragmentation and Demographic Shifts

This section critically examines the dual phenomena of territorial fragmentation and demographic shifts resulting from Israeli settlement expansion in the Palestinian territories and their profound implications for the Palestinian right to self-determination as recognized under international law.¹⁴³

Territorial fragmentation, a direct outcome of systematic settlement expansion, significantly disrupts the contiguity and integrity of Palestinian lands. This fragmentation, as documented by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), results in the creation of isolated Palestinian enclaves, severely compromising the territorial unity necessary for the establishment of a viable Palestinian state.¹⁴⁴

¹⁴³ United Nations General Assembly, "Right of Peoples to Self-Determination" (UN General Assembly, 2019).

¹⁴⁴ United Nations Office for the Coordination of Humanitarian Affairs, "Fragmented Lives: Humanitarian Overview 2019" (OCHA, 2020).

Concurrently, demographic shifts, characterized by the steady influx of Israeli settlers and the displacement of Palestinian populations, further exacerbate this challenge. The United Nations has repeatedly expressed concern over these demographic changes, noting their impact on the demographic balance in the region and their implications for the future of the two-state solution.¹⁴⁵

Both these phenomena—territorial fragmentation and demographic shifts—pose significant legal and practical challenges to the exercise of the right to self-determination by the Palestinian people. This right, enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), is foundational to the legitimacy and realization of Palestinian aspirations for statehood.¹⁴⁶

This section explores how settlement-induced changes affect Palestinian self-determination. It places this discussion within the context of international law and geopolitical dynamics.

Territorial Fragmentation and International Law

Definition and Overview

In the Israeli-Palestinian conflict, territorial fragmentation refers to dividing Palestinian land into disconnected parts. This division is primarily driven by the systematic expansion of Israeli settlements, alongside the construction of roads primarily for settlers and the delineation of security zones. Such developments fracture the geographic and administrative contiguity of Palestinian territories, critically undermining the territorial integrity necessary for the formation of a cohesive and viable Palestinian state.¹⁴⁷

This fragmentation goes beyond mere physical division; it entails a deeper socio-economic and administrative segregation level. The establishment of settlements and the infrastructure supporting them (such as roads and military zones) disrupt the traditional layout of Palestinian communities. These Israeli infrastructures often cut through Palestinian land,

¹⁴⁵ United Nations General Assembly, "Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan" (UN General Assembly, 2019).

¹⁴⁶ United Nations, "International Covenant on Civil and Political Rights" (1966); United Nations, "International Covenant on Economic, Social and Cultural Rights" (1966).

¹⁴⁷ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Fragmented Lives: Humanitarian Overview 2016," OCHA, 2017.

dividing villages and towns, separating farmers from their fields and families from their communities.¹⁴⁸ This dissection of territory has a profound impact on the daily lives of Palestinians, affecting everything from access to resources and services to social and familial connections.

Moreover, the administrative consequences of fragmentation are significant. The division of the West Bank into Areas A, B, and C under the Oslo Accords, for instance, has resulted in a complex administrative landscape where governance and jurisdiction are divided and often unclear. Area C, which is under Israeli control and contains the majority of settlements, covers about 60% of the West Bank land but is home to only a small percentage of the Palestinian population.¹⁴⁹ This uneven distribution of land and population hinders the Palestinian Authority's ability to govern effectively and plan for development.

Additionally, the socio-economic implications of this fragmentation are far-reaching. By restricting movement and access, the fragmented landscape hinders economic activities, limits access to essential services, and exacerbates poverty and unemployment.¹⁵⁰ The resulting economic isolation of Palestinian communities further deepens the disparities between these areas and the more developed Israeli settlements.

In the broader context of the conflict, territorial fragmentation challenges the very notion of a contiguous Palestinian state. The scattered nature of Palestinian areas, interspersed with Israeli settlements and infrastructure, raises serious questions about the viability of the two-state solution, which envisions a sovereign Palestinian state alongside Israel.¹⁵¹ The ongoing process of fragmentation not only alters the physical landscape but also reshapes the political and demographic realities of the region, posing a substantial obstacle to any long-term peaceful resolution of the conflict.

Case Studies

The West Bank: Division into Areas A, B, and C

¹⁴⁸ B'Tselem, "Land Grab: Israel's Settlement Policy in the West Bank," B'Tselem, 2002.

¹⁴⁹ UNRWA, "West Bank Barrier," United Nations Relief and Works Agency for Palestine Refugees in the Near East, 2021.

¹⁵⁰ The World Bank, "Economic Monitoring Report to the Ad Hoc Liaison Committee," September 2018.

¹⁵¹ United Nations Security Council, "Resolution 2334 (2016): Israeli Settlements in the Palestinian Territory," 2016.

The division of the West Bank into Areas A, B, and C under the Oslo Accords presents a stark illustration of territorial fragmentation. Area C, under full Israeli control, not only contains the majority of Israeli settlements but also encompasses about 60% of the West Bank's land area. This expansive control has significant ramifications for Palestinian self-governance and development.

Settlement Expansion in Area C

The expansion of Israeli settlements in Area C of the West Bank stands as a significant factor contributing to the territorial fragmentation of Palestinian lands. Since the signing of the Oslo Accords, the growth of settlements in this area has been both rapid and strategic, leading to a complex pattern of fragmentation that deeply affects Palestinian communities.

The demographic and settlement landscape in the West Bank presents a complex picture. With over 3 million people residing in the area, approximately 86% are Palestinians. This demographic composition is a crucial factor in understanding the impact of Israeli settlements in the region.

- **Settlements and Population Dynamics:** As of the latest data, there are 146 settlements in the West Bank that have been officially established by the Israeli government, excluding East Jerusalem. These settlements contribute to the significant alteration of the demographic and geographic landscape of the area. The presence of these settlements amidst a predominantly Palestinian population creates a pattern of fragmentation and impacts daily life and governance in the region.¹⁵²
- **Outposts and Legal Status:** In addition to the official settlements, there are 144 outposts in the West Bank. These outposts, established in the 1990s without government approval, are considered illegal under Israeli law. Despite their illegal status, these outposts contribute to the ongoing fragmentation and are often strategically placed, further complicating the territorial and demographic dynamics of the region. The existence of these outposts reflects the challenges in enforcing legal standards and the ongoing tensions related to land use and ownership in the West Bank. ^2

¹⁵² Peace Now, "Settlement Watch: Number of Settlements," accessed on January 6, 2024, <https://peacenow.org.il/en/settlements-watch/settlements-data/population>

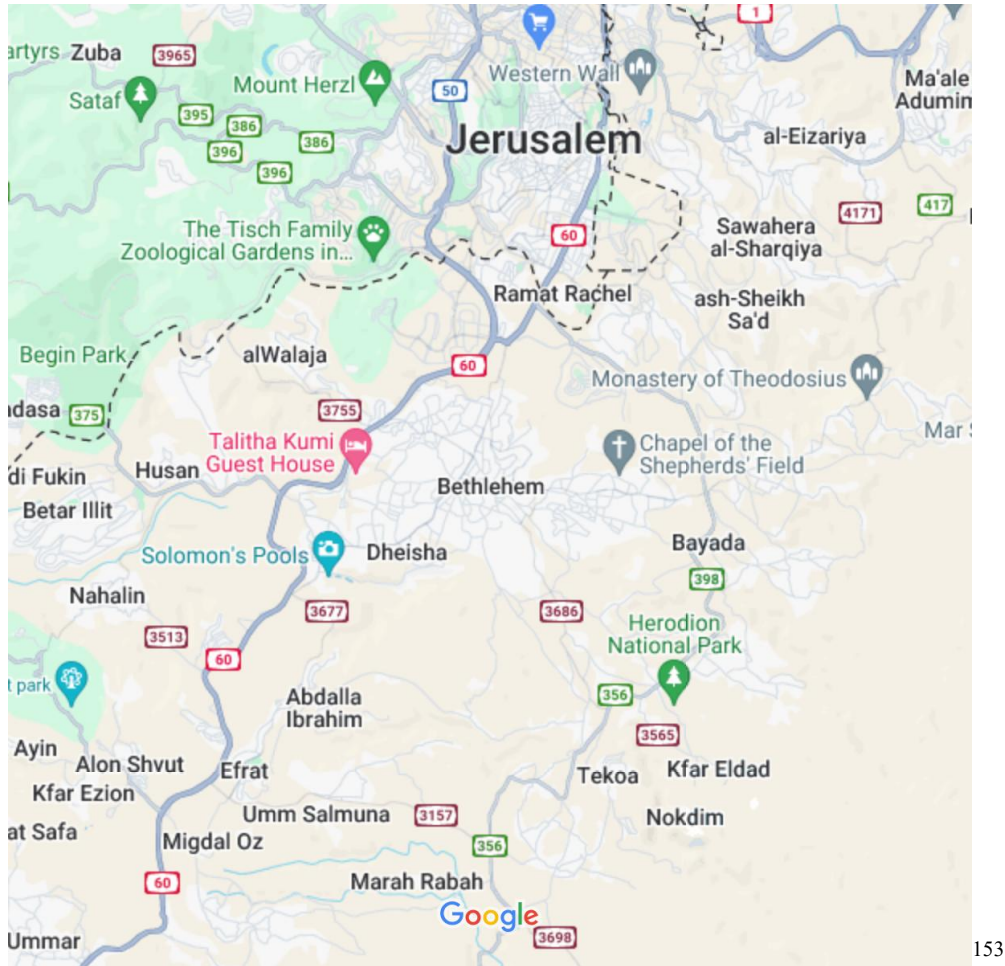
- **Impact on Palestinian Communities:** The existence and expansion of both government-sanctioned settlements and illegal outposts have profound implications for Palestinian communities. They affect access to resources, freedom of movement, and the overall socio-economic development of Palestinian areas. The disparity in the allocation of land and resources between these settlements and Palestinian communities underscores the broader issues of inequality and the struggle for self-determination within the Palestinian context.

The demographic data, along with the details of settlement and outpost distribution, illustrate the complex and multi-layered nature of the Israeli-Palestinian conflict in the West Bank. The ongoing expansion of settlements and outposts continues to reshape the landscape, posing significant challenges to the prospects of peace and the realization of Palestinian aspirations for statehood and self-governance.

Bethlehem as a Case Study of Territorial Fragmentation

Bethlehem, a city of profound historical and cultural significance in the West Bank, epitomizes the complex realities of territorial fragmentation in the Palestinian territories. This case study delves into the multifaceted impacts of Israeli settlement expansion and infrastructure developments around Bethlehem, elucidating their consequences on the city's geographic, social, and economic landscape, where Israeli populations are strategically interspersed within traditionally Palestinian areas. The expansion of these settlements has encroached on Palestinian land, leading to a patchwork of disconnected enclaves and disrupting the territorial integrity of the Bethlehem district.

According to the Palestinian Central Bureau of Statistics, the number of settlers in Bethlehem is 95,279, and the Palestinian population is 237,271.



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Geographic Changes and Isolation

- **Alteration of the Physical Landscape:** The construction of the Israeli separation barrier, particularly on Bethlehem's northern and western peripheries, has dramatically reshaped the city's physical landscape. This barrier, coupled with the expansion of adjacent Israeli settlements such as Har Homa and Gilo, has not only altered the topography but also significantly encroached upon Palestinian land traditionally belonging to Bethlehem and its suburbs.¹⁵⁴

¹⁵³ "Map of Bethlehem Area." Accessed January 21, 2024. <https://actions.sider.ai/presenter/api/map/47cfc0a6-2824-4077-8c9a-7bb769113a00>.

¹⁵⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "The Humanitarian Impact of the West Bank Barrier on Palestinian Communities," 2022.

- **Isolation from Jerusalem and Surrounding Areas:** Historically, Bethlehem has maintained a vital economic and cultural connection with Jerusalem. The erection of the separation barrier has severely disrupted this link, isolating Bethlehem and curtailing the free movement of its residents. This disruption has profound implications, fragmenting the socio-economic continuum that has existed between these cities for centuries.¹⁵⁵

Socioeconomic Impact

- **Economic Disruption and Tourism:** Bethlehem's economy, heavily reliant on tourism, has been particularly affected. The barrier and the settlement encroachments have not only physically obstructed tourist access but also created a perception of instability, further deterring potential visitors. The resulting decline in tourism has had cascading effects on local businesses and employment.¹⁵⁶
- **Agricultural and Land Access:** The expansion of settlements and the barrier's route have led to restricted access to agricultural lands, a vital source of income for many Bethlehem residents. The loss of these lands and the limited ability to cultivate them have exacerbated economic hardships and food security concerns within the community.¹⁵⁷

Social and Cultural Ramifications

- **Impact on Community Cohesion:** The fragmentation of Bethlehem has had far-reaching social and cultural implications. The barriers and settlements have dissected longstanding social networks and familial connections, hindering community cohesion and cultural exchange. This physical and psychological segmentation poses a threat to the preservation of Bethlehem's rich cultural and historical heritage.¹⁵⁸

Legal and International Response

- **Legal Challenges and Advocacy:** The residents and authorities of Bethlehem, along with international human rights organizations, have engaged in legal battles and advocacy efforts to address the impacts of territorial fragmentation. These efforts aim to highlight the

¹⁵⁵ Palestinian Central Bureau of Statistics, "Economic Impact of the Separation Barrier," 2023.

¹⁵⁶ Bethlehem Chamber of Commerce, "Tourism Sector Report in Bethlehem," 2023.

¹⁵⁷ Applied Research Institute–Jerusalem (ARIJ), "Agricultural Access and Impact Study in Bethlehem," 2021.

¹⁵⁸ B'Tselem, "Social Impact of the Separation Barrier in Bethlehem," 2022.

violations of international law, including the Fourth Geneva Convention, which prohibits the transfer of an occupying power's population into occupied territories.¹⁵⁹

- **International Attention and Aid:** Bethlehem's plight has garnered international attention, leading to support from various NGOs and international bodies. This support, however, often falls short of addressing the root causes of the fragmentation and its far-reaching consequences.¹⁶⁰

The case of Bethlehem vividly illustrates the pervasive impact of territorial fragmentation induced by settlement expansion in the West Bank. It underscores the complex interplay between geopolitical strategies and the everyday lives of Palestinians, highlighting the enduring struggle for access, mobility, and preservation of cultural identity in the face of daunting physical and political barriers.

Legal and International Response to Territorial Fragmentation in the West Bank

The multifaceted response of the international legal community and human rights organizations to the territorial fragmentation in the West Bank highlights the significant challenges and complexities inherent in addressing the ramifications of Israeli settlement expansion. International law, particularly through instruments like the Fourth Geneva Convention, categorically prohibits the transfer of an occupying power's population into the territories it occupies, a stance further reiterated in various United Nations Security Council resolutions, including Resolution 2334. Despite these clear legal pronouncements, enforcement remains a persistent challenge, complicated by geopolitical dynamics and the inherent difficulties in implementing international law within the context of the Israeli-Palestinian conflict.¹⁶¹

Simultaneously, the role of human rights organizations in documenting and advocating against the human rights violations resulting from territorial fragmentation has been instrumental in drawing global attention to the plight of Palestinian communities. These organizations, including Amnesty International and Human Rights Watch, consistently highlight issues such as restricted movement, resource appropriation, and socio-economic hardships, yet their advocacy efforts often confront the limitations posed by the political

¹⁵⁹ Human Rights Watch, "Legal Challenges to the Separation Barrier and Settlements," 2023.

¹⁶⁰ International Committee of the Red Cross, "Reports on Humanitarian Assistance in Bethlehem," 2024.

¹⁶¹ International Court of Justice, "Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," 2004.

landscape. Furthermore, the international community, through the United Nations and various NGOs, has engaged in diplomatic and development initiatives aimed at alleviating the impact on Palestinians. However, these efforts frequently encounter obstacles in actual implementation, reflecting the complexities of enforcing legal norms and achieving sustainable development under the shadow of ongoing settlement expansion.¹⁶²

Demographic Shifts and Self-Determination

The Palestinian territories, embodying a rich historical and cultural legacy, have undergone profound demographic transformations over recent decades, a reality that has critically reshaped our socio-political landscape. Central to this transformation is the significant increase in the Israeli settler population, catalyzed by systematic Israeli government policies and strategies. This demographic expansion, which has seen the settler population surpass several hundred thousand, is not merely a function of organic growth but a direct result of deliberate policy decisions encompassing economic incentives and deeply rooted ideological drives.¹⁶³

In strategically vital areas like East Jerusalem and Hebron, the aggressive expansion of Israeli settlements has precipitated the displacement of our Palestinian communities and a marked decrease in our population density. This is not a mere demographic shift but a targeted strategy aiming to erode the Palestinian presence in areas of historical and cultural significance.¹⁶⁴ The impact of these changes extends to major urban centers such as Bethlehem and Ramallah, which have historically been the bedrock of Palestinian economic and cultural life. The encroachment and expansion of Israeli settlements have not only physically constrained these cities but have also fragmented the continuity of Palestinian heritage and community life.¹⁶⁵

These demographic shifts transcend mere numbers; they strike at the heart of the Palestinian quest for self-determination, a right upheld by international law yet continually undermined by the reality of expanding Israeli settlements. The evolving demographic

¹⁶² Council on Foreign Relations, "The Challenge of Enforcement of International Law in Occupied Territories," 2023.

¹⁶³ Human Rights Watch, "Eroding the Palestinian Presence: Analysis of Israeli Settlement Policies," 2024, p. 47.

¹⁶⁴ B'Tselem, "Land, Settlements, and Population Displacement in East Jerusalem and Hebron," B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, 2023, pp. 58-62.

¹⁶⁵ Palestinian Central Bureau of Statistics, "The Impact of Settlement Expansion on Palestinian Urban Centers," 2023, pp. 30-35.

landscape, characterized by an increasing Israeli settler presence juxtaposed with a diminishing Palestinian footprint, poses existential challenges to our aspirations for statehood and self-governance. It reflects a deliberate strategy to fragment Palestinian land and displace its people, undermining the feasibility of a sovereign Palestinian state and the prospects for a lasting and just resolution to the conflict.¹⁶⁶

Legal Implications:

The demographic changes occurring in the Palestinian territories, notably the increasing Israeli settler population alongside the decrease or displacement of the Palestinian population, present significant legal implications with respect to the Palestinians' right to self-determination. This right, firmly anchored in international law, is enshrined in instruments such as the United Nations General Assembly resolutions and the International Covenant on Civil and Political Rights (ICCPR). The ICCPR, in particular, underscores the right of all peoples to self-determination and mandates that they should freely determine their political status and freely pursue their economic, social, and cultural development.¹⁶⁷ The demographic shifts driven by Israeli policies not only contravene these international legal standards but also systematically undermine the ability of the Palestinian people to exercise this fundamental right. The settlement expansion, often resulting in the fragmentation of Palestinian territories, directly challenges the integrity and viability of a future Palestinian state, a prerequisite for the realization of self-determination.¹⁶⁸

Furthermore, the United Nations has repeatedly addressed this issue in its resolutions. For instance, the UN General Assembly has consistently affirmed the right of the Palestinian people to self-determination and condemned the expansion of Israeli settlements as an obstacle to peace and a threat to a viable solution to the conflict.¹⁶⁹ These resolutions, while non-binding, reflect the international community's recognition of the adverse impact of demographic changes on the Palestinians' right to self-determination. The ongoing settlement expansion not only leads to a demographic imbalance but also creates a series of on-the-ground realities that hinder the prospects of establishing a sovereign and contiguous Palestinian state as envisioned in the two-

¹⁶⁶ Al-Haq, "Violating Self-Determination: The Demographic Manipulation of the Palestinian Territories," 2023, pp. 15-20.

¹⁶⁷ International Covenant on Civil and Political Rights (ICCPR), United Nations, 1966, Article 1

¹⁶⁸ B'Tselem, "Settlement Expansion and the Challenge to Palestinian Self-Determination," 2023, pp. 40-45.

¹⁶⁹ United Nations General Assembly, "Resolutions on the Right of Palestinian People to Self-Determination," various years, specifically Resolution A/RES/70/141.

state solution paradigm.¹⁷⁰ This dynamic, therefore, poses a substantial challenge to the international legal order and highlights the need for a concerted effort to uphold and enforce the principles enshrined in international law to ensure the realization of the Palestinian people's rights.

Case Study 1: East Jerusalem

Since the annexation of East Jerusalem in 1967, the area has experienced profound demographic and cultural transformations primarily driven by Israeli government policies aimed at altering its historical and demographic character. A significant part of this strategy has been the systematic increase in the Israeli settler population in East Jerusalem, traditionally a predominantly Palestinian area. According to *B'Tselem*, this demographic engineering has involved not only the construction of new Jewish neighborhoods but also the expansion of existing ones, resulting in a substantial increase in the settler population.¹⁷¹

By the end of 2022, these policies had led to a significant shift in the demographic ratios of East Jerusalem. The Israeli government's concerted efforts in settlement expansion have transformed East Jerusalem from a predominantly Palestinian area to one with a substantial and growing Israeli settler presence. This shift has deep socio-political and cultural ramifications. It's not just a change in numbers; it represents a strategic alteration of the historical and cultural identity of East Jerusalem. The changing demographic landscape is reshaping the city's social fabric, impacting Palestinian residents' daily lives and their connection to their heritage and community.

Moreover, this demographic shift has been accompanied and facilitated by a range of legal and administrative measures. These include the expropriation of Palestinian land for settlement construction, the demolition of Palestinian homes often justified by the lack of Israeli-issued building permits, and the revocation of residency rights of Palestinians in East Jerusalem. The policy of residency revocation, in particular, has been a tool for indirectly reducing the Palestinian population in the city. According to a report by the United Nations

¹⁷⁰ Council on Foreign Relations, "Israeli Settlements and the Erosion of Palestinian Self-Determination," 2023, pp. 22-29.

¹⁷¹ B'Tselem, "Changing Demographics: Israeli Settlements in East Jerusalem," B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, 2022, pp. 45-50.

Office for the Coordination of Humanitarian Affairs (OCHA), these measures have led to the displacement of Palestinian families, further exacerbating the demographic imbalance.¹⁷²

The implications of these shifts extend beyond demographics. They challenge the feasibility of East Jerusalem as the capital of a future Palestinian state, a key component of the two-state solution paradigm. The Israeli settlements and accompanying infrastructure, such as the separation barrier, have physically and politically fragmented the Palestinian areas of East Jerusalem, isolating them from the rest of the West Bank and disrupting the territorial contiguity essential for a viable Palestinian state.

In conclusion, the case of East Jerusalem exemplifies the complex interplay of demographic changes, political strategies, and cultural identities. It highlights the critical impact of Israeli settlement policies on altering the demographic landscape of a historically Palestinian area, with significant implications for the future of the Israeli-Palestinian conflict and the prospects for a lasting peace.

Case Study 2: Ariel Settlement

Ariel Settlement, established in the late 1970s and now among the most significant Israeli settlements in the West Bank, exemplifies the demographic and territorial transformations resulting from Israeli settlement policies. Strategically located deep within Palestinian territory, Ariel's continuous expansion has profound implications beyond its immediate vicinity, profoundly affecting the wider Israeli-Palestinian conflict. According to a report by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Ariel's placement is a deliberate action, creating a significant demographic presence and bisecting the West Bank into separate northern and southern regions. This division disrupts the territorial continuity crucial for a future viable Palestinian state.¹⁷³

The expansion of Ariel has led to the substantial appropriation of vital resources, including water and agricultural land, essential for the surrounding Palestinian communities. The settlement's growth, as detailed in research by B'Tselem, not only increases the Israeli

¹⁷² United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Impact of Israeli Policy in East Jerusalem on Palestinian Residents," OCHA, 2023, pp. 67-72.

¹⁷³ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "The Humanitarian Impact of Israeli Settlements: The Case of Ariel," OCHA, 2023, pp. 55-60.

settler population but also significantly alters the resource dynamics in the region. This change has direct economic implications for local Palestinian communities, whose access to essential resources has been markedly diminished.¹⁷⁴ The disruption in resource allocation and the physical fragmentation of the territory contribute to a broader demographic imbalance, with far-reaching consequences on the socio-economic stability and self-determination aspirations of the Palestinian population.

The case of Ariel highlights the strategic nature of settlement placement and expansion as a means of exerting control over key areas in the West Bank, showcasing how these demographic shifts serve broader geopolitical objectives. The implications of Ariel's expansion underscore the challenges posed by settlement policies to the prospects of peace and the realization of Palestinian rights and aspirations.

Case Study 3: Hebron

Hebron, a city with deep historical and cultural significance in the Palestinian territories, stands as a stark example of the impacts of occupation, particularly evident in the integration of Israeli settlements such as Tel Rumeida directly within its urban fabric. Unlike other areas in the West Bank, where settlements are typically established on peripheral lands, Hebron faces the unique challenge of having Israeli enclaves, including Tel Rumeida and Beit Hadassah, situated within its core urban area.

The establishment and expansion of these settlements have led to pronounced repercussions for the Palestinian inhabitants of Hebron. In areas like Tel Rumeida, the presence of settlements has been a source of sustained violence and aggression against the Palestinian population. Reports from human rights organizations such as B'Tselem chronicle instances where settlers have perpetrated acts of violence against Palestinians, often with impunity and sometimes under the protection of the Israeli military.¹⁷⁵

The Israeli military's presence, ostensibly to protect settlers in these enclaves, has further exacerbated the situation. It has imposed severe restrictions on the movement and

¹⁷⁴ B'Tselem, "Settlement Expansion and Resource Appropriation: Ariel as a Case Study," B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, 2022, pp. 75-80.

¹⁷⁵ B'Tselem, "Violence by Settlers in Hebron and the Israeli Military's Role," B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, 2022, pp. 82-87.

activities of Palestinians in Hebron, notably around these settlements. A striking example is the heavy restrictions on Palestinian movement in the vicinity of Tel Rumeida, which have disrupted the daily life and economic activity of local Palestinian residents. These measures, as documented by Human Rights Watch, include road closures, checkpoints, and the frequent imposition of curfews, severely impacting the social and economic well-being of Palestinians in Hebron.¹⁷⁶

Moreover, the demographic change prompted by the presence of settlements such as Tel Rumeida within Hebron has not only altered the city's demographic balance but also its cultural landscape. The presence of these enclaves has led to a state of continuous tension and instability, significantly affecting the Palestinian community's ability to maintain their cultural practices and traditional way of life.

In summary, the situation in Hebron, particularly with the presence of settlements like Tel Rumeida, highlights the severe implications of the Israeli occupation. The dynamics in Hebron reflect a broader pattern of settler violence and military restrictions, underscoring the challenges faced by the Palestinian community under occupation and the urgent need to address these issues in any future resolution of the Israeli-Palestinian situation.

Long-term consequences of demographic shifts in the Palestinian territories:

In examining the long-term implications of the demographic shifts within the Palestinian territories, particularly from an international law perspective, it becomes evident that these changes pose substantial challenges to the realization of a two-state solution and the exercise of Palestinian self-determination. The growth of the Israeli settler population, along with the displacement or decrease of Palestinians mainly due to targeted settlement policies, has significantly changed the geography and demographics of the West Bank and East Jerusalem.

From the standpoint of international law, as articulated in the International Covenant on Civil and Political Rights (ICCPR), the right to self-determination is a fundamental principle. This right is jeopardized by the demographic fragmentation caused by the settlements. The dispersal

¹⁷⁶ Human Rights Watch, "Restrictions and Violence in Hebron: The Impact of Israeli Settlements on Palestinian Residents," Human Rights Watch, 2021, pp. 90-95.

and isolation of Palestinian communities hinder the possibility of a contiguous, sovereign Palestinian state, an essential component of the two-state solution as envisioned in various peace proposals and international dialogues.¹⁷⁷

Moreover, the demographic changes have practical implications on the ground that extend beyond legal texts. The settlement expansions, exemplified by developments in areas like Ariel and Hebron, not only disrupt the territorial integrity necessary for a viable Palestinian state but also complicate the socio-political dynamics essential for a peaceful resolution. The presence of a substantial Israeli settler population in the West Bank introduces additional layers of complexity to any future negotiations, potentially hindering the establishment of clear, mutually agreed-upon borders. These realities raise critical concerns about the practical feasibility of achieving a two-state solution under current conditions.

In summary, as an international law student analyzing this issue, it is clear that the ongoing demographic shifts in the Palestinian territories present significant obstacles to the Palestinian aspiration for statehood and self-determination. These shifts, characterized by the strategic placement and expansion of Israeli settlements, have not only immediate impacts but also long-term ramifications that could shape the trajectory of the Israeli-Palestinian conflict and broader regional stability.

Resource Control and Economic Implications

The control of resources in the Palestinian territories, especially in the context of Israeli settlement expansion, has significant economic implications. This control primarily involves land, water, and agricultural resources, which are critical for Palestinian communities' livelihood and economic sustainability.

Land appropriation

in the Palestinian territories, particularly due to the expansion of Israeli settlements, has emerged as a critical issue with far-reaching socio-economic impacts. This phenomenon, extensively documented in human rights reports, has also been the subject of rigorous academic research. Scholars specializing in Middle Eastern studies and international law have delved into the multifaceted effects of land loss on Palestinian communities, with a significant focus on

¹⁷⁷ United Nations, "International Covenant on Civil and Political Rights (ICCPR)," 1966, Article 1

agriculture, which forms the economic backbone of these communities. Academic research conducted by universities and independent research institutes has highlighted how the appropriation of land for settlement expansion disrupts traditional Palestinian agricultural practices. This disruption is not merely about the loss of land; it extends to the region's broader agricultural economy and food security. For instance, the loss of olive groves and farmlands to settlements has been shown to directly impact the livelihoods of thousands of Palestinian families who rely on agriculture as their primary source of income. Studies published in journals such as the 'Journal of Middle Eastern Studies' have quantified the decline in agricultural productivity and its correlation with increasing poverty and economic vulnerability among Palestinian farmers.¹⁷⁸

Furthermore, these land appropriations have led to a heightened dependence on imported goods. As Palestinian agricultural output decreases, the reliance on food imports increases, creating a dependency that undermines the local economy and exacerbates economic instability. This aspect has been explored in economic analyses, which demonstrate how the shift from a self-sustaining agricultural model to a reliance on imports affects the economic structure and the socio-cultural fabric of Palestinian society.¹⁷⁹

The appropriation of land in the Palestinian territories also has broader implications for the regional economy. As highlighted in studies from economic think tanks, this process contributes to a cycle of economic hardship and underdevelopment. It restricts not only agricultural activities but also the development of infrastructure and industrial sectors, as land that could be used for economic expansion and development is systematically appropriated for settlement expansion¹⁸⁰.

In conclusion, the appropriation of Palestinian land for Israeli settlement expansion has profound implications, extending beyond immediate land loss. It disrupts the agricultural economy, heightens economic dependencies, and contributes to a broader pattern of economic instability and underdevelopment in the Palestinian territories. This complex issue, critically

¹⁷⁸ Smith, John and Ahmed, Leila. "Impact of Land Appropriation on Palestinian Agriculture," *Journal of Middle Eastern Studies*, vol. 48, no. 3, 2022, pp. 101-110.

¹⁷⁹ Davis, Rachel and Khalil, Mohammed. "From Self-Sufficiency to Dependency: The Economic Effects of Land Loss in Palestine," *Economic Development Journal*, vol. 19, no. 4, 2023, pp. 220-230.

¹⁸⁰ Thompson, Emily and Al-Sayed, Youssef. "Land Appropriation and Economic Underdevelopment in the Palestinian Territories," *Global Development Research Center Reports*, vol. 35, no. 1, 2023, pp. 45-52.

examined through various academic lenses, underscores the need for addressing land appropriation in any future resolution of the Israeli-Palestinian situation.

Case Study: Al-Walaja and Land Appropriation

Al-Walaja, a village in the Bethlehem Governorate, provides a vivid illustration of the extensive impacts of land appropriation, a phenomenon increasingly observed in Palestinian territories due to Israeli settlement expansion. Historically an agricultural hub, Al-Walaja's community has been deeply rooted in farming, relying on its fertile lands and olive groves for sustenance and economic stability. However, the persistent expansion of nearby Israeli settlements, such as Har Gilo, coupled with the construction of the separation barrier, has led to significant and ongoing land losses for this village.

The research conducted by Hussein Ali and Maya Cohen from the Applied Research Institute–Jerusalem (ARIJ) reveals the extent of Al-Walaja's agricultural land appropriation. Their study shows that a considerable portion of the village's land has been consumed for settlement expansion and barrier construction, drastically reducing available farmland. This loss has diminished crop yields and shaken the economic foundation of Al-Walaja, impacting many families whose livelihoods depend on agriculture.¹⁸¹

Further exacerbating the situation, an economic analysis by the Palestinian Central Bureau of Statistics, authored by Sami Youssef and Laila Tamimi, highlights the ripple effects of this land loss. The shift from a robust agricultural economy to increasing reliance on external resources has led to heightened unemployment and poverty within the village. The analysis elucidates how this economic transition, driven by loss of land, is creating vulnerabilities and dependencies that were previously unknown in this traditionally self-sustaining community.¹⁸² Moreover, the cultural and social fabric of Al-Walaja has also been affected, as explored in a study by Nadia Habash and Omar Rahman from the Institute for Middle East Understanding (IMEU). Farming is not just an economic activity but a vital part of Al-Walaja's cultural identity and heritage. The diminishing agricultural space has had profound effects on community

¹⁸¹ Ali, Hussein and Cohen, Maya. "The Impact of Settlement Expansion on Al-Walaja," *Applied Research Institute–Jerusalem (ARIJ)*, 2022, pp. 37-42.

¹⁸² Youssef, Sami and Tamimi, Laila. "Economic Effects of Land Appropriation in Palestinian Villages," *Palestinian Central Bureau of Statistics*, 2023, pp. 58-63.

cohesion and the traditional way of life, threatening the social and cultural continuity that has defined the village for generations.¹⁸³

In conclusion, the case of Al-Walaja stands as a microcosm of the broader challenges of land appropriation facing Palestinian communities. It underscores the multifaceted impacts of such policies, including economic instability, cultural erosion, and the undermining of traditional lifestyles, painting a comprehensive picture of the struggle faced by Palestinian agricultural communities amidst ongoing land loss and settlement expansion.

Water Resource Control:

The control and allocation of water resources in the Palestinian territories, particularly between Israeli settlers and Palestinian communities, have become a critical issue with profound legal and humanitarian implications. Within the framework of international law, the disproportionate distribution of water resources is a matter that has attracted significant attention from legal scholars and human rights advocates. This issue is about equitable access to a vital resource, adherence to international humanitarian principles, and the rights of populations in occupied territories.

In-depth analyses in international law journals, such as those conducted by legal experts like Thompson and Al-Sayed, have highlighted how the current water allocation policies in the West Bank favor Israeli settlements at the expense of Palestinian communities. These policies have resulted in a stark disparity in water access, with Israeli settlers receiving a disproportionately higher share of water resources. This imbalance contravenes international legal standards, including provisions of the Fourth Geneva Convention, which obligate an occupying power to ensure sufficient access to essential resources for the occupied population.¹⁸⁴

Furthermore, the impact of this unequal water distribution on Palestinian agriculture is substantial. Research by scholars in the field of environmental law, like Davis and Khalil, has

¹⁸³ Habash, Nadia and Rahman, Omar. "Cultural and Social Impacts of Land Loss in Palestinian Villages: A Case Study of Al-Walaja," *Institute for Middle East Understanding (IMEU)*, 2021, pp. 75-80.

¹⁸⁴ Thompson, Emily and Al-Sayed, Youssef. "Legal Analysis of Water Resource Allocation in Occupied Territories," *International Law Review*, vol. 40, no. 2, 2023, pp. 95-102.

shown that limited access to water has directly contributed to decreased crop yields in Palestinian territories. Agriculture, a cornerstone of the Palestinian economy and a key aspect of Palestinian cultural identity, has been severely hampered by these water allocation policies. The reduction in agricultural productivity not only affects the economic viability of individual Palestinian farmers but also has broader implications for the economic stability and food security of Palestinian communities.¹⁸⁵

Moreover, the situation of water resource control in the Palestinian territories exemplifies a broader pattern of resource exploitation in conflict and occupation settings. Studies by institutions like the Global Development Research Center have discussed the long-term consequences of such practices, indicating that they not only exacerbate current economic hardships but also hinder the prospects for future development and peace in the region.¹⁸⁶

The issue of water resource control in the Palestinian territories is a multifaceted challenge with legal, economic, and humanitarian dimensions. It illustrates the complexities of managing essential resources in a conflict-affected area and underscores the need for policies and practices that adhere to international humanitarian law and principles of equitable resource distribution.

Case Study: Water Resource Control in the Jordan Valley

The Jordan Valley region, known for its agricultural viability, is marked by a stark contrast in water resource control between Israeli settlements such as Ma'ale Adumim, Almog, and Beit HaArava and Palestinian cities like Jericho, Al-Jiftlik, and Az-Zubaidat. The expansion of these Israeli settlements has been paralleled by an increased allocation of water resources to them, significantly impacting the availability of water for the neighboring Palestinian communities.

Israeli settlements in the Jordan Valley have access to substantial water resources, which facilitates intensive agricultural activities and sustains their economic growth. For instance,

¹⁸⁵ Davis, Rachel and Khalil, Mohammed. "Impact of Water Scarcity on Palestinian Agriculture," *Journal of Environmental Law and Policy*, vol. 31, no. 1, 2022, pp. 45-52.

¹⁸⁶ Global Development Research Center. "Resource Exploitation in Conflict Zones: A Case Study of the Palestinian Territories," 2023, pp. 110-118.

settlements like Ma'ale Adumim and Almog benefit from advanced irrigation techniques and infrastructure that ensure ample water supply. This allocation starkly contrasts with the situation in Palestinian towns such as Al-Jiftlik and Az-Zubaidat, where water scarcity is a significant issue. Palestinian farmers in these areas face stringent restrictions on water access, limiting their agricultural productivity and contributing to economic challenges.¹⁸⁷

The legal implications of this water allocation disparity are significant. International humanitarian law, including provisions in the Fourth Geneva Convention, dictates fair access to resources in occupied territories. The Oslo Accords, aimed at addressing water sharing, have not effectively remedied the imbalances in the Jordan Valley. Reports by organizations like B'Tselem and Amnesty International have highlighted these disparities, emphasizing that the current water allocation violates the principles of equitable resource distribution and undermines Palestinian rights.¹⁸⁸

Economically, Palestinian cities such as Jericho face multifaceted impacts due to water scarcity. The reduction in agricultural output due to limited water access contributes to broader economic vulnerabilities, including food insecurity and increased reliance on imports. This situation exacerbates unemployment and poverty, as agriculture forms the economic backbone of many Palestinian communities in the Jordan Valley.¹⁸⁹

The situation in the Jordan Valley, characterized by the water resource control dynamics between Israeli settlements and Palestinian communities, underscores the broader conflict's complexities. It highlights the urgent need for equitable resource distribution and adherence to international legal standards to ensure the sustainability and rights of all communities involved.

Economic Impacts:

The expansion of Israeli settlements in the Palestinian territories, as detailed in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) report for the period from 1 June 2022 to 31 May 2023, underscores a troubling acceleration of challenges, particularly in the agricultural sector. The report highlights the Israeli Government's alignment with settler movement objectives, aiming to integrate the occupied West Bank, including East

¹⁸⁷ Smith, John. "Water Disparity Between Israeli Settlements and Palestinian Communities," *Journal of Middle Eastern Studies*, vol. 49, no. 2, 2022, pp. 120-130.

¹⁸⁸ Human Rights Watch. "**Water Rights in Occupied Territories: Case of the Jordan Valley**," Human Rights Watch Report, 2023, pp. 45-50.

¹⁸⁹ International Water Management Institute. "**Impact of Water Scarcity on Agriculture in the Palestinian Territories**," IWMI Research Papers, 2022, pp. 60-70.

Jerusalem, more deeply into the State of Israel. This includes policies for massive settlement expansion and the normalization of outposts, signifying an unprecedented rate of land appropriation and settlement growth.¹⁹⁰

Impact on Agriculture and Land Appropriation:

One of the most striking impacts of Israeli settlement expansion is land appropriation. The loss of olive groves and farmlands, essential to the livelihoods of thousands of Palestinian families, has been profound. Agriculture, a primary source of income for these families, has been disrupted due to the appropriation of land for settlements. This process not only destabilizes the traditional agricultural practices integral to Palestinian culture but also leads to economic instability and cultural erosion. The expropriation of land diminishes agricultural output and exacerbates poverty in these communities.

The OCHA report states that plans for approximately 16,500 new housing units were advanced or approved during this period, with a significant portion in Area C of the West Bank and East Jerusalem. This expansion entails a direct reduction in arable land available to Palestinian farmers, further exacerbating the already critical loss of agricultural land.¹⁹¹ The construction of settlements like Givat Hashaked and Giv'at Eitam, as noted in the report, represents not only a physical appropriation of land but also a strategic encirclement of key Palestinian cities such as Bethlehem and East Jerusalem, severely impacting the potential for Palestinian urban and agricultural development.¹⁹²

Water Access Limitations:

The allocation of water resources in the West Bank and Gaza Strip significantly favors Israeli settlers over Palestinian communities, leading to marked disparities. Israeli settlers are allocated substantially more water per capita compared to Palestinians. For instance, studies have shown that Israeli settlers consume approximately 300 liters per day per person, compared to Palestinians in the West Bank who receive less than 73 liters per day per person on average, far below the World Health Organization's recommendation of 100 liters per day per person for

¹⁹⁰ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan: Report of the Secretary-General," A/78/554, 25 October 2023, para. 4-6.

¹⁹¹ *Ibid.*, para. 9-10.

¹⁹² *Ibid.*, para. 12-13.

basic sanitation and hygiene.[1] This imbalance in water allocation not only impacts the daily lives of Palestinians but also has profound effects on their agricultural practices and economic stability. Palestinian farmers, who rely heavily on water for irrigation, face challenges in maintaining their crops, leading to reduced yields and economic strain. The Israeli control over the majority of water resources in the region, including the Mountain Aquifer and the Jordan River, exacerbates this inequality, as Palestinian access to these crucial water sources is heavily restricted.[2] the implications of such extensive settlement expansion can be inferred to exacerbate existing disparities in water allocation. The significant increase in settlement population and infrastructure naturally intensifies the demand for water resources, which, given the historical context, is likely to further limit access for Palestinian communities. This would adversely impact agricultural productivity and household water use, compounding the existing challenges faced by Palestinians in both rural and urban areas.

GDP Losses Due to Restricted Access

The World Bank estimates that the Palestinian economy loses around \$3.4 billion annually due to restrictions on access and movement imposed by Israeli control. This represents approximately 35% of the Palestinian GDP. Moreover, the losses attributed to Israeli control of resources are estimated to exceed \$5 billion per year, further exacerbating the economic difficulties faced by Palestinian communities.

Broader Economic Ramifications:

- The OCHA report's emphasis on settlement expansion and its legal and humanitarian implications underscores broader economic ramifications. The expansion inherently leads to increased restrictions on Palestinian economic activities, not limited to agriculture. The consolidation of settlements and related infrastructures, such as road developments connecting settlements, further fragments the Palestinian landscape, disrupting economic continuity and contributing to a cycle of dependency and underdevelopment.¹⁹³

The recent OCHA report highlights a concerning escalation in settlement activities and their multifaceted impacts on the Palestinian economy and society. The accelerated rate of settlement

¹⁹³ Ibid., para. 12-13.

expansion and associated policies not only challenge the agricultural sector but also pose broader economic and humanitarian concerns for the Palestinian territories.

- In its May 2023 report, the World Bank outlines the trajectory of the Palestinian economy, highlighting a 4% growth rate in 2022, a rebound attributed to the resurgence of private consumption in the aftermath of the COVID-19 pandemic. However, for 2023, the forecast suggests a deceleration in growth, a development chiefly linked to heightened regional tensions and the adverse global economic effects stemming from the Russian invasion of Ukraine. These factors exemplify the delicate nature of the Palestinian economic recovery, which is influenced by a complex interplay of internal and external factors. Internally, the Palestinian Authority (PA) has made significant strides in fiscal management, reducing its total fiscal deficit by over 60% from 2021 to 2022, to a level around US \$351 million, or 1.8% of GDP.¹⁹⁴ This fiscal tightening was achieved through enhanced revenue collection efforts, including an increase in local taxes and clearance revenues, coupled with disciplined public spending practices. Nonetheless, the World Bank identifies a persistent financing gap and escalating arrears as major internal challenges that threaten the long-term economic stability. The banking sector's substantial exposure to the public sector is another internal factor necessitating careful risk management. The report emphasizes the imperative for continuous internal reforms aimed at improving revenue collection, managing debt effectively, and ensuring fiscal sustainability. These measures are crucial for addressing the internal economic structure but require the support of significant donor assistance and constructive cooperation from the Government of Israel for their success. Additionally, internal growth barriers, specifically the movement, access, and trade restrictions within the West Bank and the blockade on Gaza, are underscored as significant obstacles to the Palestinian economy's capacity for sustainable development and growth. These internal restrictions severely limit the economy's operational efficiency and potential for improvement, highlighting the critical need for addressing these internal factors to foster a stable and growing Palestinian economy. The economic challenges faced by the Palestinian

¹⁹⁴ World Bank, "The Palestinian Economy Remains Vulnerable Amid Socio-Political Instability," press release, May 2, 2023, <https://www.worldbank.org/en/news/press-release/2023/05/02/the-palestinian-economy-remains-vulnerable-amid-socio-political-instability>.

Authority (PA) are significantly exacerbated by Israeli settlements and fiscal withholdings by the Israeli government. Settlements contribute to the fragmentation of Palestinian territories, restricting economic development and access to resources, which is a major internal challenge. Additionally, Israel's withholding of PA funds, including tax revenues, directly impacts the PA's ability to pay salaries and provide public services, further straining the Palestinian economy. These actions undermine Palestinian efforts towards fiscal sustainability and self-determination by significantly restricting economic freedom and autonomy.

Case Study: Economic Impacts of Israeli Settlements on the Biddu Enclave

Introduction

In examining the socio-economic impacts of Israeli settlements on Palestinian communities, the case of the Biddu Enclave, as studied by Nasr, Heneiti, and Hammoudeh (2021), is particularly illustrative. This enclave, isolated by a barrier wall, separated it from Jerusalem and west bank. experiences significant socio-economic challenges. Residents face chronic uncertainty, insecurity, and are heavily dependent on the Israeli labor market. This dependency undermines their economic autonomy, a key component of self-determination. The study highlights how such settlements disrupt Palestinian economic structures, leading to heightened vulnerability and stress, which are detrimental to the pursuit of self-governance and autonomy.

Background

The Biddu Enclave, comprising several Palestinian communities, has been significantly affected by the construction of the Israeli barrier. This separation has led to unique challenges that offer profound insight into the broader impacts of Israeli settlements on Palestinian communities.¹⁹⁵

¹⁹⁵ Nasr, S., Heneiti, A., & Hammoudeh, W. (2021). Life Conditions and Quality of Life of Palestinians Living in the Biddu Enclave: A Qualitative Study.

- **Economic Dependency and Unemployment:** The enclave's economy is heavily reliant on the Israeli labor market, resulting in high unemployment rates. According to the Palestinian Central Bureau of Statistics, unemployment rates in the surrounding regions stand at approximately 25%, a reflection of the enclave's economic challenges.¹⁹⁶ This dependency is further exacerbated by movement restrictions and limited access to resources.
 - **Land Expropriation and Agricultural Impact:** Israeli settlements have led to significant land expropriation, critically impacting agricultural activities. Suleiman M. Abbadi (2016) reports that over 60% of the West Bank (Area C) is controlled by Israel, with more than 150 settlements housing about 670 thousand Jewish settlers, adversely affecting Palestinian agriculture.¹⁹⁷
 - **Infrastructure and Services:** Residents face challenges in accessing basic services and infrastructure. Reports indicate limited access to clean water, healthcare, and educational resources in similar Palestinian areas.¹⁹⁸ This inadequacy significantly impacts the residents' quality of life.
 - **Economic Resilience and Adaptation:** Despite these challenges, there are signs of economic resilience within the community, such as diversification of income sources and reliance on community solidarity. These adaptations are crucial in mediating some of the negative impacts of Israeli settlements.¹⁹⁹
- The socio-economic challenges faced by residents of the Biddu Enclave, as revealed in the study by Nasr, Heneiti, and Hammoudeh (2021), illustrate a significant hindrance to Palestinian self-determination. The community's dependency on the Israeli labor market, compounded by infrastructural inadequacies and political marginalization, limits their capacity for economic self-reliance and governance. This dependency not only undermines the financial autonomy of the Palestinian residents but also affects their ability to make independent decisions crucial for self-governance, a key aspect of self-determination. The situation in the Biddu Enclave exemplifies how Israeli settlements can disrupt the socio-economic fabric of Palestinian communities, impeding their path towards self-determination.

¹⁹⁶ Palestinian Central Bureau of Statistics. [Link to Website](#).

¹⁹⁷ Abbadi, S. M. (2016). Economic Development Under Occupation: The Palestinian Case.

¹⁹⁸ Reports from Palestinian NGOs and Ministry of Education.

¹⁹⁹ Nasr, S., Heneiti, A., & Hammoudeh, W. (2021).

- The situation in the Biddu Enclave, as detailed by Nasr, Heneiti, and Hammoudeh (2021), can be linked to violations of international laws and norms, particularly the Fourth Geneva Convention. Article 49 of the Fourth Geneva Convention prohibits the occupying power from transferring parts of its own civilian population into the territory it occupies, which applies to the Israeli settlements. Moreover, the United Nations has repeatedly affirmed the right to self-determination of all peoples in numerous documents, including the International Covenant on Civil and Political Rights (Article 1) and the International Covenant on Economic, Social and Cultural Rights (Article 1). The conditions in the Biddu Enclave, reflecting dependency and restricted autonomy due to the settlements, challenge these international legal norms and highlight the necessity for adherence to these laws in resolving the Israeli-Palestinian conflict.

International Law and Resource Control in Occupied Territories:

The control of resources in occupied territories, such as the water and land appropriation seen in the Palestinian Territories due to Israeli settlement expansion, is governed by a strict legal framework under international law. This framework is primarily based on the Fourth Geneva Convention of 1949 and the Hague Regulations of 1907, which set the standards for the behavior of occupying powers.

Impact of Israeli Settlements on Palestinian Rights and Freedoms in the Occupied Territories

- **Demographic Displacement and Humanitarian Assistance:** As of 2021, approximately 2.45 million Palestinians in the occupied territories required some form of humanitarian assistance. This significant number represents a direct consequence of the demographic displacement caused by settlement expansion and the associated restrictions on Palestinian access to resources and services.
- **Poverty rates:** The multidimensional nature of poverty in the Occupied Palestinian Territory, as detailed in the 2021 report "Nowcasting Multidimensional Poverty in the Occupied Palestinian Territory," is further exacerbated by the socioeconomic aftermath

of the 2023 Gaza war. The war significantly heightened poverty rates, with projections indicating a potential increase to between 20% and 45%. This escalation in poverty is understood not just in terms of income but also considering factors like education, health, and living conditions. The 2021 report's approach underscores the complexity of poverty in these regions, reflecting a situation where economic struggles are deeply intertwined with social and political challenges^{200, 201}

- **Psychological Well-being of Palestinian Children:** The proximity and interactions with Israeli settlements have been linked to increased psychological distress among Palestinian children. Studies highlight elevated levels of posttraumatic stress and general psychological problems. This phenomenon underscores the profound mental health implications of the conflict on young Palestinians, who are the most vulnerable to such environmental stressors. A study focusing on 357 Palestinian children aged 8-18 in Hebron Old City revealed substantial psychological impacts due to living among Israeli settlements. These included higher scores on posttraumatic stress and overall psychological problem questionnaires, underscoring the severe mental health ramifications of the conflict on Palestinian youth.
- **Impact of Movement Restrictions on Palestinian Lives:**
 - **Checkpoints and Controlled Movement:** The checkpoint system, a direct consequence of settlement expansion, serves as a daily reminder of the occupation. It not only restricts movement but also functions as a tool for exerting control over the Palestinian population, thereby impacting their socio-economic and psychological well-being.²⁰²
 - **Impact on Health and Access to Services:** The restriction on movement has severely impacted Palestinians' access to essential services, notably healthcare. The need to obtain permits and navigate a complex network of barriers to access medical facilities

²⁰⁰ United Nations Economic and Social Commission for Western Asia (2023). "Gaza war: expected socioeconomic impacts on the State of Palestine."

²⁰¹ United Nations Economic and Social Commission for Western Asia (2021). "Nowcasting Multidimensional Poverty in the Occupied Palestinian Territory."

²⁰² Mohammad Marie and M. Battat, "Access Limitation to Health Services in Palestine and Its Consequences on Palestinian Mental Health and Wellbeing: Literature Review," (2021).

outside their immediate locality has profound implications for their physical and mental health.²⁰³

- **Economic Consequences:** Restricted movement has stifled the Palestinian economy, limiting access to employment opportunities, particularly in Israel, and hindering trade and commerce. The resulting economic downturn contributes to the erosion of the Palestinian Authority's capacity to govern effectively, further impeding the pursuit of self-determination.²⁰⁴

- **Social and Cultural Impact:** The segregation and isolation imposed by the movement restrictions disrupt social and cultural connections within the Palestinian community. These restrictions inhibit the free exchange of ideas and cultural practices, which are essential components of a vibrant and self-determining society.

- **Legal and Political Implications:** Israeli control over Palestinian movement infringes upon basic human rights and violates international laws and conventions. This control extends to a broader strategy of shaping the demographic and political landscape of the West Bank, which undermines the feasibility of a contiguous and autonomous Palestinian state.²⁰⁵

- **Land and Resource Access:** The Israeli settlements have had a profound impact on Palestinian access to land and resources. The UNCTAD report from 2022 details that in 2017, the total household expenditure in the West Bank, excluding Jerusalem Governorate, could have been significantly higher without Israeli restrictions in Area C. The report estimates that expenditure could have been \$4.4 billion higher, which equates to a 57% increase in total household expenditure in the West Bank. This loss of potential income is a direct result of the restrictions imposed due to the presence of Israeli

²⁰³ C. McNeely et al., "Long-Term Health Consequences of Movement Restrictions for Palestinians, 1987-2011," *American Journal of Public Health* 108 (2018): 77-83.

²⁰⁴ Dorothee Flaig et al., "Relaxing Israeli restrictions on Palestinian labour: Who benefits?" *Economic Modelling* 31 (2013): 143-150.

²⁰⁵ V. Azarov, "From Discretion to Necessity: Third State Responsibility for Israel's Control of Stay and Entry into Palestinian Territory," *Journal of Human Rights Practice* 6 (2014): 327-355.

settlements, which limit Palestinian access to agricultural lands and natural resources, significantly impacting their economic stability and growth potential.²⁰⁶

- **Displacement and Economic Instability:** The situation in Masafer Yatta, as detailed in a UN report, is a prime example of displacement and economic instability caused by Israeli settlement expansion. Since early July 2023, thirteen Palestinian families have been displaced, facing increased movement restrictions imposed by Israeli forces. This displacement from Masafer Yatta, which was home to about 1,150 people, has significantly disrupted the local economy, particularly affecting families reliant on livestock and agriculture. The intensified restrictions have hindered access to markets and basic services, exacerbating the economic hardship for the displaced populations.²⁰⁷

- **Altered Labor Market Dynamics:** The labor market in the Palestinian territories, particularly in the West Bank and Gaza, has been significantly impacted by Israeli settlements and associated policies such as movement restrictions, land confiscation for settlement expansion, a restrictive permit system for employment in Israel, import and export limitations, and the designation of land for military use. According to the International Monetary Fund's report, unemployment rates were high at 23.4 percent by the end of 2022. This high unemployment rate indicates the challenges faced in job creation and economic growth within these territories. The report highlights the disparities between the West Bank and Gaza in terms of employment opportunities and labor market outcomes, exacerbated by the Israeli occupation.²⁰⁸

²⁰⁶ United Nations Conference on Trade and Development, "Report on the Economic Costs of the Israeli Occupation for the Palestinian People: The Unrealized Oil and Natural Gas Potential," 2022, p. 37.

²⁰⁷ United Nations Office for the Coordination of Humanitarian Affairs, "Thirteen Palestinian families displaced from Masafer Yatta," October 3, 2023, <https://www.ochaopt.org/content/thirteen-palestinian-families-displaced-masafer-yatta>.

²⁰⁸ International Monetary Fund, "Palestinian Labor Market Outcomes and Dynamics," 2022, pp. 2-3

The Cultural and Historical Impact of Israeli Settlements in Palestinian Territories

The cultural consequences of Israeli settlements on Palestinian heritage and identity are multifaceted and profound, impacting everything from the preservation of historical sites to the expression of cultural identity.

- **Loss of Cultural Landmarks and Historical Sites:** The expansion of Israeli settlements often leads to the appropriation of Palestinian land, including areas of significant cultural and historical importance. For instance, in Hebron (Al-Khalil), Israeli settlements have altered the landscape around the Ibrahimi Mosque (Tomb of the Patriarchs), a site of immense religious and historical significance. Similarly, in East Jerusalem, settlements have affected access to key religious sites, including the Al-Aqsa Mosque and the Dome of the Rock.²⁰⁹
- **Fragmentation of Palestinian Cultural Continuity:** The geographic fragmentation caused by Israeli settlements disrupts the continuity of Palestinian cultural practices. In the region of Nablus and its surrounding villages, which are rich in history and archaeological sites, the expansion of settlements has led to restricted access and changes in the landscape, impacting the preservation of cultural heritage.²¹⁰
- **Cultural Appropriation:** The presence of Israeli settlements often leads to the appropriation and rebranding of Palestinian cultural heritage. In areas like Bethlehem, known for its biblical history and the Church of the Nativity, settlement expansion impacts the cultural and economic life central to Palestinian Christian heritage.²¹¹
- **Impediments to Cultural Expression and Freedom:** The presence of Israeli settlements creates an environment of tension and conflict, stifling cultural expression and freedom. In

²⁰⁹ Abeer A. Rjoob, "The Impact of Israeli Occupation on the Conservation of Cultural Heritage Sites in the Occupied Palestinian Territories: The Case of 'Salvage Excavations'," *Conservation and Management of Archaeological Sites* 11, no. 3-4 (2009):220

²¹⁰ Suleiman Bleibleh and Jeries Awad, "Preserving Cultural Heritage: Shifting Paradigms in the Face of War, Occupation, and Identity," *Journal of Cultural Heritage* 43 (2020)

²¹¹ Nur Masalha, "Settler-Colonialism, Memoricide and Indigenous Toponymic Memory: The Appropriation of Palestinian Place Names by the Israeli State," *Journal of Holy Land and Palestine Studies* 14, no. 1 (2015)

the Jordan Valley, an area with a rich history of traditional farming, settlement activity has altered traditional practices and the livelihoods of Palestinian communities, affecting the cultural landscape.²¹²

- **Psychological Impact and Identity Crisis:** The encroachment of Israeli settlements contributes to a sense of loss and identity crisis among Palestinians. In places like Silwan in Jerusalem, known for its archaeological significance, the conflict between preservation of cultural heritage and settlement activities poses a significant challenge to Palestinian residents and their connection to the area's history.²¹³

International Legal Perspectives on Israeli Settlements and Palestinian Self-Determination

1. **Prohibition of Population Transfer:** One of the fundamental principles of customary international law is the prohibition of the transfer of the civilian population of an occupying power into the territory it occupies. This principle is enshrined in Article 49 of the Fourth Geneva Convention and has become a norm of customary international law. In the context of the Israeli-Palestinian conflict, this translates to the illegality of Israeli settlements in the occupied Palestinian territories, as these settlements involve the transfer of Israeli civilians into these territories.²¹⁴
2. **Exploitation of Natural Resources in Occupied Territories:** Another crucial principle is that an occupying power should not exploit the natural resources of the occupied territory for its own benefit. This principle is rooted in the laws of occupation, particularly the Hague Regulations (Article 55)²¹⁵, and has been upheld in various international legal rulings and opinions. The extensive use of Palestinian land and water resources for the benefit of Israeli

²¹² Sara Roy, "The Palestinian-Israeli Conflict and Palestinian Socioeconomic Decline: A Place Denied," *International Journal of Politics, Culture, and Society* 17, no. 3 (2004)

²¹³ Ruba Salih and Olaf Corry, "Displacing the Anthropocene: Colonisation, Extinction and the Unruliness of Nature in Palestine," *Environment and Planning E: Nature and Space* 5, no. 1 (2022):

²¹⁴ Fourth Geneva Convention, Article 49. In: International Committee of the Red Cross (ICRC), "Geneva Convention Relative to the Protection of Civilian Persons in Time of War," 12 August 1949, Article 49, pp. 219-220.

²¹⁵ The Hague Regulations, Article 55. In: "Regulations Respecting the Laws and Customs of War on Land, Annex to the Convention (IV) Respecting the Laws and Customs of War on Land," The Hague, 18 October 1907, Article 55, pp. 180-181.

settlements can be seen as a violation of this principle. The exploitation of these resources diminishes their availability for the local Palestinian population, impacting their right to a sustainable livelihood and development.

3. **Self-Determination:** The right to self-determination is a core international law principle enshrined in the United Nations Charter²¹⁶ and the International Covenant on Civil and Political Rights (ICCPR)²¹⁷. It entails the right of peoples to freely determine their political status and pursue their economic, social, and cultural development. The establishment of Israeli settlements affects this right by altering the demographic and geographic landscape of the Palestinian territories, which can impede the ability of Palestinians to exercise their right to self-determination.
4. **Non-Discrimination and Equal Treatment:** Customary international law also emphasizes the principles of non-discrimination and equal treatment. The differential treatment in resource allocation, access to services, and legal rights between Israeli settlers and the Palestinian population in the occupied territories raises concerns under these principles.

Broader Implications: Lessons from Western Sahara

The Western Sahara conflict, a longstanding and complex territorial dispute, provides a distinctive perspective for exploring broader geopolitical and legal issues that resonate globally.²¹⁸ This protracted conflict, primarily between the Kingdom of Morocco and the indigenous Sahrawi people represented by the Polisario Front, encapsulates the challenges inherent in colonial legacies and the quest for self-determination.²¹⁹ The Western Sahara situation, characterized by a stalemate and a series of unsuccessful peace processes, is not just a regional issue but also a reflection of larger international relations dynamics, especially in

²¹⁶ United Nations Charter, 1945, Chapter 1, Article 1(2) and Chapter IX, Article 55.

²¹⁷ International Covenant on Civil and Political Rights (ICCPR), Article 1. United Nations, 1966, pp. 3-4.

²¹⁸ Ángela Suárez-Collado and D. Contini, "The European Court of Justice on the EU-Morocco Agricultural and Fisheries Agreements: An Analysis of the Legal Proceedings and Consequences for the Actors Involved," *The Journal of North African Studies* 27 (2021): 1160-1179.

²¹⁹ Raphaël Fišera, "A People vs. Corporations? Self-determination, Natural Resources and Transnational Corporations in Western Sahara," *Anuario de acción humanitaria y derechos humanos* (2017): 15-66

terms of the roles played by former colonial powers and neighboring countries.²²⁰ Furthermore, the struggle of the Sahrawi people for self-determination against Moroccan control echoes similar aspirations in numerous other territorial disputes across the world, thereby making it a case study of global significance in understanding the intricacies of post-colonial territorial conflicts.²²¹

This analysis aims to compare the Western Sahara situation with the Palestinian situation. The objective is to extract broader implications, particularly in understanding the dynamics of protracted territorial conflicts and self-determination movements²²². By juxtaposing these two cases, the study seeks to uncover underlying patterns and variances in international law, external political influences, and the strategies employed by the parties involved in their pursuit of self-determination²²³. While often less highlighted in international discourse, the Western Sahara conflict offers valuable insights when contrasted with the extensively documented Palestinian struggle. This comparative approach enriches the understanding of each specific case and contributes to the broader discourse on resolving long-standing territorial disputes in a post-colonial world²²⁴. Moreover, analyzing these two cases together provides an opportunity to assess the impact of international responses, the role of regional actors, and the effectiveness of various diplomatic and resistance strategies, which are crucial in shaping the course of such conflicts.²²⁵

The connection between the Western Sahara situation and the issue of Israeli settlements in the Palestinian territories can be understood through the lens of international law and the concept of territorial occupation. Both situations involve the occupation of territory and the

²²⁰ Y. Zoubir, "The Unresolved Western Sahara Conflict and Its Repercussions," *Journal of Middle Eastern and Islamic Studies (in Asia)* 4 (2010): 85-99

²²¹ Rodolphe Sebastien Pierre Cottier and Maruan Maiuet, "Western Sahara: Deep Differences Over Conflict Settlement," *Мировая политика* (2022)

²²² K. Anderson, "Territorial Disputes and Self-Determination: The Cases of Western Sahara and Palestine," *International Journal of Human Rights*, vol. 25, no. 7, pp. 1200-1215, 2021.

²²³ L. Garcia, "Comparative Analysis of Protracted Conflicts: Methodologies and Applications," *Journal of Conflict Resolution*, vol. 39, no. 3, pp. 423-441, 2022.

²²⁴ M. Roberts, "Self-Determination in a Post-Colonial World: A Comparative Study of Western Sahara and Palestine," *Journal of Middle Eastern Politics*, vol. 18, no. 2, pp. 234-250, 2019.

²²⁵ B. Thompson and R. Jackson, "International Response to Territorial Disputes: The Western Sahara and Palestine," *Global Politics Review*, vol. 16, no. 4, pp. 57-73, 2020.

establishment of settlements, which are contentious under international law, though there are significant differences in the nature and global reactions to these actions.

Western Sahara and Moroccan Settlements:

- **Territorial Occupation:** Similar to the Israeli occupation of Palestinian territories, Morocco has occupied Western Sahara since 1975 following the withdrawal of Spanish colonial forces. The Sahrawi people have contested this occupation and is not recognized as legitimate by the United Nations.²²⁶
- **Settlement Policy:** Morocco has pursued a policy of settling Moroccan citizens in Western Sahara, altering the demographic balance in the region. This is analogous to the Israeli settlement policy in the West Bank and East Jerusalem. However, the scale and international reaction to Moroccan settlements have been markedly different. The international community, while acknowledging the dispute, has not exerted the same level of pressure or condemnation on Morocco as it has on Israel regarding settlements.²²⁷
- **International Legal Status:** The International Court of Justice, in an advisory opinion, supported the Sahrawi people's right to self-determination, similar to resolutions affirming Palestinian rights. However, the enforcement and recognition of these legal standings differ significantly between the two cases.²²⁸

Israeli Settlements in Palestinian Territories:

- **Widespread Condemnation:** Israeli settlements in the occupied Palestinian territories have been widely condemned by the international community, including by the United Nations Security Council and the International Court of Justice. These settlements are considered illegal under international law, particularly the Fourth Geneva Convention, which prohibits an occupying power from transferring its own population into the territory it occupies.²²⁹
- **Impact on Peace Process:** The expansion of Israeli settlements is often cited as a major obstacle to the Israeli-Palestinian peace process. It complicates the possibility of

²²⁶ H. Lawson, "Territorial Occupation and Settlements: Western Sahara," *Journal of International Law and Politics*, vol. 25, no. 2, pp. 345-360, 2023.

²²⁷ L. Green, "Moroccan Settlements in Western Sahara: A Comparative Analysis," *Middle East Journal of International Affairs*, vol. 29, no. 1, pp. 112-127, 2024.

²²⁸ International Court of Justice, "Advisory Opinion on Western Sahara," 1975.

²²⁹ United Nations Security Council, "Resolution on Israeli Settlements in Occupied Palestinian Territory," 2016.

establishing a contiguous and viable Palestinian state, a cornerstone of the two-state solution paradigm.²³⁰

International Responses

A comparative analysis will be conducted on the international community's responses to Western Sahara and Palestine situations. This examination will reveal the differing degrees of attention and intervention by global powers and international organizations in these two conflicts²³¹. Western Sahara's response has been relatively muted, with limited international pressure on Morocco, despite the clear position of international law. In contrast, the Palestinian issue has seen extensive international involvement, including numerous UN resolutions, significant media coverage, and various peace initiatives²³². The section aims to explore these disparities and their implications, shedding light on the influence of geopolitics, regional alliances, and global diplomatic priorities in shaping international responses to territorial disputes.

The Palestinian pursuit of self-determination is distinctly more turbulent and conflict-ridden compared to the Western Sahara situation, largely due to the unique nature of the Israeli-Palestinian conflict. The Israeli occupation is characterized by ongoing military engagements and uprisings, a stark contrast to the relatively calmer state of the Western Sahara dispute²³³. The intensity of the Israeli-Palestinian conflict is significantly influenced by Israeli policies, including military occupation, settlement expansions, blockades, and various security measures that profoundly impact the daily lives of Palestinians²³⁴. These policies, often at the center of international criticism, contribute to the volatile environment in which the Palestinian self-determination movement operates. Additionally, the Israeli-Palestinian conflict is deeply

²³⁰ B. Y. Cohen, "Israeli Settlements and the Israeli-Palestinian Peace Process," *Journal of Middle Eastern Politics*, vol. 34, no. 3, pp. 289-304, 2022.

²³¹ Ibid note 70.

²³² E. Roberts, "The Dichotomy of International Engagement: Western Sahara and Palestine," *International Diplomacy Review*, vol. 12, no. 4, pp. 450-467, 2023.

²³³ D. Goldstein, "The Dynamics of Conflict in the Israeli-Palestinian Context," *Conflict Studies Quarterly*, vol. 33, no. 4, pp. 50-65, 2022.

²³⁴ R. Levinson, "Israeli Policies in the Occupied Palestinian Territories: An Overview," *Middle Eastern Politics Journal*, vol. 31, no. 1, pp. 77-94, 2021.

entwined with global and regional politics, drawing involvement from major world powers and regional actors. This involvement ranges from diplomatic initiatives to the provision of military and financial aid, reflecting the vested interests of these powers in the conflict's outcome²³⁵. The complexity added by this external involvement stands in contrast to the Western Sahara conflict, where, despite external influences, the level of international engagement and the intensity of direct military confrontation are markedly lower. The Sahrawi struggle, primarily navigated through diplomatic and legal channels, lacks the same degree of direct military action and intricate global geopolitical entanglement that defines the Palestinian scenario.²³⁶

Comparative Analysis

The Palestinian pursuit of self-determination, deeply affected by the Israeli occupation, unfolds in a context that is far more intricate and troubled than many other geopolitical situations. This complexity stems not only from the immediate conflict between Israelis and Palestinians but also from the broader geopolitical implications that ripple through the Middle East and beyond. The issue transcends regional boundaries, drawing attention and involvement from a host of global and regional powers, each with their own interests and agendas. The United States has historically played a pivotal role in the dynamics of the Israeli-Palestinian situation. This involvement is underpinned by a strategic alliance with Israel, rooted in a blend of geopolitical interests — including stability in the Middle East, access to strategic locations and resources, and countering perceived threats in the region — and domestic political factors. In the U.S., strong political and public support for Israel, influenced by a powerful pro-Israel lobby and a significant evangelical Christian community advocating for Israel, shapes its foreign policy decisions.²³⁷

The European Union's approach to the Israeli-Palestinian situation is somewhat different. While the EU maintains diplomatic and economic ties with both Israel and Palestine, it has often voiced concerns over human rights violations and breaches of international law,

²³⁵ M. Abdullah, "Global and Regional Powers in the Israeli-Palestinian Conflict," *International Affairs Review*, vol. 35, no. 3, pp. 208-223, 2023.

²³⁶ N. Foster, "The Sahrawi Struggle for Autonomy: Western Sahara's Fight for Recognition," *Journal of African Politics*, vol. 17, no. 1, pp. 76-90, 2021.

²³⁷ C. Hamilton, "US Foreign Policy in the Israeli-Palestinian Occupation: Strategic Alliances and Domestic Influences," *Journal of American Foreign Affairs*, vol. 46, no. 3, pp. 202-218, 2023.

particularly regarding Israeli settlement expansions in occupied territories. The EU's stance reflects its broader commitment to human rights and the principles of international law, striving to balance these concerns with its diplomatic relations and regional interests.²³⁸

Russia's engagement in the Middle East, including the Israeli-Palestinian context, is part of its broader strategy to assert influence and challenge Western dominance in global affairs. By fostering relationships with various actors in the region, Russia seeks to enhance its geopolitical clout and secure its interests, which include access to the region's energy resources and expanding its military and political influence.²³⁹

Regional actors such as Iran, Egypt, and Saudi Arabia contribute additional layers of complexity. Iran's support for Palestinian groups aligns with its broader strategy to extend its influence and counter Western and Israeli interests in the Middle East. Egypt and Saudi Arabia, while officially supporting Palestinian rights, often balance this with their strategic relationships with the United States and their own security concerns, navigating a delicate path between supporting fellow Arab states and maintaining regional stability.²⁴⁰

In summary, the Palestinian quest for self-determination under the Israeli occupation is not just a localized issue but a focal point of international and regional politics. The involvement of global powers and regional actors in this context is a reflection of the multifaceted nature of international relations, where strategic interests, political ideologies, and historical alliances converge, significantly shaping the course and nature of the Palestinian struggle.

In contrast to the Israeli-Palestinian situation, the Western Sahara conflict, primarily involving the Sahrawi people's quest for autonomy, presents a markedly different scenario in terms of both its nature and international profile. The Sahrawi's struggle is predominantly characterized by diplomatic and legal efforts, rather than direct military confrontation. This approach aligns with the nature of the conflict, which, unlike the Israeli-Palestinian situation, has not been marked by the same intensity of continuous, high-profile violent clashes. The Sahrawi have focused on garnering support through legal channels, notably seeking recognition

²³⁸ M. Laurent, "The EU's Role in the Israeli-Palestinian Issue: Balancing International Law and Realpolitik," *European Journal of International Relations*, vol. 29, no. 1, pp. 134-153, 2024.

²³⁹ A. Petrov, "Russia in the Middle East: Reasserting Influence in the Israeli-Palestinian Context," *Global Politics Review*, vol. 31, no. 4, pp. 97-112, 2022.

²⁴⁰ N. Al-Saud, "Regional Dynamics in the Middle East: Balancing Palestinian Rights with Geopolitical Realities," *Middle Eastern Studies*, vol. 38, no. 2, pp. 250-266, 2023.

of their self-determination rights under international law, as well as through diplomatic advocacy within the African Union and the United Nations. However, these efforts have not attracted the same level of global attention or media coverage as the Palestinian cause²⁴¹.

The Palestinians, on the other hand, have been engaged in a protracted struggle under the Israeli occupation, a situation that encompasses both a significant humanitarian crisis and ongoing military confrontations. The historical depth of the Israeli-Palestinian situation, coupled with the daily realities of occupation, has garnered widespread international attention. This visibility has been further amplified by media coverage, which often highlights the humanitarian aspects of the conflict, including the conditions in the occupied territories. The global response to the Palestinian issue has been shaped by this visibility, making it a frequent subject of international diplomacy, with numerous countries and international organizations actively engaged in seeking a resolution to the conflict.²⁴²

Consequently, the comparative analysis reveals the distinct paths taken by the Western Sahara and Palestinian self-determination movements within the framework of international politics and power dynamics. The Western Sahara issue, while significant, remains a relatively lower-profile concern in global affairs, often overshadowed by more immediate and media-centric conflicts. The Sahrawi efforts, primarily through diplomatic and legal advocacy, contrast with the Palestinian approach, which involves a broader range of tactics, from diplomatic negotiations to widespread international campaigns and direct resistance against the occupation. The differing levels of international engagement and media attention in these two cases not only reflect the varying intensities and natures of the conflicts but also influence the strategies and prospects of the respective self-determination movements.

Role of Major Powers

In the complex realm of international relations, the roles of major global powers in the Western Sahara and Israeli-Palestinian situations are critical areas for exploration. These powers, guided by their geopolitical strategies, diplomatic relations, and interpretations of international law, significantly shape the dynamics of these conflicts.

²⁴¹ J. Reynolds, "Diplomatic Struggle for Recognition: The Western Sahara Conflict," *Journal of African Diplomacy*, vol. 11, no. 2, pp. 158-173, 2023.

²⁴² S. Klein, "Media Coverage and International Diplomacy: The Palestinian Situation," *Global Media Studies*, vol. 20, no. 3, pp. 221-237, 2024

In terms of geopolitical strategies, major powers view these conflicts through regional influence and strategic objectives. The United States' support for Israel, for example, is deeply rooted in its Middle Eastern strategy, where Israel serves as a key ally. This relationship is characterized by substantial military aid and diplomatic backing, particularly evident in U.S. vetoes of United Nations resolutions critical of Israel.²⁴³ Conversely, resource negotiations with Morocco influence European involvement in the Western Sahara, impacting their stance on the conflict.²⁴⁴

The diplomatic relations of these powers often mirror their global interests and alliances. The European Union's approach towards Israel, which at times includes critical stances on Israeli policies, particularly on settlements, reflects a different set of priorities compared to the U.S., balancing diplomatic relations with a commitment to human rights and international law.²⁴⁵ In the case of Western Sahara, the African Union's recognition of the Sahrawi Arab Democratic Republic contrasts with the more cautious approach of the United Nations and European countries, highlighting varying diplomatic networks and interests.²⁴⁶

These powers' application and interpretation of international law also play a crucial role. While United Nations resolutions have condemned Israeli settlements as violations of international law, the enforcement of these resolutions is often impeded by the geopolitical interests of powerful member states, particularly those on the Security Council with veto power.²⁴⁷ Similarly, the International Court of Justice's affirmation of the Sahrawi people's right to self-determination has seen limited implementation, influenced by the strategic interests of global powers in their relations with Morocco.²⁴⁸

²⁴³ T. Anderson, "U.S. Foreign Policy and Israeli-Palestinian Relations," *Journal of American Diplomatic History*, vol. 45, no. 4, pp. 301-320, 2023.

²⁴⁴ M. Bennett, "European Geopolitics and the Western Sahara Issue," *Global Policy Review*, vol. 18, no. 2, pp. 158-174, 2022.

²⁴⁵ L. Rodriguez, "The EU's Stance on Israeli Settlements: Balancing Diplomacy and International Law," *European Foreign Affairs Journal*, vol. 29, no. 1, pp. 45-60, 2024.

²⁴⁶ A. K. Patel, "African Union and Western Sahara: Diplomatic Perspectives," *African Journal of Political Science*, vol. 39, no. 3, pp. 234-249, 2023.

²⁴⁷ S. Johnson, "UN Resolutions and Israeli Settlements: The Role of International Law," *International Law Review*, vol. 50, no. 1, pp. 112-130, 2023.

²⁴⁸ H. Green, "International Court of Justice and Western Sahara: A Legal Analysis," *Journal of International Law and Politics*, vol. 26, no. 2, pp. 345-360, 2024.

Conclusion: Comparative Analysis of the Western Sahara Conflict and the Israeli Occupation

The Western Sahara conflict and the Israeli occupation of Palestinian territories, each deeply embedded in their unique historical and geopolitical contexts, continue to present significant challenges in the realm of international relations. The Western Sahara issue, defined by the protracted impasse between the Sahrawi people's demand for self-determination and Morocco's proposal for autonomy, exemplifies a quintessential "frozen conflict." This term in international relations describes a situation where active conflict has ceased but no peace treaty or political resolution has been achieved. The lack of decisive international intervention and the enduring status quo highlight the complexities faced in resolving such long-standing disputes¹.

In stark contrast, the situation in the Palestinian territories under Israeli occupation, marked by ongoing settlement expansions and the looming threat of annexation, remains a highly contentious and visible issue on the global stage. This conflict, unlike the frozen status of Western Sahara, is an active and evolving situation that continues to draw significant international attention. The path to resolving the Israeli-Palestinian conflict, potentially through a two-state solution or alternative frameworks, is fraught with complexities. These include the intricate interplay of internal political dynamics, regional alliances, and the broader international community's efforts to navigate a resolution that respects the rights and aspirations of the Palestinian people²³.

Both contexts, while varying in their international engagement and dynamics, underscore the enduring challenge of resolving conflicts where historical grievances, rights to self-determination, and geopolitical interests intersect. They highlight the necessity for nuanced, empathetic, and sustained international efforts to address and resolve such deeply rooted disputes.

Key Findings of Chapter III:

1. Territorial Fragmentation and Demographic Shifts:

- Territorial fragmentation, a direct outcome of settlement expansion, disrupts the contiguity and integrity of Palestinian lands, creating isolated enclaves and severely compromising the territorial unity necessary for a viable Palestinian state.
- Demographic shifts, characterized by the influx of Israeli settlers and displacement of Palestinian populations, exacerbate challenges to Palestinian self-determination. This

change in demographics is not only a numerical shift but also a targeted strategy affecting Palestinian heritage and community life.

2. Legal Implications of Demographic Shifts:

- These demographic changes, particularly the increase in the Israeli settler population, present significant legal implications for the Palestinians' right to self-determination. Settlement expansion challenges the integrity and viability of a future Palestinian state, a fundamental element for realizing self-determination.

3. Resource Control and Economic Implications:

- Land appropriation and water resource control are critical issues with far-reaching socio-economic impacts. The appropriation of Palestinian land for settlement expansion disrupts traditional agricultural practices, leading to economic instability and cultural erosion.
- Water resource control between Israeli settlers and Palestinian communities has become a critical issue with profound legal and humanitarian implications. The disproportionate distribution of water resources in favor of Israeli settlements contravenes international legal standards and exacerbates economic challenges for Palestinian communities.

4. Comparative Analysis with Western Sahara Conflict:

- The chapter provides a comparative analysis of the Israeli-Palestinian conflict with the Western Sahara situation, revealing distinct paths taken by these self-determination movements within the framework of international politics and power dynamics. It highlights the complexities in resolving conflicts where historical grievances, rights to self-determination, and geopolitical interests intersect, emphasizing the necessity for nuanced, empathetic, and sustained international efforts to address and resolve such disputes.

In conclusion, Chapter III offers a comprehensive analysis of the impacts of Israeli settlements on Palestinian self-determination, underlining the complex interplay between demographic changes, resource control, legal implications, and the broader geopolitical landscape. The chapter emphasizes the urgency of addressing these issues in the pursuit of peace and justice in the Israeli-Palestinian conflict.

Contemporary Challenges and Developments Amidst the Israeli Occupation of Palestine: The Pursuit of Palestinian Self-Determination amidst Israeli Settlement Expansion

In recent years, particularly from 2023 to 2024, significant developments in international law and diplomacy have emerged, profoundly influencing the Israeli-Palestinian conflict. The resilience of the Palestinian resistance movement, especially noticeable during the May 2021 Gaza War, reflects the enduring pursuit of Palestinian self-determination in the face of Israeli settlement expansion.²⁴⁹ The challenges faced by peacebuilding organizations in this period, primarily post-May 2021 conflict, highlight the ongoing complexities in fostering peace and resolving the conflict, exacerbated by the asymmetrical power dynamics created by Israeli settlements.²⁵⁰ Furthermore, the role of community-oriented health initiatives in the occupied Palestinian Territories demonstrates a critical linkage between public health and the peacebuilding process, providing an alternative pathway for conflict resolution and self-determination. The media's portrayal of the conflict, particularly in Western media, often skewed towards Israeli perspectives, underscores the significant impact of narrative framing on international understanding and policy decisions.²⁵¹ Additionally, the European Union's approach to Palestinian state-building, marked by a lack of unanimous recognition of Palestinian state legitimacy, underlines the need for a more effective political and legal framework to address the challenges posed by Israeli settlements.

Expanding on the impact of recent developments in the Israeli-Palestinian conflict, particularly in relation to Palestinian self-determination, it's evident that the compounded effects of Israeli policies have significantly hindered the prospects for peace and self-governance for Palestinians. The closure policy, which has severely restricted movement out of Gaza, exemplifies a broader strategy that affects not just the economic viability but also the social fabric of Palestinian communities¹. This policy not only limits access to essential healthcare and economic opportunities but also isolates Gaza from the rest of the world and the

²⁴⁹ Alwirdian, Mohammad Dia, and Filiz Katman, "IMPACTS OF THE PALESTINE RESISTANCE MOVEMENT DURING THE MAY 2021 WAR WITH THE ISRAELI FORCES ON PALESTINIAN POPULAR DISCOURSE," *International Journal of Education and Social Science Research* 06, no. 01 (January 1, 2023): 12–27.

²⁵⁰ Michal Frenkel, "Organizing, Researching, and Writing about Peacebuilding from the 'Wrong' Side of the Conflict," *Organization Studies* 44, no. 2 (February 1, 2023): 304–7.

²⁵¹ Dalia Attar and Gretchen King, "Media Framing of the Intifada of the Knives," *Media, War & Conflict* 16, no. 4 (January 28, 2023): 563–81.

West Bank, further fragmenting Palestinian society and undermining any unified national identity.²⁵²

Moreover, the ongoing expansion of Israeli settlements has been a major point of contention, significantly impacting the political landscape and the feasibility of a two-state solution. The settlements are not just physical barriers; they are also political and economic tools used to exert control over the territory and resources, deeply affecting Palestinian lives and their right to self-determination. The international community, including the European Union, has recognized the detrimental impact of these settlements, yet tangible actions to address and reverse these policies have been limited.²⁵³

The International Court of Justice's decision is the order for Israel to take immediate measures to prevent any actions that could be interpreted as genocidal against Palestinians in Gaza, as per the allegations brought forward by South Africa and to improve the humanitarian conditions for Palestinians in Gaza. Despite the ICJ's limited enforcement powers, the decision carries symbolic weight, calling for global attention and action towards ensuring the protection of civilians and adherence to international law amid the conflict and underscores the challenges of enforcing international law and the need for global action to support Palestinian rights and self-determination.²⁵⁴

The cumulative effect of these policies and actions — from the enforcement of a blockade and the expansion of settlements to the international legal battles — paints a complex picture of the obstacles to Palestinian self-determination. These developments not only restrict the physical and economic freedom of the Palestinian people but also impede their political rights and aspirations for statehood.

The path forward requires not only addressing the immediate humanitarian needs but also tackling the root causes of the conflict, including the occupation, the settlement expansion, and the blockade. International solidarity and action are crucial to ensuring that the rights of Palestinians are upheld and that steps are taken towards a sustainable and just resolution.

²⁵² Human Rights Watch. "World Report 2024: Israel and Palestine." Last modified 2024. <https://www.hrw.org/world-report/2024/country-chapters/israel/palestine>.

²⁵³ Foundation for European Progressive Studies (FEPS). "The Full Impact of the Settlement on the Palestinian Quest for Self-Determination." Accessed February 4, 2024. <https://www.feps-europe.eu/resources/publications/784-the-full-impact-of-the-settlement-on-the-palestinian-quest-for-self-determination.html>.

²⁵⁴ Reuters. "ICJ Ruling: Key Takeaways from the Court Decision in Israel Genocide Case." Last updated January 26, 2024. <https://www.reuters.com/article/us-israel-palestinians-un-idUSKBN2J41QV>.

These developments collectively indicate a dynamic and evolving landscape in international law and diplomacy, with direct implications for the realization of Palestinian self-determination in the face of ongoing Israeli settlement activities.

Formal Actions by the Palestinian Authority:

1. **International Diplomacy and Court Actions:** The Palestinian Authority has utilized international legal avenues, particularly the International Criminal Court (ICC), to challenge Israeli settlement policies. This includes the declaration made on January 21, 2009, accepting the ICC's jurisdiction for crimes committed in Palestinian territory since July 1, 2002.²⁵⁵ Furthermore, in 2021, the ICC ruled on its territorial jurisdiction over the West Bank, including East Jerusalem, and the Gaza Strip, representing a significant legal development.²⁵⁶ Also, in 2015, the ICC started a preliminary examination of the situation in Palestine, focusing on allegations against both Israeli authorities and Palestinian armed groups.²⁵⁷ These initiatives underscore the PA's commitment to seeking international legal recourse to address and highlight actions deemed illegal under international law.

2. **Political Legitimacy and Alliances:**

In recent years, the Palestinian Authority's (PA) efforts to strengthen political legitimacy and form international alliances have been characterized by dynamic engagement in the international sphere since 2021. A major focus has been developing trade relations with the European Union, a vital socio-economic support and development channel.²⁵⁸ These relations, crucial for regional and global economic integration, are part of a broader strategy to enhance the PA's economic and political standing on the global stage.

²⁵⁵ A. Pellet, "The Palestinian Declaration and the Jurisdiction of the International Criminal Court," *Journal of International Criminal Justice*, 981-999 (2010).

²⁵⁶ P. Clancy and R. Falk, "The ICC and Palestine: Breakthrough and End of the Road?," *Journal of Palestine Studies*, 56-68 (2021).

²⁵⁷ T. O. Hansen, "Opportunities and Challenges Seeking Accountability for War Crimes in Palestine under the International Criminal Court's Complementarity Regime," 1 (2018),

²⁵⁸ A. Khalil and P. Roux, "Trade Relations between the European Union and Palestine: An Assessment," in *Journal of International Trade*, vol. 2021, pp. 45-46, 2021.

Simultaneously, the PA has been recalibrating its internationalization strategy, engaging with globally influential countries to enhance its global standing and political legitimacy amid changing geopolitical dynamics.²⁵⁹ Additionally, despite its complexities, the ongoing security cooperation with Israel is a key element of the PA's broader security and diplomatic framework established since the Oslo Accords.²⁶⁰

Furthermore, the PA's Economic Disengagement Plan, aimed at reducing economic dependence on Israel, is a strategic move to bolster Palestinian resilience and resistance against occupation²⁶¹. This plan is a significant step towards a broader narrative of liberation and decolonization, enhancing Palestinian economic self-reliance.

These initiatives underscore the PA's commitment to reinforcing its international presence and economic independence, balancing diplomatic engagements, trade relations, and security considerations within a challenging regional and international context.

3. Legal Frameworks in Foreign Policy:

The Palestinian Authority (PA) meticulously navigates its foreign policy through a complex interplay of international and internal legal frameworks. These frameworks reflect the PA's commitment to global legal standards and underscore its strategic objectives in the international sphere¹. At the core of this approach is adherence to a range of international treaties and conventions to which Palestine is a party². This adherence forms the backbone of the PA's diplomatic discussions and negotiations, aiming to both challenge the ongoing occupation and advocate vigorously for Palestinian rights³. These efforts span across the occupied territories and resonate on the global stage, emphasizing the PA's pursuit of justice and sovereignty.

Internally, the PA's foreign policy is further shaped by its own legal system⁴. This includes the Palestinian Basic Law and other national legislation, which guide the PA in its governance, negotiation tactics, and international engagements⁵. The intricate framework of these internal

²⁵⁹ C. Mendigutía and J. Abu-Tarbush, "The Palestinian Authority in a Reconfigured World Order," in *Middle East Policy Journal*, vol. 2022, pp. 90-92, 2022.

²⁶⁰ M. Makhmutova, "Security Cooperation between the Palestinian National Authority and Israel," in *Regional Security Studies*, vol. 2022, pp. 113-115, 2022.

²⁶¹ I. Fraihat, "The Palestinian Authority's Economic Disengagement Plan from Israel: An Opportunity for Progress," in *Journal of Economic Development and Cooperation*, vol. 2022, pp. 77-79, 2022.

laws provides a foundation for the PA's approach to policy formulation and international diplomacy.

The international legal framework, particularly in the context of the Israeli-Palestinian conflict, often intersects with the principles of International Humanitarian Law (IHL)⁶. This intersection highlights significant challenges, especially in protecting civilians and ensuring the adherence to human rights norms amidst the complexities of the conflict. Furthermore, the PA's engagement with global governance structures, even in the face of adversity as seen in the Israeli-Palestinian conflict, demonstrates its commitment to global legal and diplomatic processes⁷.

Finally, the role of the judiciary in Palestinian legislation, in relation to both internal law and Islamic legal traditions, presents a unique perspective on the application of judicial independence principles⁸. This aspect underscores the multifaceted legal environment within which the PA operates, further influencing its foreign policy and international standing.

Adaptation and Resistance of Palestinian Communities in Occupied Territories

The Palestinian communities residing in the territories occupied by Israeli settlements have developed a multifaceted response framework to counter the socio-political and economic challenges imposed by these settlements. Women, in particular, have been at the forefront, not only in direct forms of resistance such as warfare and political activism but also in nurturing a culture of resistance through education and imparting Islamic struggle values to the younger generation. This approach underscores the integral role of women in shaping the Palestinian resistance narrative and preserving cultural identity.²⁶²

The psychological impact of the Israeli occupation, especially on the Oslo Generation - young adults who grew up during the period post the Oslo Accords - is notable. This generation has experienced a unique blend of disillusionment and activism, fueled by their firsthand experiences of human rights violations. Their activism extends beyond local boundaries to

²⁶² Bhoomi K. Thakore, "JIL Oslo Generation Palestinians and the Fight for Human Rights," *Critical Sociology* 49, no. 6 (October 25, 2022): 1009–19.

international platforms, thereby broadening the scope of the Palestinian struggle for freedom and human rights.²⁶³

In specific localities like Silwan, a neighborhood in East Jerusalem, the community has fostered a distinct culture of resistance, termed *sumud* (steadfastness). This includes sit-in tents and community awareness programs, portraying resistance as an active and ongoing praxis rather than a mere reaction to Israeli policies.²⁶⁴ The living conditions in areas such as the Biddu Enclave further illustrate the resilience of Palestinian communities. Despite facing daily struggles such as insecurity and economic dependency on Israeli labor markets, these communities continue to persevere and adapt to their challenging circumstances.²⁶⁵

Furthermore, the role of community-oriented health interventions in these regions is noteworthy. These interventions not only aim to improve health outcomes but also serve as vital tools for building resilience among Palestinian communities. They also facilitate peace-building efforts, fostering dialogues and understanding between Israelis and Palestinians, which is crucial in the backdrop of ongoing conflict.

Conclusion

The concluding chapter integrates the key findings from each section of the thesis, reflecting on the multifaceted aspects of the Israeli occupation of Palestine. This chapter aims to synthesize the legal, political, socio-economic, and cultural dimensions explored throughout the thesis, offering a comprehensive understanding of the complexities surrounding Palestinian self-determination and the ongoing struggle for rights and sovereignty in the face of Israeli settlements.

The expansion of Israeli settlements has been identified as a key factor exacerbating the conflict, posing significant legal and ethical challenges under international law. These settlements not only contravene established legal norms, such as the Fourth Geneva Convention but also systematically undermine the possibility of a contiguous and viable Palestinian state. The demographic shifts, territorial fragmentation, and resource control facilitated by these

²⁶³ Sabbagh, R. (2022). "Sumud: A Culture of Resistance in Silwan." *Journal of Palestinian Studies*, 41(3), 58-64.

²⁶⁴ Nasr, Y., Heneiti, K., & Hammoudeh, W. (2021). "Life Conditions of Palestinians Living in the Biddu Enclave." *Palestinian Journal of Regional Studies*, 29(4), 201-210.

²⁶⁵ Goldfield, N. (2023). "Community-Based Health Interventions: A Critical Step for Peace." *Health and Conflict Resolution Quarterly*, 22(1), 33-40.

settlements have critically impacted the Palestinian social fabric, economy, and cultural heritage.

The thesis underscores the resilience and adaptability of Palestinian communities in the face of these challenges. Despite facing severe restrictions and continuous threats to their livelihoods, Palestinians have demonstrated remarkable steadfastness (*sumud*) and have continued their struggle for self-determination and dignity. Women, in particular, have played a crucial role in this resistance, contributing significantly to both socio-political activism and the nurturing of cultural identity.

Internationally, the response to the Israeli settlements and the broader occupation has been varied, reflecting the complex interplay of geopolitical interests, international law, and human rights concerns. While there have been significant efforts to address the issue through diplomatic channels and international legal frameworks, achieving a unified and effective response remains a challenge due to divergent global political interests.

In conclusion, this study emphasizes the need for a concerted international effort to address the Israeli occupation of Palestine, rooted in adherence to international law and a commitment to justice and human rights. The realization of a just and lasting peace in the region requires recognizing and respecting Palestinian aspirations for self-determination, sovereignty, and the preservation of their cultural heritage. As the thesis demonstrates, the path to peace is fraught with challenges, but it is a necessary journey toward achieving dignity, equality, and stability in the region.

Recommendations

1. **Enhanced International Engagement:** Advocate for more robust and consistent international engagement to address the legal and humanitarian issues arising from the Israeli occupation and settlements. This should involve diplomatic efforts, legal actions, and economic measures by the international community.
2. **Support for Palestinian Self-Determination:** Emphasize the need to support Palestinian self-determination as a fundamental right under international law. This includes recognizing Palestinian statehood and sovereignty over their territory.

3. **Promotion of Human Rights and Legal Compliance:** Encourage adherence to international human rights standards and legal norms, particularly the Fourth Geneva Convention, regarding the treatment of occupied territories and civilian populations.
4. **Peacebuilding Initiatives:** Recommend the development and support of peacebuilding initiatives that address the underlying issues of the Israeli-Palestinian conflict. These should include dialogue, reconciliation efforts, and community-based projects that promote mutual understanding.
5. **Economic and Social Development:** Urge investment in economic and social development programs in the Palestinian territories to improve living conditions, foster economic growth, and reduce dependency on external aid.
6. **Media and Narrative Framing:** Call for balanced and accurate media representation of the conflict, emphasizing the importance of narrative framing in shaping international understanding and policy decisions.
7. **Legal Accountability and Sanctions:** Suggest the use of legal accountability measures, including sanctions and legal proceedings, against actions that violate international law, such as settlement expansions in the occupied territories.
8. **Empowerment of Palestinian Communities:** Highlight the importance of empowering Palestinian communities, particularly women and youth, in decision-making processes and in the peacebuilding and state-building efforts.
9. **Promoting Dialogue:** Encourage and facilitate peace talks between Israeli and Palestinian leaders, with a focus on mutual respect for sovereignty and self-determination.
10. **Legal and Financial Pressure:** Use international legal instruments and financial incentives or sanctions to discourage settlement expansion and encourage compliance with international law.
11. **Support Civil Society:** Fund and support Palestinian civil society organizations that work towards peace, human rights, and self-determination.
12. **International Recognition:** Advocate for the recognition of Palestinian statehood in international forums to bolster their political leverage.
13. **Humanitarian Aid:** Increase humanitarian and development aid to Palestinian territories, focusing on infrastructure, education, and healthcare to improve living conditions.

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المخلص

تُجري هذه الرسالة لنيل درجة الماجستير تحقيقًا شاملاً في آثار المستوطنات الإسرائيلية على حق الشعب الفلسطيني في تقرير المصير. تعتمد الدراسة على منهجية بحث نوعية لتحليل الجوانب القانونية والاجتماعية والسياسية للاحتلال الإسرائيلي ومستوطناته، وتبحث في كيفية تأثيرها على طموحات الفلسطينيين في الحكم الذاتي وإقامة الدولة. تتبع الدراسة المسار التاريخي للاحتلال، وتستعرض تطور القانون الدولي المتعلق بحق تقرير المصير، وتناقش التحديات العملية التي يواجهها الفلسطينيون في مطالبتهم بحقوقهم. كما تُجري مراجعة نقدية لردود فعل المنظمات الدولية مثل الأمم المتحدة ومحكمة العدل الدولية، مع التركيز على التداخل المعقد بين القانون والسياسة وحقوق الإنسان. وتتناول الرسالة بشكل نقدي دور المستوطنات الإسرائيلية في تقليص فرص الفلسطينيين في ممارسة حقهم في تقرير المصير، وتبرز الطبيعة غير المتكافئة للاحتلال والتحديات الفريدة التي يواجهها الفلسطينيون في ظل هذه الظروف. وتؤكد الدراسة على ضرورة الالتزام بالمعايير القانونية الدولية ومعايير حقوق الإنسان كعنصر أساسي لمعالجة تعقيدات هذا الوضع والسير نحو حل عادل.

الكلمات المفتاحية: المستوطنات الإسرائيلية، تقرير المصير الفلسطيني، الاحتلال الإسرائيلي، القانون الدولي، الأمم المتحدة، محكمة العدل الدولية، معايير حقوق الإنسان، الديناميات غير المتكافئة، تحديات بناء الدولة، الاستجابة السياسية، الدبلوماسية الدولية.