



Settlements and Apartheid

Since seizing the Gaza strip and West Bank (including east Jerusalem) in 1967, Israel has sought to colonise the Occupied Palestinian Territories (OPT) through a policy of building settlements on Palestinian land. The settlements are the cornerstone of a system of de facto apartheid in the OPT, complete with separate and unequal systems of roads, laws, and discriminatory expropriation of natural resources.

Land

In the Gaza strip, 1.2 million Palestinians subsist on 60% of the land, yet most of the 42% of the Gaza strip under Israeli military control is reserved for 6,000 Israeli settlers (.5% of the population; this also includes non-settlement areas under Israeli military control, such as bases, bypass roads, and some rural areas inhabited by Palestinians). Israeli settlers in the Gaza strip have access to 699 times more land per capita than refugee camp residents.[1]

Water

Israel diverts 88% of the renewable water resources of the OPT for its own use or for the use of its settlements.[2] In the Gaza strip, Israel also forbids Palestinians from digging any new agricultural wells, while settlers continue to dig wells at will. As a result, annual per capita consumption of water among settlers in the Gaza strip is 1,000 cubic metres, compared to 172 per Palestinian.[3] Israeli government subsidies make water available to settlers at one-fourth the price of water for Palestinians in the Gaza strip, despite the enormous income disparities.[4]

Laws

Israelis who commit crimes in the OPT face civil courts in Israel (even though Israeli domestic law should not apply outside the country's borders), while Palestinians from the OPT arrested by Israel face military courts, which fail to meet international standards for fair trials, and are likely to be tortured.[5] Moreover, proper investigations and prosecutions of settler crimes against Palestinians are rare, creating a culture of impunity amongst Israeli soldiers, settlers, and police. Between 9 December 1987 and 1 April 2001, Israeli settlers killed 119 Palestinians in the OPT, yet there were only 6 murder convictions in connection with these cases, and only 1 life sentence.[6] Settlers enjoy the full benefits and protections of citizenship yet live on land that is under belligerent occupation and whose inhabitants are mostly stateless.

Right to Education

Implications of Israeli aggression on the right to education are tremendous:

Two Palestinian universities were shut down by Israeli occupation authorities on Wednesday, January 15, 2003.

Consequences:

- 3899 Palestinian students, who are currently enrolled at Hebron University, are forcibly denied their right to higher education.
- 2533 Palestinian students, who are currently enrolled at Palestine Polytechnic University, are forcibly denied their right to higher education.
- 298 students below the age of eighteen have been killed
- 149 university and college students have been killed
- 214 students below the age of 18 have been detained
- 383 university and college students have been detained
- 2767 students below the age of 18 have been injured, many with permanent disabilities
- 684 university and college students have been injured
- 3 schools have been turned into military barracks
- 269 schools have been raided
- 3 universities have been broken into
- 9 schools have been totally closed
- 1125 schools and nearly all higher education institutions have suffered suspension of study

Freedom of movement

After the Oslo accords, Israel built "bypass roads" (off-limits to Palestinians) to link settlements to Israel, disrupting the contiguity of Palestinian areas. At intersections with Palestinian roads, the Israeli army sometimes stops all Palestinian traffic for Israeli motorists. Moreover, Palestinian construction is prohibited in a buffer zone along these roads. In the West Bank alone, there are 340.8km of bypass roads, which, with buffer zones, cover 51 square kilometers. Settlers can commute to and from Israel with ease, while Palestinians must encounter checkpoints simply to visit neighbouring communities.

All Israeli settlements in the OPT are illegal under the Fourth Geneva Convention.[7] This has been repeatedly affirmed by the UN and signatories of the Convention, except Israel. Under international humanitarian law, it is illegal for an occupying power to transfer parts of its own population into territory it occupies, nor is it permissible to introduce any permanent changes to an occupied territory that are not for the benefit of the occupied population.

According to satellite imagery, there are some 308 Israeli built-up areas in the OPT, excluding military sites, of which at least 26 are in the Gaza strip.[8] Approximately 400,000 settlers live in the OPT, half of them in or around east Jerusalem. Most settlers benefit from generous government incentives, including tax breaks, grants and loans for land and construction, subsidies for water and agriculture, free schooling, and preference in government jobs. Yet despite the burdens placed on the Israeli state budget for settlers, there is a surplus of at least 4,000 housing units in the OPT.[9] Many settlers are also armed by the Israeli government.

All settlements are equally illegal. Those in annexed east Jerusalem (often referred to as "Israeli neighbourhoods" of Jerusalem) are no less illegal than other settlements. Israel's unilateral annexation of east Jerusalem has not been recognised by any other government. Moreover, while the Israeli government calls settlements established without its explicit authorisation "illegal," this distinction is meaningless; all of the settlements are illegal under the Fourth Geneva Convention.

The Oslo accords legitimised settlements by deferring them to "final status negotiations." The Oslo accords did not require Israel to withdraw from a single settlement in the OPT; rather, Israel expanded its settlements at an unprecedented pace, increasing the number of settlers by 72% from September 1993 to March 2001 (excluding east Jerusalem), with a peak in construction under Prime Minister Ehud Barak. At least 25 new settlements were established by the Israeli government in the West Bank alone between February and October 2001. In implicitly accepting the legitimacy of the settlements, the Oslo accords violate the Fourth Geneva Convention, which cannot be superseded by any special agreements.

[1] Sara Roy, *The Gaza Strip: The Political Economy of De-Development*, 1995, p. 178.

[2] Palestinian Hydrology Group, http://www.phg.org/report_02.html.

[3] Ibrahim Mater, "Jewish Settlements, Palestinian Rights, and Peace – Information Paper Number 4," *Centre for Policy Analysis on Palestine*, January 1996, p. 12.

[4] Jeffrey Dillman, "Water Rights in the Occupied Territories," *Journal of Palestine Studies*, Fall 1989, p.55.

[5] Under the Oslo accords, the Palestinian National Authority (PNA) has no jurisdiction over Israeli settlers, even though all settlements in the OPT are illegal under international humanitarian law.

[6] B'Tselem, "Summary of investigations and trials in cases where Palestinians were killed by Israeli civilians," http://www.btselem.org/english/Israeli_Civilians/Trials_of_Is.asp.

[7] "The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies," (Article 49, paragraph 6).

[8] Geographic Information System, Applied Research Institute Jerusalem.

[9] "Fact Sheet: West Bank & Gaza Strip Settlements," *Americans for Peace Now*, www.peacenow.org/nia/briefs/Settlements0301.html.