

Annex I

## Israeli settlements under international law

---

Under international law, Israeli settlements in the occupied Palestinian territory (oPt), including East Jerusalem, are illegal. The illegality of Israeli settlements has been recognised by the international community including through resolutions of the United Nations Security Council and General Assembly, the High Contracting Parties to the Fourth Geneva Convention and the International Court of Justice (ICJ).

## Fourth Geneva Convention

Article 49 (6) of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies".<sup>1</sup>

According to a Commentary produced by the International Committee of the Red Cross (ICRC), this sub-article was intended "... to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race".<sup>2</sup>

A conference of the High Contracting Parties to the Fourth Geneva Convention concerning the application of international humanitarian law in the oPt was convened in July 1999 at the recommendation of the UN General Assembly (Resolution ES-10/6, 24 February 1999<sup>3</sup>). The conference participants (including 114 High Contracting Parties) reaffirmed the illegality of settlements.<sup>4</sup>

## International Court of Justice

In 2004, the ICJ delivered an Advisory Opinion on the legal consequences of the Barrier being constructed in the West Bank, following a request from the UN General Assembly.<sup>5</sup> In the context of this opinion, the ICJ concluded that the Israeli settlements established in the oPt, including East Jerusalem, are in breach of international law.<sup>6</sup> The majority opinion of the Court concluded that "the route chosen by the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council".<sup>7</sup> The majority of justices (14 to one) concluded that the construction of the Barrier and its associated regime in the West Bank is contrary to international law.

## Settlements and the peace process

The construction and growth of Israeli settlements have also been acknowledged as a fundamental obstacle to peace by the international community. For example, in his final report on the Middle-East in December 2006, then UN Secretary-General Kofi Annan concluded that "However, Israel's central failure lay in not halting the settlement enterprise, even though this is a clear phase I obligation under the road map. The continuation and even consolidation of Israeli settlements and related infrastructure on occupied land are the main reasons for the mistrust and frustration felt by ordinary Palestinians, which often find their outlet in violence of one form or another".<sup>8</sup>

In April 2006, the then Secretary-General directly called upon Israel "to cease settlement activity and other actions that could prejudice final status issues, and encourage it to recognize that a peaceful solution in the conflict cannot be imposed unilaterally or outside the framework of a comprehensive regional peace".<sup>9</sup>

## Roadmap obligations

The freezing and/or dismantling of Israeli settlements have been a cornerstone of major peace initiatives. The most recent plan, the Quartet's<sup>10</sup> Roadmap was presented to the Government of Israel (GoI) and the Palestinian Authority (PA) in 2003.<sup>11</sup> The plan, earlier endorsed by the UN Security Council, called upon the parties to fulfil their obligations under the Roadmap to achieve the vision of two States living side by side in peace and security.

The Roadmap contains specific provisions in relation to settlement activity. Under Phase I, the GoI is under an obligation to:

- Immediately dismantle settlement outposts erected since March 2001;
- Freeze all settlement activity (including natural growth of settlements) consistent with the Mitchell Report; and
- Take “no actions undermining trust, including ... confiscation and / or demolition of Palestinian homes and property ... or to facilitate Israeli construction ...”

The second phase of the Roadmap called for the “Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement launched by an international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements ...” was envisaged.

## Examples of UN resolutions, statements and reports on Israeli settlements

### Adopted resolutions

The UN Security Council has not adopted any recent resolutions referring directly to Israel's settlement activity. However, in the 1970's, 1980's and 1990's a number of resolutions were passed including:

- Resolution 904 (1994), adopted following the killing of Palestinian worshippers at Ibrahim Mosque in Hebron by an Israeli settler: “Calls upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers”.
- Resolution 465 (1980): “Deploring the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and occupied Arab territories since 1967”; “Deeply concerned over the practices of the Israeli authorities in implementing that settlement policy ... and its consequences for the local Arab and Palestinian population”; and “Determines ... that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention ... and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East”.
- Resolution 452 (1979): “Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized” and “Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East”.
- Resolution 446 (1979): “Establishes a Commission consisting of three members of the Security Council ... to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem”.

In addition, the UN General Assembly has regularly passed resolutions referring to Israeli settlements following the formation of a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in 1968. In January 2007, the General Assembly once again reaffirmed that “Israeli settlements in the Palestinian territory, including East Jerusalem, ... are illegal and an obstacle to peace and economic and social development” and demanded “the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory”. The General Assembly also expressed its grave concern “about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory”.<sup>12</sup>

## UNSC Commission Report

Under Resolution 446 (1979) the UN Security Council established a commission to examine the situation relating to settlements in the "Arab territories" since 1967, including East Jerusalem. Among the Commission's conclusions and findings were:

The Golan Heights is engaged in willful, systematic and large-scale process of establishing settlements in the occupied territories.

- In addition to private contributions coming mostly from outside Israel, the financing of the settlement policy is essentially a governmental matter.
- The settlement policy has brought drastic and adverse changes to the economic and social pattern of the daily life of the remaining population.
- The pattern of the settlement policy is causing profound and irreversible changes of geographical and demographic nature in those territories, including Jerusalem.
- In view of the magnitude of the problem of settlement and its implications for peace in the region, the Security Council should keep the situation under constant survey.

## Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967

Professor John Dugard, Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, concluded that settlements represent a new form of colonialism. His January 2007 report found that "Today there are over 460,000 Israeli settlers in the West Bank and East Jerusalem. Moreover, Israel has appropriated agricultural land and water resources in the West Bank for its own use. This aspect of Israel's exploitation of the West Bank appears to be a form of colonialism of the kind declared to be a denial of fundamental human rights and contrary to the Charter of the United Nations as recalled in the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960 (Resolution 1514 XV)." <sup>13</sup>

## Endnotes

- <sup>1</sup> Israel has occupied the Gaza Strip, West Bank and East Jerusalem since 1967. As the Occupying Power, Israel is bound by a number of principles of international humanitarian law including the Hague Regulations annexed to the Fourth Hague Regulation Respecting the Laws and Customs of War on Land and the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949.
- <sup>2</sup> ICRC, *Commentary, IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War*; (ICRC, 1958), p. 283.
- <sup>3</sup> UN General Assembly Resolution ES-10/6, *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory* (A/RES/ES-10/6), 24 February 1999.
- <sup>4</sup> ICRC, Annexe I: Conference of High Contracting Parties to the Fourth Geneva Convention Declaration, Geneva, 5 December 2001.
- <sup>5</sup> UN General Assembly Resolution ES-10/14, 2003.
- <sup>6</sup> ICJ, *Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004 (A/ES-10/273), para 120.
- <sup>7</sup> Op. cit, para 122.
- <sup>8</sup> UN Security Council, *Report of the Secretary-General on the Middle East*, 11 December 2006 (S/2006/956) at para. 18.
- <sup>9</sup> Message to the United Nations Seminar on Assistance to the Palestinian People, Cairo, 26 April 2006.
- <sup>10</sup> The Quartet consists of the UN, the US, the EU and Russia.
- <sup>11</sup> The Quartet, "A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict", S/2003/529.
- <sup>12</sup> UN General Assembly Resolution 61/118. *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan* (A/RES/61/118), 15 January 2007.
- <sup>13</sup> Advance Edited Version, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, A/HRC/4/175, 29 January 2007.



## Israeli presence in the West Bank geo-database: features definition, geographical data and sources

---

OCHA has gathered together numerous primary resources (satellite imagery, topographic maps, Israeli Central Bureau of Statistics data, etc.) and has constructed a geo-database detailing all facets of the Israeli presence in the West Bank, including:

- Settlements
- Outposts
- Land cultivated by Israelis
- Military bases
- Closed military areas
- Fenced military buffer zone
- Nature reserves
- Roads primarily for Israeli use
- The Barrier / closed areas

This annex describes each of these categories, their geographical definition, the data they are associated with (quantity, area and population) and their respective sources.

## Feature definitions and sources

### 1987 - 2005 Settlement built-up areas

#### Sources

- 2005: Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.
- 1987: Soviet Military Maps (1:50,000) available at the Berkeley University Library website. (<http://www.lib.berkeley.edu/EART/israel/israel50k.html>)

#### Definition

The settlement built-up area represents only the settlement urban fabric such as residential areas, shopping centres, schools, infrastructure and at times industrial zones.

#### 2005 Example

Mevo Dotan built-up area (Jenin governorate)



#### 1987 Example

Features drawing based on settlement built-up information contained in 1987 Soviet Military Maps (1:50,000). This information has been adapted by photo-interpretation from the Spot Panchromatic Image captured in March 2005. This explanation is also valid for the 1987 outer limits as described on the opposite page.

Maccabim built-up (located in No Man's Land)





## 1987 - 2005 Settlement outer limits

### Sources

- 2005: Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.
- 1987: Soviet Military Maps (1:50,000) available at the Berkeley University Library website. (<http://www.lib.berkeley.edu/EART/israel/israel50k.html>)

### Definition

The built-up areas are encircled by a track, a road or a fence which defines the settlement outer limits or current physical perimeter. However, for some settlements – especially in East Jerusalem – the road network does not clearly encircle any land around the urban fabric. In these cases, the line marking the settlement outer limits follows the edge of the defined urban fabric (built up). See below the 1987 outer limits of Maccabim, the outer limits and the built-up are in some parts the same.

### 2005 Example

Mevo Dotan outer limits perimeter (Jenin governorate)



### 1987 Example

Maccabim outer limits (located in No Man's Land)



## Outpost outer limits in 2005

Sources	Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.
Definition	The outpost outer limit represents land encircled by one or several roads that start from and end up at any group of caravans (or in a few cases permanent structures) which are home to settlers.
Example	Bracha A outer limits (Nablus governorate)



## Land cultivated by Israelis in 2005

Sources	Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.
Definition	Land cultivated by Israelis within the vicinity of settlements. These areas are not located outside the settlements and outposts outer limits. This coverage was obtained by photo interpretation of the 2005 March panchromatic satellite image and verified in the field.
Example	Land cultivated by Israelis nearby Ro'i settlement (Tubas governorate)



## Military bases outer limits in 2005

Sources	Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.
Definition	The outer limit represents land encircled by one or several roads that start from and end up at any Israeli military buildings.
Example	Military base outer limits (Bethlehem governorate)



## Closed military areas (Fire zones)

Sources	2002-2004 <sup>2</sup> Survey of Israel topographic maps (1:50,000)
Definition	Area under IDF control. According to the Survey of Israel topographic maps, the entry into a fire zone is forbidden.
Example	Closed military areas in the Jordan Valley

Fire zones –  
Entry forbidden

★ ★ ★ ..... משטרה, מגן דוד אדום, בית חולים  
● ● ● ..... שטח אש – הכניסה אסורה  
▲ ▲ ▲ ..... שדה-מוקשים, שטח השודר במקורש  
+++▲+++ ..... גבול מינלאומי ואכן גבול מסמנת  
+ + + + + ..... קו גבול לטי הסכם השלום 26.10.94

230      232  
180      720      182

A topographic map of the Jordan Valley showing closed military areas (fire zones) in red. A legend on the left explains the symbols used for military zones, including fire zones (red dots), minefields (orange triangles), and international borders (black triangles). A scale bar at the bottom shows distances in meters (180, 720, 182).

## Fenced military buffer zone along the Jordanian border in 2005

### Sources

Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.

### Definition

The fenced military buffer zone is the area located between Road 90 and the Jordan river. Cover obtained by photo interpretation of the 2005 March panchromatic satellite image and verified in the field.

### Example

Fenced military buffer zone in the Jordan Valley



## Israeli designated nature reserves in 2005

Sources

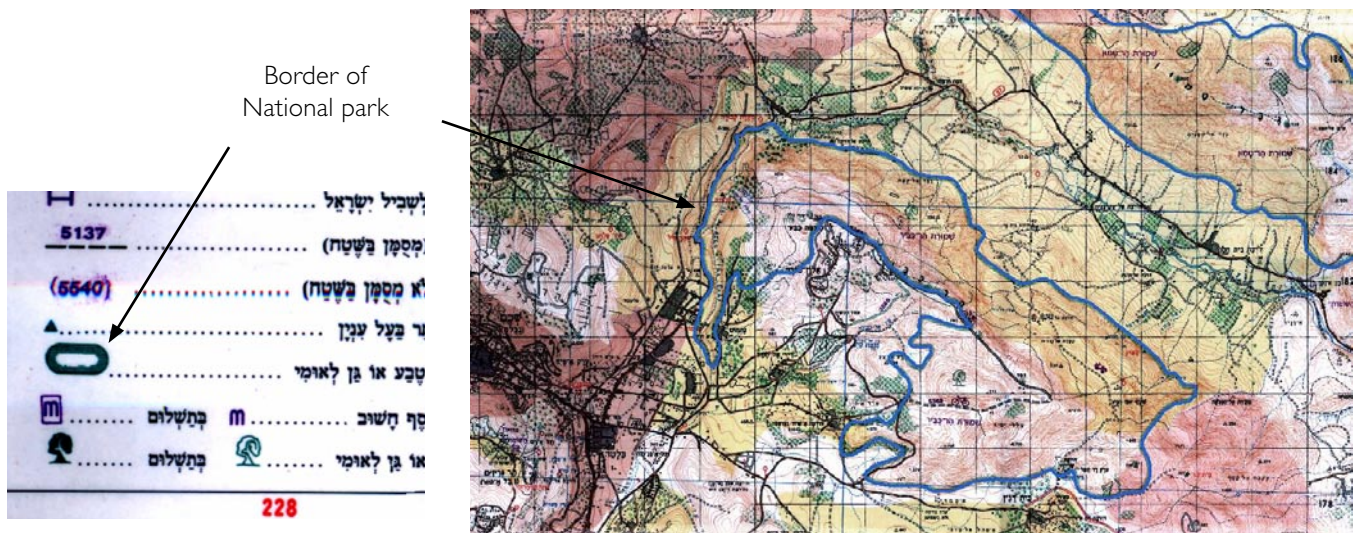
2002 - 2004 Survey of Israel topographic maps (1:50,000)

Definition

"A territory where animals, vegetation, inanimate objects, land, caves, water and landscape, that are of scientific or educational importance, therefore being guarded and protected from unwanted changes in their appearance, their biological composition and or their course of natural development and which the Minister of Interior Affairs declares, according to article 22, to be a Nature reserve". Act of National Parks, *Nature Reserves, National Sites and Commemoration Sites* - 1998. ([http://www.parks.org.il/BuildaGate5/portals/parks/imagesP/sub33/333960627-TblName\\_49\\_0\\_1-a-hokganim.doc](http://www.parks.org.il/BuildaGate5/portals/parks/imagesP/sub33/333960627-TblName_49_0_1-a-hokganim.doc))

Example

Nature reserves located east of Nablus city



## The actual/projected route of the Barrier and 'closed areas' in May 2007

### Sources

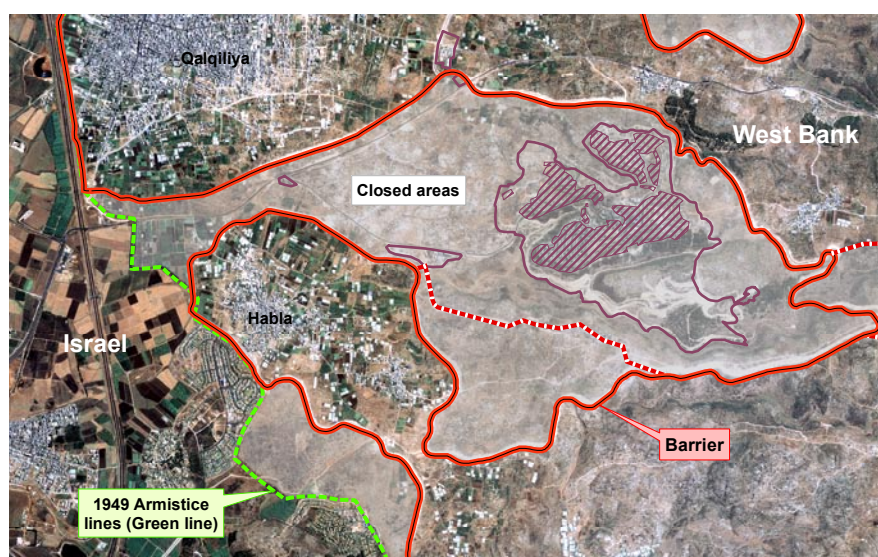
- Israeli Ministry of Defense, *Revised Route of the Security Fence Updated map as of April 30th 2006*. ([http://www.seamzone.mod.gov.il/Pages/ENG/seamzone\\_map\\_eng.htm](http://www.seamzone.mod.gov.il/Pages/ENG/seamzone_map_eng.htm))
- Spot Panchromatic Image (2.5m resolution) captured in June 2006. This satellite image has been made available by the European Commission.
- OCHA field observations in April 2007.

### Definition

Since 2002, the Government of Israel has been constructing a Barrier, which it states is solely a security measure to protect Israeli civilians from Palestinian militant attacks. It consists of nine-metre high concrete walls, ditches, trenches, wire fences, patrol roads and razor wire. The Barrier does not follow the 1949 Armistice lines – the Green Line – but veers significantly eastwards into the heart of the West Bank. Since October 2003, the area between the Barrier and the Green Line has been declared closed by military order. All Palestinians residing there or wishing to enter these areas, including farmers, are required to obtain a permit from the Israeli authorities. Access to these areas is now regulated by a restrictive gate and permit regime. It is expected that this regime will be extended to the rest of the West Bank once the Barrier is completed.

### Example

The barrier around Qalqiliya city & Habla village (Qalqiliya governorate)



## Road primarily for Israeli use in 2005

Sources

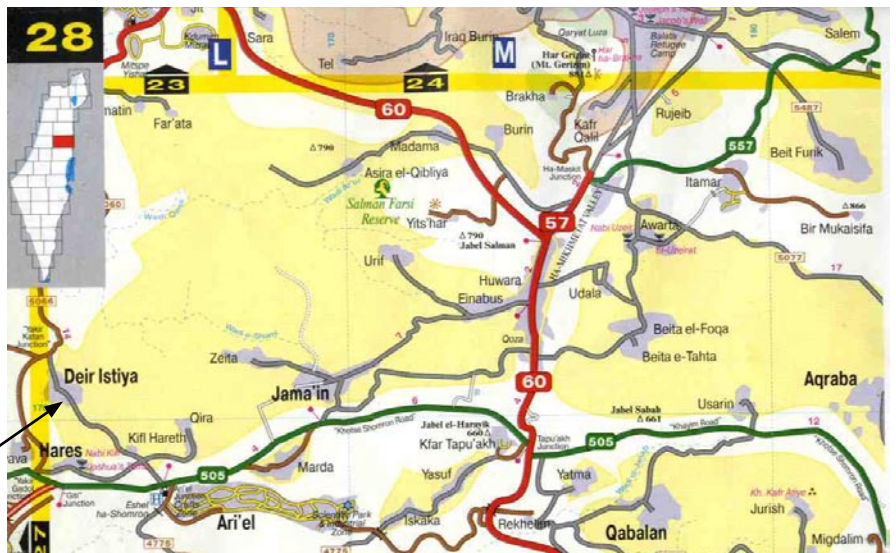
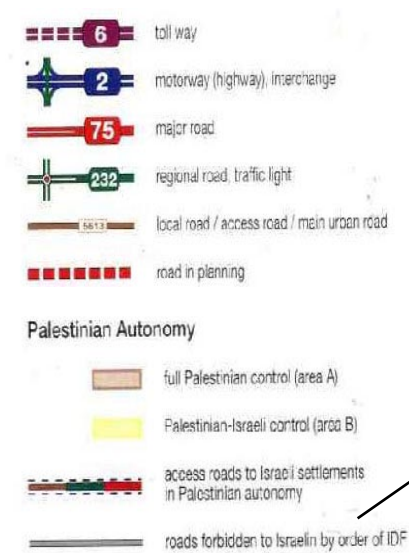
- Israel – the New Road Atlas, MAPA Publisher, Tel Aviv Israel, 2005 edition.
- Spot Panchromatic Image (2.5m resolution) captured in March 2005. This satellite image has been made available by the European Commission.

Definition

By order of the IDF (see below legend taken from Israel – the New Road Atlas), Israelis are allowed to travel only on certain roads in the West Bank. These roads interconnect the features of the Israeli presence in the West Bank already defined in this Annex and seamlessly link to the road network in Israel (roads bear the same name and number in both areas). On this road network, Palestinian use is generally partially or totally prohibited.

2005 Example

Road network primarily for Israeli use in the Northern West Bank



## Closures

Sources

OCHA observations in the field. Closures are collected using a Global Positioning System (GPS)

Definition

See Inset pp. 64-65.

Example

See Inset pp. 64-65.

## Geographical measurements, placename and population sources

### Area and names

Calculation of area covered by Israeli infrastructure	Land areas covered by each feature of the Israeli presence in the West Bank geo-database is calculated using Esri Arc Map software tools.
Source of placenames	<ul style="list-style-type: none"><li>- 1996-Feb. 2004 Peace Now Outpost map. (<a href="http://www.peacenow.org.il/site/Windows/imagePOPUP.asp?pi=60&amp;img=http://www.peacenow.org.il/data/SIP_STORAGE/files/9/349.jpg">http://www.peacenow.org.il/site/Windows/imagePOPUP.asp?pi=60&amp;img=http://www.peacenow.org.il/data/SIP_STORAGE/files/9/349.jpg</a>)</li><li>- May 2002 B'tselem Settlement built-up and land reserves map. (<a href="http://www.btselem.org/Download/Settlements_Map_Eng.pdf">http://www.btselem.org/Download/Settlements_Map_Eng.pdf</a>)</li><li>- "Jerusalem on the map", a report written by R.Nasrallah, R.Khamaisi and M.Younan, The International Peace and Cooperation Center Jerusalem, 2003, p.20.</li><li>- 1987-2004 Jerusalem Institute for Israel Studies map of Jerusalem - Quarter, sub-Quarters and Statistical Areas.</li></ul>

### Sources of population in residential areas

Settlement population	<ul style="list-style-type: none"><li>- Y. Courbage (Institut National d'Etudes Démographiques) – OCHA compilation and retroprojection<sup>3</sup> based on 1987 Statistical Abstracts of Israel Central Bureau of Statistics (ICBS).</li><li>- From 1988 to 1995: Y. Courbage (Institut National d'Etudes Démographiques), compilation of Palestinian Central Bureau of Statistics (PCBS), Israeli Settlements in Palestinian Territory, 2004. <a href="http://pcbs.org/settlements">http://pcbs.org/settlements</a>)</li><li>- 1996-2003: B'Tselem compilation of ICBS data, 1996-2003 Statistical Abstracts of Israel (<a href="http://www.btselem.org">http://www.btselem.org</a>)</li><li>- 2004 : B'Tselem compilation of ICBS data. For East Jerusalem: OCHA estimation of 2004 population from the 2003 Statistical Yearbook of Jerusalem of the JIS (Jerusalem Institute for Israeli Studies).</li></ul>
Population growth rate in Israel	<ul style="list-style-type: none"><li>- Israel in figures, 2005. (<a href="http://www.cbs.gov.il/publications/isr_in_n05e.pdf">http://www.cbs.gov.il/publications/isr_in_n05e.pdf</a>)</li></ul>



## Endnotes

1. Panchromatic: white and black image. However, a RGB (color) image captured in December 2003 has been used in this technical paper for readability purposes.

2. Compilation based on 139 of the 149 settlements existing in the West Bank. Demographic information not available in Statistical Abstracts of Israel (ICBS) for 9 settlements; excludes Maccabim settlement of which population is merged with the population of a city located in Israel and the 17 industrial/commercial settlements or areas for recreation or quarrying).

3. Small population numbers (less than 200 people) are not listed in ICBS 1987 Statistical Abstract of Israel. To estimate the 1987 missing population numbers, the 1996-2004 average growth rate has been calculated. Then, the subtracted results have been further compared with available numbers for the same localities for years between 1988 and 1996.



Annex 3

## Governorate map and source of other geographical features

---

## Governorates in the West Bank



## Source of other geographical features

(ex: 1949 Armistice lines, Jerusalem municipality boundary, Palestinian governorate boundaries, Palestinian built-up, etc.)

Palestinian Authority Ministry of Planning, July 2000. Updated by OCHA between 2004 and 2007.



United Nations

Office for the Coordination of  
Humanitarian Affairs (OCHA)

OCHA - occupied Palestinian territory (oPt)

P.O. Box 38712 East Jerusalem.

Phone: (972) 2 - 5829962

Fax: (972) 2 - 5825841

Email & website: [ochaopt@un.org](mailto:ochaopt@un.org), [www.ochaopt.org](http://www.ochaopt.org)