

Report: Settlements Are Israeli War Crimes

by Dean Andromidas

The Israeli military has started to enclose the eight major Palestinian cities in the West Bank with barbed wire and earthen walls, allowing each only one entrance, and creating a system of ghettos, like the Jewish ghetto created—and then destroyed—by the Nazis in Warsaw. Only those Palestinians with special passes issued by the Shin Beth intelligence service will be allowed to leave and return to these ghettos. The cities, where the vast majority of the Palestinian population resides, include Hebron, Bethlehem, Ramallah, Jericho, Nablus, Jenin, Tulkarm, and Qalqilya.

Trucks carrying goods will not be allowed to travel directly from one to another, but will have to be unloaded at special stations and their cargo transferred to trucks from the destination city. This also will be the case for international relief organizations. The new regulations will affect tens of thousands of Palestinians who live in one city and work in another, such as medical personnel and teachers, not to mention students and people wishing to visit friends and relatives. These ghettos will cause the death rate to rise, as those who require medical assistance will not be able to go to hospitals in other cities.

Nigel Roberts of the World Bank attacked these new measures, saying, “The closures have already had a devastating effect on the economy, and this will contribute to the impoverishment of the Palestinians and all the negative consequences that go with that.”

The Israeli government claims the system is supposed to prevent “Palestinian terror,” by severely restricting the movement of “unauthorized” Palestinians who might enter Israel in order to blow themselves up. But, in reality, the purpose has nothing to do with the current security situation. Just like that of the Nazis in 1940, when they conceived the establishment of the Warsaw Ghetto, Sharon wants to herd the unwanted Palestinians into their ghettos—and thence into Jordan.

This justification echoes the policy of SS Gen. Jürgen Stroop, who wrote in his May 1943 report, “The Warsaw Ghetto Is No More,” that the establishment of the ghetto was justified in order to prevent Jews from “crossing the frontiers without permission and illegally,” and that this method was “suitable for dispelling the dangers which emanate repeatedly from the Jews.” Stroop led the Nazi extermination of the Warsaw Ghetto in 1943.

Ya’acoub Shahin, Palestinian Authority spokesman in

Bethlehem, said, “This must be the penultimate step before the appearance of real Nazi-like concentration camps. The question is, should the world wait until this happens? Their goal is simply to make life unbearable for the average Palestinian citizen, so much so that he will be forced to contemplate emigrating from his homeland.” But, he added, “I assure you that this won’t happen, because this is our motherland.”

It is not to be suggested that Sharon will construct concentration camps with gas chambers and ovens. But, he does plan to drive the Palestinians into Jordan, the country that Sharon calls the “Palestinian state.” He will not use boxcars to transport them, if only because there are no railway connections; but, he warn that he will launch a new regional war to force the Palestinians to flee.

Sharon’s policy involves a Class A war crime, but one which only culminates a criminal process, of which he has been the leading proponent: the establishment of Jewish settlements on the occupied territories. The Israeli human rights organization, B’tselem (the Israeli Information Center for Human Rights in the Territories) has published an important report: “Land Grab: Israel’s Settlement Policy in the West Bank.”¹ Compiled by Yehezkel Lein, it details the method by which Israel has seized almost 60% of the territory of the West Bank, where over 2 million Palestinians live. This 60% is off-limits to any Palestinian, and constitutes the territory that Sharon never intends to turn over to the Palestinians. The only Prime Minister who was seriously prepared to turn that territory over, was Yitzhak Rabin, who was assassinated on Nov. 4, 1995, on the eve of making such a decision.

The report demonstrates that the intent of the settlement policy was not only to annex the vast majority of the territories into Israel, but to accomplish that through systematically confining the Palestinian population in bantustan-like cantons which do not extend beyond the municipal boundaries of the major Palestinian cities and towns.

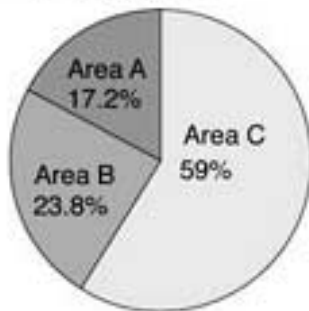
A War Crime by No Other Name

The B’tselem report spells out Israel’s violation of international laws recognized by the United States and the rest of the international community. For almost four decades, Israel has been in violation of these laws—the same laws that sent Yugoslav President Slobodan Milosevic to the international court in The Hague.

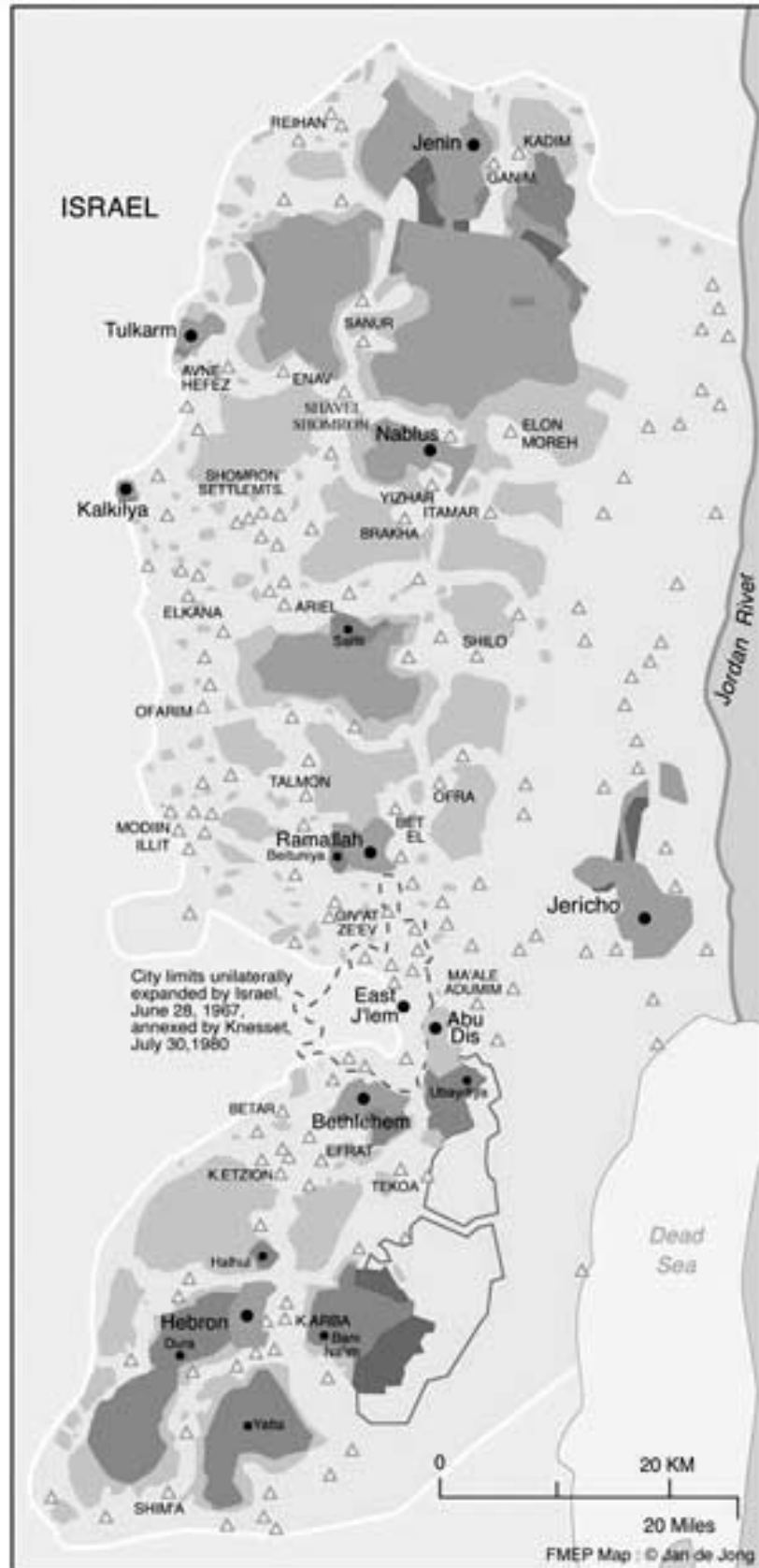
The settlements violate two fundamental instruments of international law: The Hague Convention on the Laws and Customs of War on Land, with its attached regulations, of 1907; and the Fourth Geneva Convention Relative to Civilian Persons in Time of War, of 1949. The Hague Convention was drafted largely as a result of the international outrage generated by Great Britain’s brutal prosecution of the Boer War against the Afrikaners of South Africa. The Geneva Convention was drafted to ensure that the horrors of World

1. The full report, including a detailed map, is available at www.btselem.org.

The Division of the West Bank



The Palestinian cities and towns of Areas A and B appear as ifbantustans, which are now being turned into strictly-controlled ghettos. The lightest areas, those of Israeli settlement and settlement-council control, dominate the West Bank as a whole.



War II would not be repeated.

Article 49 of the Fourth Geneva Convention forbids the “forcible transfer” of protected persons within the territory of occupation, while “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” The International Red Cross has rendered the most widely accepted interpretation of this section: “It is 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.”

The Hague Convention states: “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forest and agricultural estates belonging to the hostile state, and situated in the occupied country. It must safeguard the capital of these properties and administer them in accordance to the rules of usufruct.” The terms “administer” and “usufruct” by definition forbid the occupying state “*inter alia*, to change the character and nature” of these properties. In other words, its use must clearly be limited by the “temporary” nature of occupation.

The objective of these regulations is to protect the local population, that it not be harmed by another population settling on their land, seizing their land, extracting natural resources, and harming their economic development.

The B’tselem document shows how the settlement policy violates fundamental rights as defined in the Universal Declaration of Human Rights, as drafted in two international conventions adopted by the United Nations in 1966: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Both were signed and ratified by Israel. The two UN committees responsible for interpreting these conventions have stated that they also apply to Israel in regards to its occupation of the West Bank and Gaza Strip.

The settlement policy violates especially the Right of Self-Determination. This first article, common to both covenants, states: “All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Secondly, “All peoples may, for their own ends, freely dispose of their natural wealth. . . . In no case may a people be deprived of its own means of subsistence.”

Article 12 of the International Covenant on Civil and Political Rights guarantees a person “the right to freedom of movement, without restrictions in his country.”

These and other internationally recognized inalienable rights are being grossly violated as a result of the closure and Israeli military operations, which constitute “collective punishment”—also a war crime.

The very nature of the Israeli settlement project, for almost 40 years, has been a gross violation which the world has done virtually nothing to rectify.

Decades-Long Land-Grab

The territorial extent of the settlement enterprise detailed in the B’tselem report, demonstrates the dramatic and crushing effect it has on the Palestinian population. Although the settlements are built on only 1.7% of the territory of the West Bank, another 6.8% is designated for settlement in the Israeli national plan for Jewish settlement; beyond that, another 35.1% is land that falls under the jurisdiction of the Jewish local and regional councils, bringing this jurisdiction to a total of 41.9%. This unoccupied land is currently either designated as “state land”—meaning it is controlled by the State of Israel—or purchased “privately” from Palestinians.

To this day, no Palestinian is allowed access to this 41.9% of the land. Under the Oslo Accords, all of this land lies in so-called “Area C,” which is under total Israeli military and civil control, and covers almost 60% of the West Bank. Palestinians have been denied access to this area for decades, and Sharon wants them never to have access. Thus, he speaks of the establishment of a Palestinian state on 41% of the West Bank; this is the territory where Palestinians reside. Under the Oslo accords, this 41%, dispersed and non-contiguous bantustans, comprises the so-called “Area A” under full Palestinian civil and security control, and “Area B,” under Palestinian civil control and Israeli security control.

The Israeli redeployments required in the Oslo Accords have not been carried out, because they would bite into the 60%, of which 41.9% is already considered “redeemed” for the “land of Israel” and parcelled out to the settlements and the regional councils. Since the assassination of Rabin, no Prime Minister has contemplated a second and third withdrawal. The Labor Party’s Prime Minister Ehud Barak, despite all his talk of wanting a peace agreement, refused, as a matter of policy, to even consider the second and third withdrawal, without a final settlement.

Though most of the 41.9% does not have Israeli settlers on it, infrastructure development has gone on continuously—infrastructure aimed at expanding the settlement enterprise further. According to the report, this territory can be divided into four lengthwise strips of territory.

Land and Water

The first is an eastern strip, which includes the Jordan Valley, the shores of the Dead Sea, and the eastern slopes of the West Bank ridge. Although its 5,400 Jewish settlers live within municipal boundaries covering 76,000 dunams of land (7,600 hectares), the regional councils control another 120,000 hectares. This is the area Israel wants to maintain for “security reasons.” Given the peace treaty with Jordan, the security threat is not defined. But, the area is potentially the richest in the region. Its northern half lies on the so-called “mountain aquifer,” and under the Oslo Accords Israel is allowed to pump 40 million cubic liters per annum for the use of the 5,400 settlers—40% of the water that is renewed annually, equivalent to 75% of the total consumption of the

entire Palestinian population of the West Bank! The settlements in the region are agricultural, because, with these water resources, the region is extremely fertile.

Moreover, this is precisely the region where region-wide water development projects can be constructed, that would include Jordan, Israel, Syria, and a Palestinian state, as specified in the LaRouche "Oasis Plan." Although the southern part of the region is a desert, the Dead Sea has tremendous industrial and commercial potential.

The second region is a mountain strip where some 34,000 settlers live within municipal boundaries of 62,000 dunams (6,200 hectares), but the area's four regional councils control another 409,000 dunams. This area was settled under the initiative of Sharon during the various Likud governments. Its main purpose was to ensure that Palestinian-populated areas would not enjoy any contiguity. Many of the settlements here lie along Highway 60, the West Bank's major north-south transport artery.

The third region is the Western Hills strip, which stretches north-south across an area between the Western Border and the Mountain Strip, and the Green Line (the 1967 border). Here, 85,000 Jewish settlers live within municipal boundaries of 110,000 dunams, and a further 264,000 come under the jurisdiction of three regional councils. These settlements serve to blur the Green Line; in many cases, the settlements straddle both sides of the border. These settlements have become bedroom communities for Tel Aviv and other Israeli cities, as has the fourth area around Jerusalem, where 247,000 Jewish settlers live on 130,000 dunams while another 90,000 is controlled by three regional councils.

Much of the territory had been used by Palestinians for agricultural and other purposes, and was seized under various stratagems. The municipal boundaries of Palestinian towns and cities were all redemarcated under the Israeli military occupation, in order to ensure that these communities could not expand; this is what formed the boundaries between Areas B and C. The Israeli Army sent bulldozers to raze any offending building.

Stealing the Land for Redemption

Israel has used such curiosities as "Ottoman Land Law" to steal land, or has cited Jordanian law for the same purpose. There have been notorious fraudulent "land scams," including that of the 1980s with Sharon and his international financier friends, such as Henry Kissinger, at its center. None of these stratagems has been recognized by any international body or other nation; yet Israel asserts that it has "documented," through this sham process, its "title" to 41.9% of the West Bank.

Much of the Israeli infrastructure activity is paid for through the military budget. The other institutions involved are the settlement division of the World Zionist Organization (WZO) and the Jewish Agency, whose aim is to maintain the illusion of the "voluntary" nature of the settlement; but these

agencies' budgets are transferred from the Ministry of Agriculture. Channelling money through the WZO is a way of transferring hundreds of millions of dollars into the settlements, without accounting for it; recall that Israel gets \$3 billion in U.S. military and economic aid annually, none of which can legally be spent on building settlements.

Prime Minister Sharon has been the central figure in building the settlements. Since entering politics in 1977, every ministerial post he has held has furthered his drive to expand the settlement enterprise. In the first Likud government in 1977, as Agriculture Minister, he implemented the "Sharon plan," overturning the more moderate "Alon plan," which had avoided setting up settlements in Palestinian-populated areas. Sharon built settlements in the midst of Palestinian population centers, in order to ensure the cantonization of the West Bank.

This only intensified when he became Defense Minister in the early 1980s. At the end of the 1980s, Sharon became Housing Minister, and he used the famous \$10 billion of U.S. loan guarantees to expand the settlements tremendously. As National Infrastructure Minister in Benjamin Netanyahu's government of 1996-99, he pursued the same drive.

Though treated as an integral part of Israel, the settlements are "Israel with a difference." They receive vastly more resources than any community within the borders of Israel. In fact, the majority of settlers find themselves in settlements for economic, not ideological reasons. The radical settler groups such as Gush Emunim are a minority, and are considered fanatics by many Israelis. In some settlements, over half the population comprises poor, newly arrived Russian immigrants who have been directed to the settlements by the Israeli absorption administrations to live in subsidized housing. Residents of the settlements receive tax deductions, school aid, and other benefits not enjoyed by most Israelis.

The B'tselem report concludes with the recommendation that: all new construction within the settlements be stopped, including building new settlements; construction of new bypass roads and expropriation of land for that purpose be frozen; West Bank areas controlled by the regional councils be returned to the Palestinians; the settlement planning councils be abolished; and the incentives that encourage Israeli citizens to move to the settlements be reversed, so as to entice them to leave them.

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