



Israel: Israel-PLO agreements contain no prohibition whatsoever on the building or expansion of settlements

Are Israeli settlements legal?

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Israeli settlements in the West Bank are legal both under international law and the agreements between Israel and the Palestinians. Claims to the contrary are mere attempts to distort the law for political purposes. Yet whatever the status of the settlements, their existence should never be used to justify terrorism.

The Palestinians often claim that settlement activity is illegal and call on Israel to dismantle every settlement. In effect, they are demanding that every Jew leave the West Bank, a form of ethnic cleansing. By contrast, within Israel, Arabs and Jews live side-by-side; indeed, Israeli Arabs, who account for approximately 20% of Israel's population, are citizens of Israel with equal rights.

The Palestinian call to remove all Jewish presence from the disputed territories is not only discriminatory and morally reprehensible; it has no basis either in law or in the agreements between Israel and the Palestinians.

The various agreements reached between Israel and the Palestinians since 1993 contain no prohibitions on the building or expansion of settlements. On the contrary, they specifically provide that the issue of settlements is reserved for permanent status negotiations, which are to take place in the concluding stage of the peace talks. The parties expressly agreed that the Palestinian Authority has no jurisdiction or control over settlements or Israelis, pending the conclusion of a permanent status agreement.

It has been charged that the provision contained in the Israel-Palestinian Interim Agreement prohibiting unilateral steps that alter the status of the West Bank implies a ban on settlement activity. This position is disingenuous. The prohibition on unilateral measures was designed to ensure that neither side take steps that would change the legal status of this territory (such as by annexation or a unilateral declaration of statehood), pending the outcome of permanent status talks. The building of homes has no effect on the final permanent status of the area as a whole. Were this prohibition to be applied to building, it would lead to the unreasonable interpretation that neither side is permitted to build houses to accommodate the needs of their respective communities.

As the Israeli claim to these territories is legally valid, it is just as legitimate for Israelis to build their communities as it is for the Palestinians to build theirs. Yet in the spirit of compromise, successive Israeli governments have indicated their willingness to negotiate the issue and have adopted a voluntary freeze on the building of new settlements as a confidence-building measure.