

How to Create a State: Israel's Settlement and Immigration Policy

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In June 1967, Israel launched a pre-emptive attack against its neighboring Arab countries, effectively defeating their armies and acquiring control of approximately 70,000 square kilometers from Sinai in Egypt to the west bank of the Jordan River to the Golan Heights of Syria. Within six days, Israel transformed from a small, ethnic Jewish state to a territorial expansionist empire, paving the way for the Zionist ideology of a "Greater Israel" to take full reign of Israeli policy. Land, territory and borders have always been at the heart of the struggle between Israel and its Arab neighbors. What are the final boundaries of the Israeli state? And how can they be maintained? Israel's strategic answer to these questions lies in its immigration and settlement policy in the Occupied Territories.

Forming an Ideological Basis

The issue of settlements within Israel, and later in the Occupied Territories, has been at the heart of the political and ideological Zionist movement prior to the establishment of the state in 1948. The goal has been the "Judaization" of the land within the biblical and historical boundaries of *Eretz-Yisrael*. The means to achieving this goal have been a strong immigration policy to Jewish settlements, strategically inciting the Jewish diaspora to return to its "homeland" in order to gain a strong presence within and subsequent legitimacy of its borders, creating a state. This aspiration was successful in securing the 1948 borders as the Jewish settlement project "swung into full gear with a mission to de-Arabize the country with a drive to control Palestinian Arab land."¹ The settlement project and the large number of new Jewish immigrants changed the demographics of the land, leading to the marginalization of the Palestinians in the area and creating an ethnic and religious conflict that continues to rage today. However, the major source of contention now is the extension of this immigration and settlement policy in the post-1967 Occupied Territories, in which Israel aims to colonize the territory through Jewish immigration and Palestinian exodus² to such an extent that it can claim the land as its own (subsequently subjugating an entire Palestinian population), undermining any hope for a successful Middle East peace process and an end to the fifty-seven year conflict.

Since the inception of the Zionist movement in the late nineteenth century, the settlement issue has been a central subject of debate, naturally causing it to be one of the determining factors in the political functions of Zionism and of the state.³ A year after the publication of Theodor Herzl's pamphlet, *Der Judenstaat*, which proposed the creation of a state for the world's Jews, the first Zionist Congress convened in Basel, Switzerland, to further define Herzl's aspirations of Zionism. In essence, representatives described Zionism as a political movement aiming at the "ingathering of the exiles," or what they described as the persecuted Jewish people of the Diaspora, and the establishment of a Jewish "homeland" in Palestine. (However, the nature of

¹ Yiftachel, Oren. 1998. "Democracy or Ethnocracy: Territory and Settler Politics in Israel/Palstine" [on-line]; available from <http://www.merip.org/mer/mer207/yift.htm>; Internet; accessed 14 March 2005.

² Aronson, Geoffrey. 1990. "Soviet Jewish Emigration, the United States, and the Occupied Territories." *Journal of Palestine Studies* 19 (Summer): 30-45.

³ Will, Donald S. 1982. "Zionist Settlement Ideology and Its Ramifications for the Palestinian People." *Journal of Palestine Studies* 11 (Spring): 37-57.

the “homeland” and the borders of Palestine are left open for interpretation.) Their strategy was to populate Palestine with Jews from around the world, establishing a significant economic and social status that would be the foundation for future political development of a Jewish state. According to the *Declaration of the Establishment of the State of Israel*, the state is “open for Jewish immigration” by virtue of “the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign state.”⁴ Strategically and consciously in accordance to its goals, leaders of the movement conveniently sidestepped the existing Palestinian population of the land.

Through the WZO’s immense efforts to achieve these Zionist goals, Israel’s immigration has become a national legend. Built as a homeland for “a dispersed people and as a refuge from persecution,”⁵ Israel would not exist without a strong, attractive immigration policy. Prior to the establishment of the state, the Jewish people only maintained about seven to eight percent of the land, while about ten percent was under the authority of the British Mandate. However, with the migration of the numerous Holocaust survivors and other diaspora Jews, especially from Europe and the Middle East, the number of immigrants in the newly established state of Israel rose twelve percent during the seven and a half months following state declaration on May 15, 1948, and another twenty percent by 1949. Within the subsequent ten years, almost 950,000 immigrants arrived in Israel, more than doubling the total population.⁶

Initiating Realities

During the 1950s and 1960s, the remaining Palestinian villages and lands that had not been transferred to the state of Israel were strategically encircled by exclusively Jewish settlements (non-Jews were not permitted to purchase housing). More than 700 Jewish settlements were constructed, creating the housing infrastructure for Jewish immigrants who continued to pour into the country. The Jewish Agency and the Jewish National Fund, two organizations that represented world Jewry, were granted legal rights to settle and develop the newly acquired land on behalf of the state and the Jewish people.⁷ Three significant waves of settlements were strategically placed throughout the country in compliance with the goals of Zionism. The first wave, from 1949 to 1952, about 240 communal villages, known as *kibbutzim* and *moshavim*, were built, mainly along the Green Line (pre-1967 borders). The second wave occurred the following decade, in which twenty-seven “development towns” and another fifty-six villages were built and largely inhabited by North African Mizrahi immigrants; many of these Jews were also housed in “frontier” urban neighborhoods, which were either originally Palestinian or adjacent to Palestinian areas. The third wave resulted in the establishment of more than 150 “community” or “private” settlements, known as *yeshuvim kehilatiyim*; these small, suburban-

⁴ Israeli Ministry of Foreign Affairs. 1948. “The Declaration of the Establishment of the State of Israel” [on-line]; available from <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Establishment%20of%20State%20of%20Israel>; Internet; accessed 14 March 2005.

⁵ Sharkansky, Ira. *Policy Making in Israel: Routines for Simple Problems and Coping with the Complex*. Pittsburgh, Pa.: University of Pittsburgh Press, 1997; p. 71

⁶ *Ibid.* p.71

⁷ Yiftachel, p. 10.

like neighborhoods were located in prime areas on both sides of the Green Line in order to “Judaize” Israel’s so-called hostile frontiers with the typical rhetoric of national security.⁸

A major incentive for the Jewish Diaspora to emigrate to Israel was the automatic citizenship and rights they received upon entering the state. At the same time, immigration for the state is an ideological process that encompasses economic and cultural benefits for the stability and naturalization of the state of Israel. In 1950 the Israeli government established the Law of Return, which stated that “[e]very Jew has the right to come to this country.”⁹ Additionally, the law confers Israeli citizenship on any diaspora Jew, or any person who can prove relation to one female Jewish grandparent, thereby allowing them to make *aliyah* or unhindered immigration to Israel and representing the claim to a nation beyond its defined state borders.¹⁰

Further motivation for diaspora Jews to come to Israel includes the assistance they receive during the immigration process as well as the period of adjustment to life in Israel. Throughout the years, Israeli representatives in certain countries or clerks at Israeli ports of entry have processed entry into Israel for immigrants. These immigrants to Israel also receive automatic entry permits as well as help with transportation, shipment of their belongings, housing, language training, medical insurance and job placement or retraining. In addition, they receive loans or grants to help them through the period of acclimatization and possible unemployment.¹¹

Acquiring New Territory to Increase Efforts

With the new acquisition of Arab land after the June 1967 War, Israel boosted its settlement and immigration policy, expanding both the area and the Jewish population of the Occupied Territories. It unilaterally expanded its eastern borders from six and a half squared kilometers to seventy and a half squared kilometers (the former Jordanian boundaries), including lands from many West Bank cities while avoiding populated Palestinian areas. Since occupation it has either confiscated or declared over fifty-five percent of the West Bank and twenty-five percent of Gaza as closed areas. According to 2004 reports, there are currently 380,000 settlers in the West Bank and Jerusalem living in approximately 163 settlement locations. The Israeli government has made the policy of settlement expansion a political priority by providing it with significant political, organizational and economic support.¹² They have also expropriated extensive areas of the West Bank – including urban, agricultural, forested and desert lands – in order to implement the settlement projects. In fact, many properties of absentee landowners (mainly those people

⁸ *Ibid.*

⁹ Israeli Ministry of Foreign Affairs. 1950. “Law of Return 5710-1950” [on-line]; available from http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950; Internet; accessed 14 March 2005.

¹⁰ Jones, Clive. *Soviet Jewish Aliya, 1989-1992: Impact and Implications for Israel and the Middle East*. London: Frank Cass & Co., 1996; p. 9. Since the passage of the law on July 5, 1950, it has been amended to keep out certain Jews deemed undesirable, but has not been changed to define Jewishness in the way Orthodox activists desire. It has actually expanded to allow immigration rights to a range of non-Jews with close family ties to Jewish immigrants, especially in response to the high rate of mixed marriages among many immigrants

¹¹ Sharkansky, p. 72. Assistance plans to new waves of immigration are specialized according to the needs of the particular group of *oleh* (Jewish immigrant to Israel), which subsequently raises debates among Israeli officials and politicians.

¹² MIFTAH. 2005. “Israeli Settlements” [on-line]; available from <http://www.miftah.org/Display.cfm?DocId=6732&CategoryId=4>; Internet; accessed 11 March 2005.

who were not in the West Bank during the time of Israeli occupation, and have subsequently not been allowed back into the area since the occupation) and land belonging to Palestinians who fled after the war have been confiscated on grounds of “security,” frequently being turned into settlements or housing centers soon afterwards.¹³ Settlement activity has, therefore, continued unceasingly under every Israeli administration, even in the face of accepted peace initiatives calling for their cessation and dismantlement.

As a direct result of the Palestinian-Israeli conflict, the danger of living in settlements in the Occupied Territories has created numerous problems in retaining the number of Israeli citizens in the area, as well as attracting more migrants to the territories. However, Israel has overcome this impediment by implementing a consistent and systematic policy intended to encourage its citizens to move to the West Bank and Gaza, mainly by granting financial benefits and other incentives, either directly or through the Jewish local authorities. Aside from the high security costs, government expenditures to new migrants and immigrants in the territories include low purchasing prices, mortgage grants up to ninety-five percent of the cost of living in the area and priority ‘A’ categorization, meaning state-subsidized benefits and incentives, such as tax breaks, free schooling and school busing and business grants.¹⁴ Six government ministries provide the financial benefits and incentives for living in the region: the Housing and Construction Ministry provides loans for the purchase of apartments; the Education Ministry gives incentives to teachers and free student transportation; the Industry and Trade Ministry offers grants for investors; the Labor and Social Affairs Ministry attracts social workers through incentives; the Finance Ministry reduces income tax for settlement residents; and the Israel Lands Authority, which is accountable to the Ministry of National Infrastructure, reduces the price for land leasing.¹⁵

According to a May 2002 report released in the Israeli newspaper Ha’aretz, the Knesset approved thirty million NIS (the Israeli Shekel exchange rate) for settlement-related activities, seventeen and a half million NIS for agriculture development in the West Bank, eight and a half million NIS in grants to young people who settle in the Jordan Valley and Golan Heights and about three and three quarter million NIS for increasing security in the territories. Additionally, the Ministry of Interior has increased the grants allocated to local authorities in the territories, making it relative to those funds provided for communities within Israel. In 2000, for example, the average per capita grant to the Jewish local councils in the West Bank was approximately sixty-five percent higher than the average per capita grant to local councils inside Israel; the discrepancies for regional councils exceed this statistic with the average per capita grant in 2000 in the West Bank regional councils being about 165 percent of that for a resident of a regional council inside Israel.¹⁶ By providing such attractive living resources and opportunities, Israel is able to maintain a sizeable settler population in the territories in conjunction with its ideology and political goals.

¹³ “Palestinian Emigration and Israeli Land Expropriation in the Occupied Territories.” 1973. *Journal of Palestine Studies* 3 (Autumn): 106-118; p.114.

¹⁴ MIFTAH. “Israeli Settlements.”

¹⁵ *Ibid.*

¹⁶ *Ibid.*

Integrating Religion into Politics

Political forces and personalities in Israel have pecked at the issue of settlements consistently – supporting, criticizing and manipulating the role they should play in solidifying the boundaries of the state and its role in the international community. However, Israeli authorities have made few official statements on the future of these occupied areas, except reiterating that they remain “the subject of negotiation in the framework of a peace settlement.”¹⁷ But internal outlooks on the subject have revealed that the conquest of the land has been intrinsic to political Zionism both in terms of security and the natural right to the ancient Hebrew kingdoms. Israeli governments have successively and alternatively used “the security argument and the biblical plea to support the policy of retaining control on and creating Jewish settlements in the Occupied Territories.”¹⁸ Moshe Dayan, Israeli Defense Minister during 1967 proclaimed that “[a]ll the areas we [Israel] have taken are dear to us,” citing Jewish history and Israeli security as reasons for retaining a permanent Jewish presence by settlement of this region.¹⁹ In terms of the biblical argument, Israel’s Chief Sephardic Rabbi responded to a question concerning the status of the Occupied Territories as land that was “promised to us [the Israelis] by the Almighty and all the prophets foretold its return to us. Therefore, it is forbidding for any Jew ever to consider returning any part whatsoever of the land of our [the Jewish people’s] forefathers.”²⁰ This ideology is pertinent to the attraction of religious settlers in the Occupied Territories. For example, the extremist, mostly religious, view has been the right of the Jewish people to sovereignty – absolute, national sovereignty with no imposed limitations – over every foot of *Eretz-Yisrael*. According to a London *Times* interview of a settler council representing forty settlements in the Occupied Territories, settlers “consider[] any proposal intended to hand over parts of Eretz-Yisrael [sic] to foreign sovereignty as a disavowal [sic] of the Jewish people’s destiny and the aims of the Zionist enterprise, and as an illegal act.”²¹

Since the beginning of occupation, Israel has maintained a strategic vision for the future of the Occupied Territories. Its goals were clearly expressed, even with the more “conciliatory” Labor party in power, in a 1970 government publication entitled, *Judea and Samaria: Guidelines for Regional and Physical Planning*. The report stated: “[I]n the course of the Six Day War, new territories to the north, center, and south of the former boundaries of the State of Israeli were *liberated*. For the first time in twenty years, the West Bank of the Jordan [River] has become a *natural entity*.”²² The report continued to list the state’s central planning objective to be “the development of the periphery of Samaria and Judea so that it may become integrated with the rest of the country.”²³ The guidelines outlined in this publication reflect the deep-rooted perception of Eretz-Yisrael as a single, united mission and ideology. This view was not only found in the traditional Zionist “maximalism,” but also found a stronghold in all the main Israeli

¹⁷ “Palestinian Emigration and Israeli Land Expropriation in the Occupied Territories.” p.111.

¹⁸ Agwani, M.S. “Goals, Means and Patterns of Israeli Settlements in the Occupied Arab Territories.” *The Israeli Settlements in the Occupied Arab Territories*. Cairo: The American University in Cairo Press, 1985; p. 95.

¹⁹ *Ibid.* p. 94.

²⁰ *Ibid.*

²¹ Will, p. 55.

²² Abdulhadi, Rami S. 1990. “Land Use Planning in the Occupied Palestinian Territories.” *Journal of Palestine Studies* 19 (Summer): 46-63; p. 47.

²³ *Ibid.* “Samaria and Judea” are biblical references to *Eretz-Yisrael*, which is known to the international community mainly as the Occupied Territories of the West Bank.

political parties. The “whole land of Israel movement,” characterized by territorial expansion and imperial domination in the Middle East, reveals the same expansionist instincts that have helped to sanctify the Zionist principle that “never again should *Eretz-Yisrael* be divided.”²⁴ This new Zionist movement, which, unlike the founding father of modern Zionism who viewed the State of Israel in religiously indifferent terms, has religious roots, often described as the messianic redemptionist or fundamentalist trend. It transposes the “rhetoric of Herzlian Zionism from a secular aspiration to create a sovereign state for the Jews to the apocalyptic redemption of the whole Land of Israel.”²⁵ Consequently, the territorial conquests of 1967 and the rise in Zionist pride allowed Jewish fundamentalism to develop into a major political and cultural force in Israeli society, in terms of significant influence on the attitudes, commitments and votes of many Israeli citizens. The movement finds legitimacy for its settlement/colonial outlooks through the holiness and territorial wholeness of *Eretz-Yisrael*. National Identity is not just a socio-cultural reality in its ideology, but it also represents a geopolitical and territory ideal.²⁶ In other words, the Israeli-Jewish national identity is actually formed from both a cultural self-understanding of its ethnic and religious background and out of the actual land that the Jews inhabit – land promised to them by God.

In order to ensure the retention of the “promised land,” Israel has used complex legal and bureaucratic mechanisms to take control of more than fifty-five percent of the land in the West Bank, primarily the declaration of Palestinian land as “state land” and seizes control of it, usually without the knowledge of the Palestinian resident.²⁷ This process began in 1979 and is based on the manipulative implementation of the Ottoman Lands Law of 1858, which applied in the area at the time of the Ottoman occupation. Other methods employed by Israel for attaining control of the Occupied Territories include seizure for military needs, declaration of land as “abandoned assets,” and government assistance to private citizens in the purchase of the land on the “free market.”²⁸ The Israeli High Court of Justice generally sanctions these mechanisms for taking control of the land, thereby imbuing these procedures with a mask of legality. In 1978 the WZO even produced a master settlement plan with the goal of incorporating the West Bank into the national Israeli system. It is known as the Drobless Plan, and it simply stated:

There is to be not a shadow of doubt regarding our intention to remain in Judea and Samaria. A dense chain of settlements in the mountain ridge running southwards from Nablus to Hebron will serve as a reliable barrier on the eastern front. This buffer zone of settlements will also create security for settlers in the Jordan valley. Both areas between concentrations of the minority [Arab] population and the area around there must be settled to minimize the danger of the rise of another Arab state in the region.²⁹

Addressing an Ambiguous Border

²⁴ Masalha, Nur. *Imperial Israel and the Palestinians: The Politics of Expansion*. London: Pluto Press, 2000; p. 29.

²⁵ *Ibid.* p. 105.

²⁶ *Ibid.* p. 106.

²⁷ MIFTAH, “Israeli Settlements.”

²⁸ *Ibid.*

²⁹ Abdulhadi, p. 48.

The politico-geographic analysis of Jewish land and its settlement policies highlights two crucial factors of Israeli society: “Israel is a state and a polity without clear boundaries; and the country’s organization of social space is based on pervasive and uneven ethnic segregation.”³⁰ Jewish settlement in the Occupied Territories has ruptured the Green Line as a meaningful border, because Israeli law has been unilaterally extended to each of the settlements located within this boundary. However, the law does not equally protect Palestinians within the territories, creating an ambiguous interpretation of authority. Segregation, racism and implementation of law at Israel's convenience is yet another structured and strategic move to slowly gain legitimacy and control of the area.

The legal and political power of extraterritorial Jewish bodies, such as the Jewish Agency and Jewish National Fund,³¹ and the breaking of state borders turn the notion of “Israel” as a state territorial-legal institution on its head in the broadly accepted meaning of the term. The Green Line, therefore, has been transformed into a “geographical mechanism of separating citizens not from fellow Jews, but from non-citizen Palestinians.”³² In recent years, the Israeli government has introduced new strategies for blocking “Arab invasion” of state lands within the Green line – all in the name of security. These strategies would combine the development of small Jewish settlements, the establishment of single-family Jewish farms, the sale of Negev land to the Jewish Agency and other diaspora Jews and the application of greater pressure on Palestinian bedouins to migrate to the state-planned towns. Most recently, Israel has been constructing a “security” or barrier wall within the Green Line – not along the pre-1967 border – which surrounds settlements, as well as annexes about fifty percent of Palestinian lands. This act is another direct example of Israel’s persistent policy of expansion, colonization and Judaization of the land.

Furthermore, Israeli politics after the 1967 War has been constantly confronted with the question of what to do with the Occupied Territories and the Palestinian people that reside in them. While debates are rampant between the various political parties over this issue, all factions agree that withdrawal from the territories should be ruled out on both “security” and “historical rights” grounds.³³ At any degree, they all accept and use these arguments to justify the creation of the state of Israel. However, retaining the territories with their large Palestinian population implies an unwanted assimilation of Palestinians, consequently diluting the Zionist goal of an ethnically “Jewish State.” One way Israel addresses these uncertainties and impediments to the creation of a truly ethnic Jewish state in order to extend its control of the region has been through land use planning – the taking control of the lands remaining in Palestinian authority and restricting development to allow Israel to further expropriations – in the Occupied Territories. The ultimate objective of land use planning, land expropriation and settlement policy is the Judaization of the post-1967 territories.³⁴ Two of the major regional plans for accomplishing this goal and suppressing Palestinian rights in the land have been an extensive road network that bypasses or cuts off Palestinian towns and villages while granting special movement for Jewish settlers as

³⁰ Yiftachel, p. 11.

³¹ Both organizations are based in the Jewish diaspora but have the statutory power within Israel to purchase and develop land, build new settlements and provide social services

³² Yiftachel, p. 11.

³³ Will, p. 41.

³⁴ Abdulhadi, p. 46.

well as the full Israeli control over any building and development in the Occupied Territories through the issuance of permits, creating a legal barrier against Palestinian expansion and development.

Realizing the Effects

The dominant influences on Israeli policy in the area of planning include four major factors: demography, security, economic activities and water resources.³⁵ The first issue aims at the radical transformation of the population and land of Palestine in order to establish major networks of Jewish settlements. In order to achieve this transformation, Jewish immigrants are brought to Palestine by political means, following the long-adopted Zionist policy for territorial expansion and control. The second factor, security, is an argument by Israeli leaders to justify their demand for “defensible borders” against its Arab neighbors. They aim to prevent the development of a security threat by strategically placing settlements in the Occupied Territories to serve as a deterrent and “squatter” legitimization. Israel can be viewed, therefore, as a “borderless country,” whose borders are defined more by occupation than by internationally accepted geographical lines. A leader of a Zionist settling group emphasized this point in 1975 when he said, “Israel is a country without borders ... The people feel that by coming here they have made this border.”³⁶

Economically, the Israeli government encourages Jewish, both foreign and domestic, investment in the Occupied Territories in the form of loans and financial assistance. For example, any new business opened by an Israeli in the territories will automatically qualify for a loan of up to fifty percent of the necessary working capital at nine percent interest. According to Israeli standards, this is a low rate. Additionally, investors need only put up about twenty percent of their capital.³⁷ Finally, and one of the most important issues, is water resources. Israeli planning policy in the Occupied Territories considers the West Bank as a “water reservoir of Israel,” and settlements are given a greater allocation of the superior water resources. Since the 1967 occupation, Israeli policy-makers have adopted strict measures against Palestinian water utilization, aiming to ban the drilling of artesian wells, putting ceilings on the amount of water to be pumped out of existing wells (and imposing strict penalties for violations) and preventing other drillings of any well for Palestinian agricultural purposes.³⁸ On the other hand, Israeli authorities have encouraged Jewish settlers in the Occupied Territories to drill more artesian wells to meet their demands. In fact, because of the desert geography of the area, the water consumption of the Jewish settlement population (approximately 5,000 inhabitants) is equivalent to seventy-five percent of the water consumption of the entire Palestinian population (approximately two million people) in the West Bank for both domestic and urban uses.³⁹ The land use planning, like the rest of Israel’s policies in the territories, discriminates against the Palestinians while benefiting the Jewish settlers, continuing to achieve the aim of establishing *Eretz-Yisrael*.

Bypassing Legality

³⁵ Abu Ayyash, Abdul-Ilah. 1981. “Israeli Planning Policy.” *Journal of Palestine Studies* 11 (Autumn): 111-123; p. 115.

³⁶ *Ibid.* p. 118.

³⁷ *Ibid.* p. 119.

³⁸ *Ibid.* p. 122.

³⁹ MIFTAH. “Israeli Settlements.”

However, according to numerous United Nations resolutions from the twentieth century and international law, Israel's settlement policy is illegal. Their presence in the Occupied Territories violates international humanitarian law and international human rights law. The first such violation is in accordance with the Fourth Geneva Convention on Rules of War, which was adopted in 1949 following the establishment of the state of Israel and the 1948 Arab-Israeli War. This international treaty outlines regulations on the treatment of civilians during wartime, including hostages, diplomats, spies, bystanders and civilians in territory under military occupation. It also outlaws torture, collective punishment and the resettlement by an occupying power of its own civilians on territory under its military control. In essence, "the occupying power can not make demographic or territorial" changes to the territory it occupies by force.⁴⁰ The Hague Regulations also address this issue by prohibiting an occupying power from undertaking permanent changes to an occupied area. The exceptions to this international law are military needs in the narrowest sense of the term and beneficial changes for the local population. In carrying out its policies in the Occupied Territories, Israel has blatantly violated most of these regulations during its occupation of the West Bank, Gaza and Golan Heights.

To reaffirm these laws, the UN unanimously passed Resolution 242 on November 22, 1967, implying that all Israeli settlements built on Palestinian territory after June 1967 are illegal and must be dismantled unconditionally. It takes a further step, calling on Israel to withdraw its military and civilian presence from all parts of the West Bank, Gaza and East Jerusalem and to return all Palestinian lands that it occupies by force to the pre-1967 borders. However, Israel continues to occupy the territories and build settlements, violating this law and complimentary UN Resolution – the 1979 UN Security Council Resolution 452 – which calls upon "the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."⁴¹

The establishment of these settlements naturally leads to the violation of Palestinian rights, as enshrined in international human rights law. Among other encroachments, the settlements infringe upon the universal rights to self-determination, equality, property, an adequate standard of living and freedom of movement. These are also illegal under the law.

Immediately following the 1967 War, the UNSC adopted Resolution 237 on June 14, 1967, calling on Israel to "ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities."⁴² In response, Israel ignored the declaration, arguing that the return of the displaced population would only aggravate the equal division of Arab and Jewish populations in Israel. This demography statistic is based on the assumption that Jewish immigration maintains an average of 50,000 per annum.⁴³ Furthermore, the Israeli government made a strong push for the emigration of the Palestinians either to other Arab countries or other parts of the world. In a 1973 speech to the Secretariat of the Labor Party, then

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² "Palestinian Emigration and Israeli Land Expropriation in the Occupied Territories," p.111

⁴³ *Ibid.* p. 112

Prime Minister Golda Meir was quoted as saying: “There are extensive areas in Jordan which can be developed for the resettlement of Palestinians.”⁴⁴

Finally, according to Article 8(b)(viii) of the Rome Statute of the International Criminal Court of 1998, “the transfer directly or indirectly by the Occupying Power of parts of its own civilian population into the territory it occupies” constitutes a war crime, indictable by the International Criminal Court.

Disregarding the Local Population

One of the most contentious areas of debate over settlement and immigration has concerned Jerusalem, a holy city that embodies the heart of three major religions: Judaism, Islam and Christianity. Over the centuries, the population of Jerusalem was almost exclusively Arab. But with the foundation of Zionism and the move to settle in Palestine, the gates of the city, as well as the region, opened to Jewish immigration during the British Mandate, subsequently increasing the number of Jewish inhabitants in the city from 30,000 in 1917 to 99,690 in 1946. This number is in relation to the 105,540 Muslim and Christian populations. Thus, by the end of the Mandate, Jerusalem had characteristically changed from an Arab city to a city with an almost equal mixture of Palestinian Arabs and Jews.⁴⁵

With the emergence of the state of Israel in 1948, the demography of Jerusalem and Palestine changed drastically – in an almost radical manner. Whereas the policy consisted of simply permitting Jewish immigration into the country during the British Mandate, the new policy adopted by the new state consisted of the forcible substitution of one population for another.⁴⁶ Basically, Palestinians were evicted from their homes to allow for the settlement of the Jews. The Law of Return and Law of Nationality were soon enacted, barring the repatriation of the Palestinian refugees while granting automatic acquisition of nationality and potential citizenship on arrival in Israel. As a result of these measures, approximately 94,000 Jewish immigrants were settled in what is now modern Jerusalem by 1948, and over 80,000 were settled in the Old City, or the ancient walled portion of Jerusalem, and its surroundings by 1967. The number of Jews in Jerusalem now outnumbers the Arabs by double. And with the strategic placement of settlements around every part of the city, Israel has virtually made it impossible for the Palestinians to successfully negotiate for complete, and even partial, control of Jerusalem. The invalidity of these changes to the demography of the city has received great criticism and condemnation from the international community. For instance, UNSC Resolution 465, dated March 1, 1980, states:

all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and 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 relative

⁴⁴ *Ibid.*

⁴⁵ Cattan, Henry. “Jerusalem: Israeli Concepts, Policies and Practices.” *The Israeli Settlements in the occupied Arab Territories*. Cairo: The American University in Cairo Press, 1985; p. 130.

⁴⁶ *Ibid.* p. 130.

to the Protection of Civilian persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.⁴⁷

Israel's continued presence represents the move toward massive colonization.

Accelerating the Policy

With the fall of the Soviet Union and the end of the Cold War in 1989, a new, record-breaking wave of immigration occurred, significantly changing the demography of the Occupied Territories once again. Between October 1989 and June 1992, Israel claimed itself as the main beneficiary for the more than 400,000 Jews that fled the former Soviet Union with the desire to escape economic hardships and the fear of future persecution in their home country. This wave of migration would be comparable to the movement of fifty percent of the population of France to the United States over a four-year period.⁴⁸ This particular immigration wave is unmatched in Israel's fifty-year history, which at its core is a history of conquest through immigration and settlement.⁴⁹

In a speech to Likud party veterans in Tel-Aviv on January 14, 1990, then Israeli Prime Minister Yitzhak Shamir addressed the issue of increasing Soviet Jewish immigration to Israel, stating that their absorption required the retention of the Occupied Territories: "We need the space to house all the people. Big immigration requires Israel to be big as well ... we must have the Land of Israel and we have to fight for it, struggle for it." He continued his "big Israel" speech by articulating the connection between immigration, settlement and sovereignty in the Occupied Territories. Shamir's bold statements forced the international community, particularly the U.S., to focus on the settlement policies of the Israeli government as well as the state's claim on the territories that it controls and occupied for a generation.⁵⁰ Thousands of Soviet immigrants moved to the settlements in the Occupied Territories, giving a tremendous psychological boost to advocates of permanent occupation and to Zionist ideologues.

In recent efforts, the Jewish Agency and several voluntary organizations are reaching out to encourage Jews in the West to immigrate to Israel through *aliyah* fairs. Historically, Israel has mainly attracted immigrants from countries suffering economic distress, but few still live in these places. Now, Jews live in conditions similar to or better than what they can get in Israel.⁵¹ According to statistics, the number of immigrants in 2003 was 24,000, the lowest in over a decade; in 2004 it decreased another ten percent to 22,000 immigrants.⁵² But through these fairs, the Agency hopes to convince potential immigrants in the West that coming to Israel will be beneficial to their career, using models from the business world. The goal is to double immigration from the West, specifically the U.S. Boosting efforts to encourage Jews to move to

⁴⁷ *Ibid.* p. 131.

⁴⁸ Jones, p. 1.

⁴⁹ Hiltermann, Joost R. 1991. "Settling for War: Soviet Immigration and Israel's Settlement Policy in East Jerusalem." *Journal of Palestine Studies* 20 (Winter): 71-85; p. 73.

⁵⁰ Aronson, p. 28.

⁵¹ Barakat, Amiram. "Jewish Agency reaching out to bring Western Jews." *Ha'aretz*; 10 March 2005.

⁵² *Ibid.*

Israel is not only the Agency's main *raison d'être*, but Sharon declared two years ago that "bringing a million Jews to live in Israel in the coming years is a 'national objective'."⁵³

Conclusions and Implications

The core of the decades-long stalemate in the Middle East peace process is Israel's expansionist settlement policy, which is carried out through the proliferation of new settlements in the Occupied Territories and expanding the existing ones. There are three basic objectives to this policy: first is the annexation of Arab lands and subsequent demographic changes; the second goal of settlement proliferation is to preempt any attempt to grant rights to the Palestinian people, particularly the right to self-determination in their own land; and finally, the expansion of settlements is a means of "foiling any political solution that does not concede full Israeli sovereignty over the Occupied Territories," in effect, accepting "nothing less than surrender" – in the name of peace.⁵⁴ Historical events have proved that the settlement movement lies deep within the philosophy of Zionism. It draws strength from the ideological foundations of the creation of an ethnically Jewish state and hope for a secure future in preparation for religious promises. However, the more immigration to the Occupied Territories and the increasing development of settlements in the region has the potential for inflicting more hardships on both Israelis and Palestinians. Virtually the entire world recognizes the illegality and injustice of the Israeli settlements in the West Bank and Gaza. Consequently, in order for true peace to be established in the region, there needs to be a halt and a retraction of Jewish settlement and migration in the Occupied Territories.

However, this idealistic solution to the on-going conflict is highly unlikely. Israel continues to push the immigration of the Jewish diaspora into the state, in order to maintain dominance and security in the Middle East, as well as to fulfill the biblical prophecy of the coming of the messiah. Basically, the tide of immigration will continue to grow, promoting settlement in the Occupied Territories and eventual annexation. As is evident by historical trend, this policy will remain in tact regardless of which party is in power.⁵⁵ Foreign influence and pressure, particularly from the U.S., cannot be expected to be any more successful than its predecessors on the issue of limiting Jewish settlement in the Occupied Territories or, in more general effort, to undermine Israel's policy of "creating facts."⁵⁶ The Zionist ideology has firm historical and present foundations in Israeli society and politics. But the state's preoccupation with security has exemplified the inherent cleavages within the concept of Zionism, because Israel's security was measured against a sliding scale of ideological priorities dictated by successive governments, masking the source of tension in the region – the Palestinian quest for national self-determination. The arguments surrounding demography and security have thus been subservient to the faults of Zionism by virtue of its failure to define its territorial borders, and by extension, the limits of a Palestinian entity.⁵⁷ One commentator noted:

⁵³ *Ibid.*

⁵⁴ This is a statement by Chedli Klibi, Secretary General of the League of Arab States, at the International Symposium on the Israeli Settlements in the Occupied Arab Territories held in Washington, D.C., in April 1985; published in *The Israeli Settlements in the Occupied Arab Territories*. Cairo: The American University in Cairo Press, 1985; p. 12.

⁵⁵ Aronson, p. 63.

⁵⁶ *Ibid.*

⁵⁷ Jones, p. 72.

The basic reality of this land is the conflict of two nations and two cultures. Without a political settlement, the ongoing conflict, whose roots would be fundamentally unchanged, would remain. This is the reality with which we must deal, unless peace itself is to remain a myth.⁵⁸

However, the policy and processes of forced transformation of the Occupied Territories is expected to be a persisting and central issue for the state of Israel until complete annexation into the national system.

The only possible hope is international intervention, especially through economic and monitoring pressure. The existence of the state of Israel is now a reality, and its people have the freedom and right to live in the area. However, this truth is the same for the Palestinian people. According to the Universal Declaration of Human Rights, “everyone has the right to life, liberty and security of person,” no matter their race, language, religion, political, national or social origin, property, birth or other status.

⁵⁸ Shapiro, Allan. “*Aliyah* Won’t Solve the Problem.” *The Jerusalem Post*, 3. January 1990.