

Première Urgence Internationale condemns the latest announcements from the US administration about Israeli settlements

On November 18, US Secretary of State Mike Pompeo announced that *“the establishment of Israeli civilian settlements in the West Bank is not, per se, inconsistent with international law”*. This latest announcement from the Trump administration **contradicts and reverses 40 years of US foreign policy as well as that of the international community**, which have re-affirmed the illegality of Israel’s settlement enterprise through numerous UN resolutions, including UN Security Council 2334, which clearly states that Israel’s settlement activity constitutes a *“flagrant violation”* of international law and has no *“legal validity”*. The illegality of Israel’s settlements is anchored in the Fourth Geneva Conventions, which state that an occupying power *“shall not deport or transfer parts of its own civilian population into the territory it occupies”*.

Pompeo’s argument echoes the long-standing Israeli argument that the West Bank is not *“occupied”*, but rather *“disputed”*, effectively relieving Israel of its duties as an occupying power. This argument has been dismissed as invalid through numerous rulings and resolutions, which have consistently reaffirmed the status of the West Bank (including East Jerusalem) and the Gaza Strip as occupied territory, notably in the International Court of Justice’s 2004 ruling on the illegality of Israel’s Wall.

Pompeo’s declaration might have come as a surprise for some, but is in fact consistent with the Trump administration’s one-sided approach vis-à-vis Israel and the Palestinians. In December 2017, the US administration decided to recognize Jerusalem as the capital of Israel, breaking away from the international community, which views Israel’s unilateral annexation of East Jerusalem as unlawful. Subsequently, in March 2019, the Trump administration announced that it viewed the Syrian Golan Heights, occupied by Israel since 1967, as part of Israel’s sovereign territory—**again breaking away from widely and long-held consensus and numerous UN resolutions**.

These reckless and unilateral policy shifts also have very real and tangible consequences on the ground. On May 14 2018, when the US relocated its embassy from Tel Aviv to Jerusalem, 68 Palestinians were killed by Israeli forces during protests. And in the West Bank and East Jerusalem, the Trump administration’s thinly veiled support of Israeli settlements has encouraged and accelerated settlement construction. In 2017, the Israeli government advanced plans to build 6,712 settlement homes, roughly 2.5 times the 2016 level. In 2018, plans for an additional 5,618 units were advanced; these numbers are the highest recorded since 2013.

Yet the illegality of Israel’s settlement enterprise goes beyond the building of settlements—itsself a major violation of IHL, and tantamount to a war crime under the Rome Statute. Israeli settlers regularly commit acts of violence and vandalism against Palestinians in the occupied West Bank, including East Jerusalem, under the protection of the Israeli army. Numerous reports of the UN and humanitarian and human rights organizations document these acts of violence and highlight the atmosphere of impunity under which the settlers operate; according to the human rights organization Yesh Din, 93% of complaints filed by Palestinians against settlers do not result in an indictment and are dismissed.

Under the Trump administration, settlers have been emboldened and stepped up their attacks against Palestinians. While 2016 saw a relatively low number of settler-related incidents (95 in total), they have since steadily increased, with 157 cases in 2017, 280 cases in 2018, and 315 cases recorded in the first 11 months of 2019. In addition to incidents leading to property damage and casualties, **Première Urgence Internationale’s field teams also observed an increase in incidents of intimidation and harassment with settlers occupying water resources, including natural springs and preventing Palestinians from accessing livelihood resources.**

Settler attacks against the civilian Palestinian population are not random acts of violence; an analysis of the timing and locations of the attacks shows that their aim is to force Palestinians to leave areas which the settlers seek to take-over, through the subsequent establishment of new settlements and outposts, or to enlarge existing settlements. A large number of attacks occur in-between existing settlements and outposts, chasing away Palestinians and allowing settlers to physically link several settlements, effectively taking over increasingly large swaths of Palestinian land and thereby establishing large areas where Palestinian presence is forbidden. The Israeli authorities’ unwillingness to enforce the law against these acts of violence clearly demonstrates the Israeli government’s complicity in these violations. Indeed, many “outposts” established by settlers are immediately connected to infrastructure such as water, electricity and roads by the Israeli authorities, and subsequently “legalized” into settlements by the Israeli government.

International law in general, and the Geneva Conventions in particular, were drafted in order to avoid the unnecessary suffering of civilians in armed conflict. Population transfer and forced displacement were explicitly banned under the Fourth Geneva Conventions following the events of the Second World War, which saw unprecedented levels of suffering among civilian populations. **Negating these regulations and guidelines not only exposes civilians to increased suffering and injustice in armed conflict, but also paves the way for a return to darker times.** Pompeo’s announcement, and Israel’s continuous violations of the basic rights of Palestinians, run a very real risk of undoing decades of agreed-upon conventions and mechanisms. The international community must stand up to these attacks of international law and take strong and clear positions vis-à-vis this dangerous development; not doing so would not only contribute to the erosion of international law, but would also signal to the Israeli authorities that it can continue committing serious violations in impunity.

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Première Urgence Internationale (PUI) is a non-profit, non-political, non-religious international NGO. Our mission is to defend basic human rights, such as those set out in the Universal Declaration of Human Rights in 1948.

Operational in the West Bank since 2002, and in the Gaza Strip since 2009, PUI has developed integrated programmes to assist Palestinians affected by, or threatened with, protection risks.

In Area C of the West Bank, settlement expansion, settler violence, the demolition and confiscation of property are intensifying pressure on the most vulnerable Palestinian communities, who are at risk of being forcibly displaced from their homes. PUI intervention is to enhance shelter, maintain or to improve the food security and the means of living of the most vulnerable populations who are directly affected by the military occupation and settlement enterprise of the Israeli authorities.