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Israeli Settlements: Are They a Threat to Middle East Peace?

The Palestinians refuse to join peace talks unless Israel stops building in Jerusalem and parts of the West Bank. But who “owns” the West Bank? And are settlements really the problem?

What are the facts?

While many in the media refer to the West Bank as “Palestinian territories,” Palestinians in fact have never actually possessed or controlled this land. Beginning 3,000 years ago these territories between the Jordan River and Jerusalem were a part of the Jewish kingdom known as Judea and Samaria. Jews have lived on these lands continuously until the current day. For several hundred years, through the 19th century, Judea and Samaria were part of the Ottoman Empire, where both Arabs and Jews lived. In 1922, these lands became part of the British Mandate, designated for partition into Jewish and Arab nations. The Arabs rejected this partition, but in 1949, following Israel’s declaration of independence, Jordan seized and occupied Judea and Samaria, which included such Jewish communities as Hebron and the Jewish quarter in eastern Jerusalem. All Arab residents of these lands were declared citizens of Jordan.

Finally, in 1967, when Israel was attacked by Jordan, Egypt and Syria, Israel defeated these invading Arab armies and again took control of Judea and Samaria, then also called the West Bank. After the 1967 war, the United Nations decreed that unspecified parts of these captured territories would be granted to the Arab Palestinians as part of a negotiated peace. Indeed, Israel has demonstrated numerous times its willingness to give up land for peace—for example, the Sinai Peninsula to Egypt, and Gaza to the Palestinians. But so far, the Palestinians have refused to accept a peaceful settlement with Israel on ownership and borders of Judea and Samaria.

Do Jews have a right to settle in Judea and Samaria? Since 1967, Israel has reclaimed all of Jerusalem as its capital, and, as Israel’s population has grown, its citizens have built new communities—settlements—in the eastern part of the city and on Israel’s eastern front. Currently some 534,000 Israeli citizens live east of the 1948 armistice lines, in Judea and Samaria. The area on which these settlements are located constitute a mere three percent of the West Bank.

While critics have cited Article 49 of the Fourth Geneva Convention to declare the settlements illegal, this argument is based on a false reading. First, Article 49 prohibits “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or that of any other country.”

In short, the settlements are not the issue. The only path to a resolution to all these disagreements will be reached when the Palestinians finally agree to sit down with Israel and forge realistic compromises for achieving their own autonomous state, as well as peace and security for Israel.

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However, no Israelis are being transferred to the settlements—all are moving to them voluntarily. Also, the areas of the settlements are neither under the legitimate sovereignty of any state, nor on private Arab land. Most importantly, they have never displaced any legitimate Arab inhabitants. What’s more, any instances of illegal Israeli homes in the West Bank have been disallowed by the Israeli High Court and dismantled.

Second, no Palestinian Arabs are being deported from their places of residence to any other place. Third, the Geneva Convention applies to actions by a signatory “carried out on the territory of another.” However, the West Bank is not the territory of a signatory power—since the Palestinians have never had a state—but rather is an unallocated part of the British Mandate.

If Arabs can live in Israel, why can Jews not live in a future Palestinian state? Every effort by Israel and the United States to bring the Palestinians to peace negotiations is met with refusal by the Palestinians, who demand as a precondition that 1) Israel give up all rights to Judea and Samaria, including the settlements, and 2) that all Jewish settlement building cease. Given that the Arabs lost the war in 1967 and that Palestinians have never possessed Judea and Samaria (the West Bank), these preconditions seem overreaching and unreasonable.

Indeed, the Palestinians insist that their proposed new country be entirely free of Jewish residents, even as 1.5 million Palestinian Arabs are permitted to live as fully enfranchised citizens in Israel. What’s more, the Palestinians insist that five million descendants of Arab refugees from Israel’s war of independence be permitted to settle in the Jewish state. In short, they are demanding both a new Palestinian state with no Jews and the right of Arabs to take over Israel demographically.

The only solution to the settlement issue: Negotiations. The entire territories of the West Bank are disputed. They cannot legitimately be said to belong to the Palestinians or to Israel. Clearly, the only way to determine the final borders of Israel and those of a future Palestine is through peaceful negotiations. Likewise, the disposition of Israeli settlements and Israel’s Jewish character will be resolved by mutual agreement.

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