### OFFICE OF THE PRESIDENT

Palestine Liberation Organization Palestinian National Authority





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2007



# An Eye on DALESTINE

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### **Introduction**



Despite the historic compromise made by the Palestine Liberation Organization (PLO) in 1988 when it agreed to recognize Israeli sovereignty over 78% of historic Palestine, 19 years later, Palestinians are still striving for an independent state over only 22% of their historic homeland. Israel's on-going settlement construction and other unilateral measures to consolidate its settlements in the occupied Palestinian territory (oPt) are effectively pre-empting the possibility of establishing a viable Palestinian state, and thus, the implementation of the two-state solution.

The four maps show the Israeli land grab policy throughout the last 6 decades.

### Map 1: Pre-1948 (100% of Historic Palestine)

As of 1922, the Palestine Mandate under the rule of Great Britain encompassed all of what is presently recognized as the State of Israel occupied Palestinian territory of the West Bank and the Gaza Strip. According to a 1922 census, Palestine's population was approximately 89% Arab (Muslims and Christians) and 11% Jewish. Palestine's demographic composition changed significantly over the course of the British Mandate as a result of Zionist colonization and the British Government's initially liberal Jewish immigration policies. By 1946, Palestine's population was estimated at 1,845,500, of which 66% were Muslim and Christian Palestinians and 34% consisted of mostly foreignborn Jews. Nevertheless, until Israel's creation in 1948, the population remained predominantly Palestinian.



### Map 2: 1947 Partition Plan (44% of Historic Palestine)

In 1947, against the wishes of the majority of Palestine's inhabitants, the United Nations General Assembly (UNGA) recommended partitioning Palestine into separate Arab and Jewish states, with an internationally administered "corpus separatum" around Jerusalem and its environs. After some initial hesitation, the Zionist Movement declared its willingness to accept the Partition Plan. The Arab League rejected the partition, however, arguing that the UN, particularly with a non-binding General Assembly Resolution, had no right to allocate 55% of Palestine to Jews, most of whom were recent immigrants, represented only one-third of the population and owned less than 7% of the land.

Nevertheless, on the 14th of May 1948, the British Mandate formally came to an end and, after months of military campaigns by Zionist militias aimed at expanding the territory under its control, including into territory allocated to the Arab state, the State of Israel was declared. The next day, six Arab armies attempted to block Israel's further expansion and intervened militarily. Israel used superior military power to expand its borders well beyond the territory allocated by the UN to the Jewish State, in the process expelling or causing to flee more than 400,000 Palestinians. More than 400 Palestinian villages were destroyed or depopulated in an effort to erase any trace of a Palestinian Arab presence.

By the end of the war, Israel ultimately controlled 78% of historic Palestine. Of the remaining 22%, the West Bank came under Jordanian rule while the Gaza Strip came under Egyptian control.







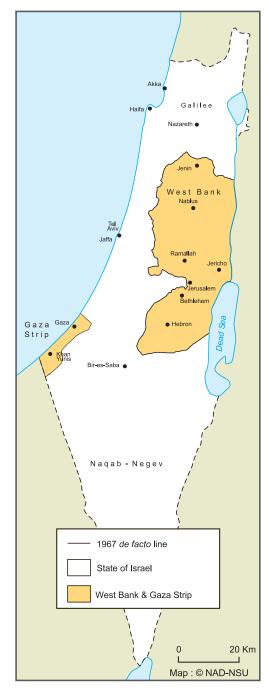




Map 3: 1967 Pre-occupation Border (22% of Historic Palestine)

In June 1967, Israel invaded Egypt, Jordan, and Syria, in the process occupying the Palestinian territory of the West Bank (including East Jerusalem) and the Gaza Strip, along with Egypt's Sinai Peninsula and the Syrian Golan Heights. Despite Israeli claims that the war was "defensive" in nature, and that it did not intend to keep the territory it had occupied, just two weeks after the war, Israel unilaterally expanded the borders of Jerusalem and annexed all of East Jerusalem and several surrounding villages in the West Bank. Moreover, within a few months, Kfar Etzion, the first Israeli settlement was established in the oPt, initiating a process of Israeli settlement construction that has continued unabated for more than 40 years. In doing so, Israel has attempted to erase the Green Line, the internationally recognized border between it and the oPt. Israelis and foreign passport holders traveled freely across the Green Line, highway networks interconnected, electricity grids overlapped, and the Israeli shekel became the primary currency used on both sides of the Green Line. Today, the number of settlers is approaching half a million, with some 184,000 settlers residing in occupied East Jerusalem alone.

In 1988, the PLO made a historic compromise by recognizing Israel's sovereignty over 78% of historic Palestine, in the hope of establishing an independent Palestinian state on the remaining 22% under occupation since 1967. In 1993, the PLO made the decision to pursue Palestinian independence through negotiations and accordingly, the PLO and Israel signed a number of agreements between 1993 and 1999, known collectively as the "Oslo Agreements". The Oslo Agreements were premised on the idea that the parties would gradually develop a relationship of trust and cooperation during a specified interim period, thereby allowing them to resolve the larger, more difficult "permanent status" issues at a later stage. The Oslo process operated under the following guiding principles: (i) the interim period would be of limited duration; (ii) nothing would be done to prejudice the outcome of permanent status negotiations; and (iii) the final settlement would be consistent with United Nations Resolutions 242 and 338, which reaffirmed that territory cannot be acquired by military force and established the "land for peace" principle as the basis for all Arab-Israeli negotiations.



#### Map 4 - 2007:

### Israeli Unilateralism (Settlements & Wall) (12% of Historic Palestine)

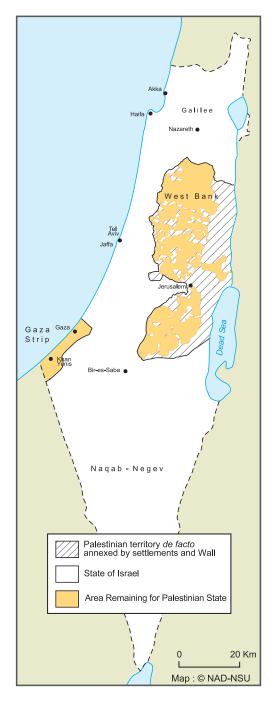
In June 2002, Israel began constructing a Wall inside the occupied Palestinian territory. The Wall, which in some places consists of concrete slabs up to 8-9 meters in height and in others a series of trenches, barbed wire, electrified fencing, motion detectors, sniper towers and military roads, is an integral component of Israel's settlement enterprise. Approximately 80% of the Wall is located inside the Israeli-occupied West Bank, in an attempt to de facto annex large swaths of Palestinian land, water and other natural resources. As a result, the Wall severely restricts Palestinian freedom of movement, separates Palestinians from schools, health facilities and jobs, and deprives thousands of Palestinians of their livelihoods.

In total, the Wall and other settlement infrastructure de facto annex at least 45.5% of the West Bank to Israel (containing approximately 89% of the Israeli settler population). The Wall alone effectively seizes 9% of the Israeli-occupied West Bank. Additional settlement blocs to the east of the Wall take another 8.0% of the West Bank, while the combination of Israeli closures and settlement control in the Jordan Valley, which Israel has repeatedly affirmed that it intends to keep, accounts for an additional 28.5% of the West Bank.

On the 9th of July 2004, the International Court of Justice (ICJ) ruled that the construction of the Wall is "contrary to international law," and that Israel is under the obligation to cease the Wall's construction, dismantle the portions already built, and provide reparations to Palestinians for damages it has caused. In its ruling, the ICJ also stated: "the Court is not convinced that the construction of the wall along the route chosen was the only means to safeguard the interests of Israel against the peril which it has invoked as justification for that construction." In so doing, the ICJ recognized the fact that the route of the Wall was determined by Israel's desire to reinforce its settlements rather than any "security" need.

The Wall is the latest manifestation of a longstanding Israeli policy of creating 'facts on the ground' so as to unilaterally impose its own final status vision on Palestinians and the international community. It is designed to serve a political purpose, namely to annex Israeli settlement blocs to Israel and to determine the permanent borders of the Jewish state in such a way that the creation of a contiguous and viable Palestinian state within the 1967 borders, with East Jerusalem as its capital, becomes irreversibly undermined.

Israel's ever-expanding settlement enterprise, poses the single greatest threat to the possibility of a viable two-state solution, and hence to a just and lasting peace between Israelis and Palestinians. Whereas Palestinians have already made a historic compromise by agreeing to establish a state on just 22% of the land of historic Palestine, the Wall and other aspects of Israel's settlement enterprise would leave Palestinians of the oPt with only 12% of Historic Palestine.





### **Vall & Settlements**

Since 1967, Israel has colonized the occupied Palestinian territory (oPt) by systematically transferring parts of its Jewish civilian population into the West Bank and the Gaza Strip (WBGS), in violation of international law.

Israel's settlement enterprise has had the aim and effect of artificially altering the status of the oPt, both physically and demographically, so as to prevent its eventual return to Palestinians. For this reason, Israel's settlement project poses the greatest threat to the establishment of an independent, viable and contiguous Palestinian state, and hence, to a just and lasting peace between Israelis and Palestinians.

### Components of Israel's Settlement Enterprise

#### Settlements:

Today, more than 460,000 Israeli settlers, including over 184,000 in occupied East Jerusalem, live in 150 settlements (not including outposts) in the West Bank. All are built on illegally confiscated Palestinian land and deny Palestinians use and enjoyment of their land and other natural resources. According to the Israeli organization B'Tselem, more than 40% of the West Bank is now under the control of Israeli settlements.

During the Oslo peace process alone, the settler population increased from approximately 270,000 in 1993 to around 360,000 in 1999. Israelis are lured to the settlements through a variety of government incentives, including housing subsidies, income tax reductions, disproportionate budget allocations and business grants.

#### The Wall:

In summer 2002, Israel began erecting a Wall (701 km) in the oPt that is twice the length of the 1967 boundary (320 km). Though Israel has claimed that the Wall is for security purposes, it forms an integral component of Israel's settlement infrastructure. Wall has been routed around existing settlements as well as planned expansion areas in order to consolidate the major settlement 'blocs' and to incorporate the vast majority of the settler population (~89%) into Israel. In so doing, the Wall separates Palestinians from their lands, their livelihoods and vital social services. If completed, the Wall will effectively seize 9.0% of the West Bank, which when combined with settlementcontrolled areas east of the Wall and in the Jordan Valley, would leave Palestinians with only 54.5% of the West Bank.

#### Settler / By-pass roads:

Israeli settlements also benefit from massive Israeli investment in roads and other infrastructure. Settler bypass roads connect settlements together and to Israel. For Palestinians, who are generally prohibited or restricted from using them, these roads create a grid of physical barriers that criss-cross the entire West Bank, isolating Palestinian communities, preventing their expansion, restricting access

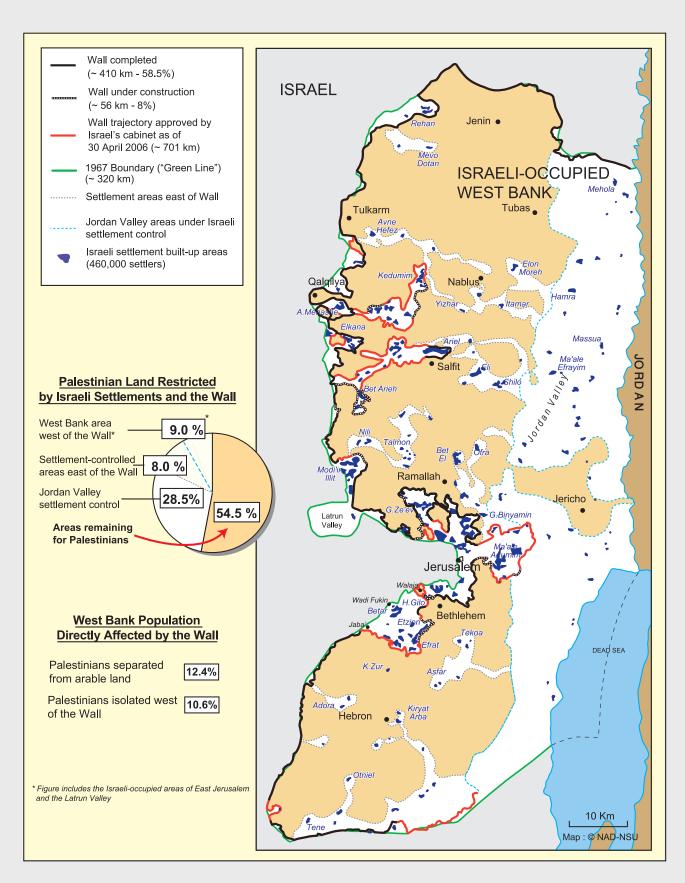
to farm land and natural resources, and destroying Palestinian territorial contiguity. Indeed, according to B'Tselem, Palestinians are currently restricted or prohibited from 41 roads, comprising some 732 km, in the West Bank, including 17 roads (124 km) from which Palestinians are completely prohibited.

In September 2004, Israel began implementing a new plan aimed at creating two separate road networks, one for Palestinians and another one for Israeli settlers. The aim of Israel's "Roads and Tunnels" Plan is threefold: (1) to consolidate Israeli settlements throughout the West Bank; (2) to further fragment Palestinian population centers into isolated enclaves and cantons: and (3) to permanently replace calls for Palestinian territorial contiguity with the concept of "transportation contiguity".

#### **Movement Restrictions:**

While restrictions on Palestinian movement have been a mainstay of the Israeli occupation since 1967, Israel began to institutionalize these restrictions after the start of the peace process in the early 1990s. Starting in 1993, Israeli military checkpoints were established along the 1967 border and between Israel's self-declared municipality of Jerusalem and the rest of the West Bank, and permits were required for non-Jerusalem Palestinians wishing to enter the Holy City. Following the outbreak of the second Intifada in 2000, the Israeli military intensified restrictions on Palestinian access and movement considerably. According to the United Nations Office for the Coordination of Humanitarian Affairs

### ISRAEL'S WALL AND SETTLEMENTS (COLONIES) (September 2007)





(OCHA), Israel currently has some 539 checkpoints and roadblocks between West Bank towns and villages.

These movement restrictions allow Israel to deny Palestinian's access to confiscated Palestinian land, and to prohibit or restrict their use of by-pass roads.

In SO doing, these movement restrictions have become the primary and direct cause of the severe decline in the Palestinian economy, and of the chronic increases in unemployment and poverty. A report by the World Bank published in May 2007 noted that economic recovery and sustainable growth within the West Bank would "require a fundamental reassessment of closure practices, a restoration of the presumption of movement, and review of Israeli control of the population registry and other means of dictating the residency of Palestinians within the West Bank and Gaza".

#### Settlement Enterprise under International Law

- Article 49(6) of the Fourth Geneva Convention, ratified by Israel in 1951, states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."
- In its Advisory Opinion of 9 July 2004, the International Court of Justice (ICJ) held that the Wall, along with settlements, violate international law. It called upon Israel to halt its construction, dismantle portions already built, and provide reparations to Palestinians for damages it has caused.
- The Rome Statute of the International Criminal Court

- of 1998 (Article 8(b)(viii)) defines "the transfer directly or indirectly by the Occupying Power of parts of its own civilian population into the territory it occupies" as a War Crime indictable by the International Criminal Court.
- United Nations (U.N.) Security Council Resolution 465 (1980): "Israel's policy and practices of settling parts of its population and new immigrants in [the Palestinian and other Arab territories occupied since 1967, including Jerusalem] constitute a flagrant violation of the Fourth Geneva Convention... and a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East." The resolution calls on Israel to "dismantle the existing settlements."



### **Jerusalem**

For centuries, Jerusalem has been the political, economic, cultural and spiritual heart of the Palestinian nation. Approximately 35% of the Palestinian economy is dependent on Metropolitan East Jerusalem, which extends from Bethlehem to Ramallah. Without East Jerusalem, including the Old City, there can be no economically or politically viable Palestinian state, and without a viable Palestinian state, there can be no viable peace

Under International Law, acquisition of territory by force is inadmissible. Despite UN Security Council Resolution (UNSCR) 242 (1967), which called on Israel to withdraw from territories occupied in the 1967 war, Israel continues to occupy and colonize the West Bank, including East Jerusalem. As Israel proceeded with its unlawful acts, the Security Council issued additional resolutions considering all actions taken by Israel "to change the legal status of Jerusalem", as invalid and "a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

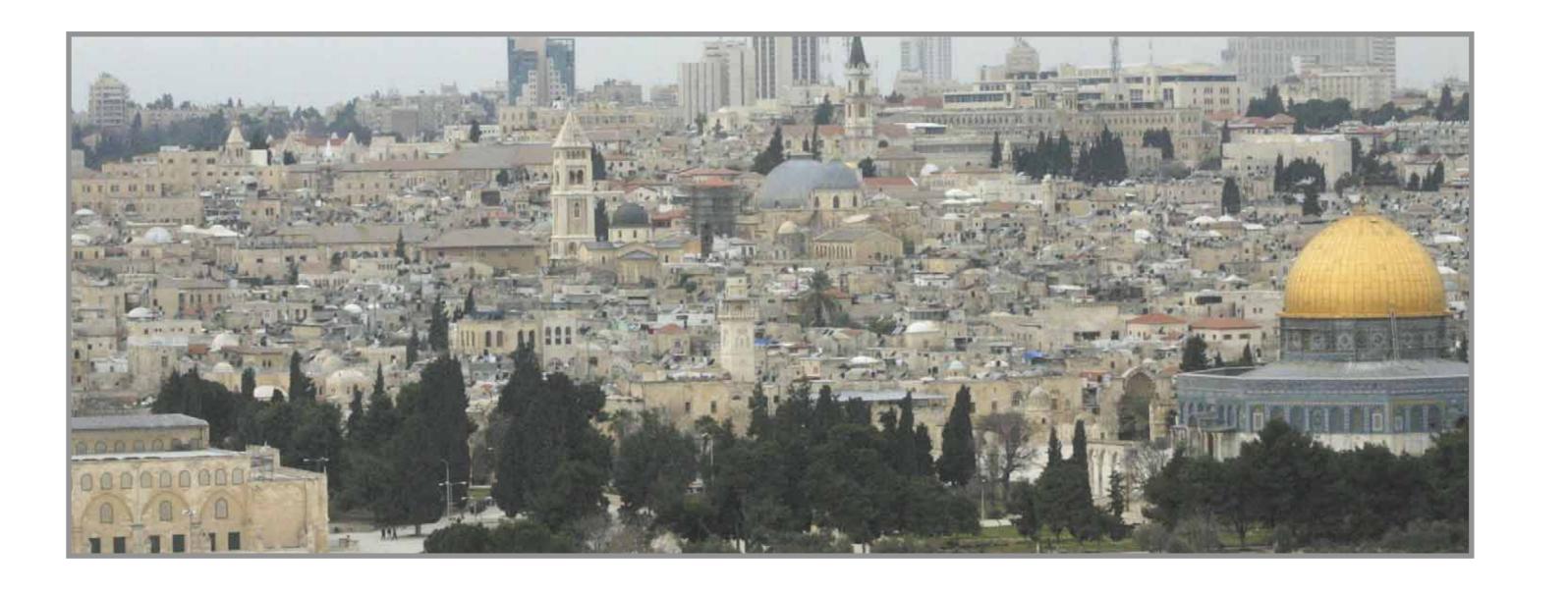
Since it occupied East Jerusalem in 1967, Israel has systematically pursued policies aimed at ensuring its exclusive control over the city at the expense of the indigenous Christian and Muslim Palestinian population:

Only weeks after it occupied East Jerusalem in 1967, Israel unilaterally expanded the municipal borders of Jerusalem incorporating undeveloped Palestinian lands while excluding Palestinian population centers. During the 1970's those undeveloped lands were illegally confiscated by Israel to build Israeli settlements in violation of international law.

- With the expansion of the borders, Israel applied its laws, administration and jurisdiction over the expanded area of municipal Jerusalem (an area then covering 1.3% of the West Bank) in a clear attempt to de facto annex East Jerusalem and parts of the West Bank. This annexation violated the prohibition against acquiring territory by force and was declared of "no legal validity" by the UNSC.
- The international community, including the UN, the US and the EU do not recognize Israel's claim of sovereignty over the entire city of Jerusalem.
- Israel has attempted to integrate occupied East Jerusalem into Israel through constructing illegal settlements within and along the borders it unilaterally expanded. These settlements now form a ring around the occupied city, sealing it off from the rest of the West Bank. Today, more than 184,000 of the approximately 460,000 settlers in the occupied Palestinian territory live in occupied East Jerusalem.
- Since 1973, and in an attempt to maintain a favorable "demographic balance", Israel has been prohibiting thousands of Palestinians from residing in the city of their birth by revoking their residency rights. According to Israeli Interior Ministry data, Israel revoked the permanent residency permits of

- 1,363 Palestinian Jerusalemites in 2006. In all, nearly 8,000 permits have been revoked since 1967 for heads of households.
- Israel has adopted a series of discriminatory zoning policies intended to make it hard for Palestinians to build on their remaining lands or to expand existing structures. As a result, there is severe over-crowding in East Jerusalem, a problem that will only worsen as the population expands. From 1967 today, the Palestinian population of Israeli-defined municipal Jerusalem has grown from 68,600 to 255,000 - an increase of 272%. Palestinians are frequently forced to build without building permits, which are extremely difficult and expensive to obtain, only to have their homes later demolished by Israel. Over 2,000 Palestinian homes in East Jerusalem have destroyed by Israeli occupation forces since 1967.
- The Palestinian population in and around the Old City is about 70,000, while the Israeli Jewish population in the same area is about 3,000 – a ratio of about 23:1. In order to offset this massive demographic imbalance and to justify Israeli claims of sovereignty over this area, Israeli settlements are built, and excavations carried out, in and around densely populated Palestinian neighborhoods.
- Israeli settlements form an arc around the Old City, stretching from the Wadi Ar-Rababa to the West of the Old City to the Mount of Olives and over to Sheikh



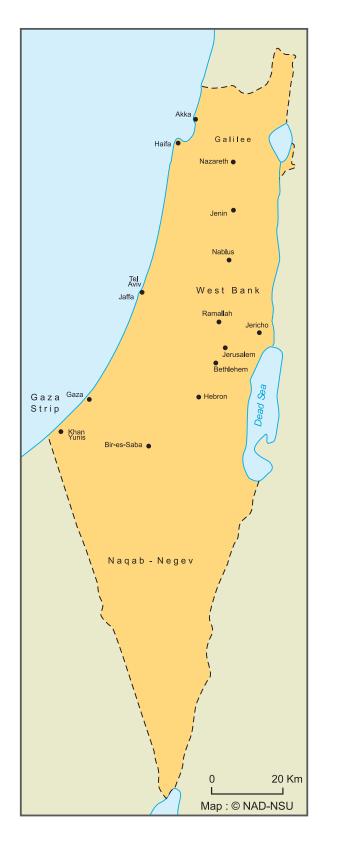


The Palestinians'
Historic Compromise

Shrinking Palestine

# The Palestinians' Historic Compromise...





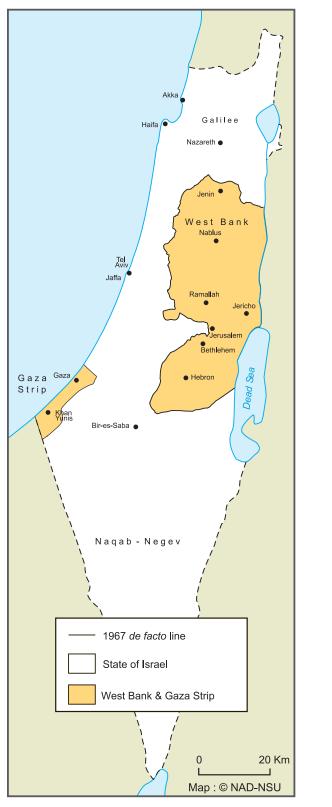
1937 Peel Commission Partition Plan 80% of Historic Palestine



1947 UN Partition Plan 44% of Historic Palestine



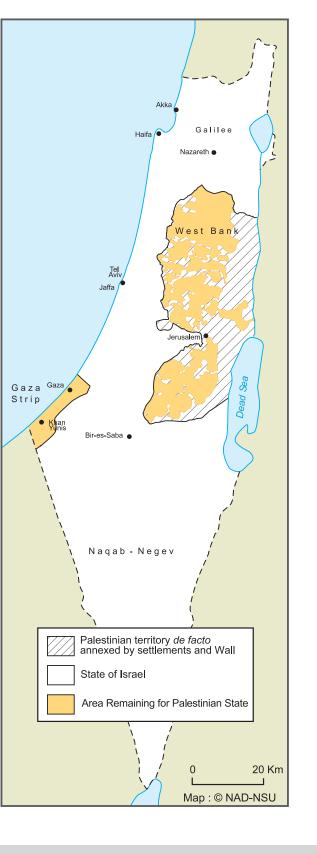
1967 de facto Line (Endorsed by PLO in 1988) 22% of Historic Palestine



Maps are for illustrative purposes only. Boundary representations are not necessarily authoritative.

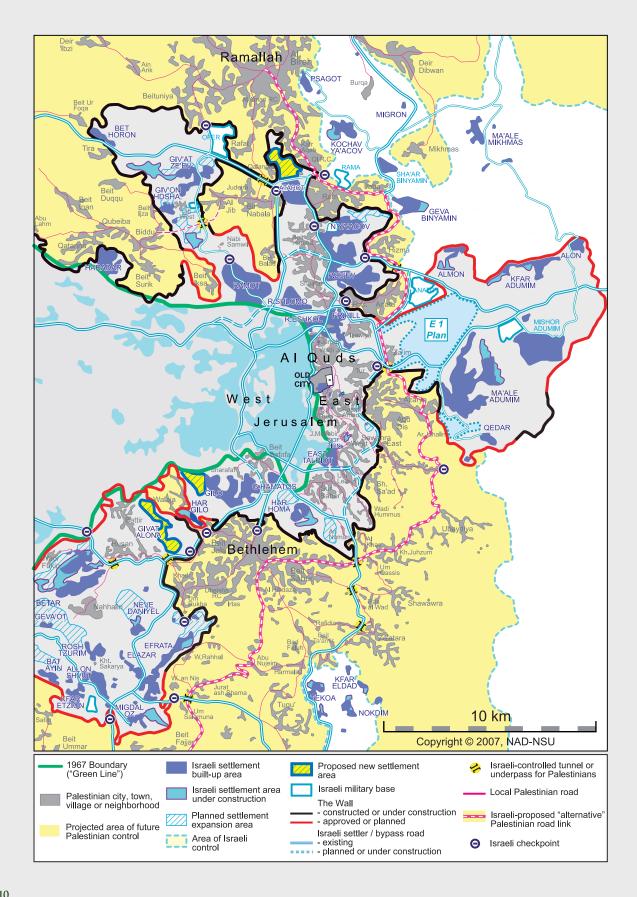
### ...What Israel is Imposing Unilaterally

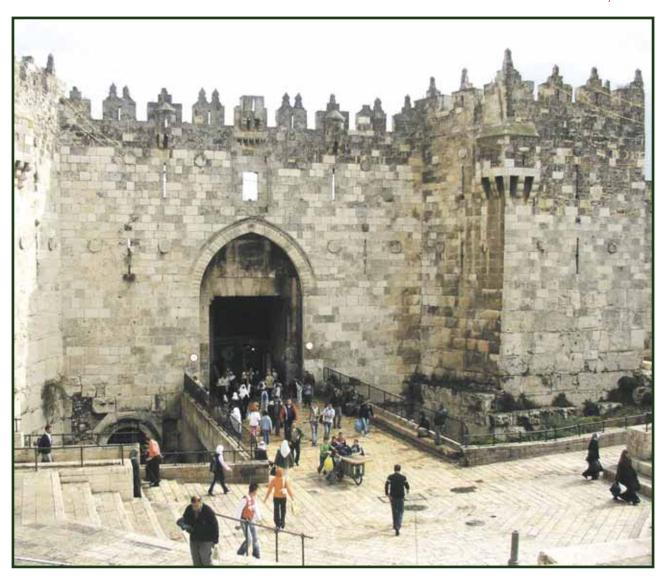
2007: Israeli Unilateralism (Settlements & Wall)
12% of Historic Palestine



### ISRAELI WALL AND SETTLEMENTS AROUND OCCUPIED EAST JERUSALEM

(September 2007)



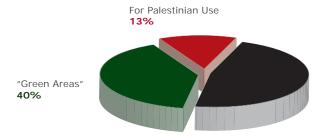


Jarrah. Like other settlements in the West Bank, those around the Old City serve to consolidate Israel's control over the city and to disrupt Palestinian contiguity.

 Since March 1993, Israel has prohibited non-Jerusalemite Palestinians from entering the city without Israeli-issued permits, which are rarely issued. As such, more than 3 million Palestinians are denied access to their holy places in Jerusalem, prohibited from working or studying in East Jerusalem and denied access to significant medical treatments that are only available in East Jerusalem hospitals.

The route of the Wall in and around East Jerusalem; "the Jerusalem Envelope", separates Palestinians from Palestinians, splits the West Bank into two cantons and completely isolates East Jerusalem from the rest of the West Bank. It also incorporates the last available space for meeting Palestinian growth needs, while facilitating the construction and expansion of settlements such as the E-1 Plan, designed to house some 15,000 new Israeli settlers, and plans by the Israeli Jerusalem municipality to build three new Jewish settlements in East Jerusalem to house some 100,000 new Israeli settlers.

#### **Discriminatory Land Use in Occupied East Jerusalem:**



For Israeli Settlements (inc. bypass roads, settlements infrastructure & areas slated for expropriation)

47%

### Palestinian Prisoners

No issue highlights Israel's 40-year denial of Palestinian freedom under military occupation better than that of political prisoners. Palestinians have been subjected to one of the highest rates of incarceration in the world. Since 1967, Israel has detained and imprisoned over 700,000 Palestinians as part of a policy to quash resistance to its occupation and to intimidate the civilian population. Of the 3.9 million Palestinians living in the West Bank and Gaza Strip, there are few who have not been personally affected by Israel's imprisonment of Palestinians - either through their own imprisonment or that of a family member, friend, or colleague.

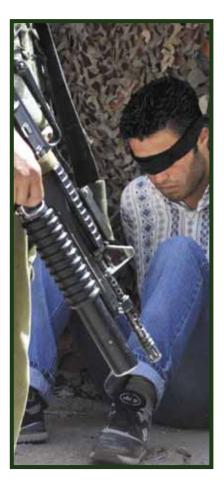
The widespread imprisonment of Palestinians, along with the inhumane treatment they receive while imprisoned, has placed the release of all Palestinian prisoners high on the national agenda.

### Key points:

 The majority of Palestinian prisoners are political prisoners who are charged with offenses under Israeli military orders which employ a broad definition of "security", such that they ban, among other things, political expression. As a result, Palestinians can be arrested and imprisoned for practically any form of public activity, regardless of whether or not they present any legitimate security threat to Israel.

- There are more than 10,400 Palestinian prisoners in Israeli prisons or detention camps, including 118 women, close to 376 children and about 950 "administrative detainees" -- Palestinians held without charge or trial, and without being informed of the reason of their detention.
- Palestinian political prisoners are put on trial before Israeli military tribunals made up of judges, prosecutors, and translators who are all appointed by the Israeli military commander

   the same individual who is empowered to make changes to Israeli military orders. Some of the judges appointed by the





military commander do not have legal training. As a result, these tribunals fail to meet the standard required by Article 14 of the International Covenant on Civil and Political rights which calls for a "fair and public hearing by a competent, independent and impartial tribunal established by law."

- Lawyers are denied the means necessary to build a proper defense. According to human rights associations it takes an average of 30 to 45 days before a lawyer is able to meet his or her client due to a series of bureaucratic obstacles placed by the Israeli authorities.
- In many cases, most of the evidence is based on confidential Israeli intelligence reports that lawyers do not have access to, and that could not be verified in an adequate way.
- Palestinians can be held in Israeli jails for 90 days without charge.
   This period can be extended by another 90 days by Israeli authorities.

- Sentences handed down by the military courts cannot be appealed to courts outside the military court system; hence, Palestinians are denied the right guaranteed under the International Covenant on Civil and Political Rights to have a "conviction and sentence ... reviewed by a higher tribunal according to law."
- Palestinian detainees are often tortured, or subjected to cruel and degrading treatment during their interrogation or detention. The use of torture, combined with the absence of prompt access to counsel compromise the veracity of confessions obtained through interrogation.
- Almost all child detainees have reported some form of torture or mistreatment.
- Palestinian women in detention are subjected to mistreatment on a daily basis and are often held in cells and sections with Israeli criminal prisoners. Regular body searches are performed with brutality by prison guards; sexual harassment occurs frequently;

- the right to elect a representative for their collective demands is not recognized as in other prisons; solitary confinement is often used as a form of punishment; and attacks on women by beating or firing tear gas into cells occur regularly. Among these women are mothers who have given birth inside the detention cells.
- Prisons and detention centers often provide prisoners little to no protection from the summer heat, or the winter cold. They are poorly equipped, poorly maintained and overcrowded. In many cases, prisoners have contracted diseases as a result of poor hygiene.
- Israel transfers Palestinian prisoners to facilities in Israel despite its obligation under international law to detain them within the occupied Palestinian territory.
- As prisoners are held in Israel and many Palestinians are denied admission to Israel, a majority of prisoners are effectively denied family visits.

## Palestinian Refugees

From 1947 to 1949, over 726,000 Palestinian Christians and Muslims (amounting to 82% of the Arab population of what later became Israel) became refugees during fighting prior to and following the declaration of the State of Israel. Like all refugees, they left their homes out of fear for their safety due to the military conflict. Many fled due to direct military assaults on their towns and villages; others were forcibly expelled by Jewish militias; and others left out of fear of attack.

During the 1967 war, over 200,000 Palestinians fled their homes in the West Bank and the Gaza Strip (WBGS). Subsequent to the war, Palestinians have continued to be displaced from the occupied Palestinian territory (oPt). Until today, neither the 1948 refugees nor the 1967 displaced persons have been allowed by Israel to return to their homes in what are now Israel and the oPt.

The Palestinians who were expelled or fled violence around 1948 were effectively denationalized by the Israeli parliament in 1952. Their property was seized and ultimately transferred to the State of Israel for the nearly exclusive benefit of the Jewish people. Following the 1948 war, more than 400 Palestinian villages were depopulated and destroyed. Israel built over some of the village areas; however, by some estimates, 90% of the

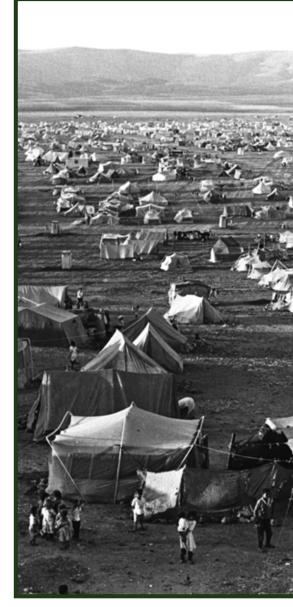
sites of former Palestinian villages remain open or vacant. The vast majority of Palestinian refugees' homes located in urban centers were left standing in 1948 and were occupied by Israelis.

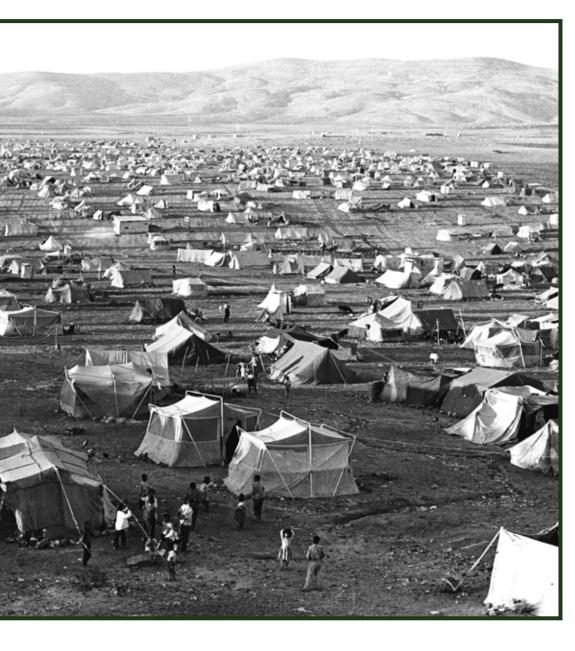
Today, there are **6.8 million Palestinian refugees**, most of whom live within 100 kilometers (approximately 62 miles) of Israel's borders. Approximately 1.3 million Palestinian refugees live in nearly 60 United Nations administered refugee camps in the oPt, Jordan, Syria and Lebanon. At least 50% of all Palestinian refugees are stateless.

Under international law, civilians fleeing a war are entitled to return to their homes. The right of Palestinian refugees to return to their homes was affirmed by UN General Assembly Resolution 194:

"...the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

Resolution 194 has been reaffirmed by the General Assembly every year since its adoption.





The Palestinian position is in line with the Arab Peace Initiative renewed in the recent summit of the Arab League (Riyadh, March 2007) – which calls for the "Achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194". Key to the resolution of the refugee issue is Israel's acknowledgement of responsibility for the creation of the refugee problemandrecognition of the refugees' rights.





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