

The Jewish “settlements” – an obstacle on the road to peace?

1) About the term

When it comes to Israeli “settlement policy”, this concerns the areas of Judea and Samaria (J&S), which are 140 km at length and make up 23% of Israel's territory. First, we must note: In international politics, these territories are commonly referred to as the "West Bank" or West-Jordan Land. West Bank means the western bank/shore of a river. Where does the bank of Jordan River end? Surely not after 20 or 40 kilometers! We should not use this term, cleverly chosen because of Arab claims of ownership.

The word "settlements" is also nothing other than a term of political struggle, a struggle mainly for Judea and Samaria (J&S). It is meant to conjure associations with a small community, something temporary and illegal. But Ariel in Samaria, for example, even has a university with over 16,000 students, in addition to the approximately 19,000 residents. The largest "settlements" have more than 63,000 (Beitar Illit), 46,000 (Modiin Illit), and 37,000 (Maale Adummim) residents.

"Settlements" are places located beyond the "Green Line" that have been granted legal status by the government. They were established starting in 1967, following the territorial expansion resulting from the victory in the Six-Day War. What is the "Green Line"? It is the ceasefire line drawn on the map with a green pen in Rhodes in 1949 as a provisional agreement pending a peace settlement.

2) What is the legal situation now?

An important orientation is provided by Article 6 of the League of Nations Mandate for Palestine of 1922, which was expressly intended to promote Jewish settlement.

What has become of the area of British Mandate of Palestine? Only 24% remained for the Jews, while 76% were handed over to the Arabs, creating the state of Transjordan (later Jordan) in 1946, which enabled the realization of the Palestinian Arabs' right to self-determination in more than three-quarters of Palestine.

Politicians and the media often refer to UN Security Council Resolution 242 of 1967 to urge Israel to withdraw from J&S. However, this resolution was only a recommendation. And it's important to note: Since Israel acquired the territory of J&S through an imposed defensive war, the UN Security Council in its oft-quoted Resolution 242 refrained from demanding Israel withdrawal from all (!) occupied

territory. It states that establishing a lasting peace requires "the withdrawal of Israeli armed forces from areas (!) of the recent conflict" – not "from all areas" and not "from the occupied territories" – as well as "recognition of the sovereignty, territorial integrity, and political independence of every state in this region and its right to live within secure and recognized borders, free from threats and acts of violence." The latter, in particular, is usually not cited...

When Israel in the Six-Day War, through God's massive intervention, conquered J&S, which had been illegally occupied by Jordan since 1948, no one was yet talking about a Palestinian people or even the need for a Palestinian state. Many legal experts acknowledged Israel's right to inhabit the land as a result of the war imposed on them and won. However, one organization, the International Committee of the Red Cross, took a different view: In a secret meeting in the early 1970s, they determined that Israel was violating the aforementioned Fourth Geneva Convention of August 12, 1949, and was guilty of "war crimes" through "Jewish settlements in the Israeli-occupied West Bank." Strangely, all minutes and even the names of the participants in that meeting are kept secret. And yet, without this transparency, the ICRC's resolution became so-called "international law" and thus the basis for the ongoing accusation of Israel's illegal occupation policy.

It is repeatedly claimed that J&S is "occupied territory." Classical international law defines occupied territory as a territory of one state that is militarily occupied by another state while a state of war exists between the two states.

Is it for Israel about another state at all? Since the fall of the Ottoman Empire in 1917, the territories of J&S have not been recognized as the sovereign territory of any state. Jordan, which acted as a ruler there after 1948, renounced its claim to sovereignty in 1988. The legal basis of the 1949 Geneva Convention concerns occupied territories. However, since Jordan was not the sovereign owner of J&S but an illegal invader, the Geneva Convention does not apply to J&S. It only applies between two states.

If J&S were occupied territory, then it would have to be examined whether Article 49, paragraph 6 of the Fourth Geneva Convention would apply. It states: "The occupying power shall not be permitted to transfer parts of its own civilian population into the territory it occupies." This provision refers to the forced(!) settlement of civilians and is therefore not applicable to J&S. Israel has never forced Jewish citizens to settle in J&S. Therefore, even applying the strict standard of international law concerning occupations, the settlements in J&S comply with international law.

The Israeli embassy describes J&S as an area "for which there are conflicting claims" and which, due to the failed peace negotiations, "has not yet been

definitively assigned." However, one cannot unilaterally demand a freeze on Israeli settlement activity without demanding the same from the Arabs.

And scholars point out that Israel's claim to J&S is more justified than that of the Arabs because Israel captured the territory through an imposed defensive war in 1967.

3) The population

First of all, it should be noted that the territory of J&S is politically divided into three control zones: In Zone A, the "Palestinians" exercise civil administration and are also responsible for security. This includes, for example, Nablus, Ramallah, Jericho, Bethlehem, and most of Hebron. In Zone B, Israelis and Palestinians must jointly ensure public security. Zone C is controlled by the Israeli military and is geographically the largest part, comprising approximately 60% of the area of J&S. Only here live Israelis – approximately 503,000 in total – but also Palestinians (100,000 in 2016). A total of approximately 2.3 million Palestinians are thought to live in J&S.

Incidentally, Jews in J&S make up 12% of all Jews living in Israel. Their numbers have grown astonishingly since 1967: in 1972, there were fewer than 1,200; in 1983, there were 22,800; in 1993, there were 11,600; in 2004, there were approximately 234,500; in 2014, there were 400,000; and now there are over 500,000.

It's repeatedly portrayed as if all "settlers" are overly pious and most tend toward extremism. This isn't the case: one-third each of the Jewish population is secular, orthodox or religious. Certainly, the majority are Zionists.

4) What is the political situation now?

What demands and suggestions are there?

It was former American President Jimmy Carter who described the settlements as illegal and thereby had a lasting, strong influence on the political landscape.

The spectrum of political proposals in recent decades has ranged from Israeli land transfer to the extension of Israeli sovereignty/annexation.

For example, in December 2000, after the collapse of the Camp David Accords, Bill Clinton proposed that Israel retain 5% of J&S, swap 2% of land with the Palestinians, and that a Palestinian state could be established on 97%. Then-Israeli Prime Minister Ehud Barak even accepted this, but Arafat rejected it. In 2008, Ehud Olmert even offered the other side an incredible 93% of J&S – even this the Palestinians rejected.

On the other hand, there have been repeated proposals in Israel for the partial or complete annexation of J&S. And in 2020, Donald Trump proposed the annexation of the largest settlement blocs, which was not pursued in favor of the so-called Abraham Accords with the UAE and others.

Housing construction is always of key importance in the political debate. International protests against construction activity occur repeatedly when construction planning (which has to go through various authorities) is reported, then again when construction begins, and finally after the completion of apartments. Because of the Israeli military administration, housing construction falls under the jurisdiction of the Minister of Defense, and all construction projects must be approved by him in cooperation with the Prime Minister's Office.

Repeatedly a construction freeze is commanded of Israel., even though the Palestinian Authority illegally erected over 5,500 buildings in the Jewish-reserved Area C in 2022 alone. (In total, Israel has built 4,382 housing units without building permits over the past 20 years. The state repeatedly demolishes such buildings.)

The tug-of-war over J&S also affects the economic sphere.

There is a global campaign known as BDS: Boycott, Divestment, Sanctions. It targets companies in J&S and those abroad that cooperate with companies from the disputed territories .

The ultimate goal of BDS is to significantly weaken Israel. It has no interest in Palestinian rights. For example, if it did, it would boycott Hamas because of its "honor killings" and assassinations of Palestinians protesting against their brutal government. BDS also has no interest in promoting Arab human rights; otherwise, it would boycott Assad, who killed hundreds of thousands of Arabs.

5) Settlement activity and the peace process

In the Western world, it is generally assumed that settlement activity is the main reason for Palestinian hostile attacks. However, there were already terrorist attacks at a time when Israel did not yet have the opportunity to build "settlements," namely before the Six-Day War. The most striking examples are the Arab massacres of the Jewish inhabitants of Hebron in 1929 and Gush Etzion in 1947. After all, the violent attacks before the founding of the state had already led to Britain withdrawing its mandate by the League of Nations.

It is clear, therefore, that the issue of "settlements" is being completely overemphasized in the so-called peace process.

And it is once again an example of "double standards," of two different yardsticks in the political assessment of Israel.

The concept being promoted in the Western world as a peace solution—a Palestinian state alongside Israel—is based on a complete misunderstanding of the facts: The new state would not be "alongside" Israel, but rather in the middle—in J&S. Fatah and Hamas, who share the clearly stated strategic goal of eliminating the Zionist state, would have an easy time carrying out their terrorist attacks everywhere. And they don't just want more living space and therefore the removal of the settlements; they claim the entire territory from the Jordan River to the Mediterranean.

5) What guidance does the Bible give us?

a)

First we read about God's promise of land to Abraham (Genesis 13:12-15).

When Abraham's wife Sarah died in Kiryat-Arba, which is Hebron—that is, in Judea—he acquired an inheritance for burial. Indeed, he made it a point to pay the full price for the Cave of Machpelah, even though he could have received it as a gift (Genesis 23). An important fact in light of today's political tug-of-war.

When the LORD underscored the Israelites' command to conquer the land at Horeb with the words, "I have set the land before you," He also spoke of the "mountain range" (Deut. 1:7f.). A glance at the topographical map of Israel shows that J&S, in particular, is a mountainous landscape. And here we can rejoice in the word from Ezek. 36:8+10: "But you, O mountains of Israel, you shall put forth your branches and bear your fruit for My people (!)... And I will multiply men in you..."

b)

J&S is biblical heartland. Our Savior was born in Judea, in Bethlehem.

The Bible testifies several times that Jesus worked in Judea and Samaria (e.g. John 11:7; John 4:4 f.; Luke 17:11 ff.)

In Samaria, specifically in Shiloh, the tabernacle stood for almost 400 years (see Joshua 18:1). Thus, there was a spiritual center there. In Shiloh, Joshua cast lots before the Lord to distribute the land to the tribes of Israel accordingly (Joshua 18:10). It was in Shiloh where Hannah received the promise of her son Samuel (1 Samuel 1). The Lord Himself speaks in Jeremiah 7:12 of "My worship place that was in Shiloh, where I first made My name dwell."

c)

We must also hear the Lord's serious warning to all who are directly or indirectly involved in a possible division of the land:

"I will enter into judgment with them because of my people and my heritage Israel, whom they have scattered among the nations, and they have divided my land..." (Joel 4:2). For God clearly states: "The land is mine" (Leviticus 25:23).

d)

Despite all the wrangling by Western politicians and the Arab peoples over the settlements, despite all the underhanded moves or even the most well-intentioned ideas about the future in J&S – we must know:

"The Lord brings to nothing the counsel of the nations; He makes the plans of the peoples of no effect. The counsel of the Lord stands forever, the plans of His heart to all generations" (Psalm 33:10-11).