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Israel's settlements outside official border flout international law

Stephen Zunes | Jan. 19, 2013
Viewpoint

In mid-December, Israeli officials approved plans for the construction of more than 2,600 new homes to be built on Givat Hamatos, a hill on the outskirts of Israeli-occupied East Jerusalem. This settlement would be the first major new Jewish neighborhood in Jerusalem outside of Israel's internationally recognized borders since 1997, effectively completing the encirclement of Arab East Jerusalem by cutting it off from the rest of the West Bank.

Like a number of other new settlements announced by Israel's right-wing government, this latest initiative appears designed to divide up the land in the occupied territory in such a way as to make the establishment of a contiguous Palestinian state impossible.

In face of near-universal international condemnation for this latest Israeli provocation, however, the United States rushed to Israel's defense.

All of the Israeli settlements outside of Israel's internationally recognized borders are illegal. Article 49 of the Fourth Geneva Convention -- to which both Israel and the United States are signatories -- prohibits any occupying power from transferring "parts of its own civilian population into the territory it occupies." The United Nations, with such measures as Security Council Resolutions 446, 452, 465 and 471, has repeatedly recognized that Israel is in violation of this critical international treaty.

In addition, a landmark 2004 decision by the International Court of Justice also confirmed the illegality of the settlements.

On Dec. 19, however, the Obama administration blocked a U.N. Security Council vote on a resolution condemning Israel's announcement of the new settlement. The U.S. then blocked an effort for a joint statement by the Security Council president. In response, all 14 other members of the Security Council issued individual statements condemning the illegal Israeli actions.

Obama's efforts to undermine international law in regard to Israeli colonization are not new. In February 2011, a nearly unprecedented majority of U.N. members co-sponsored a Security Council resolution that reaffirmed previous Security Council resolutions acknowledging that Israeli settlements on Palestinian lands occupied since the June 1967 war were illegal and constituted a major obstacle to peace. Unlike these previous resolutions, however, which called on Israel to withdraw from already existing settlements, this resolution simply insisted that Israel cease additional settlement activity in Palestinian areas.

Despite the moderate wording, however, the United States vetoed the resolution. All 14 of the other members of the Security Council voted in favor, situating the United States as an extreme outlier in the international community and placing President Barack Obama to the right of the conservative governments of Great Britain and France.

Given that the 2004 ruling by the International Court of Justice enjoined the United States and other signatories to "ensure compliance by Israel with international humanitarian law," the U.S. veto of a U.N. Security Council resolution attempting to encourage compliance indicates that Obama is willing to have the United States violate the decision by the World Court as well.

The official State Department position, in effect for nearly 33 years and never formally repealed, states categorically, "While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law." Obama, in vetoing this resolution, demonstrated his willingness to undermine even his own State Department.

Refusing to recognize the illegality of Israeli settlements at the United Nations was not always the position of the U.S. president. The Nixon, Ford and Carter administrations were quite willing to do so when Israel's colonization drive began in the 1970s. However, despite his distinguished legal background, Obama has demonstrated -- on this issue, at least -- that he has even less respect for the law than Richard Nixon had.

As late as the presidency of George H.W. Bush, the United States tried to pressure Israel to halt settlement expansion. However, under the Clinton administration -- with the backing of both parties in Congress -- the United States succeeded in blocking efforts by Israeli peace activists and the international community to freeze settlements, which at that time were only half as large as they are now. The United States even used taxpayer dollars to subsidize the settlements' expansion. These policies contributed directly to the collapse of the peace process in 2000 and the rise of extremist Palestinian groups like Hamas.

In 2001, the U.S. Mitchell Report called on Israel to "freeze all settlement activity, including the 'natural growth' of existing settlements," emphasizing that without such a freeze, "a cessation of Palestinian-Israeli violence will be particularly hard to sustain." Neither the Bush administration nor Congress pressured Israel to abide by this recommendation, however.

Similarly, when the George W. Bush administration -- along with Russia, the European Union and the United Nations -- put together a three-part "road map" for Israeli-Palestinian peace two years later, the first phase included a freeze on the expansion of Israeli settlements in the occupied territories, "including natural growth of settlements." However, while the United States pushed the Palestinian Authority hard -- and largely successfully -- to live up to its obligations under the road map, both the Bush and Obama administrations have refused to go beyond mildly worded expressions of concern about Israel's settlement policy.

It is no secret where U.S. acquiescence to Israel's settlement policy will lead. As Israeli Prime Minister Ariel Sharon once told Secretary of State Colin Powell, "We learn a lot from you Americans. We saw how you moved West using this method."

[Stephen Zunes is a professor of politics and chair of Middle Eastern studies at the University of San Francisco.]

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