

EUROPEAN UNION

Office of the European Union Representative (West Bank and Gaza Strip, UNRWA)

2023 Report on Israeli settlements in the occupied West Bank, including East Jerusalem Reporting period -January - December 2023

Summary

The total number of settlement plans and tenders advanced by Israel in 2023 was higher than in 2022, outdoing 2022 as the year with the highest number of settlement advancements recorded since 2012¹. In 2023, 18,333 housing units (HU) were advanced in occupied East Jerusalem while in the occupied West Bank, 12,349 HU were advanced, leading to a total of 30,682 HU advanced. While 2023 also saw a high number of advancements in East Jerusalem, the 12,349 HU advanced in the West Bank represented a sharp increase compared to 4,427 HU in 2022. For the West Bank, it was the highest number advanced since the signing of the Oslo Accords. The advancements in 2023 represent a 180 percent increase over a period of five years.

From the perspective of safeguarding a two-state solution where Jerusalem could serve as a capital of both states, the Israeli settlement developments on the southern periphery of Jerusalem is severing the chances for contiguity between East Jerusalem and the West Bank. Construction in this area began on the first new settlement to be built in East Jerusalem in over 20 years, Givat Hamatos and a new settlement, the Lower Aqueduct, was fully approved just before the end of 2023. New settlement plans were also advanced in 2023 slated to be constructed within Palestinian neighbourhoods which has been known to cause friction.

In the West Bank, the majority of the settlement plans advanced were located deep into the West Bank. Israeli settlers also established 26 outposts, the most outposts advanced in a year since 1991, and the government advanced the "legalisation" of 15 "illegal" outposts. Israeli authorities also advanced a number of renewable energy sites in Area C, a serious development that undermines Palestinian development opportunities in Area C and adds to the permanency of the Israeli occupation. Another development of concern was the introduction of a "settlement administration" within the Ministry of Defense but under the authority of Finance Minister Smotrich (but in his capacity as a Minister within the MOD). Civil society organisations and legal experts argued that this added a layer of civilian oversight to the oPt that would be in contradiction to IHL where the temporary nature of the administration that serves the interest of the occupied population is supposed to be conducted by the military, separate from the civilian administration of the occupying country. This, they argued, would be blurring the line towards annexation.

¹ The Israeli CSO Ir Amim began documenting settler advancements in 2012.

² All settlements in occupied territory are regarded as illegal according to international humanitarian law while outposts are considered illegal according to Israeli law too, until they have gone through a process of legalization.

Other trends and developments contributing to settlement expansion in the reporting period included advancements of infrastructure and road projects.

The rise in settlement expansion plans by the Israeli authorities was also accompanied by a worrisome trend of rising settler violence in the oPt. UN OCHA registered the highest number of incidents of settler violence in a year since the UN started recording such incidents in 2006. Settler violence notably spiked after 7 October. Settler violence was a major contributing source to the coercive environment of many Palestinian communities resulting in 1,539 Palestinians from 15 different communities, including 756 children being displaced from their homes in Area C.

The EU has repeatedly called on Israel not to proceed with plans under its settlement policy and to halt all settlement activities. It remains the EU's firm position that settlements are illegal under international law. Israel's decision to advance plans for the approval and construction of new settlement units in 2023 further undermines the prospects of a viable two-state solution.

1. INTRODUCTION

According to the Israeli Central Bureau of Statistics (ICBS), there are around 236,000 Israelis living in 12 settlements constructed in East Jerusalem. Between 1967 and now, government-initiated construction in East Jerusalem benefited 99% Israelis and only 1% Palestinians.³

More than 3 million people live in the West Bank. According to the ICBS, there are 478,600 settlers living in the West Bank. While according to the Palestinian Central Bureau of Statistics there are 3,256,942 Palestinians in the West Bank. By the end of 2023 there was 146 settlements and 191 outposts in the occupied West Bank.4

In 2023, the Israeli government continued to deepen the settlement project in the occupied Palestinian territory. The government furthered a number of plans that are especially limiting for Palestinian development and the contiguity of a Palestinian state, and therefore the two-state solution and chances of reaching a political agreement.

In 2023, 30,682 units were advanced in different stages in the planning and implementation process in the occupied West Bank, including occupied East Jerusalem. 18,333 units concerned settlements located in occupied East Jerusalem, and 12,349 settlements located in other parts of the West Bank, including locations deep into the West Bank.⁵

2. ADVANCED SETTLEMENTS IN AND AROUND OCCUPIED EAST JERUSALEM

³ Source: Peace Now

⁴ https://peacenow.org.il/en/settlements-watch/settlements-data/population

⁵ The data on settlement advancements in East Jerusalem are available on the webpage of the Israeli District Planning committee: https://mavat.iplan.gov.il/SV3. Settlement data documented by Ir Amim can be found here: https://www.ir-amim.org.il/en/node/2991 in their annual report: https://www.iramim.org.il/en/node/2986. The data on settlements advanced in the West Bank are based on publicly available information from the Civil Administration's High Planning Committee, where Peace Now is present at the meetings. For detailed information about the plans see this link: https://peacenow.org.il/en/advancement-of-settlements-ineast-jerusalem-amidst-the-war-in-gaza

In 2023, a total of 31 zoning plans for 18,333 housing units and seven tenders for 2,028 housing units were advanced in East Jerusalem. 2023 marks the year with the second highest number of housing units advanced in the last decade following 2022 with just over 23,000 units.

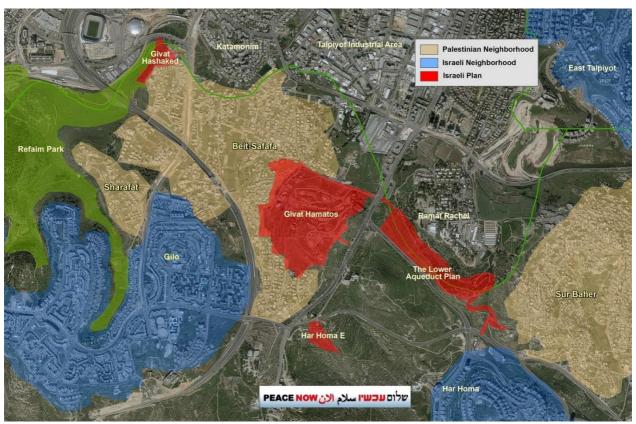
As noted by the Israeli CSO Ir Amim, among the 31 plans advanced, 14 are for either new settlements or settlement expansions with a total of 11,024 housing units. Four plans (Givat Shaked, Kidmat Zion, Lower Aqueduct, Umm Lysoon) are for the establishment of new settlements with 3,012 housing units. Ten plans are for expansions of either planned or existing settlements with 8,012 housing units. The remaining plans are for urban renewal and densification within built-up areas in existing settlements. Five or 4,036 HU of the 31 plans were fully approved in 2023 and 17 plans or 9,600 HU were first introduced and advanced as of the start of 2023. For more details on the plans, see Annex I.

Ir Amim also noted an acceleration in the promotion and fast-tracking of new settlement plans in East Jerusalem during 2023 and in the months following the outbreak of the war in Gaza. Several of the advanced settlement plans (Nofey Rachel, Umm Lysoon, Nof Zahav and Kidmat Zion) are slated to be constructed inside already existing Palestinian neighbourhoods, which as observed in other cases has been a source of increased friction between the communities. It is noteworthy that a process of land registration, led by the General Custodian (the Israeli state body under the Ministry of Justice, responsible for managing or overseeing assets that allegedly belonged to Jews prior to 1948) either preceded or is happening in conjunction with the advancements of these settlements. As highlighted by the Israeli CSOs Ir Amim and Bimkom, this process is being conducted with a total lack of transparency and appears to have become a new method employed by Israel to appropriate more land in East Jerusalem and to displace Palestinians⁶.

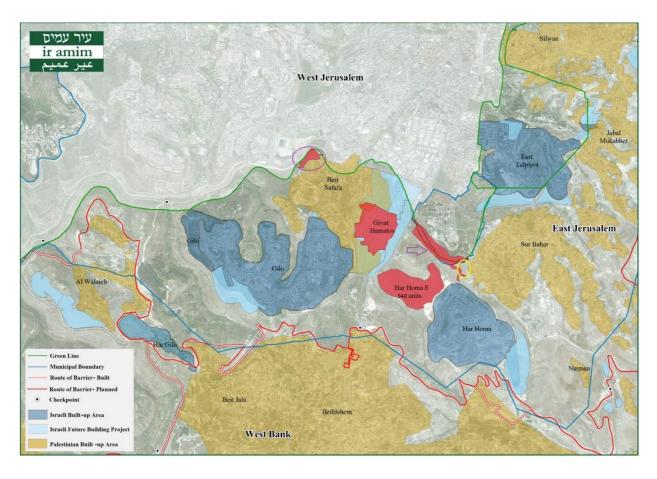
From the perspective of safeguarding a two-state solution where Jerusalem could serve as a capital of both states, the Israeli settlement developments on the southern periphery of Jerusalem continues to be a cause of concern. Givat Hamatos is under construction and is slated to become the first new settlement built beyond the Green Line in Jerusalem in over two decades. If the construction of the Lower Aqueduct is completed⁷, this would tighten and complete the southern ring of Israeli settlements blocking any contiguity between East Jerusalem and the southern West Bank.

⁶ https://bimkom.org/eng/wp-content/uploads/The-Grand-Land-Theft.pdf

⁷ tenders were swiftly awarded following the plans approval in April 2024



Source Peace Now: In red some of recently advanced Israeli settlements plan on the southern Jerusalem periphery



Source Ir Amim: showcasing Israeli East Jerusalem settlements obstructing the chances of contiguity with the West Bank

Meanwhile only 13 percent of East Jerusalem is zoned for Palestinian construction, much of which is already built up, while 35 percent has been allocated for Israeli settlements, which are illegal under international law. The restrictive planning regime applied by Israel also makes it virtually impossible for Palestinians to obtain building permits. 8

3. ADVANCED SETTLEMENTS, RENEWABLE ENERGY INFRASTRUCTURE, OUTPOSTS AND STRUCTURAL CHANGES IN THE OCCUPIED WEST BANK

In 2023 the Israeli government advanced a record number of settlement construction plans numbering 12,349 housing units (HU) according to observations by the Israeli CSO monitoring settlements, Peace Now. The majority of the HU were in settlements located deep inside the West Bank, while the largest advancements with over 1,000 HU were in the settlement of Ma'ale Adumim, located closer to East Jerusalem.

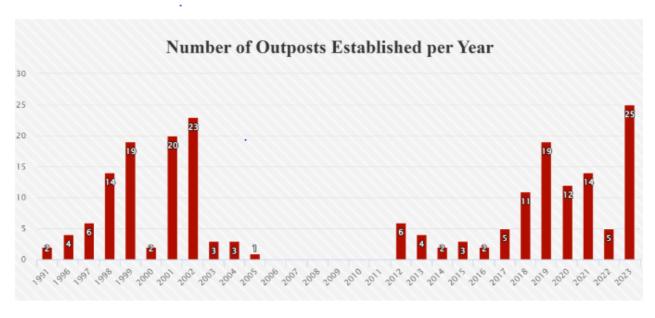
Meanwhile, development is almost impossible for Palestinians in the West Bank's Area C. At a meeting of the Foreign Affairs and Defence Committee of the Knesset in July 2023, representatives of the Civil Administration and Minister Bezalel Smotrich reported that 95% of building permit applications submitted by Palestinians in Area C were rejected. In August 2023, Peace Now reported only 21 building permits granted between 2016 and 2018. Data provided by Bimkom shows that between 2016 and 2020 Palestinians submitted 2,250 building permit applications and only 24 were agreed – a 99% rejection rate. Bimkom's full report can be found here.

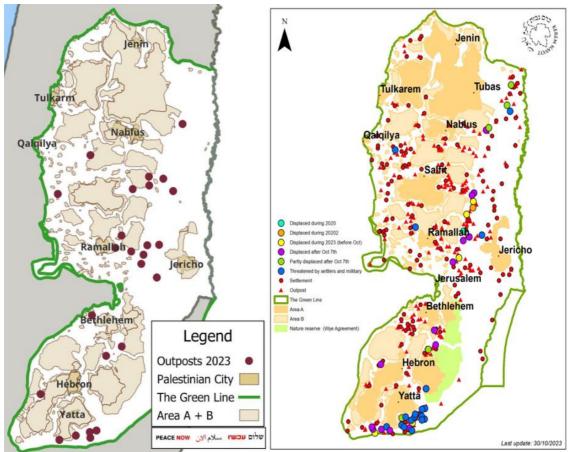
Israeli settlers established 26 new outposts that were not evacuated by Israeli authorities and Israeli authorities advanced the "legalisation" of 15 "illegal" outposts. As can be seen below, this was the highest number of outposts advanced since 1991. All settlements in occupied territory are illegal according to international humanitarian law while outposts are considered illegal according to Israeli law too, until they have gone through a process of legalization and later become full-fledged settlements or neighbourhoods of settlements. 18 of the 26 outposts were so called agricultural or herding outposts, which are reported to now be in control of over approximately 17 percent of Area C of the West Bank, and thus off-limits for Palestinians. Herding outposts, typically only consisting of a few settlers but controlling large areas of land, are also a main source of settler violence against Palestinians (see further below).

The Israeli government early in March 2023 also approved an amendment of the so called "disengagement law". This in effect meant that the government cancelled the prohibition for Israeli citizens from staying in the areas of four evacuated settlements in the north of the West Bank from where Israel disengaged in 2005, along with its disengagement and evacuation from settlements in Gaza. Israel also began the process of "legalizing" the outpost of Homesh, an outpost that has been known for violence and friction with Palestinian communities. From a security perspective, the law is assessed to increase friction in the area between settlers, IDF soldiers and Palestinians. Allowing for the formal establishment of settlements and outposts in the north also endangers the contiguity of a Palestinian state in the West Bank.

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⁸ https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019





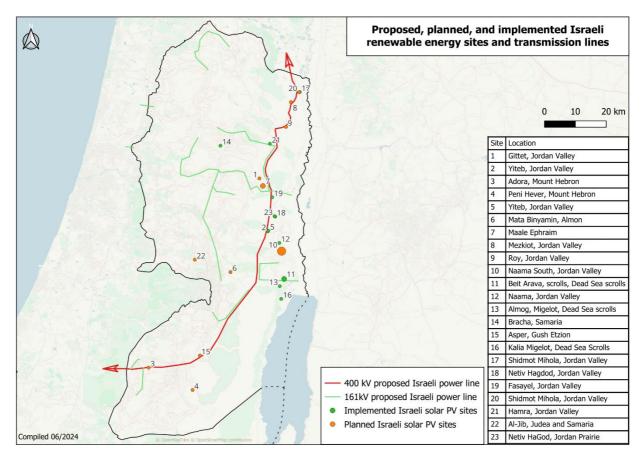
Source Peace Now: Location of new outposts established in 2023 and locations of settlements

The Israeli government also allocated some 20 percent of the total Israeli road investment, about 3 billion NIS, toward road infrastructure serving settlements. The road infrastructure network is key to the development and expansion of settlements. Peace Now assesses that the extensive construction of highways could lead to a doubling of the number of settlers in the coming years.

During 2023, Israel has accelerated its continued expansion of settlement infrastructure through renewable energy 'solar farms' and electricity infrastructure developments in the West Bank, with over ten newly completed renewable energy projects completed in Area C that will benefit the Israeli

settlement population. The settlement minutes for the planned Nama South site, located outside Jericho, note that the site is intended to benefit the settlement economically and to grow the settlement.

In total, Israel has planned 23 renewable energy projects in the West Bank and proposed a high voltage transmission line that extends nearly the entire north-south expanse of the territory. They represent a serious development that undermines Palestinian development opportunities in Area C and add to the permanency of the Israeli occupation.



Source: Map based on GoI information published on https://mavat.iplan.gov.il/SV1 and the "CESI Master Plan for Electricity Generation and Transmission (PETL Master Plan)"

During 2023, Israel also made a number of important structural changes in the administration of the oPt that Peace Now, among others, argue are changes toward annexation; 1) the creation of "the settlement administration" within the Ministry of Defense, under the authority of Finance Minister Smotrich and with the objective to "manage all aspects of life" in the settlements. This, they argue, is a move contradicting IHL whereby the military is supposed to manage the occupied territory in a manner that serves the interest of the occupied population; 2) a change in the planning procedures for settlements in the West Bank decreased the level of required political involvement and sign-off from the political echelon and the Minister of Defense. The exception remains for the stage of the allocation of land, which currently remains in the hands of Minister Smotrich. According to Peace Now, this means that decisions surrounding Israel's settlement policy including promotion of plans are in the hands of settlers and civil servants with less of a focus on security and political considerations as a consequence.

4. TRENDS IN SETTLEMENT PLANS AND TENDERS SINCE 2017

Table 3 illustrates that the advancement of settlement plans in the West Bank and East Jerusalem has steadily increased since 2018 – from 11,513 to 30,700 in 2023. This represents a 180% increase over a

period of five years. In West Bank settlements almost every stage of approval by the Civil Administration Planning Council must be approved by the Minister of Defense. However, the Israeli government's decision in June 2023, to transfer planning authorities in the West Bank to Finance Minister Smotrich and the newly created body of "Settlement Administration", has lessened the degree of political and security considerations regarding Israeli settlement construction in the West Bank. In the case of East Jerusalem, formally considered as annexed by Israel in 1980, there is no Ministerial approval for plans.

The number of settlement tenders advanced in 2023 was 3,286, which represented a sharp increase compared to 2022. A tender is one of the last procedures before a construction can get started. The tender is actually the government publication of a call for proposals to buy the rights to build the settlement project. A tender will typically only take place in large scale governmentally initiated project.

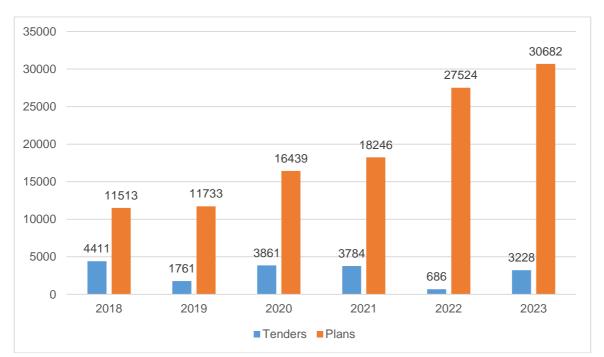
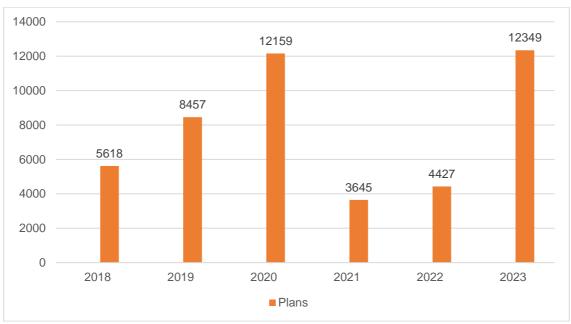


Table 3. Advancement of settlement units in the West Bank and East Jerusalem, 2018 – 2023

Source: Peace Now and Ir Amim

The number of settlement plans (12,349) advanced in the West Bank alone (excluding East Jerusalem) saw a sharp increase in 2023 compared to the previous two years. They also increased compared to 2020 (12,159) a previous year on record.

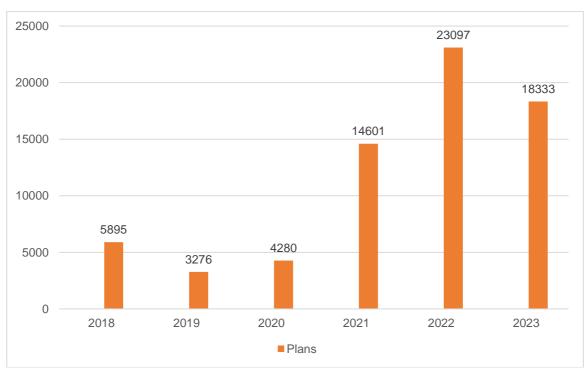
Table 4. Advancement of settlement units in the West Bank only, 2017-2023



Source: Peace Now

For East Jerusalem, 2023 saw a slight decrease in settlement plans advanced compared to 2022, which in itself was an unprecedented year in terms of advancements. As in 2022, in 2023, it is particularly the advancement of housing units in settlements located in East Jerusalem that is unprecedented, greatly contributing to the overall numbers.

Table 5. Advancement of settlement units in occupied East Jerusalem 2017-2021



Source: Ir Amim

5. TRENDS IN SETTLER VIOLENCE

Settler violence saw a steady increase during 2023, with the UN (OCHA) noting an average of three incidents per day during the first nine months of 2023. Following the 7 October terrorist attacks, there was

a spike in incidents, where OCHA between 7 and 31 October recorded 203 attacks, averaging 8 incidents per day. In total, the UN recorded 1,189 settler attacks during 2023, in several instances in the presence of ISF, marking the highest year since OCHA began recording such incidents in 2006. According to UN records, 15 Palestinians were killed by settlers in 2023.⁹

The UN also highlights that in 2023, 1,539 Palestinians from 15 different communities, including 756 children were displaced from their homes in Area C due to Israeli settler violence, access restrictions, and shrinking access to grazing land. Observers underscore that the attacks seem to carry the explicit goal of emptying strategic areas of the Jordan Valley and the south Hebron Hills from Palestinian Bedouin communities. This rise in violent acts by settlers, according to Peace Now, is directly related to the erection and expansion of illegal outposts in the oPt¹0. It should be recalled that the numbers on settler violence collected by the UN only reflect reported incidents resulting in casualties or property damage. They do not include incidents of incitement, threats or harassment.

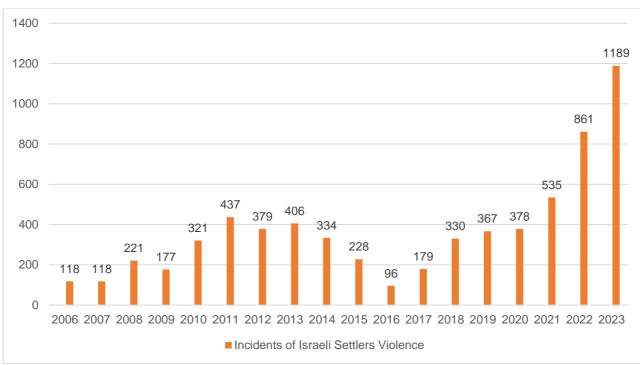


Table 6. Incidents of Israeli Settlers Violence 2006-2023

Source: UN OCHA¹¹

Settler attacks have not only increased but the damages caused by the attacks are on a different scale than seen before. One such attack that stood out was the attack on the Palestinian town Huwara (Area B and C) and surrounding Palestinian villages on 26 February. Following the killing of two Israelis from the settlement Har Bracha by Palestinian perpetrators, hundreds of Israeli settlers participated in attacks on Palestinian communities as a form of collective punishment. According to the assessment of the protection cluster (UN and humanitarian organisations) at least 409 Palestinians were injured and one Palestinian was killed. The cost of the damages and losses were estimated to 4 million euro. At least 34 homes were destroyed or partially damaged including 13 homes that were set on fire.

⁹ https://www.ochaopt.org/data/casualties

¹⁰ http://peacenow.org.il/wp-content/uploads/2021/12/sattlers report eng.pdf

¹¹ https://www.ochaopt.org/content/humanitarian-snapshot-west-bank-2005-2023

The olive harvest occurring in the fall between September and November is a time when every year Palestinians experience increased settler violence. In 2023 the conditions for Palestinian farmers were particularly severe as it coincided with sharply increased Israeli movement restrictions following the 7 October attack. According to humanitarian organisations in the food security sector, this resulted in a financial setback of 10 million USD. UN OCHA documented 113 harvest related cases where Israeli settlers attacked Palestinians, damaged their trees and stole crops, with over 2,000 trees vandalized. 12

Several communities EUREP visited testify to the increase in settler harassment. The tacit support or inaction by the ISF against the settlers is another trend that continues at a larger scale than before October, as observed by humanitarian and human rights organisations. Since 7 October and the activation of reservists into the Israeli army, many of them settlers themselves serving in areas close to their settlements contributed to a blurring of the lines between ISF and settlers Palestinians testified that settlers they recognised as harassers were now appearing in army uniforms, ostensibly responsible for ensuring the safety of the occupied Palestinian population. Humanitarian organisations assess that out of 195 Palestinian communities primarily in Area C, 50 percent are at extreme risk of displacement, and experiencing on average three settler violence incidents per week.

Settler attacks on Palestinians are not sufficiently investigated by Israeli law enforcement. Palestinians are also fearful of retributions if they report on incidents. Israeli Police stations are also located inside Israeli settlements, rendering them difficult to reach for Palestinians. As the Israeli CSO Yesh Din reports, between 2005 and 2022, 93% of police investigations into settler attacks were closed without indictments. On the international scene, the Prosecutor of the International Criminal Court indicated in December 2023 that he was "accelerating investigations" into Israeli settler attacks in the West Bank.

Settlers were are also involved in destroying humanitarian assets provided to vulnerable Palestinian communities. Settlers were reportedly responsible for vandalism of three donor funded schools after communities were forcibly transferred largely as a result of sustained settler violence and intimidation: the Ras al Tin School, the Wadi as Seeq School and the Khirbet Zanuta School, all in Area C.

5. EU HQ PUBLIC STATEMENTS DURING THE REPORTING PERIOD IN RESPONSE TO SETTLEMENT ADVANCEMENTS SETTLER VIOLENCE

The EU issued the following statements related to settlements during the reporting period.

- On 13 February 2023, the spokesperson of the HRVP issued a statement on Israeli authorities' decision to consider nine illegal settler outposts in the occupied West Bank as legal under Israeli law.¹⁴
- On 24 February 2023, the spokesperson of the HRVP issued a statement on Israeli authorities' decision to approve plans, advancing more than 7,000 housing units in illegal settlements across the occupied West Bank.¹⁵
- On 28 February 2023, the spokesperson of the HRVP issued a statement on the spiraling violence in the oPt, including settler violence.¹⁶

¹² https://www.ochaopt.org/content/olive-harvest-2023-hindered-access-afflicts-palestinian-farmers-west-bank

¹³ https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/law+data+dec+22/Law+data+22+ENG.pdf

¹⁵ https://www.eeas.europa.eu/eeas/israelpalestine-statement-spokesperson-israel%E2%80%99s-approval-more-7000-housing-units-illegal-settlements en

¹⁶ <u>https://www.eeas.europa.eu/eeas/israelpalestine-statement-spokesperson-latest-wave-violence_en</u>

- On 21 March, the spokesperson of the HRVP issued a statement on the Israeli Knesset decision to revoke parts of the Disengagement Law.¹⁷ Mai 2022, the HRVP issued a statement on plans for advancing over 4,400 housing units in the West Bank.¹⁸
- On 9 March, the HRVP on behalf of the EU and its Member States issued a statement addressing
 the increasing violence and extremism in Israel and the oPt. The statement included messages
 toward Israel to stop settlement expansion, prevent settler violence, and ensure the perpetrators
 are held accountable.¹⁹
- On 24 May, the spokesperson of the HRVP issued a statement on the decision of Israeli authorities to allow Israeli citizens to establish permanent presence in the outpost in Homesh in the occupied West Bank.²⁰
- On 19 June, the spokesperson of the HRVP issued a statement inter alia addressing Israeli authorities announced plans to advance planning for more than 4,000 settlement units in the occupied West Bank as well as the changes adopted by the Israeli government to the settlements' planning and administration process.²¹
- On 23 June, the HRVP issued a statement on escalations of violence, condemning an attack by Palestinians near the settlement of Eli in which four Israelis were killed and condemning attacks by Israeli settlers against Palestinians, killing at least one Palestinian. The statement also condemned Israel's decision to advance 1000 HU in the settlement of Eli, as a response to the Palestinian attack.²²

¹⁷ https://www.eeas.europa.eu/eeas/israelpalestine-statement-spokesperson-revoking-parts-disengagement-law en

¹⁸ <u>https://www.eeas.europa.eu/eeas/israelpalestine-statement-high-representative-new-illegal-settlement-plans</u> en

https://www.consilium.europa.eu/en/press/press-releases/2023/03/08/israel-palestine-statement-of-the-high-representative-on-behalf-of-the-european-union-on-the-latest-developments/?utm_source=dsms-auto&utm_medium=email&utm_campaign=lsrael%2fPalestine%3a+Statement+of+the+High+Representative+on+behalf+of+the+European+Union+on+the+latest+developments

²⁰ https://www.eeas.europa.eu/eeas/israelpalestine-statement-spokesperson-settlements-expansion-and-housing-demolitions en

https://www.eeas.europa.eu/eeas/israelpalestine-statement-spokesperson-latest-developments_en?channel=eeas_press_alerts&date=2023-06-19&newsid=0&langid=en&source=mail
 https://www.eeas.europa.eu/eeas/israelpalestine-statement-high-representative-josep-borrell-recent-escalation-violence_en?channel=eeas_press_alerts&date=2023-06-23&newsid=0&langid=en&source=mail