



Illegal colonial-settlement of Har Gilo

# BESIEGING BETHLEHEM:

## Latest Israeli Settlement Developments in Bethlehem

Bethlehem, located 10 kilometers to the south of Jerusalem, has been one of the most hard-hit Palestinian governorates by Israeli colonial-settlement policies. Being surrounded by 18 illegal colonial settlements, the iconic Bethlehem, birthplace of Jesus and home to an important number of religious, archeological and cultural sites, has been separated from its twin city of Jerusalem by the construction of three illegal settlements between both occupied cities (Gilo, Giv'at Hamatos and Har Homa), in addition to the illegal Annexation Wall. Today, the Israeli occupation advances plans in order to further fragment the hinterland of the city by separating it from its western villages as well as from Hebron to the south.

This brief describes the latest Israeli colonial-settlement steps in the Bethlehem Area.

## Threatening Battir, a World Heritage Site<sup>1</sup>:

The illegal colonial-settlement of Har Gilo as seen from Battir



Battir is a Palestinian village of about 5,000 inhabitants dating back to Canaanite times. It is home to Roman springs, hand-made terracing, ancient irrigation systems, baths, and captivating hiking trails. In addition, the village features other fascinating elements such as Roman graves, stone houses, watchtowers, olive trees, and vineyards. It was historically known as the “agricultural basin” of Jerusalem. In June 2014, Battir was inscribed as a World Heritage Site on the List of World Heritage in Danger. The name of the site is “Palestine, Land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir”<sup>2</sup>. The World Heritage Site also includes the lands of Beit Jala, in what is known as the “Makhrour Valley”.

In 1996, three years after the Oslo Interim Agreement was signed, Israel built a bypass road for Israeli settlers to facilitate the traffic of settlers toward southern West Bank areas. Road 60 became an important element in settlement growth in the area, particularly the settlements in the Western Bethlehem Area. These cases include the settlements of Beitar Illit and Efrat, that from the signing of the Accords, the populations have drastically increased from 5,500 and 3,500 respectively, to populations of over 50,000 and 10,000 today. Road 60, including its bridges and tunnels, is just one of many tools pulled out of Israel’s toolbox in its attempts to annex the western Bethlehem areas of occupied Palestine.

<sup>1</sup> For more information about the World Heritage Site please access our Media Brief “Palestine’s Heritage Under Occupation” available at <https://www.nad.ps/en/media-room/media-briefs/palestines-heritage-under-occupation-focus-bethlehems-denied-potential>, last accessed on January 13, 2019.

<sup>2</sup> For more information, please consult the Executive Summary of the 2014 nomination available at <https://whc.unesco.org/en/list/1492/documents/> last accessed on January 13, 2019.

In July 2017, members of the Israeli government coalition introduced a bill to the Israeli parliament for a further unilateral expansion of the Israeli Jerusalem Municipality towards other areas of the West Bank around Jerusalem, including the western Bethlehem Area (known by Israel as the “Gush Etzion Bloc”<sup>3</sup>), where the World Heritage Site is located. This bill has been considered an initiative towards the annexation of the area.

On 22 October 2018, the Israeli Government approved plans to expand Bypass Road 60, threatening Palestinian lands of Beit Jala, Al-Khadder and Al-Ma’sara. This new development directly threatens the protected World Heritage Site of Battir. As part of the same plan, the Israeli occupying authorities plan to build an additional bridge in the nearby site of the Cremisan Valley, further devastating Palestinian olive groves in the area<sup>4</sup>.

On 19 December 2018, a group of armed Israeli settlers entered the World Heritage Site from Beit Jala in an attempt to establish a new colonial-installation in the heart of the area, between Beit Jala and Battir, and parallel to the illegal colonial-settlement of Har Gilo about 500 meters. They opened a road approximately 300 meters long. The settlers returned on Christmas Eve, 24 December, to attempt to build a colonial-installation through violent means. While their attempts failed, there are justifiable concerns that violent settlers will return to the area, especially in the context of the upcoming Israeli elections.



3 “Settlement blocs” is an Israeli term not recognized under international law. In actual terms, the “blocs” annex all illegal Israeli colonial settlements in that fixed area, including all land between them, thus maximizing the land available for illegal Israeli colonial settlement expansion. For more information you can check our briefing “Blocking Peace: The Myth of Israeli Settlement Blocs” available at [https://www.nad.ps/sites/default/files/myth\\_of\\_israeli\\_settlement\\_blocs\\_3.pdf](https://www.nad.ps/sites/default/files/myth_of_israeli_settlement_blocs_3.pdf) last accessed on January 21, 2019.

4 Landowners have been already contacted by Israeli occupation authorities announcing plans to begin the construction of a bridge over the Cremisan Valley.

## Separating Bethlehem from Hebron

Illegally established in 1980, on the eastern side of Road 60 and south of the city of Bethlehem, the illegal colonial-settlement of Efrat has prevented Palestinian natural growth in the southern Bethlehem area. Its largest expansion came following the signing of the Oslo Agreement. This illegal colonial settlement is part of what Israel refers to as the “Gush Etzion Bloc”, linking colonial-settlements to the west, as well as to the east, of Bethlehem Governorate (“Etzion East”).

On 16 December 2018, the Israeli Government publicly announced that they had allocated an area of about 1,182 dunums (an unofficial calculation highlights it is likely closer to 1,300 dunums) for the construction of a new illegal colonial settlement named “Givat Eitam”, nearby Efrat. This is located in the area of A-Nahla, one of the last areas left for the development of Bethlehem, close to the historic village of Artas.

The aim of the new settlement would be to consolidate the role being played by the colonial-settlement of Efrat, creating territorial contiguity between the illegal Israeli colonial settlements from the east and west parts of Bethlehem, effectively closing the area for Palestinian presence. This plan has been referred by some as “E-2”, in relation to the “E-1” settlement areas that would effectively divide and further fragment the occupied West Bank.



## Israeli Settlements are Illegal

Colonial-settlements are a grave violation of international humanitarian law. There is consensus about the illegality of Israeli colonial settlement activities. From the Fourth Geneva Convention<sup>5</sup>, to the Rome Statute<sup>6</sup>, the Hague Regulations<sup>7</sup>, the UN Charter<sup>8</sup>

5 Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Article 49 (b), available at <https://ihl-databases.icrc.org/ihl/WebART/380-600056> last accessed on January 13, 2019.

6 Rome Statute, Article 8 (b) (viii), available at <https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC-7CF02886/283503/RomeStatutEng1.pdf> last accessed on January 13, 2019.

7 Hague Regulations, Article 46, available at <https://ihl-databases.icrc.org/ihl/WebArt/195-200056> last accessed on January 13, 2019.

8 Article 2 of the UN Charter, available at <http://www.un.org/en/sections/un-charter/chapter-i/index.html> last accessed on January 13, 2019.

and several UN resolutions, including UNSC Resolution 2334 (December 26, 2016)<sup>9</sup>, as well as the 2004 Advisory Opinion of the International Court of Justice<sup>10</sup>.

## **Cultural Property is Protected under International Law**

Cultural Property is not only valuable to the sovereign State in which territory it stands, rather it is valuable to all human kind. Consequently, the international community has sought its protection through multiple international instruments. These include Hague IV on the Laws and Customs of War on Land, The Hague Convention on Protection of Cultural property in the Event of Armed Conflict, Additional Protocol I to the Geneva Conventions, and the Rome Statute of the International Criminal Court which classifies “Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are no military objectives” as a war crime.<sup>11</sup>

## **Responsibility to Act**

While there is a broad consensus among the members of the international community about the illegality of Israel’s colonial-settlement enterprise, Israel has been able to continue to act with full impunity. Products made in such settlements, including several companies located in the Bethlehem area, continue to be traded in international markets; foreign companies continue to work as part of this illegal enterprise, and a number of foreign organizations continue to fund illegal colonial activities in the occupied State of Palestine.

In the case of the protected World Heritage Site of “Palestine, land of Olives and Vines: Cultural Landscape of Southern Jerusalem, Battir”, there is an additional responsibility to prevent the destruction of the site by the occupying power, including through the Convention Concerning the Protection of the World Cultural and Natural Heritage<sup>12</sup>.

As far as Israel’s continues to be treated as a state above the law, Tel Aviv will continue to expand its colonial enterprise in Palestine, thus eliminating the prospects of a just and lasting peace.

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9 UN Security Council Resolution 2334, available at <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf> last accessed on January 13, 2019.

10 International Court of Justice, July 9 2004. “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” available at <https://www.icj-cij.org/en/case/131> last accessed on January 13, 2019.

11 Laws and Customs of War on Land (Hague (IV) Regulation 27, 56; Hague Convention on the Protection of Cultural Property in the Event on Armed Conflict, Article 4,5; Additional Protocol I to the Geneva Conventions, Article 85 (4) (d); Rome Statute, Article 8 (2)(e)(iv).

12 Convention Concerning the Protection of the World Cultural and Natural Heritage, Article 6, available at <https://whc.unesco.org/en/conventiontext/> last accessed on January 13, 2019.



- 1967 Boundary ("Green Line")
- Israeli settlement built-up area
- Israeli military base
- Israeli controlled tunnel or underpass for Palestinians
- Palestinian city, town, village or neighborhood
- Planned settlement expansion area
- The Wall
- constructed or under construction
- approved or planned
- local Palestinian roads
- Proposed new settlement area
- Israeli settler / bypass roads
- existing
- planned or under construction
- Israeli-proposed "alternative" Palestinian road link
- Israeli Outpost
- Israeli checkpoint