


B'TSELEM
THE ISRAELI INFORMATION CENTER FOR

HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

[About B'tselem](#) | [Publications](#) | [Press Releases](#) | [Statistics](#) | [Testimonies](#) | [Make a Difference](#) | [Human Rights Links](#) | [Contact Us](#)



List of Topics

- [E-mail Update](#)
- [Photo Archive](#)
- [Video](#)
- [Maps](#)

Search

Go ▶

- [עברית](#)
- [عربي](#)
- [Русский](#)

Land Expropriation & Settlements

Taking control of the land in the West Bank

Israel has used a complex legal and bureaucratic mechanism to take control of more than fifty percent of the land in the West Bank. This land was used mainly to establish settlements and create reserves of land for the future expansion of the settlements.

The principal tool used to take control of land is to declare it "state land." This process began in 1979, and is based on a manipulative implementation of the Ottoman Lands Law of 1858, which applied in the area at the time of occupation. Other methods employed by Israel to take control of land include seizure for military needs, declaration of land as "abandoned assets," and the expropriation of land for public needs. Each of these are based on a different legal foundation. In addition, Israel has assisted private citizens purchasing land on the "free market."

The process employed in taking control of land breaches the basic principles of due procedure and natural justice. In many cases, Palestinian residents were unaware that their land was registered in the name of the state, and by the time they discovered this fact, it was too late to appeal. The burden of proof always rests with the Palestinian claiming ownership of the land. Even if he meets this burden, the land may still be registered in the name of the state on the grounds that it was transferred to the settlement "in good faith."

Despite the diverse methods used to take control of land, all the parties involved - the Israeli government, the settlers and the Palestinians - have always perceived these methods as part of a mechanism intended to serve a single purpose: the establishment of civilian settlements in the territories. Accordingly, the precise method used to transfer the control of land from Palestinians to Israel is of secondary importance. Moreover, since this purpose is prohibited under international law, the methods used to secure it are also unlawful.

Israel uses the seized lands to benefit the settlements, while prohibiting the Palestinian public from using them in any way. This use is forbidden and illegal in itself, even if the process by which the lands were taken were fair and in accordance with international and Jordanian law. As the occupier in the Occupied Territories, Israel is not permitted to ignore the needs of an entire population and to use land intended for public needs solely to benefit the settlers.

The High Court of Justice has generally sanctioned the mechanism used to take control of land. In so doing, the Court has contributed to imbuing these procedures with a mask of legality. The Court initially accepted the state's argument that the settlements met urgent military needs, and allowed the state to seize private land for this purpose. When the state began to declare land "state land," the Court refused to intervene to prevent this process.

Background

- [International law](#)
- [Taking control of the land](#)
- [Annexation and local government](#)
- [Encouragement of migration](#)
- [Map analysis](#)
- [Map of the settlements, PDF](#)
- [Settlements population, XLS](#)
- [Population in Gaza settlements before evacuation, XLS](#)
- [Settler violence](#)
- [East Jerusalem](#)
- [Related testimonies](#)
- [Related publications](#)
- [Related photographs](#)

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.