

From Partition to Occupation: The Ongoing Violation of Palestinian Sovereignty

A report on the occupation and settlement in Palestine against
International law



Geneva International Centre for Justice

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Executive Summary

The expansion of Israeli settlements in occupied Palestinian territories constitutes a prolonged and systematic breach of international law. Since the 1947 UN Partition Plan and Israel's declaration of independence in 1948, territorial acquisition and the displacement of Palestinians have continued beyond the boundaries legally recognised by the United Nations.

Today, more than 700,000 Israeli settlers live in the West Bank and East Jerusalem, areas considered occupied under international law. These settlements, subsidised by the Israeli state and supported by private funding, violate the Fourth Geneva Convention's prohibition on transferring the occupying power's population into occupied territory. Due to the Oslo Accords failure to halt expansion, the Israeli settler population has grown fivefold since the 1990s, entrenching Israeli control and undermining Palestinian sovereignty.

The occupation's impact extends beyond land acquisition. Palestinians face forced displacement, destruction of farmland, and unequal legal treatment, with settlers governed by civil law and Palestinians by military law. Settlement-related tourism and economic activities further normalise and sustain the occupation.

Although Israel withdrew its settlements from Gaza in 2005, its continuing control over Gaza's borders, airspace, and maritime access maintains its status as an occupied territory. Recent military actions and restrictions on humanitarian aid have deepened the crisis and drawn global condemnation.

This report assesses these developments within the framework of international law, concluding that Israeli settlement policies and military occupation systematically violate the UN Charter, the Fourth Geneva Convention, and multiple UN resolutions, while eroding the international legal order and obstructing Palestinian self-determination.

Background and Context



Following the Second World War and a sharp increase in Jewish immigration to Palestine, the United Nations proposed a Partition Plan in 1947 from UN General Assembly Resolution 181. This plan recommended the division of Palestine into two states, one Jewish state wherein 55% of the land was allocated, and one Arab wherein 45% of the land was allocated. The Arab states and Palestinian leadership rejected the plan, viewing it as an unjust seizure of indigenous land, especially considering that Palestinians made up the majority of the population and owned the majority of the land at the time.

On May 14, 1948, the State of Israel unilaterally declared independence, triggering the first Arab-Israeli war. During and after the events known as the Nakba, over 750,000 Palestinians were expelled from their homes. By the end of the war, Israel had taken control of approximately 78% of historical Palestine, far beyond what had been allotted under the UN Partition Plan. This expansion was never formally recognised by the United Nations as legal.

While the international community eventually extended diplomatic recognition to Israel, it did not legally sanction the territorial expansion beyond the 1947 plan. In effect, the normalisation of Israel's territorial gains has occurred through political acquiescence rather than legal endorsement, raising questions about the implementation and enforcement of international law.

The UN Charter, adopted in 1945 and binding on all member states, including Israel, clearly prohibits the use of force to acquire territory.

Article 2(4) states:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Israel's continued expansion into Palestinian territory, including through formal annexation and settlement construction, violates this core principle of the Charter, and by extension, customary international law.

In 2025, the remaining Palestinian territories, primarily the West Bank, East Jerusalem, and Gaza, remain under varying degrees of military occupation. In the West Bank alone, over 150 official Israeli settlements and numerous outposts, illegal even under Israeli law, house over 500,000 settlers. In East Jerusalem, at least 230,000 settlers reside, despite its international status as occupied territory. Additionally, 30,000 Israeli settlers live in the occupied Syrian Golan Heights, annexed in 1981, in direct contravention of UN Security Council Resolution 497, which declared the annexation null and void.

Israeli settlements are heavily subsidised by the Israeli government, which provides infrastructure, tax benefits, mortgage support, and public services to incentivise settlement. Beyond state funding, millions of dollars are raised annually by private organisations, primarily based in the United States, to support settlement expansion, often through charitable foundations.

The UN Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) have repeatedly condemned settlement activity and called on states and corporations to end financial relationships with entities involved in the occupation. Despite this, major tourism platforms and real estate firms continue to profit from promoting and marketing properties in illegal settlements, activities that may be considered complicit in serious violations of international humanitarian law and human rights law.

Overview of the Oslo Accords

The Oslo Accords signed in 1993 and 1995 failed Palestinians by creating three zones in the West Bank:

- **Area A:** Full civil and security control by the Palestinian Authority (“PA”).
- **Area B:** Palestinian civil control and Israeli security control.
- **Area C:** Full Israeli control (about 60% of the West Bank), this is where most Israeli settlements are located.

These accords haven’t stymied settlement occupation. Since Oslo the settler population in the West Bank has grown from around 110,000 in 1993 to over 500,000.

Thus, not only have Palestinians experienced a huge part of their land being taken away, they also feel unsafe in areas under the Israeli administration. This accord has effectively been the start of the occupation plan and the expansion of the Zionist regime in Palestine.

Documented Violations of International Law

The ongoing situation in the Occupied Palestinian Territory must be examined through the lens of international law to assess the legality of the actions undertaken by the Israeli government. Accordingly, it is essential to establish a set of legal syllogisms, applying facts to established legal norms, to determine whether Israel's conduct aligns with or violates its obligations under international law.

1.

Israel has transferred over 700,000 settlers into the occupied West Bank and East Jerusalem since 1967. The settlements are built on confiscated Palestinian Land and are supported by state infrastructure and military protection.

The **Article 49 § 6 of the Fourth Geneva Convention** states:

"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

To conclude, the transfer of Israeli civilians into the occupied territory violates Article 49 §6 and is therefore illegal under international law.

2.

Thousands of Palestinians have been forcibly evicted or pressured to leave their homes in areas like Sheikh Jarrah, Silwan, Masafer Yatta and the Jordan Valley.

The **rule 130 of the International Committee of the Red Cross (ICRC)** states:

"States may not forcibly transfer or deport the civilian population of an occupied territory."

These forced displacements amount to forcible transfers and thus constitutes a grave breach of international humanitarian law.

3.

Since the **resolution 2234**, Israel has continued expanding settlements, ignoring repeated calls to halt expansion.

The UN Security Council affirmed in resolution 2334 declares in:

"Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem, have no legal validity and constitute a flagrant violation under international law."

Israel's actions are in direct violation of the Security Council's resolution, undermining international law and UN authority.

4.

Israel's occupation of the West Bank, including East Jerusalem, is maintained by military force and settlements serve to permanently alter the territorial status of Palestine.

The **Article 2 § 4 of the UN Charter**, as also confirmed in **Resolution 2625 of 1970**, prohibits the acquisition of territory by force.

The use of force is clearly used by the Israeli government and its army to acquire and change the status of territory creating another infraction against international law and a principle of jus cogens.

The consistent political and military support extended to Israel by powerful states, particularly the United States and several European countries, has significantly impeded the international community's ability to enforce international law and respond effectively to documented violations.

5.

Israel has the duty to ensure the basic needs of the local population

Article 55 and 56 of the Fourth Geneva Convention

Israel has violated this right by blocking aid during the genocide and after the ceasefire, only allowing a minority of all the trucks verified to enter under the ceasefire deal.

The ongoing atrocities in the occupied Palestinian territory, widely described as amounting to crimes against humanity and genocide, are occurring in a context where international accountability mechanisms, such as

the International Criminal Court (ICC), face deliberate obstruction. The lack of cooperation from influential states severely undermines the ICC's ability to execute arrest warrants and pursue justice.

In moments where fundamental human rights are under systematic assault, full cooperation with international judicial bodies becomes not only necessary but legally binding for States Parties to the Rome Statute. These states must uphold their obligations under international law and prioritise the enforcement of international justice over short-term political or economic interests.

It is crucial to note that this list is non - exhaustive and that the violations of International law and Humanitarian law are constantly and continue to be violated.

Land appropriation and Agricultural Impact



Palestinian farmers face violent eviction from their land together with the threat of the uprooting of their olive trees by Israeli settlers, which is a common occurrence. .

Over 800,000 olive trees have been destroyed in the West Bank since 1967.

The Olive harvest sustains 80,000 to 100,000 families with agricultural income in the West Bank. Beyond economics, olive trees are deeply symbolic, embodying resilience, a symbol that's reflective of the Palestinian people.

This systematic expansion undermines the territorial integrity of a future Palestinian state and reflects a broader strategy of permanent control and displacement that is incompatible with the right to self-determination of the Palestinian people.

On the 1st of November 2025, three Palestinian farmers were wounded in al-Maniya, as Israeli settlers opened fire on them as they were harvesting their olives. In what way does the harvesting of olives by Palestinians constitute a threat or violence against Israelis?

Settlement-Related Tourism Activities



“Settlement tourism” refers to organised travel and accommodation activities within Israeli settlements located in the occupied West Bank and East Jerusalem. These tours, often promoted as cultural, historical, or religious experiences, frequently feature visits to wineries, archaeological sites, and guesthouses situated in settlements built beyond the 1949 Armistice Lines. According to Human Rights Watch, rental listings in these settlements are “contrary to the responsibilities of businesses to avoid contributing to serious abuses of human rights and international humanitarian law.”

Under the legal framework of the Fourth Geneva Convention and the Rome Statute of the International Criminal Court, transferring an occupying power’s civilian population into occupied territory constitutes a war crime, meaning that civilian settlement activity in such areas is considered unlawful. Tourism within these settlements therefore bolsters the economic sustainability of territory widely regarded as unlawfully occupied, and in doing so arguably helps sustain the occupation itself.

Application of Israeli Domestic Law in the Occupied Palestinian Territory

Settlers in the West Bank are governed by Israeli civil law, while Palestinians in the same areas are governed by Israeli military law and tried in Israeli military courts, which have a conviction rate of over 95%. Israeli courts also use Israeli law to evict Palestinians from their homes. Under international law, it is not legal to apply an occupying power’s domestic law to Palestinians living in the occupied Palestinian territory (OPT), as stated in Articles 64 and 47 of the Fourth Geneva Convention (1949).

Israeli law prevents Palestinian citizens from leasing roughly 80 percent of the land controlled by the state. The **Absentees’ Property Law**, enacted in March 1950, declared the property of Palestinians who had been forced to leave their homes in 1948 as “absentee property.” This law has been used to benefit the Israeli state by transferring ownership of that property to the state, and it has subsequently been normalised as a mechanism to confiscate Palestinian land and property. Importantly, the term “property” in the law includes all immovable and movable assets, including money. The law strips Palestinians of their property rights, illustrating yet another mechanism used by the occupying power to extend its settlement enterprise. In all its forms, this law stands in violation of international law.

Israeli Settlements in the Gaza Strip



In Gaza, where a genocide has been carried out by Israel, the occupation remains in a legal sense, as Israel continues to maintain effective control over its land, airspace, and maritime boundaries. This demonstrates the occupying power's intent to restrict Palestinians' ability to survive by preventing them from fishing and blocking humanitarian aid from passing through international and Palestinian waters. On August 7, 2025, the Israeli Prime Minister announced the government's intention to assume full security control of Gaza, described as a temporary measure, with a later transfer of authority to Arab forces.

In response, Germany has suspended military exports to Israel that could potentially be used in Gaza. France condemned the plan as an unprecedented disaster and called for a United Nations-backed stabilisation mission in Gaza. Israeli hostage families and certain security officials have expressed concerns that expanded military operations might jeopardise the safety of hostages held in Gaza.

Israel asserts that its actions comply with the right of self-defense as enshrined in Article 51 of the UN Charter. However, as a UN Member State, Israel is bound to uphold *all* provisions of international law without selective interpretation. Self-defense measures must be necessary, proportionate, and of limited duration. Israel's prolonged military actions have been widely criticised by the international community as constituting war crimes, crimes against humanity, and genocide.

Plans for re-establishing settlements in Gaza are reportedly under consideration within the Israeli government. Notably, Daniella Weiss has claimed to have secured commitments from approximately 740 Israeli families to resettle in Gaza, with intentions to establish the first new settlement by the end of the year.

In summary, the Israeli government has progressively appropriated Palestinian land and asserted control over the territory's security, legal framework, and even cultural dimensions. These measures have often been justified by the ideology of "Greater Israel" and the stated objective of combating Hamas. Meanwhile, Palestinians continue to endure severe humanitarian abuses, including the use of food blockades as a weapon of war, extensive bombing, denial of access to maritime resources, and the interception of humanitarian aid vessels in international waters. These actions represent clear violations of international humanitarian and human rights law.

GICJ Position and Recommendations

Geneva International Centre for Justice (GICJ) strongly condemns the Israeli settlement activity in occupied Palestinian territories as a breach of the Fourth Geneva Convention and relevant UN resolutions. We call upon the international community and all states to impose robust sanctions on Israel and to formally recognise the State of Palestine. It is imperative to end the devastating humanitarian crisis in Gaza.

GICJ remains deeply concerned by the continued expansion of Israeli settlements in the OPT, including East Jerusalem, which constitutes a grave breach of international law and an enduring obstacle to the realisation of a just and lasting peace.

GICJ recalls that the United Nations should continue to report the grave violations of human rights and territorial rights in OPT and remove all settlements. We also recall that the establishment and expansion of settlements in occupied territory contravene numerous provisions of international law, including Article 49 (6) of the Fourth Geneva Convention, which expressly prohibits the transfer of the occupying power's civilian population into the territory it occupies. Furthermore, these actions have been repeatedly condemned by the United Nations Security Council, most notably in resolution 2334 (2016), which reaffirms the illegality of the settlements and calls for an immediate cessation of all settlement activities.

We ask the International community to pressure the Israeli government to respect international law and human rights as well as the decisions of the International Criminal Court.

The Palestinian people deserve justice, reparations, restoration of their homes, and the fundamental right to live in peace, safety, and dignity.

About GICJ

Geneva International Centre for Justice (GICJ) is a non-profit, non-governmental organisation dedicated to promoting and reinforcing commitments to the principles and norms of human rights. GICJ is based in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes.

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights: reinforcing the independence of lawyers and judiciaries; consolidating the principles of equality and non-discrimination; ensuring the rule of law is upheld; promoting a culture of awareness of human rights; and combating impunity. GICJ collaborates with a coalition of NGOs on the ground and around the world, which provide accurate and up-to-date information on violations. GICJ also works with networks of academics, lawyers and experts who contribute their knowledge and expertise on relevant issues and cases.

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