

Question: One emeritus professor of International Law argued that the illegality of Israeli settlements in the West Bank/Judea-Samaria is in accordance with international law, because it is a customary opinion in the UN and in other international fora. How do you respond?

This is a complex area of law. Several issues need to be distinguished:

- Are the territories “occupied” within the meaning of the Fourth Geneva Convention (FGC)?
- Even if they are “occupied”, what is the territorial sovereign status of the territories? The question of whether they are occupied is a different question than the status of the territories. It is commonly assumed that if they are occupied they cannot be part of the territory of Israel; but that is not correct.
- If they are “occupied”, is Israel’s “settlement policy” illegal under article 49(6) FGC?

On the status of the territories, and the (il)legality of settlements, see Position Paper: [Are the Israeli settlements in the West Bank illegal under international law?](#)

think.

ISRAEL *and* INTERNATIONAL LAW