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The international humanitarian law of occupation <sup>[1]</sup> contains a prohibition against deporting <sup>[2]</sup> or transferring parts of the civilian population <sup>[3]</sup> of the Occupying Power into Occupied Territory, even if they volunteer to be so transferred. Such transfers <sup>[4]</sup> are often carried out in order to alter the demographic composition of the population of the occupied territory, and constitute a grave breach <sup>[5]</sup> of Additional Protocol I, as well as being listed as a war crime <sup>[6]</sup> under the Statute of the International Criminal Court <sup>[7]</sup>.

As the establishment of settlements also involves population transfers into Occupied Territory, these are prohibited under IHL. Any measure designed to expand or consolidate settlements is also illegal. Appropriation <sup>[8]</sup> of land to build or expand settlements is similarly prohibited.

See Occupation <sup>[1]</sup>; Transfer <sup>[4]</sup>; War Crimes <sup>[6]</sup>; Grave breaches <sup>[5]</sup>;

## OUTLINE

Chapter 8, IV. 8. b) Transfer of the Occupying Power's own population <sup>[9]</sup>

## LEGAL SOURCE

GCIV, 49/6 <sup>[10]</sup>

CIHL, 130 <sup>[11]</sup>

## DOCUMENT

ICRC Appeals on the Near East <sup>[12]</sup> (Parts B. <sup>[13]</sup> and C., para. 5 <sup>[14]</sup>)

## CASES

ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory (Part A., Paras. 120 and 135) <sup>[15]</sup>

Israel, Ayub v. Minister of Defence <sup>[16]</sup>

UN, Resolutions and Conference on Respect for the Fourth Convention (Parts B. and F.) <sup>[17]</sup>

Amnesty International, Breach of the Principle of Distinction <sup>[18]</sup>

The Conflict in Western Sahara (Part A.) <sup>[19]</sup>

## BIBLIOGRAPHIC RESOURCES

AL-RAYYES Nasser, *The Israeli Settlements from the Perspective of International Humanitarian Law*, Ramallah, Al-Haq Institute, 2000, 139 pp.

MALLISON William T., "A Juridical Analysis of the Israeli Settlements in the Occupied Territories", in *The Palestine Yearbook of International Law*, Vol. 10, 1998-99, pp. 1-26.

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[15] <https://casebook.icrc.org/case-study/icjisrael-separation-wallsecurity-fence-occupied-palestinian-territory>

[16] <https://casebook.icrc.org/case-study/israel-ayub-v-minister-defence>

[17] <https://casebook.icrc.org/case-study/un-resolutions-and-conference-respect-fourth-convention>

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