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

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 of land to build or expand settlements is similarly prohibited.

See Occupation; Transfer; War Crimes; Grave breaches;
ICRC Appeals on the Near East (Parts B. and C., para. 5)

CASES

ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory (Part A., Paras. 120 and 135)

Israel, Ayub v. Minister of Defence

UN, Resolutions and Conference on Respect for the Fourth Convention (Parts B. and F.)

Amnesty International, Breach of the Principle of Distinction

The Conflict in Western Sahara (Part A.)

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


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