

Statements from U.S. Government Officials Concerning Israeli Settlements



Introduction

The policy of all Israeli governments since 1967 of settling Israeli citizens in the territories Israel occupied in the 1967 war is regarded by most governments as a violation of international law defined by the “Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War.” In 2004, the International Court of Justice confirmed this in an advisory opinion. The United States supported the applicability of the Geneva Convention and the unlawful character of settlements until February 1981 when President Ronald Reagan disavowed this policy by asserting that settlements are “not illegal.” President Reagan’s policy has been sustained, implicitly, by subsequent U.S. administrations, all of whom have declined to address the legal issue, although they have all opposed, with varying emphasis, settlements or settlement expansion. However, on April 14, 2004, President George W. Bush, in a further retreat from past policy, told Israeli Prime Minister Ariel Sharon that, “In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949...” The following is chronology of statements by U.S. officials, beginning with the Johnson administration. It was initially prepared by Matt Skarzynski, an intern with the Foundation for Middle East Peace, Churches for Middle East Peace, and Holly Byker, a former staff member of Churches for Middle East Peace. Additional updates researched by Alexandra Stevens, an intern with Churches for Middle East Peace. A consolidated version of this content is found in Quotes from U.S. Government Officials Concerning Israeli Settlements also available at cmep.org.

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The Trump Administration

Statement by the Press Secretary Sean Spicer, February 2, 2017

“While we don’t believe the existence of settlements is an impediment to peace, the construction of new settlements or the expansion of existing settlements beyond their current borders may not be helpful in achieving that goal.”¹

Interview with Israel Hayom, President Donald Trump, February 17th, 2017

“There is limited remaining territory, every time you take land for a settlement, less territory remains. I’m not someone who believes that advancing settlements is good for peace. But we are examining a number of options.”²

The Obama Administration

State Department Briefing- State Department, John Kirby, January 19th, 2016

“We also remained concerned, and deeply concerned. We’ve not been bashful about saying this and neither was he, about Israeli settler violence against Palestinians and their property in the West Bank”.

“Our longstanding position on settlements is clear. We view Israeli settlement activity as illegitimate and counterproductive to the cause of peace. We remain deeply concerned about Israel’s current policy on settlements, including construction, planning and retroactive legalizations. The U.S. government has never defended or supported Israeli settlements, because administrations from both parties have long recognized that settlement activity beyond the 1967 lines and efforts to change the facts on the ground undermine prospects for a two-state solution. We are (ph) no different.”³

White House Press Secretary, Josh Earnest, October 5th, 2016

“Every U.S. administration since 1967 -- Democratic and Republican alike -- has opposed *Israeli* settlement activity in the Occupied Territories. This administration, on a number of occasions, unfortunately has publicly restated that view. And our concern is based on our longstanding view that settlement activity and other efforts to change the facts on the ground in the West Bank and East Jerusalem undermines the goal of a two-state solution to the *Israeli*-Palestinian conflict. Expanding these settlements only makes it harder to negotiate a sustainable and equitable peace agreement in good faith between the two parties.”

“It’s also troubling, I would add, that in the wake of *Israel* and the United States concluding an

¹ Sean Spicer, *Statement by the Press Secretary*, The White House, February 02, 2017.

<https://www.whitehouse.gov/the-press-office/2017/02/02/statement-press-secretary>

² William Booth, *Trump says he really wants Israeli-Palestinian peace deal, warns both sides to ‘act reasonably’*, The Washington Post, February 10th, 2017.

https://www.washingtonpost.com/world/trump-warns-israel-that-expanding-west-bank-settlements-not-good-for-peace/2017/02/10/51a39ce4-ef89-11e6-b7e8-df81bd6c4c30_story.html?utm_term=.bf4869a852a0

³ *State Department Daily Briefing*, C-Span, January 19th, 2016. <https://www.c-span.org/video/?403426-1/state-department-briefing>

unprecedented agreement on military assistance designed to further strengthen *Israel's* security, that *Israel* would take a decision contrary to its long-term security interest -- a long-term security interest that the United States is prepared to dedicate billions of dollars to protect. The United States has long believed, and we continue to believe, that it's within the clear interest of *Israel's* national security to resolve the *Israeli*-Palestinian conflict in a way that allows a democratic and Jewish state of *Israel* to live side by side in peace and security, with a viable and contiguous Palestinian state.”

“This settlement's planned location is deep in the West Bank. In fact, the settlement location is far closer to Jordan than it is to *Israel*. And it would effectively link a string of outposts that could divide the West Bank and it would make the possibility of a viable Palestinian state all the more remote. So I think all of those factors -- the location of the settlement, the timing of the announcement, the recent announcement of the U.S. commitment to *Israel's* security -- all of that combined would explain why the United States is so disappointed and even sharply critical of this decision that's announced by the *Israeli* government.”⁴

Andrea Mitchell Reports State Department Spokesperson, John Kirby December 20th, 2016

“Our policy is entirely consistent with that long standing view about settlements- to the degree also not just the illegality of them, but that they are not helping us get to a two state solution and everybody says that they want to see a two state solution, a viable two state solution, we're still committed to that, Secretary Kerry is still committed to that and we're going to continue to work on it and because we think it is obviously for the betterment not only of the Israeli people and the Palestinians but for the whole region.”⁵

State Department, State Department Daily Briefing, Mark Toner, December 27th, 2016

“I'll go back to what I just said which is, you know, we would hope that the U.N. Security Council resolution that was passed on Friday would serve as a wakeup call, as a call to action, as a -- an attempt to alert both sides, but certainly Israel, that its actions with regards to settlement activity are, as I said, are a detriment to moving a wakeup call, as a call to action, as a -- an attempt to alert both sides, but certainly Israel, that its actions with regards to settlement activity are, as I said, are a detriment to moving forward with a -- toward a two-state solution.”⁶

Andrea Mitchell Reports, Secretary of State, John Kerry, December 28th, 2016

“We are proud of the vote we cast because it was the right vote, because we are defending Israel and defending the two state solution and the possibility of peace against what I described today, which is a very comprehensive effort that is moving Israeli Settlers into the West Bank, increasingly making the possibility of two states very difficult, if not impossible. And that unfortunately, puts Israel at risk and the rest of the region at risk.”⁷

⁴ *White House Daily Briefing*, C-Span, October 5th, 2016 <https://www.c-span.org/video/?416464-1/white-house-briefing>

⁵ Andrea Mitchell, *John Kirby, John Kirby on warning to Americans to be 'vigilant' abroad*, MSNBC, December 29th, 2016 <http://www.msnbc.com/andrea-mitchell-reports/watch/john-kirby-on-warning-to-americans-to-be-vigilant-abroad-837673539790>

⁶ *U.S Again Condemns Israel's Planned Settlements in West Bank*, CBS News, October 5, 2016, <http://www.cbsnews.com/news/us-again-condemns-israel-planned-settlements-in-west-bank/>

⁷ John Kerry, *The real issue is Israel's settlement policy*, NBC News, Wednesday, December 28th, 2016. <http://www.nbcnews.com/video/secy-of-state-kerry-the-real-issue-is-israel-s-settlement-policy-842780739989>

Marie Harf, Senior Advisor for Strategic Communications to U.S. Secretary of State John Kerry, June 2014

“As we have consistently said, these actions are unhelpful and counterproductive to achieving a two-state outcome.”⁸

John Kerry, Secretary of State, November 2013

”Let me emphasise that the position of the United States is that we consider now, and have always considered, the settlements to be illegitimate.”⁹

State Department, Spokeswoman Jen Psaki, August 2013

“Our position on settlements has not changed. We do not accept the legitimacy of continued settlement activity and oppose any efforts to legitimize settlement outposts.”¹⁰

Hillary Clinton, Secretary of State, November 2012

”In light of today's announcement, let me reiterate that this administration - like previous administrations - has been very clear with Israel that these activities set back the cause of a negotiated peace”.¹¹

Phillip J. Crowley, December 9, 2010

“The position on settlements has not and will not change.”¹²

President Obama, November 18, 2009

”I think that additional settlement building does not contribute to Israel's security. I think it makes it harder for them to make peace with their neighbors. I think it embitters the Palestinians in a way that could end up being very dangerous.”¹³

⁸ Marie Harf, *Israel Expands Settlements to Rebuke Palestinians*, NY Times, June 2014

<https://www.nytimes.com/2014/06/06/world/middleeast/new-israeli-settlement-plans-draw-swift-condemnation.html>

⁹ Kerry: *Israeli settlements are illegitimate*, Al Jazeera and agencies, November 6th, 2013.

<http://www.aljazeera.com/news/middleeast/2013/11/kerry-israeli-settlements-are-illegitimate-201311613594909400.html>

¹⁰ Kareem Khadder, Laura Smith-Spark, *New Israeli settlement plan casts shadow on talks with Palestinians*, CNN, August 10th, 2013.

<http://www.cnn.com/2013/08/10/world/meast/mideast-palestinians-israelis/>

¹¹ Hillary Clinton, *Secretary of State Hillary Clinton Remarks*, C-Span, November 2012. <https://www.c-span.org/video/?309709-2/secretary-state-hillary-clinton-remarks>

¹² Natasha Mozgovaya, *U.S. Official: Obama Does Not and Will Not Condone Israel's Settlement Activity*, Haaretz, December 8th, 2010. <http://www.haaretz.com/news/diplomacy-defense/u-s-official-obama-does-not-and-will-not-condone-israel-s-settlement-activity-1.329575>

¹³ Eric Trager, *Obama's "Dangerous" Mideast Analysis*, Huffingtonpost, 2009.

http://www.huffingtonpost.com/eric-trager/obamas-dangerous-mideast_b_368757.html

President Obama in Cairo, June 4, 2009

“The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop.”¹⁴

Secretary of State Hillary Rodham Clinton in an interview with Abderrahim Foukara of Al Jazeera, May 19, 2009

“First, we want to see a stop to settlement construction, additions, natural growth – any kind of settlement activity. That is what the President has called for.”¹⁵

Remarks by President Barack Obama in a press conference with Prime Minister Netanyahu Of Israel, May 18, 2009

"Settlements have to be stopped in order for us to move forward. That's a difficult issue. I recognize that, but it's an important one and it has to be addressed.”¹⁶

Secretary of State Hillary Clinton at AIPAC, March 22, 2009

“—And yes, I underscored the longstanding American policy that does not accept the legitimacy of continued settlements.”¹⁷

Bush Administration

Stephen Hadley, National Security Advisor, Press Briefing, Dan Panorama Hotel, Jerusalem, January 9, 2008

STEPHEN HADLEY: “—One of the things that came up in that conversation, of course, was a little bit of issue of settlements... Obviously, as the President indicated, there is an obligation under the road map for Israel to stop settlement expansion... Our view, of course, continues to be that both parties need to carry out their road map obligations—that involves stopping settlement expansion. As the President made clear, it also means dismantling illegal outposts. We expect those obligations—the Israelis to go forward on meeting those obligations, and the Prime Minister indicated that he would.”

Q: “From what I understand, it sounds like he’s willing to pressure when it comes to fulfilling existing obligations under the road map. And as far as that goes, was he disappointed that no outposts were dismantled before this visit? Is he willing to apply pressure on Israel to dismantle

¹⁴ Jesse Lee, *The President's Speech in Cairo: New Beginnings*, The White House, President Barack Obama, June 4th, 2009 <http://www.whitehouse.gov/blog/NewBeginning/>

¹⁵ *US presses Israel on settlements*, Al Jazeera and agencies, May 20th, 2009 <http://english.aljazeera.net/news/americas/2009/05/200951918634691965.html>

¹⁶ Michele Kelemen, *Obama, Netanyahu Focus On Middle East, Iran*, May 18th, 2009 <http://www.npr.org/templates/story/story.php?storyId=104267989>

¹⁷ Dennis J. Deeb II, “Israel, Palestine, & the Quest for Middle East Peace”, University Press of America, Jun 13, 2013, pg. 71.

outposts? And finally, does he expect Prime Minister Olmert to put the definition of Israel's obligations under the road map as not including Jerusalem and population centers?"?

STEPHEN HADLEY: "—Well, I think the President was very clear on the issue of illegal outposts. And he said they need to go, I think his words. I give you his words. The position on settlements, as I say, is pretty clear for the United States. The road map says that there needs to be an end to settlement growth. That is our position. There should be an end to settlement growth. It also makes clear that one of the reasons for that is, we do not want to prejudice these final status negotiations that are now underway."¹⁸

Stephen Hadley, National Security Advisor, Press Briefing, Dan Panorama Hotel, Jerusalem, January, 10, 2008

Q: "Yesterday, Prime Minister Olmert made a distinction about East Jerusalem and settlements, and I assume he was talking about Har Homa. Does the President make such a distinction when he wants the road map followed? Is East Jerusalem different? Do they have to stop that?"

STEPHEN HADLEY: —What we've done is said, and what the President did yesterday, and you've heard from Secretary Rice and from me as well, yesterday—we go back to the road map. And the road map says that there needs to be a halt to settlement expansion. That's what the road map says. The road map also says that unlawful outposts should be dismantled. And the President made very clear last night, road map obligations are road map obligations; they need to be carried out. So our position is the road map obligations are clear. Both sides, Israelis and Palestinians, need to be going forward on those road map obligations. Obviously the Prime Minister has talked about his views about how to approach the road map issues and to approach the settlement issues. Our view is the settlement expansion should halt. The Prime Minister expressed his views about how Israel is going to undertake that point. The other thing I would say—as you know, this whole issue of settlements gets a lot easier once there is an understanding between Israel and the Palestinians as to what the territory of a new state is going to look like."

Q: "Just one more question on that. First of all, it would seem that you're at odds, then, with Prime Minister Olmert on that and how that is viewed. Correct?"

STEPHEN HADLEY: "—I think it's fair to say that the road map is pretty flat. It talks about ending expansion of the —of settlements. Prime Minister Olmert has made some practical distinctions that they are going to adopt in the approach they are taking to that issue. We continue to say, road map obligations are road map obligations and they need to be carried forth."

Q: "Can I just follow up one more time on that? Sorry. So did the President make clear that you view Har Homa, and East Jerusalem settlement.."

STEPHEN HADLEY: "—You heard the President last night. The President said, the road map says there should be no further settlement expansion, and the President's position was the parties need to carry out the road map obligations."¹⁹

¹⁸ *Press Briefing by National Security Advisor Steve Hadley*, The American Presidency Project, January 9th, 2008 <http://www.presidency.ucsb.edu/ws/index.php?pid=62256>

¹⁹ *Press Briefing by National Security Advisor Stephen Hadley on Israeli-Palestinian Peace Process*, The American Presidency Project, January 9th, 2008, <http://www.presidency.ucsb.edu/ws/index.php?pid=62256>

Condoleezza Rice, Secretary of State, US Doesn't Make a Distinction between Settlement Activity in East Jerusalem and the West Bank, January 8, 2008

“The United States doesn't make a distinction between settlement activity in east Jerusalem and the West Bank and that the road map obligations are on —settlement activity generally. Har Homa is a settlement the United States has opposed from the very beginning.”²⁰

President George W. Bush, on Israeli settlement expansion, January 4, 2008

“—I will talk about Israeli settlement expansion, about how that is, that can be, you know, an impediment to success... The unauthorized outposts for example need to be dismantled, like the Israelis said they would do.”²¹

Stephen Hadley, National Security Advisor, on the President's Upcoming Trip to the Middle East, January 3, 2008

Q: “Steve, one of the criticisms, obviously, the administration is going to face during the trip is people—specifically Democrats on Capitol Hill—saying that those efforts you're talking about will be made harder by the fact that you didn't focus enough on Mideast peace in the first seven years of the administration, and that you're waiting for the first presidential trip to the Mideast—specifically Israel—until the eighth year of his presidency. What's your response? How do you push back against that criticism?”

STEPHEN HADLEY: “—I would say that the President has been pursuing Middle East peace in the right way ever since he's been in office... He supported Ariel Sharon, when nobody else did, with the Gaza disengagement, which had Israel for the first time shutting down settlements and relocating settlers out of settlements. It was really the end of the vision of greater Israel.”

Q: “Steve, it has been six weeks or so since Annapolis. In that time you've mentioned the one meeting that the two principals have had in the region—it was a likely brief, tense meeting—you've had the shelling from Gaza, you've had the Israeli counter-attacks, you've had disputes over settlements. Was Annapolis the high point?”

STEPHEN HADLEY: “—No, I don't think so. We certainly don't think that will prove to be the case... There are also some additional tracks. One of the things we've agreed to do is to monitor the progress of implementation of the road map. And implementation of the road map needs to go in parallel with negotiations. So the issue of settlements, that is a road map issue, and it is something that needs to be addressed in that context.”

Q: “You talked a lot about obstructing the peace process. Many of the countries that you're about to visit take the position that settlements obstruct the peace process. Will the President have a message to Israel about settlements in the West Bank?”

STEPHEN HADLEY: “—As you know, we have talked privately and publicly to Israel about

²⁰ Hilary Leila Krieger, Herb Keinon, Khaled Abu Toameh, *Rice: US Entirely Opposed to Har Homa*, Jerusalem Post, January 8th, 2008. <http://www.jpost.com/Israel/Rice-US-entirely-opposed-to-Har-Homa>

²¹ Steven Erlanger, *Bush presses Israel on illegal outposts*, *NY Times*, January 4th, 2008. <http://www.nytimes.com/2008/01/04/world/africa/04iht-mideast.4.9027508.html>

settlements. It was one of the things that was talked about before, during, and after the Annapolis meeting. It is an obligation in the roadmap to freeze further settlement activity. I think it's interesting that Prime Minister Olmert, in his comments this week, addressed this issue of settlements in terms of how—that there would be no additional confiscations, no new settlements, and no confiscation of land, that sort of thing—no expansion of settlements. So it is an issue. It is one we've talked about and is an issue that will be part of the discussions over the implementation of the road map.”²²

Condoleezza Rice, Secretary of State, Interview with Sylvie Lanteaume and Lachlan Carmichael of Agence France Presse, December 20, 2007

Q: “So on the Middle East, the settlements are one of the main obstacles to peace between Israel and the Palestinians. The Israelis, I think it was just today, announced that they're dropping plans to build settlements in Atarot in East Jerusalem. Did you have anything to do with it personally or did the US Government say anything that encouraged them to stop that”?

SECRETARY RICE: “—I think that the Israelis understood the—that what had happened with Har Homa had had an effect of undermining confidence in a very fragile and brand new peace process. And so, you know, I'm not privy to the inner workings of the Israeli Government on these decisions, but I am just hopeful that we're not going to see actions that do undermine that confidence. Israel has roadmap obligations concerning settlements and it's just really important for everybody to be very careful now and let this peace process get off on a good foot.”²³

Stephen Hadley, National Security Advisor, on the Middle East and Freedom Agenda, November 28, 2007

“Much of the world condemned Israeli Prime Minister Sharon's plan to disengage from Gaza, but the President understood the real significance of that move. He saw that when the father of the Israeli settlement movement peacefully removed settlements from Gaza, that marked the effective end of the dream of —Greater Israel. President Bush believed that such courage deserved America's support—and he gave it.”²⁴

Condoleezza Rice, Secretary of State, Remarks with Egyptian Foreign Minister About Gheit, October 16, 2007

Q: “The second question is for Madame Secretary, if you please. The issue of settlements, Israeli settlements in disputed territories, and the continuation of the building of the wall still constitute a very—a stumbling block in talks. And there is—the big question was whether there will be enough territory to negotiate about once the two sides sit on the negotiating table with the land grabs that the Israeli Government is practicing. So has this issue been brought about with the Israeli side? Because this Administration seems not to be very strong as previous administrations on the issue of settlements. Thank

²² Stephen Hadley, *Briefing by National Security Advisor Stephen Hadley on the President's Upcoming Trip to the Middle East*, January 3, 2008. <https://georgewbush-whitehouse.archives.gov/news/releases/2008/01/text/20080103-2.html>

²³ Secretary Condoleezza Rice, *Interview With Sylvie Lanteaume and Lachlan Carmichael of Agence France Presse*, U.S Department of State, December 20, 2007. <https://2001-2009.state.gov/secretary/rm/2007/12/97921.htm>

²⁴ Stephen Hadley, *Remarks by National Security Advisor Stephen Hadley on the Middle East and Freedom Agenda*, Johns Hopkins University, Paul H. Nitze School of Advanced International Studies, November 28, 2007 <http://www.presidency.ucsb.edu/ws/?pid=83162>

you.”

SECRETARY RICE: “Well, the United States has been very clear about its policy on settlements. And in fact, it is a part of the roadmap obligation to have a freeze of settlement activities. And I have been talking with both parties about their need to fulfill their phase one roadmap obligations. They’re going to have to start to fulfill them before the meeting. They’re going to have to continue to fulfill them after the meeting. It is very difficult to imagine the conclusion of the establishment of a Palestinian state when these roadmap obligations have not been met. And so it is really high time for all parties to meet their roadmap obligations. And I’ve been very clear with the Israelis. You can read them. They’re in the roadmap. I’ve also been very clear with the Palestinians.”²⁵

Condoleezza Rice, Secretary of State, after meeting with President Mahmoud Abbas, Jericho, West Bank, November 30, 2006

Q: “And the question for her Excellency, Secretary Rice, you are talking about the creation of an integrated Palestinian state. And I quote from what the Palestinian President said as if he were saying maybe there will be no further or more land to create such a step because of settlement activities. So do you have measures of practical steps in order to convince the Palestinian people that you are serious in dealing with Israelis in terms of putting pressure”?

SECRETARY RICE: “—Back to the question of the territories for the Palestinian state. First of all, the United States has made clear that we expect it to be a viable and contiguous state when it is created. Secondly, that no actions that are being taken now should prejudge the outcome of a final status agreement; that means, very clearly, that if actions are being taken now, they will not be considered by the United States to have prejudged the outcome of final status. The third point is that we have made very clear that Israel has obligations under the roadmap and that the obligations on settlements are clearly articulated in the roadmap. And so those principles guide American policy, they guide our discussions with Israelis just as obligations under the roadmap guide our discussions with our Palestinian partners as well.”²⁶

Elliott Abrams, Deputy National Security Advisor, Press Briefing on President Bush’s Bilateral Meeting with President Abbas, New York, September 20, 2006

Q. “—I just wanted to ask about settlements in the West Bank. After the war with Hezbollah, Israel announced that they were going to go ahead and build the settlements. And there were a lot of Israeli analysts who are saying, okay, now, after this war, we don’t see a withdrawal from the West Bank anytime soon. Can you tell us if the President has had any conversations about these settlements, given that he’s talking about a Palestinian state as such an important objective”?

MR. ABRAMS: “—Well, I guess I can say two things. First, the President – at the time that Prime Minister Olmert announced his realignment plan and came to Washington, as you know, the President supported it and continues to support the idea that there should be a withdrawal of Israeli settlements in the West Bank as we move closer to peace.

I think I would – the second thing, though, is I don’t think that Israel has announced any new

²⁵Secretary Condoleezza Rice, *Remarks With Egyptian Foreign Minister About Gheit*, U.S Department of State, October 16, 2007. <https://2001-2009.state.gov/secretary/rm/2007/10/93602.htm>

²⁶ Secretary Condoleezza Rice, *Secretary of State Condoleezza Rice and Palestinian President Mahmoud Abbas After Their Meeting*, U.S Department of State November 30th, 2006. <https://2001-2009.state.gov/secretary/rm/2006/77149.htm>

settlements. I think there was an announcement last week that several of the settlements west of the fence are expanding, with additional housing starts in them, rather than new settlements. But I think our position has been made clear over time and was made clear during the late July 2005 Sharon meeting with the President, where he talked – gave a sense of his view about settlements on the West Bank, the major blocks, and so forth.

Q. “So there's been no new discussions with the Israelis about that announcement of expanding settlements in the West Bank”?

MR. ABRAMS: “—I think there has been – I believe that either – I believe the U.S. embassy may have sought further details to what exactly was announced because they are aware that we are concerned about any expansion of settlements that has any impact on the life and interest of Palestinians living near those settlements.”²⁷

Stewart Tuttle, the spokesman for the American Embassy in Israel. Over U.S. Objections, Israel Approves West Bank Homes, September 5, 2006.

“—[I]n general it's a principle of the road map — a foundation to reach peace in the region — that Israel not only remove illegal outposts, but also not expand settlements in the West Bank. The United States, Mr. Tuttle said, opposes —any actions that would prejudice final status negotiations, which would include the final borders of Israel and Palestine.”²⁸

Michael Doran, Senior Director for Near East and North African Affairs, National Security Council, May 24, 2006

“—Settlements are, of course, one of the most contentious issues between the Israelis and the Palestinians. As such, they are treated in the Roadmap, the President's guide for finding a way out of the most controversial issues. Violence – either by settlers or Palestinians – is unacceptable. One step for addressing the issue of settlements is to encourage settler withdrawals, such as we saw during the Gaza Disengagement last year. In fact, one potentially positive aspect of Prime Minister Olmert's ideas on settler withdrawal from the West Bank (which he presented to President Bush yesterday) is that withdrawal could further reduce friction between Israelis and Palestinians, and open the way for the two-state solution that President Bush envisions.

— Hamas might have claimed victory for Gaza Disengagement, but the fact is that it was a triumph for Israel, because it implemented a highly controversial, yet courageous plan. The Palestinian Authority also deserves credit for its role in facilitating Disengagement under very difficult circumstances.”²⁹

Remarks by President Bush and Prime Minister Ehud Olmert of Israel at Joint Press Availability, May 23, 2006

²⁷ Elliott Abrams, *Press Briefing on President Bush's Bilateral Meeting with President Abbas*, September 20, 2006. <http://www.presidency.ucsb.edu/ws/index.php?pid=60252>

²⁸ Steven Erlanger, *Over U.S. Objections, Israel Approves West Bank Homes*, September 5, 2006. http://www.nytimes.com/2006/09/05/world/middleeast/05mideast.html?_r=1&ref=middleeast&oref=slogin

²⁹ Michael Doran, *U.S Israel Relations*, U.S Department of State, May 24, 2006. <https://2001-2009.state.gov/p/nea/rls/rm/2006/66736.htm>

“Today, Prime Minister Olmert shared with me some of his ideas – I would call them bold ideas. These ideas could lead to a two-state solution if a pathway to progress on the road map is not open in the period ahead. His ideas include the removal of most Israeli settlements, except for the major Israeli population centers in the West Bank. This idea would follow Prime Minister Sharon's decision to remove all settlements in Gaza and several in the West Bank. I look forward to learning more about the Prime Minister's ideas. While any final status agreement will be only achieved on the basis of mutually agreed changes, and no party should prejudice the outcome of negotiations on a final status agreement, the Prime Minister's ideas could be an important step toward the peace we both support. I'm encouraged by his constructive efforts to find ways to move the peace process forward.”³⁰

Secretary of State Condoleezza Rice speaking at a joint press conference with PA President Mahmoud Abbas, November 14, 2005

“On settlement activity, we've made it very clear that settlement activity is counter both to U.S. policy and, we believe, counter to the obligations that the Israelis have undertaken. We've been very clear that there should be no activities that prejudge a final status agreement and we are in constant discussion with the Israelis about those – about those matters. We do with the Israelis what we do with each of the parties, which is to ask them to concentrate very hard on what they need to do to fulfill their obligations.”³¹

President Bush speaking with PA president Mahmoud Abbas, October 20, 2005

“Israel must continue to work with Palestinian leaders to help improve the daily lives of Palestinians. At the same time, Israel should not undertake any activity that contravenes its road map obligations, or prejudices the final status negotiations with regard to Gaza, the West Bank, and Jerusalem. This means that Israel must remove unauthorized posts and stop settlement expansion.”³²

Secretary of State Condoleezza Rice, September 20, 2005

“As to Israeli activities that might try and prejudge a final status, we've been very clear. President Bush has been very clear that we do not expect Israel to engage in activities that will prejudge a final status because questions about the final border are indeed final status issues. We've been clear that activity in the settlements, for instance at E-1 (proposed settlement area in the West Bank, east of Jerusalem) or with the separation barrier that have an effect on Palestinian livelihood, that the international community expects Israel to live up to its roadmap obligations here, to its obligations not to engage in that activity.”³³

³⁰ President George W. Bush, *Remarks by President Bush and Prime Minister Ehud Olmert of Israel at Joint Press Availability*, U.S Department of State, May 23rd, 2006 <https://2001-2009.state.gov/p/nea/rls/rm/2006/66812.htm>

³¹ Condoleezza Rice, *Secretary of State Condoleezza Rice speaking at a joint press conference with PA President Mahmoud Abbas*, U.S Department of State, November 14, 2005. <https://2001-2009.state.gov/secretary/rm/2005/56847.htm>

³² President George W. Bush, *President Bush speaking with PA president Mahmoud Abbas*, U.S Department of State, October 20, 2005. <https://2001-2009.state.gov/p/nea/rls/rm/55355.htm>

³³ Condoleezza Rice, *Press conference by the Quartet - UN Secretary-General Kofi Annan, Secretary of State of the United States of America Condoleezza Rice, Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, Secretary of State for Foreign and Commonwealth Af*, September 20th, 2006 <https://www.un.org/sg/en/content/sg/press-encounter/2005-09-20/press-conference-quartet-un-secretary-general-kofi-annan>

Secretary of State Condoleezza Rice, June 26, 2005 Conversation with Israeli foreign minister Silvan Shalom, as reported in Ma'ariv

“I traveled to Ramallah and I saw your [settlement] construction with my own eyes. It is not possible to operate in the territories in a manner that will change the situation before discussions on final status. True, the president promised the prime minister to consider the realities on the ground and concentrations of population – this is very important and the United States stands behind this commitment. But the president added that it is clear to all sides that the final borders will be determined only through negotiation. We cannot sanction creating a new reality on the ground by actions that continue today. I mean by this those activities in Jerusalem and its environs meant to change the reality on the ground. I saw these things with my own eyes and I am very concerned.

—We want very much to support Israel in this critical period, and we recognize the sensitivity of the situation, but it is impossible to sanction the continuation of construction and its influence on the final border. This is very important to us. I traveled close to Ma'ale Adumim, and I saw the construction along the way.”³⁴

President Bush speaking with PA President Mahmoud Abbas, May 26, 2005

“Israel should not undertake any activity that contravenes road map obligations or prejudice final status negotiations with regard to Gaza, the West Bank and Jerusalem. Therefore, Israel must remove unauthorized outposts and stop settlement expansion.”³⁵

Secretary of State Condoleezza Rice, Interview with LA Times, March 24, 2005

“Now, our position on settlement activity has not changed. We have said to the Israelis that they have obligations under the roadmap, they have obligations not to increase settlement activity. We expect, in particular, that they are going to be careful about anything – route of the fence, settlement activity, laws – that would appear to prejudge a final status agreement, and it's concerning that this is where it is and around Jerusalem. But we've noted our concern to the Israelis – and David Welch (Assistant Secretary, Bureau of Near Eastern Affairs) and Elliott [Abrams] (NSC Advisor) did. We will continue to note that this is at odds with the – of American policy. So full stop we will continue to do that and we have noted our concerns about it.”³⁶

Excerpt from exchange of letters with Israeli PM Ariel Sharon, April 14, 2004

“We welcome the disengagement plan you have prepared, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps described in the plan will mark real progress toward realizing my June 24, 2002 vision, and make a real contribution towards peace. We also understand that, in this context, Israel believes it is important to bring new opportunities to the Negev and the Galilee. We are hopeful that steps pursuant to this plan, consistent with my vision, will remind all states and parties of their own obligations under the roadmap.”³⁷

³⁴ Don Liebich, “Memos from the Mountains: A Middle East Perspective”, Lulu Press, 2011, pg. 206.

³⁵ President George W. Bush, *President Welcomes Palestinian President Abbas to the White House*, The White House, President George W. Bush, May 26th, 2005. <https://georgewbush-whitehouse.archives.gov/news/releases/2005/05/20050526.html>

³⁶ Condoleezza Rice, *Interview With the Los Angeles Times*, U.S Department of State, March 24th, 2005. <https://2001-2009.state.gov/secretary/rm/2005/43833.htm>

³⁷ Ariel Sharon, *Exchange of letters with Israeli PM Ariel Sharon*, Israel Ministry of Foreign Affairs, April 14th,

President Bush’s comments in joint press conference with former Israeli Prime Minister Ariel Sharon, April 14, 2004

“Today, the Prime Minister told me of his decision to take such a step. Israel plans to remove certain military installations and all settlements from Gaza, and certain military installations and settlements from the West Bank. These are historic and courageous actions. If all parties choose to embrace this moment they can open the door to progress and put an end to one of the world's longest running conflicts.—I commend Prime Minister Sharon for his bold and courageous decision to withdraw from Gaza and parts of the West Bank. I call on the Palestinians and their Arab neighbors to match that boldness and that courage. All of us must show the wisdom and the will to bring lasting peace to that region.—In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion.”³⁸

Daily Press Briefing by Adam Ereli, Deputy Spokesman, December 31, 2003

“I would say that we continue – our policy continues to be that Israel should freeze settlement construction.”³⁹

Mr. Richard Boucher, U.S. Department of State, Daily Press Briefing, June 25, 2002

“Our position on settlements, I think, has been very consistent, very clear. The secretary expressed it not too long ago. He said settlement activity has severely undermined Palestinian trust and hope, preempts and prejudges the outcome of negotiations, and in doing so, cripples chances for real peace and prosperity. The U.S. has long opposed settlement activity and, consistent with the report of the Mitchell Committee, settlement activity must stop.”⁴⁰

Daniel Kurtzer, U.S. Ambassador to Israel, Ha’aretz, May 29, 2002

“—Our opposition to the settlements is political. Washington feels that Israel would be better protected and more accepted inside borders where there are no settlements, so a decision on their future must be accepted on the basis of their feasibility. It is a fact that we have opposed the settlements for decades and you continue to build them and we have done nothing untoward to you [in response]. If Israel wants, it can even expand to the borders promised in the Bible. The question is whether it is able to do so from a security and political standpoint.”⁴¹

2004 <http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Exchange+of+letters+Sharon-Bush+14-Apr-2004.htm>

³⁸ President George W. Bush, *Letter From President Bush to Prime Minister Sharon*, The White House, President George W. Bush, April 14th, 2004. <https://georgewbush-whitehouse.archives.gov/news/releases/2004/04/20040414-3.html>

³⁹ Adam Ereli, *Daily Press Briefing*, U.S Department of State, December 31st, 2003, <https://2001-2009.state.gov/r/pa/prs/dpb/2003/27640.htm>

⁴⁰ Richard Boucher, *Daily Press Briefing*, U.S Department of State, June 25th, 2002. <https://2001-2009.state.gov/r/pa/prs/dpb/2002/11427.htm>

⁴¹ Nadav Shragai, *Is Dismantling the Settlements Tantamount to Jewish transfer?*, Haaretz, May 29th, 2002. <http://www.haaretz.com/print-edition/features/is-dismantling-the-settlements-tantamount-to-jewish-transfer-1.43846>

Secretary of State Colin Powell, NBC's Meet the Press, May 1, 2002

"Something has to be done about the problem of the settlements, the settlements continue to grow and continue to expand... It's not going to go away."⁴²

President Bush's Rose Garden Address, April 4, 2002

"Consistent with the Mitchell plan, Israeli settlement activity in occupied territories must stop, and the occupation must end through withdrawal to secure and recognized boundaries, consistent with United Nations Resolutions 242 and 338."⁴³

The Mitchell Report, April 30, 2001

"During the half-century of its existence, Israel has had the strong support of the United States. In international forums, the United States has at times cast the only vote on Israel's behalf. Yet, even in such a close relationship there are some difficulties. Prominent among those differences is the U.S. government's long-standing opposition to the Government of Israel's policies and practices regarding settlements. The GOI should freeze all settlement activity, including the —natural growth of existing settlements. The kind of security cooperation desired by the GOI cannot for long co-exist with settlement activity described very recently by the European Union as causing —great concern and by the United States as —provocative."⁴⁴

Ambassador. Edward Djerejian speaking on Regional Dynamics in the Middle East and the Quest for Arab-Israeli Peace, Considerations for U.S. Policy, April 12, 2001

"Some of the major settlements could be consolidated, and these settlers could become more confident of their eventual status as part of Israel."⁴⁵

Clinton Administration

President Clinton's farewell address to the Middle East, January 7, 2001

"The Israeli people also must understand that . . . the settlement enterprise and building bypass roads in the heart of what they already know will one day be part of a Palestinian state is inconsistent with the Oslo commitment that both sides negotiate a compromise."⁴⁶

⁴² Colin Powell, *Interview on NBC's Meet the Press*, U.S Department of State, April 21st, 2002. <https://2001-2009.state.gov/secretary/former/powell/remarks/2002/9602.htm>

⁴³ President George W. Bush, *Bush's Statement on the Middle East*, The New York Times, April 4th, 2002. <http://www.nytimes.com/2002/04/04/international/bushs-statement-on-the-middle-east.html>

⁴⁴ President George W. Bush, *Sharm El-Sheikh Fact-Finding Committee Report*, U.S Department of State, April 30th, 2001. <https://2001-2009.state.gov/p/nea/rls/rpt/3060.htm>

⁴⁵ Edward Djerejian, *Regional Dynamics in the Middle East and the Quest for Arab-Israeli Peace - Considerations for U.S. Policy*, U.S Department of State, April 12th, 2001. <https://2002-2009-fpc.state.gov/7483.htm>

⁴⁶ President Bill Clinton, *Transcript of Clinton's remarks to the Israel Policy Forum gala*, CNN, January 8th, 2001. <http://edition.cnn.com/2001/WORLD/meast/01/08/clinton.transcript/>

Secretary of State Warren Christopher on "Face the Nation," June 2, 1996

"I think we'll have to adapt our policy to the current situation. That was our policy. There's been no change in that policy. But I would want to keep open the situation of adapting our policy to the situation as it develops, as this new [Israeli] administration forms its government and begins to develop its own policies."⁴⁷

Excerpt from a letter written to H.E. Benjamin Netanyahu on December 14, 1996

"We write you because we are concerned that unilateral actions, such as expansion of settlements, would be strongly counterproductive to the goal of a negotiated solution and, if carried forward, could halt progress made by the peace process over the last two decades. Such a tragic result would threaten the security of Israel, the Palestinians, friendly Arab states, and undermine U.S. interests in the Middle East."⁴⁸

George W. H. Bush Administration

US Letter of Assurances to the Palestinians on the terms of the Madrid Peace Conference excerpts, October 24, 1991

"The United States believes that no party should take unilateral actions that seek to predetermine issues that can only be reached through negotiations. In this regard the United States has opposed, and will continue to oppose, settlement activity in territories occupied in 1967 which remain an obstacle to peace."⁴⁹

Secretary of State James Baker, news conference, Jedah, Saudi Arabia, July 20, 1991

" - Our particular opposition today to settlement activity is that it constitutes an obstacle to peace. In the past, the position of the United States has been that it was, in fact, illegal. Q. But that's not this administration? A. That is not our policy. No."⁵⁰

U.S. Secretary of State James Baker, May 22, 1991

"Every time I have gone to Israel in connection with the peace process on each of my trips I have

⁴⁷ Secretary of State Warren Christopher, "Face the Nation," June 2, 1996. Print.

⁴⁸ Zbigniew Brzezinski, James A. Baker, Cyrus R. Vance, Lawrence S. Eagleburger, Frank C. Carlucci Brent Scowcroft, Robert S. Strauss, Richard Fairbanks, *8 High Ex-U.S. Aides Ask Netanyahu to Shun Pre-emptive Acts*, The New York Times, December 16th, 1996. <http://www.nytimes.com/1996/12/16/world/8-high-ex-us-aides-ask-netanyahu-to-shun-pre-emptive-acts.html>

⁴⁹ Robert Satloff, *Approaching Peace American Interests in Israeli Palestinian Final Status Talks*, The Washington Institute for Near East Policy, 1994, pg 61. <https://www.washingtoninstitute.org/uploads/Documents/pubs/ApproachingPeace.pdf.pdf>

⁵⁰ Boudreaault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. Foreign Policy Bulletin v. 2, no. 2 Sep/Oct 1991 p. 62 , October 24, 1991

been met with the announcement of new settlement activity. This does violate United States policy. It is the first thing that Arabs – Arab governments—the first thing that Palestinians in the territories—whose situation is really quite desperate—the first thing they raise when we talk to them. I don't think there is any greater obstacle to peace than settlement activity that continues not only unabated but at an advanced pace.”⁵¹

Statement by President George H.W. Bush on Jewish Settlements in the West Bank and East Jerusalem, Palm Springs, California, March 3, 1990

“—My position is that the foreign policy of the United States says we do not believe there should be new settlements in the West Bank or in East Jerusalem. And I will conduct that policy as if it's firm, which it is, and I will be shaped in whatever decisions we make to see whether people can comply with that policy. And that's our strongly held view.”⁵²

Thomas Pickering, US Ambassador to the United Nations, November 27, 1989

"Since the end of the 1967 war, the U.S. has regarded Israel as the occupying power in the occupied territories, which includes the West Bank, Gaza, East Jerusalem, and the Golan Heights. The U.S. considers Israel's occupation to be governed by the Hague Regulations of 1907 and the 1949 Geneva Conventions concerning the protection of civilian populations under military occupation.”⁵³

The Reagan Administration

President Ronald Reagan, Israeli Settlements in the West Bank, February 22, 1984

“... And I had never referred to them as illegal, as some did. But I did say that I thought they were not helpful, because obviously the peace process... is going to have to involve territorial changes in return for secure, peaceful borders.”⁵⁴

Deputy Secretary of State Dam, before the American Jewish Committee, Philadelphia, PA October 27, 1983

“We do not, for example, agree on the settlement policy of Israel. Our objection is not legal but practical.”⁵⁵

⁵¹ Thomas L. Friedman, *Baker Cites Israel for Settlements*, The New York Times, May 23rd, 1991.
<http://www.nytimes.com/1991/05/23/world/baker-cites-israel-for-settlements.html>

⁵² Yehuda Lukacs, International Center for Peace in the Middle East, *The Israeli-Palestinian Conflict: A Documentary Record, 1967-1990*, Cambridge University Press, 1992, pg 133.
⁵³

⁵⁴ Ronald Reagan, *Public Papers of the Presidents of the United States: Ronald Reagan, 1984*, Best Books on, 1986, pg 251.

⁵⁵ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds.
U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention, Washington D.C., Institute for Palestine Studies, 1993. Department of State Bulletin v. 83, no.2081 December 1983, pg. 49.

President Reagan, interview with Brandon of the London Sunday Times March 18, 1983

“You know there are a lot of Middle Eastern experts, or so called, who believe that unless you put certain pressures on Israel, there will be no moratorium on the building of settlements in the West Bank. How do you feel about that? A. Well, the West Bank—there certainly is no illegality to the building—that bases on the Camp David agreement and the period of discussion that was supposed to then take place, with no one having a claim for or against doing such things.”⁵⁶

Statement by Secretary of State George P. Shultz to the Foreign Affairs Committee (House of Representatives), September 10, 1982

“—The status of Israeli settlements must be determined in the course of the final status negotiations. We will not support their continuation as extraterritorial outposts, but neither will we support efforts to deny Jews the opportunity to live in the West Bank and Gaza under the duly constituted governmental authority there, as Arabs live in Israel.”⁵⁷

Reagan Plan, September 1, 1982

“The United States will not support the use of any additional land for the purpose of settlements during the transition period. Indeed, the immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be free and fairly negotiated.”⁵⁸

Secretary of State George Shultz, news conference following President Reagan’s statement on the PLO departure plan, September 5, 1982

“. . . the question isn't whether they [settlements] are legal or illegal; the question is are they constructive in the effort to arrange a situation that may, in the end, be a peaceful one and be one in which the people of the region can live in a manner that they prefer. [President Reagan's] answer to that is no, expansion of those settlements is not a constructive move.”⁵⁹

President Ronald Reagan’s statements in an interview with the New York Times, February 2, 1981

“... As to the West Bank, I believe the settlements there—I disagreed when, the previous Administration referred to them as illegal, they’re not illegal. Not under the U.N. resolution that leaves the West Bank open to all people—Arab and Israeli alike, Christian alike. —I do think perhaps now with this rush to do it and this moving in there the way they are is ill-advised because if we’re going to

⁵⁶ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. Presidential Papers: Ronald Reagan, 1983, Washington D.C.: Government Printing Office, 1984 p. 418.

⁵⁷ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. Department of State Bulletin v.82, no.2067 October 1982 p. 6

⁵⁸ Lukacs, Yehuda, ed. “Documents on the Israeli-Palestinian Conflict, 1967-1983”, Cambridge, Great Britain: Cambridge University Press, 1984.

⁵⁹ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. Department of State Bulletin v. 82, no. 2066 September 1982 p. 10

continue with the spirit of Camp David to try and arrive at a peace, maybe this, at this time, is unnecessarily provocative.”⁶⁰

[The Carter Administration](#)

President Jimmy Carter, Q & A with representatives of the American Jewish Press Association, June 13, 1980

“—We consider these settlements to be contrary to the Geneva Convention, that occupied territories should not be changed by the establishment of permanent settlements by the occupying power.”⁶¹

President Jimmy Carter, Q & A session Washington D.C., April 12, 1980

“—... Our position on the settlements is very clear. We do not think they are legal, and they are obviously an impediment to peace. The Israeli Government, however, feels that they have a right to those settlements....”⁶²

Secretary of State Cyrus Vance before House Committee on Foreign Affairs, March 21, 1980

"U.S. Policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process...Article 49, paragraph 6, of the Fourth Geneva Convention is, in my judgment, and has been in judgment of each of the legal advisors of the State Department for many, many years, to be... that [settlements] are illegal and that [the Convention] applies to the territories.”⁶³

Statement of Herbert J. Hansell, Legal Adviser, Department of State, Concerning Legality of Settlements in the Occupied Territories, April 21, 1978

“—On the basis of the available information, the civilian settlements in the territories occupied by Israel do not appear to be consistent with these limits on Israel’s authority as belligerent occupant in that

⁶⁰ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. *American Foreign Policy: Current Documents*, 1981 Document #295, Washington D.C.: Government Printing Office, 1984 pp. 681-2.

⁶¹ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*. Washington D.C.: Institute for Palestine Studies, 1993. *Presidential Papers: Jimmy Carter, 1980*, Washington D.C.: Government Printing Office, 1982 p. 1114.

⁶² Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. *Presidential Papers: Jimmy Carter, 1980*, Washington, D.C.: Government Printing Office, 1981 p. 680

⁶³ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*, Washington D.C.: Institute for Palestine Studies, 1993. *Resolution of Inquiry Concerning the U.S. Vote in the United Nations Security Council on Israeli Settlements in the Occupied Territories. Hearings*, 96th Congress, 2nd Session. Washington, D.C.: Government Printing Office, 1980 p. 48

they do not seem intended to be of limited duration or established to provide orderly government of the territories and, though some may serve incidental security purposes, they do not appear to be required to meet military needs during the occupation. —2. Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, 6 UST 3516, provides, in paragraph 6: The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. ... The language and history of the provision lead to the conclusion that transfers of a belligerent occupant's civilian population into occupied territory are broadly proscribed as beyond the scope of interim military administration.—The Israeli civilian settlements thus appear to constitute a —transfer of parts of its own civilian population into the territory it occupies...—While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law.”⁶⁴

The Ford Administration

President Gerald Ford's UN envoy William Scranton, March 23, 1976

“—Clearly, then, substantial resettlement of the Israeli civilian population in occupied territories, including East Jerusalem, is illegal under the [Geneva] Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of States of the Middle East. Indeed, the presence of these settlements is seen by my Government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors.”⁶⁵

The Nixon Administration

The State Department's deputy legal adviser, George H. Aldrich, April 1973

“Israel, as occupant of the territories seized during the fighting in 1967, is bound by the Fourth Geneva Convention – that for the protection of civilians but Israel refuses to apply the convention.”⁶⁶

U.S. Permanent Representative to the United Nations George Bush, UN Security Council debate on Resolution 298, September 1971

"We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and the spirit of this convention.”⁶⁷

Charles Yost, U.S. Permanent Representative to the United Nations, UN Security Council, July 1,

⁶⁴ Boudreault, Jody, Naughton, Emma, Salaam, Yasser, eds. *U.S. Official Statements: Israeli Settlements, the Fourth Geneva Convention*. Washington D.C.: Institute for Palestine Studies, 1993. —The Hansell Letter| Department of State legal opinion on settlements, April 21, 1978 (submitted to House Committee on Foreign Affairs in response to an inquiry regarding the U.S. vote on UNSCR 465 [1980] pp. 88-93)

⁶⁵ Lukacs, Yehuda, ed. “Documents on the Israeli-Palestinian Conflict, 1967-1983”, Cambridge, Great Britain: Cambridge University Press, 1984. Department of State Bulletin v. 74, no. 1921 April 29, 1976 p. 528.

⁶⁶ http://www.fmep.org/reports/vol07/no1/08-us_government_policy_on_israeli_settlement_in_the_occupied_territories_1967_1996.html

⁶⁷ Francis Anthony Boyle “Palestine, Palestinians and International Law”, SCB Distributors, Oct 29, 2013.

1969

“The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in [Jerusalem]. The United States considers that the part of Jerusalem that came under the control of Israel in the June war, like other areas occupied by Israel, is governing the rights and obligations of an occupying Power. Among the provisions of international law which bind Israel, as they would bind any occupier, are the provisions that the occupier has no right to make changes in laws or in administration other than those which are temporarily necessitated by his security interests, and that an occupier may not confiscate or destroy private property. The pattern of behavior authorized under the Geneva Convention and international law is clear: the occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation. I regret to say that the actions of Israel in the occupied portion of Jerusalem present a different picture, one which gives rise to understandable concern that the eventual disposition of East Jerusalem may be prejudiced, and that the private rights and activities of the population are already being affected and altered.

My Government regrets and deplores this pattern of activity, and it has so informed the Government of Israel on numerous occasions since June 1967. We have consistently refused to recognize those measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem. . . .”⁶⁸

[The Johnson Administration](#)

Lyndon B. Johnson, President of the United States, September 10, 1968

“Israel's settlement program was in its infancy during the presidency of Lyndon B. Johnson. Shortly before leaving office, Johnson declared, —Arab governments must convince Israel and the world community that they have abandoned the idea of destroying Israel. But equally, Israel must persuade its Arab neighbors and the world community that Israel has no expansionist designs on their territory.”⁶⁹

Airgram from the Department of State to the Embassy in Israel, April 8, 1968 Foreign Relations 1964-1968, Volume XX, Arab-Israeli Dispute 1967-1968. Document 137

“—Although we have expressed our views to the Foreign Ministry and are confident there can be little doubt among GOI leaders as to our continuing opposition to any Israeli settlements in the occupied areas, we believe it would be timely and useful for the Embassy to restate in strongest terms the US position on this question. You should refer to Prime Minister Eshkol's Knesset statement and our awareness of internal Israeli pressures for settling civilians in occupied areas. The GOI is aware of our continuing concern that nothing be done in the occupied areas which might prejudice the search for a peace settlement. By setting up civilian or quasi-civilian outposts in the occupied areas the GOI adds serious complications to the eventual task of drawing up a peace settlement. Further, the transfer of civilians to occupied areas, whether or not in settlements which are under military control, is

⁶⁸ Rût Lapîdôt, Moshe Hirsch, “*The Jerusalem Question and Its Resolution: Selected Documents*”, Martinus Nijhoff Publishers, May 19, 1994, pg. 237.

⁶⁹Lyndon B. Johnson, President of the United States, September 10, 1968.

contrary to Article 49 of the Geneva Convention, which states “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”⁷⁰

⁷⁰ *Foreign Relations 1964-1968, Volume XX, Arab-Israeli Dispute 1967-1968*, U.S Department of State.
<https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xx/2667.htm>