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Israeli settlements in the West Bank: What's done cannot be undone. Or can it?



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The past three years have seen a surge in the construction of Israeli settlements in the West Bank, and of violence and vandalism committed by “illegal extremist” settlers. Their felling of ancient olive groves, their firebombing of Palestinian homes and mosques, and their intimidation, assault and even murder of Palestinian villagers have all made headlines. In recent weeks, settlers detained a visiting American congressman, a step too far even for Prime Minister Netanyahu, who denounced them as “juvenile delinquents” distinct from the “law abiding settler community”

The nature of the beast

In truth, the thugs in the hills committing outrages against Palestinian civilians, and against the occasional foreigner or Israeli peacenik, obscure a more banal, but much more dangerous, reality. This spike in settler activity differs in degree, not in kind, from what went before.

Israeli settlements in the Occupied Palestinian Territories began in 1967, shortly after the Six-Day War, though arguably it followed a pattern set even before the establishment of the State of Israel in 1948. The settlement enterprise gathered pace with the election of Begin's Likud government in 1977, and while it slowed under subsequent Labour governments, it has never stopped. There are now about 750,000 settlers living in over 300 colonies. Their presence and its effect constitute the greatest single obstacle to peace.

The very model of a modern Major General

The recent uptick in settlement expansion and settler violence pre-dates the Hamas attacks of 7 October 2023. The current Israeli coalition government, formed in December 2022, grants prominence, power, and sweeping concessions to sections of the Israeli political spectrum who had previously been considered fringe groups. The government soon created a Ministry of Settlements and quickened the approval of settlements. In March 2023, it repealed the 2005 Disengagement Law, and repopulated four West Bank settlements evacuated under that law. In

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three years, cabinet has authorised 50 new settlements, and regularised another 52 existing ones. Altogether it has approved over 40,000 units able to accommodate another 200,000 settlers. This was accompanied by an increased tempo of informal settlement, with 185 new outposts established, some receiving funding from the Israeli fisc notwithstanding their nominal illegality.

The atrocities committed by Hamas on 7 October amplified this trend. Israeli reprisals focussed global attention on Gaza and away from the West Bank. And they shifted Israeli opinion, emboldening revanchist currents prevalent among settlers, while discouraging Israelis opposed to settlements from voicing their disfavour, or joining the efforts of “protective presence” NGOs who monitor and impede settlements. The Israeli Defence Forces have shifted from tacit to active support for informal settlements, with the head of IDF Central Command, MajGen. Bluth, publicly supporting outposts even as he condemns settler vigilantism.

A nod and a wink

Under Israeli law, settlements built without government permission are illegal, although the government’s stance is often opaque and contradictory. Even now, the army occasionally expels settlers, and the courts occasionally hand down rulings to protect Palestinian rights, though those rulings are increasingly defied by settlers and authorities. The IDF is obliged to protect Israelis wherever they are, and so garrisons illegal settlements, and accompanies settlers in their raids on Palestinians, intervening only if settler violence turns lethal, or if Palestinians resist.

But talk of “legal” settlements is misleading. The West Bank has been under occupation since 1967, and according to the Fourth Geneva Convention, Article 49 to be precise, an occupying power may not transfer any of its own civilian population into the territory it occupies. Under International Law, *all* settlements are illegal. And their true legal status reflects reality: the core of the problem is not the rogue elements, but entire settlement policy, as pursued by Israel for decades.

The commuters and the zealots

The term “settlement” evokes an image of improvised shelters thrown up by doughty pioneers, just as the term “refugee camp” suggests squalid *bidonvilles*. But in Israel and Palestine both are mostly well-established towns, with tens of thousands of inhabitants living in multistorey buildings, even tower blocks. The larger and older settlements are well-served by transport links and modern infrastructure. They look like suburbs anywhere, and act as bedroom communities for Jerusalem and Tel Aviv. There are also agricultural and industrial settlements, and of course the informal outposts of tents or shipping containers and herds of sheep.

All settlers may be illegal, but not all are extremist. Equally, most are not themselves violent, but all live by violence, since their settlements were obtained and are retained by force of arms.

At the far edge are the wild-eyed hilltop youth, contemptuous of democratic institutions, fired by a mix of mysticism and overt racism, having much in common with fanatical movements around the world, relishing violence and heavily armed. A remarkable number of these are recent immigrants from English-speaking countries. They make good television, and are most often found in the informal outposts. But the vast majority of settlers do not conform to this stereotype,

A large number, especially in the biggest colonies, are Haredi, members of ultra-orthodox sects. They tend to be apolitical, except when it comes to their immediate interests, and they are not

necessarily wedded to the settlement project or the concept of Greater Israel; in fact, some are avowedly anti-Zionist.

But most settlers are moderately religious or secular in their outlook, and while objectively supporting settlements, have chosen to live there principally because of their need for an affordable (and often subsidised) flat in what is a small and densely populated country with a chronic housing shortage. Their individual motivation for living in settlements must be distinguished from the motivation behind the establishment and spread of settlements.

Houdini's handcuffs

If the settlement enterprise is the single greatest obstacle to peace, it is not incidentally so: it is intended as such. The purpose behind the settlements is to cement Israeli control of the Occupied Territories by establishing "facts on the ground."

The first rationale proposed for settlements was defensive, to establish a "security belt" to protect Israel. In fact, the settlements sap Israel's security, by perpetuating conflict in the long term, and at the immediate tactical level by stretching the IDF and its lines. Where settlers go, the army follows, and informal settlements are often the precursor to formal ones.

But the real purpose of the settlement policy is to guarantee Israel's permanent presence in the West Bank, to render the occupation irreversible, and ultimately to annex it outright, as strident voices in Israeli politics demand.

The Oslo Accords of 1993 and 1995 created the Palestinian Authority and mapped the way towards a two-state solution, but it did not ban settlements. While they continued to grow at a slower rhythm, it was understood that settlements were incompatible with the spirit and intent, and indeed with the end goal of the Oslo Accord: two states for two peoples. It's no surprise that the rhetoric around settlement expansion, at the highest levels, refers to "undoing the damage of Oslo."

This is why the larger, more established settlements are more significant than the informal outposts: they lock in future governments, and are politically harder to undo.

The secondary effects of the settlements are just as damaging to the idea of a two-state solution, since the settlements, their roads and fences and checkpoints, together with army "firing zones" fragment the West Bank, making daily life a misery for Palestinians, but also bedevilling efforts to achieve a contiguous Palestinian state.

The blocks are in the blocs

Many now contend that the accumulated effect of decades of incremental erosion of the viability of a Palestinian state has become irreversible, that it is now too late for a two-state solution. But is it? Has creeping annexation become de facto annexation?

As well-entrenched as the settlements are, they remain an obstacle that can be overcome. A large majority of settlers live in the big settlements clustered along the 1967 frontier. Known as the "blocs," these settlements could lend themselves to land-swaps through border adjustments, a concept already endorsed in principle by rational leaders on both the Israeli and Palestinian sides.

Jerusalem is another matter. A Palestinian state without at least a toe-hold in the holy city is inconceivable, but a solution for Jerusalem can still be envisaged. Jerusalem's topography is as messy as its history, but apart from the fanatics who've seized houses in Palestinian districts, the bulk of the 250,000 Israelis in East Jerusalem live in self-contained communities, which, like the "blocs," could be joined to Israel.

Unto thy seed will I give this land

But if most settlers could remain in their homes in a two-state scenario, that leaves at least 100,000 who could not, and they tend to be ideologues, deep in the West Bank, and there to lay claim to that land and fulfil God's promise.

While Israel evacuated settlements in the Sinai after peace with Egypt, and from Gaza in 2005, the West Bank (Judea & Samaria in Israeli parlance) will be a harder, and much larger, nut to crack. For one thing, it is the biblical heartland, much more than the metropolises of Israel proper.

At present, there is no will to crack that nut. Mainstream Israelis may be repelled by the turbulent highlanders, but are not opposed to settlements in principle. Nearly 10% of Israeli Jews now live in settlements, and most Israelis have some family or personal connection to settlers. They have political support far beyond the extremist parties, and friends in high places.

Things are poised to get worse. Every new unit, and every new settler, further bind Israel to the territories. The "E1" project between Jerusalem and Ma'ale Adummim received final approval last August, and if completed would divide the northern and southern regions of the West Bank, "burying the two-state solution" in the words of the Israeli Finance Minister.

Israel will hold elections this October, and while that exercise may well unhorse Netanyahu, and send the cartoon villains, Smotrich and Ben-Gvir, back to the wilderness, it will not halt, much less reverse, the settlement policy.

Yet it may install a realistic government. A significant minority of Israelis understand the settlements to be a liability, undermining Israel's security and mortgaging its future. Israeli society as a whole must be brought to that same understanding, and the cost of the settlement policy and the occupation which sustains it must be raised. The recent Dutch decision to ban settlement products leads the way. While Britain, France and Canada have sanctioned egregious individuals and organisations, companies from each of those countries do business with, and even help to build, settlements. It is high time to address the nub of the problem, systemically, rather than ad hoc.

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