

Permitted Occupation:

Illegality and the Settlement Regime in the West Bank Under Genocide

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(Issam Rimawi - Anadolu Agency)

Reports that Israeli Prime Minister Benjamin Netanyahu instructed the removal of some settlement outposts in the West Bank following United States pressure may initially suggest that a limit is being placed on settler violence. The central issue, however, is not how many outposts are removed. It is which authority claims the power, in occupied territory, to establish a settlement, declare it unlawful, tolerate it, or retrospectively recognise it. Israel's internal administrative approval does not alter the status of settlements under international law. Yet the approval system has material consequences because it determines access to land, water and roads, military protection, and Palestinians' freedom of movement.

This Policy Outlook argues that selective evacuations do not automatically constrain the settlement regime. They can lower the diplomatic cost of the most visible forms of violence while preserving the underlying system through which settlement expansion proceeds: planning, infrastructure, security and retroactive recognition. The International Court of Justice's advisory opinion of 19 July 2024 makes the distinction clear. The Court found Israel's continued presence in the Occupied Palestinian Territory unlawful. It stated that settlements in the West Bank and East Jerusalem had been established and were being maintained in violation of international law. The language of an "unauthorised outpost" therefore describes the occupying power's internal classification; it does not remove the illegality of settlements under international law.

The OHCHR report of 4 September 2026 adds a grimmer dimension to this argument. The forced removal of the entire population of the Jenin, Tulkarm and Nur Shams refugee camps, the prevention of return, and the physical redesign of the camps show that the settlement regime is not confined to the administrative status of outposts. This case points to a policy logic in which forcible displacement and spatial restructuring operate together, weakening Palestinian presence while entrenching Israeli military and settler control.

Permission and the Operation of the Settlement Regime

Permission, in the context of occupation, is not merely an administrative act. Under the law of occupation, the occupying power is a temporary administrator, not a sovereign. The Fourth Geneva Convention constrains its authority over land, planning, and population by prohibiting the transfer of its own civilian population into occupied territory and requiring it to act in the interests of the occupied population. When Israel grants, withholds or withdraws permission for a settlement, it is not exercising a sovereign right to plan its own territory. It is exercising de facto control over land that international law designates as occupied. This is why the language of "authorised" and "unauthorised" settlements is analytically misleading: it presupposes a legitimate planning authority that the occupying power does not possess. Permission, in this context, is better understood as a mechanism of control—a means of determining who may access land, where infrastructure may be built, and which forms of settlement become permanent. It is not a legal power but a material one, sustained by military force, administrative practice and the absence of meaningful enforcement.

Debate over the West Bank is often reduced to the distinction between an "official settlement" and an "illegal outpost". The distinction may matter in Israeli domestic law and bureaucratic practice, but it should not be the starting point of analysis. The transfer of an occupying power's civilian population into occupied territory and the maintenance of that presence are matters of international law regardless of the administrative category assigned to a particular outpost. This is the significance of the ICJ opinion: permission issued by Israeli institutions is not a sovereign power capable of displacing international law in conditions of occupation.

Permission should therefore not be treated as a technical planning matter. It works alongside land allocation, building permits, access roads, electricity and water grids, military protection, zoning plans and, at times, restrictions on Palestinians' access to surrounding areas. An outpost may not be formally recognised, but state security protection, the provision of infrastructure or prolonged non-intervention in de facto expansion do not place it outside the settlement regime. On the contrary, a structure that appears temporary can, over time, create a more permanent geographic and administrative reality.

The term "settlement regime" refers to a wider system than individual settlements. Planning decisions, military orders, property rules, road networks, security practices, demolitions, movement restrictions and retroactive recognition operate together. Its central effect is to constrict Palestinians' access to land, resources and housing while protecting and expanding Israeli settler presence. OHCHR's 2026 report on Israel's discriminatory administration of the West Bank likewise identifies a structure that permeates Palestinians' everyday lives and documents the systematic advancement of settlement expansion and control over Palestinian land and natural resources.

In this framework, the "production of illegality" must be read in two directions. Declaring an outpost unauthorised can present it as exceptional and external to the state. The same outpost may, however, be brought back into the system through a planning decision, an infrastructure connection or retroactive recognition when political needs change. Illegality thus ceases to be a fixed legal status and becomes an administrative category through which the state selects, manages and, under international pressure, reorganises settler activity. The relevant question is less the current status of an outpost than why the occupying power controls the power to determine that variable status.

The Oslo Order, Selective Evacuation, and Effective Control

The Oslo Accords divided the West Bank into Areas A, B and C as a transitional administrative architecture. In Area A, the Palestinian Authority assumed limited civil and security responsibilities; in Area B, civil administration was more visibly Palestinian while security powers were understood to be shared. Area C remained under broad Israeli security, planning and land control. What was intended to be transitional has become entrenched. Areas A and B have turned into disconnected Palestinian enclaves, while Area C has become the decisive space for land, transport, water, agriculture and settlement policy.

This architecture means that an Israeli outpost in Area A or B being labelled “unauthorised” does not signify recognition of Palestinian authority. Israel retains the military capacity to carry out raids, expulsions, detention and movement restrictions in these areas. At the same time, the security and transport effects of the settlement network do not stop at territorial boundaries. Permission here does not resemble the planning power exercised by a sovereign administration for a public purpose. Under occupation, it becomes an instrument for unilaterally reshaping a population's living space and political geography.

Reuters reported that Netanyahu's order followed US pressure to curb settler violence and may target about one hundred outposts. Its concrete implementation, duration and scope should be monitored. But the assessment cannot rest on the number of structures removed. The central test is whether the removals affect official settlement expansion, new zoning plans, road and infrastructure investment, land allocation, or the retroactive recognition of previously established outposts. If they do not, selective evacuation may represent not a retreat from settlement policy but a way to manage it at lower international cost.

This is also crucial to the discussion of settler violence. When settler attacks are treated as isolated criminal incidents, the administrative and military environment that enables them disappears from view. OCHA's 2026 data show that settler violence, demolitions and access restrictions are accelerating displacement in the West Bank. When access to a community's water source, grazing land, road, or school becomes continuously uncertain, and this is combined with the threat of home and structure demolition, displacement occurs within a far broader coercive environment than a single eviction order. External actors should therefore address not only the most visible acts of violence but also the settlement infrastructure within which they occur.



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Forcible Displacement and the Reengineering of Refugee Camps

OHCHR's report, *Destruction of Palestinian Refugee Camps in Northern West Bank*, documents that Operation Iron Wall was not merely a temporary security intervention. It was a systematic operation to empty the camps of their population. Within days of entering the Jenin, Tulkarm and Nur Shams camps in January and February 2025, Israeli security forces controlled entry and exit, cut water and electricity, prevented UNRWA and humanitarian organisations from entering, and forced residents to leave through threats at gunpoint, intense fire, detonations and house raids. According to OHCHR, by 6 February 2025 around 90 per cent of the population of the Jenin and Tulkarm camps had been displaced; by 11 February Nur Shams had also been almost entirely emptied.

The defining feature of this displacement is not only its scale but the sustained prevention of return. On 23 February 2025, Israel's Defence Minister announced that

Israeli forces would remain in all three camps and that displaced Palestinians would not be allowed to return. OHCHR recorded that 33,362 Palestine refugees remained displaced as of 31 December 2025 and characterised the crisis as the largest and longest displacement crisis in the West Bank since 1967. The camps were established to shelter Palestinians forcibly displaced during the 1948 Nakba. Their emptying is therefore not simply a loss of housing. It constitutes a second displacement practice targeting refugee status, the right of return, and the historical memory of these communities.

One of the report's strongest findings is that the destruction was carried out in a manner designed to alter the camps' geography and facilitate military control. Satellite imagery assessed by OHCHR shows that demolishing buildings along narrow alleys created wide corridors for armoured vehicles. By October 2025, 52 per cent of structures in Jenin camp, 48 per cent in Nur Shams and 36 per cent in Tulkarm had been destroyed or damaged. Israeli forces reshaped the camps for military access, visibility and freedom of movement. The issue is thus broader than the demolition of homes under claims of military necessity: making residential areas uninhabitable makes Palestinian return materially impossible and produces a new spatial order for the occupying power's permanent presence.



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OHCHR emphasises that these actions raise serious concerns of the crime of forcible transfer. In contrast, the manner in which the operation was conducted raises concerns of collective punishment and ethnic cleansing. It also records that Israeli forces killed 102 Palestinians in the northern West Bank during the period of the operation, including 21 children; this represented 46 per cent of all deaths caused by Israeli forces in the West Bank over the same period. These findings require the removal of camp populations to be understood not as the aggregate of discrete security incidents, but as a coercive displacement order produced jointly through killing, siege, service cuts, destruction and the prohibition of return.

The West Bank in the Context of Genocide in Gaza

The genocide in Gaza is not a secondary background condition to analysis of the West Bank. OHCHR's Framework of Analysis for Atrocity Crimes includes killing, causing serious bodily or mental harm, and deliberately inflicting conditions of life calculated to bring about the physical destruction of a protected group, in whole or in part. In September 2025, the OHCHR Independent International Commission of Inquiry concluded that Israel had committed genocide against Palestinians in Gaza. This finding rejects explanations that present restrictions on food, water, healthcare and liveable conditions as merely incidental or self-generating consequences of war.

The settlement regime in the West Bank and the genocide in Gaza do not operate through identical instruments, and analytically they should not be equated. But treating them as entirely separate files fragments an understanding of Israel's control over Palestinians' conditions of life, movement, land and political existence. Physical destruction and the targeting of life-sustaining infrastructure in Gaza produce different outcomes from the intensive control of land, water, transport and housing in the West Bank. Yet both must be assessed within a context of domination that weakens Palestinians' social continuity and political geography.

The genocide in Gaza does not simply coexist with the West Bank regime; it actively shapes it in three ways. First, it expands the political space for coercive measures. International focus on Gaza, and the diplomatic energy consumed by ceasefire negotiations and humanitarian access, has reduced scrutiny of West Bank planning decisions, land allocations, and settlement expansion. The absence of sustained international attention is itself a form of permission. Second, it normalises displacement as a policy instrument. The scale of destruction and forced transfer in Gaza establishes a precedent that makes the emptying of Jenin, Tulkarm and Nur Shams appear, by

comparison, as a lesser and more manageable crisis. This moral and political calibration works to Israel's advantage. Third, it shifts the terms of international response. The same governments that are unwilling or unable to halt the genocide in Gaza are unlikely to impose meaningful costs on settlement expansion in the West Bank. In this context, selective evacuations become a way to manage international pressure without challenging the underlying regime. The genocide in Gaza is therefore not a secondary background condition; it is the political and moral environment in which the West Bank settlement regime is currently being consolidated.

This context also reveals the limits of international responses to selective evacuations. An approach that does not directly address Israel's responsibility for genocide in Gaza while seeking only to restrain forms of settler violence that create diplomatic cost in the West Bank reduces the issue to security management. The issue is not the disciplining of exceptional perpetrators of violence. It is the illegality under international law of the administrative order through which the occupying power exercises control over settlement, resources and population. The distinction is decisive in both legal and policy terms.

Policy Implications

First, states and international organisations should not substitute Israel's domestic distinction between "authorised" and "unauthorised" for the status of settlements under international law. Diplomatic statements should make clear that the language of an "illegal outpost" is an internal Israeli administrative category and, as the ICJ has stated, does not alter the international unlawfulness of settlements.

Second, the effect of selective evacuations should be assessed against independent and public criteria. Monitoring should cover not only the number of outposts removed but also plans approved in the same period, land allocations, infrastructure investment, military protection arrangements, demolitions and retroactive recognition decisions. Otherwise, international actors will observe only the politically visible slice of settlement expansion rather than its net effect.

Third, the right of return of those displaced from Jenin, Tulkarm and Nur Shams must be treated not as an abstract humanitarian principle but as an obligation to be directly monitored. Opening camp entrances, securing civilian and humanitarian access, halting demolitions, conducting independent damage assessments and ensuring the unhindered return of UNRWA education and healthcare services should be concrete conditions. The continued designation of the camps as closed military areas, or the reorganisation of civilian services in ways that erode refugee status, must not be normalised.

Finally, the economic, infrastructural and institutional relationships that support the continuation of settlements and occupation should be reviewed in accordance with the ICJ advisory opinion. Settler violence and camp destruction should not be treated as isolated public-order violations but as part of a wider settlement regime that increases the risk of forcible displacement. Humanitarian interventions in the West Bank should centre on protecting access to water, housing, livelihoods, safe mobility, and return.

Conclusion

The answer to the question of authority in the West Bank lies not in an outpost's official registry but in who, in practice, holds the power to grant and withdraw permission. Israel's ability to declare a structure unauthorised does not remove the effects of settler violence and land loss created by that structure. More fundamentally, it does not grant Israel a right to establish settlements under occupation. The ICJ advisory opinion sets out this basic line clearly. Reports that one hundred outposts may be evacuated can therefore be understood only by measuring their effects on the wider settlement regime. If planning, infrastructure, military protection and retroactive recognition continue, selective evacuation may be an adjustment of settlement policy under international pressure rather than a return to legality.

The emptying of Jenin, Tulkarm and Nur Shams sharpens the argument further. The issue is not simply which outpost the state permits, but which Palestinian community it allows to access its home, camp and social institutions. The reengineering of camp areas through destruction, the prevention of return through military prohibitions and practices designed to erode refugee status reveal the demographic and spatial dimension of the settlement regime.

Three scenarios merit consideration. First, if international pressure remains focused on visible settler violence while planning and infrastructure expansion continue, the settlement regime will be consolidated under a facade of restraint. Second, if the ICJ opinion is operationalised through concrete measures—review of trade, investment and institutional relationships with settlements—the cost of maintaining the regime may begin to exceed its political utility. Third, if the current trajectory continues, the displacement crisis in the northern West Bank will deepen, refugee status will be further eroded, and facts will foreclose the possibility of a viable Palestinian state on the ground.

The minimum condition for a lawful order in the West Bank is ending this displacement system, securing return, and terminating the occupying power's unlawful presence. Whether that condition is met will depend not on the number of outposts removed, but on whether the

international community is willing to treat the settlement regime—not individual settlements—as the object of accountability. That is the distinction that matters. And so far, the most powerful actors have shown little willingness to make that distinction.