

## **Al-Haq Press Release on Ariel Settler ‘University’**

AL-HAQ ALERT  
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**Al-Haq would like to highlight and condemn moves by the Israeli government, acting through the Israeli military, to upgrade the settlement college of Ariel to the status of a university.**

Jewish settlements in the Occupied Palestinian Territory are the most salient expression of Israel’s annexationist agenda and the greatest obstacle to the realisation of the right to self-determination of the Palestinian population. Settlements act as the vehicle for transforming the demographic composition in the West Bank including East Jerusalem, and to prevent the emergence of an independent Palestinian state. To achieve these ends settlements are carefully located to block the development of Palestinian urban areas, to encircle, isolate, and Judaize East Jerusalem, and alongside the Annexation Wall and bypass roads, to form blocs of Jewish only infrastructure which completely subvert any possibility of territorial contiguity for Palestinians.

All settlement activity is prohibited under international law. The transfer by an occupying power of its civilian population is prohibited under Article 49(6) of the Fourth Geneva Convention, a clause intended “to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonise those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.”<sup>1</sup>

Prohibition of the transfer of settlers to occupied territory was confirmed as an international crime in 1998 by its inclusion as Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court as the war crime of ‘transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.’<sup>2</sup>

In its 2004 Advisory Opinion on the Wall the International Court of Justice confirmed that Article 49(6) ‘prohibits not only deportations or forced transfers of population...but also any measures taken by an occupying Power in order to organise

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<sup>1</sup> Pictet, Commentary to Geneva Convention IV, 276.

<sup>2</sup> Article 8(2)(b)(viii) of the Rome Statute



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or encourage transfers of parts of its own population into the occupied territory'.<sup>3</sup> The Court concluded that 'the Israeli settlements in the OPT (including East Jerusalem) have been established in breach of international law'. Similar conclusions have been reached by the UN Security Council<sup>4</sup> and General Assembly,<sup>5</sup> the High Contracting Parties to the Geneva Conventions,<sup>6</sup> and the authoritative ICRC study on customary international humanitarian law.<sup>7</sup>

The settlement of Ariel, located near Nablus to the north of the West Bank, was established in 1978 and has a population of over 17,000 settlers. An institute for further education was established in the early 1990s and today, styling itself Ariel University Center, has several thousand students.

In January 2010 Israeli defence Minister Ehud Barak, chairman of the Israeli Labor party, requested the Israeli military's GOC 'Central Command' Maj Gen Avi Mizrahi, to confirm an earlier decision by a settler organisation (the Committee for Higher Education – Judea Samaria) which approved Ariel's status upgrade 2007. This had followed a 2005 resolution passed by the Israeli cabinet, led by Ariel Sharon, saying it 'saw national importance' in converting Ariel college to a university. Sharon described the upgrade as being 'in accordance with the position of this government, which sees the strengthening of the settlements as one of its aims.'<sup>8</sup> This appears to be an intermediate step whereby Ariel will be recognised as a 'university center' on its path to status as a full university.<sup>9</sup>

According to website of the Ariel settlement institute:

As a demonstratively Zionist institution, the University Center has two key requirements: every student must study one course per semester on some aspect of Judaism, Jewish heritage or Land of Israel studies, and the Israeli

<sup>3</sup> Wall Advisory Opinion, para. 120.

<sup>4</sup> Resolution 465 (1980) in which the Security Council 'Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those

territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East'. See also Security Council Resolutions 446, 452, and 471.

<sup>5</sup> For example, General Assembly Resolution 62/108 of 10 January 2008

<sup>6</sup> See Declaration of the High Contracting Parties to the Fourth Geneva Convention, 5 December 2001.

<sup>7</sup> Jean-Marie Henckaerts and Louise Doswald-Beck *Customary International Humanitarian Law – Volume I: Rules* (Cambridge University Press, 2005) 457.

<sup>8</sup> Anshel Pfeffer, Jonathan Lis and Jack Khoury Barak: *West Bank college to be recognized as Israeli university* 20 January 2010. Available at: <http://www.haaretz.com/hasen/spages/1143932.html>.

<sup>9</sup> Or Kashti *In wake of controversy, Ariel university open house draws high numbers* Haaretz 22 January 2010. Available at:

[http://www.haaretz.com/hasen/pages/ShArtStEng.jhtml?itemNo=1144438&contrassID=1&subContrassID=1&title=%27In%20wake%20of%20controversy,%20Ariel%20university%20open%20house%20draws%20high%20numbers%27&dyn\\_server=172.20.5.5](http://www.haaretz.com/hasen/pages/ShArtStEng.jhtml?itemNo=1144438&contrassID=1&subContrassID=1&title=%27In%20wake%20of%20controversy,%20Ariel%20university%20open%20house%20draws%20high%20numbers%27&dyn_server=172.20.5.5).



flag must be displayed in every classroom, laboratory and auditorium on campus.

In the years to come, Ariel University Center of Samaria will endeavor to help meet these needs by continuing its fast-paced growth, with the intention of reaching 20,000 students by the year 2020.<sup>10</sup>

In 2009 the Ariel institute received NIS 75 million from the Israeli state, just under a third of its total budget of NIS 240 million,<sup>11</sup> and employs around 1,000 workers making it one of the largest employers in the West Bank settlements. An eight minute promotional video for the Ariel institute features figures from the Israeli military and political elite including former Minister of Defence Moshe Arens, former chiefs of staff of the Israeli military Moshe Yaalon and Shaul Mofaz, and Reserve Col. Yitzchak Turjeman.<sup>12</sup> In the video, Israeli PM Netanyahu describes the institute as sitting ‘on a strategic point that overlooks the entire coastal plain of Israel’, while Yaalon asserts that the Ariel institute ‘implements in location and content the values, goals and interests of Zionism today [...] the value of settling the land of Israel and its location, it enhances strategic situation of the state of Israel by enabling defensible borders...’

In January 2010 following the announcement on upgraded status, during a visit to the Ariel settlement Netanyahu asserted that ‘We will continue to build. I came here after I was in Ma’ale Adumim and in Gush Etzion where we planted trees. We said in a clear way that we will stay in these areas in any future final status agreement with the Palestinians [...] These areas will be an integral part of Israel and I say the same thing today in Ariel, the capital of Samaria’.<sup>13</sup>

In sum, beyond the direct violations of international law resulting from the construction of illegal settlements on Palestinian territory, the status upgrade at Ariel, as described by the Israeli elite, is intended to consolidate the illegal presence of Jewish settlers in the West Bank. In seeking to normalise the presence of the settler ‘city’ of Ariel, the decision taken by the military commander to accord university status to a college is an attempt on the part of the Occupying Power to legitimise its colonial presence in the West Bank, and a further affirmation of the intention to annex the settlement blocs to Israel.

In September 2009 the Spanish Housing Ministry disqualified the self-styled ‘Ariel University Center of Samaria’ from competing in the finals of an international competition between university architecture departments. Sergio Vega, project manager of the Solar Decathlon confirmed that ‘The decision was made by the

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<sup>10</sup> <http://www.ariel.ac.il/Site/portals/english/> .

<sup>11</sup> Or Kashti *Barak under fire for granting university status to West Bank college* 22 January 2010. Available at: <http://www.haaretz.com/hasen/spages/1144116.html>.

<sup>12</sup> <http://www.ariel.ac.il/Site/portals/english/Video.aspx> & [http://www.youtube.com/watch?v=OLn6AkqCbSY&feature=player\\_embedded](http://www.youtube.com/watch?v=OLn6AkqCbSY&feature=player_embedded).

<sup>13</sup> Tovah Lazaroff *PM: Ariel is the 'capital of Samaria'* Jerusalem Post 29 January 2010. Available at: <http://www.jpost.com/Israel/Article.aspx?id=167225>.

فرع لجنة الحقوقيين الدولية ، جنيف  
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة  
NGO in Consultative Status with the Economic and Social Council of the United Nations



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Spanish government based on the fact that the university is located in occupied territory in the West Bank."<sup>14</sup>

Al-Haq regrets that what we are seeing is a further ramping up of the ‘academization of the occupation’. The purposes and principles of universities and of university education can never be reconciled with occupation, colonialism, and annexation. It is imperative that the international community of states and the international movement in solidarity with the Palestinian people refutes all settlement activity. In particular, efforts by the Israeli state to legitimise its unlawful settlement project through phoney ‘status’ upgrades are responded to by non-recognition and non-cooperation with such institutes.

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<sup>14</sup> Yaheli Moran Zelikovich *Spain boycotts Ariel college for being on 'occupied territory*  
22 September 2009. Available at: <http://www.ynetnews.com/articles/0,7340,L-3779907,00.html>.