

Reality Check: Almost Fifty Years of Occupation

A year from now, Israel's occupation of the West Bank and Gaza Strip will mark its fiftieth anniversary. A third, even fourth, generation of Palestinians and Israelis have been born into this reality, and it is the only one they know. Given what has been happening on the ground for decades, it is highly unlikely that Israel will change its policies, and the implications of these policies are set to continue or worsen.

In 1967, all Palestinian residents of the Occupied Territories had the same status. Since then, Israel has annexed thousands of hectares, declared the Gaza Strip a "hostile entity", and signed the Oslo Accords, which divided the West Bank into dozens of disconnected enclaves. These areas, all under Israeli control, now function as discrete units that

differ based on how Israel defines them, what it plans for them, and the status of their residents. This disjointed reality also dictates the structure of this document, which reviews the situation in each of these units separately.

While the Oslo Accords and Israel's military withdrawal from Gaza may have created the impression that Israel's hold over the Palestinian territories is waning, the fact is that the fragmentation of these territories serves precisely to entrench Israeli control over all Palestinians living in the West Bank (including East Jerusalem) and Gaza. These residents have no part in decisions made by the state that runs their lives and controls their future.

The Gaza Strip

In September 2005, Israel completed its 'disengagement' from Gaza: It evacuated all settlements there, withdrew the military, and declared the end of its military rule in Gaza. In September 2007, after Hamas took control of Gaza, Israel declared the area a "hostile entity", a status equivalent to that of an enemy country. Israel claims that other than fulfilling the barest humanitarian obligations necessary to prevent a severe crisis, it bears no responsibility for, or duties toward, the population there.

Although Israel has no permanent military presence within Gaza, it retains control over all border crossings except Rafah Crossing, which is under Egyptian control. The crossing is not suited for transporting goods and enables movement of people only; Egypt refuses to open it most of the time. Israel also controls Gaza's sea and air

space, and forbids Palestinians to build an airport or seaport. Consequently, Israel has virtually complete control of all movement of people and goods in and out of Gaza, administering this in consideration of Israeli interests. Any entry into Gaza or exit from it – whether to Israel, the West Bank or third countries via Israel – requires receiving a permit from Israeli authorities.

Israel has used its control over the crossings to impose a blockade on Gaza for almost nine years, since June 2007. It prohibits residents from leaving Gaza other than in exceptional circumstances. In the early years of the blockade, Israel prohibited export from Gaza and banned the entry of thousands of commodities, including many types of food. Israel currently limits the ban on goods entering Gaza to those it defines as "dual-use", which, it alleges, can be used for

both civilian and military purposes. As part of this policy, restrictions are imposed on the import of construction materials such as cement and iron, as well as raw materials for the furniture industry. Israel still bans almost all export out of Gaza.

The blockade has led to the collapse of Gaza's economy, with most factories and hundreds of businesses shutting down. Its impact can be seen in reduced food security in many segments of the population, widespread dependency on humanitarian aid, and some of the highest unemployment rates in the world, especially in the younger population.

The state of Gaza's infrastructure and public services is dire: About 95% of water pumped there is contaminated and non-potable. Gaza residents receive electricity only a few hours each day, partly because of the fuel shortage. The electricity shortage also impacts water and sewage facilities, which rely on a constant supply. Medical services are far from meeting the needs of the population and providing it with the necessary care.

Since the 'disengagement', Israel has conducted three military operations in Gaza – Operation Cast Lead, which ended in early 2009, Operation Pillar

of Defense in November 2012, and Operation Protective Edge in July-August 2014. In these operations, especially the first and third, the high number of deaths and injuries was compounded by extensive damage to homes, to agriculture, and to electricity, sanitation and water facilities, which were already on the verge of collapse due to the prolonged blockade.

In early September 2015, the United Nations Conference on Trade and Development published a report cautioning that unless economic trends shift, Gaza may become unliveable by 2020. The report referred to the results of (then) eight years of blockade and three rounds of fighting, concluding that Gaza's unemployment rate had peaked at 44%, that 72% of Gaza's households suffered from food insecurity, and that there was negative economic growth. Gaza's reconstruction is proceeding too slowly. Until now, only a fraction of the structures and basic facilities destroyed in the fighting has been rebuilt. While the continued flow of donations into Gaza and the work of aid organizations are essential, in this state of affairs, they will not suffice for Gaza's reconstruction. Without significant changes to Israel's policy, note the authors of the report, the Gaza Strip stands no chance of recovery.

The West Bank

In the Oslo Accords, the West Bank was divided into three types of areas:

- Areas A and B: Mostly built-up Palestinian areas at the time the accords were signed, and where most of the Palestinian population lives. They were formally handed over to full or partial control of the Palestinian Authority. Together, Areas A and B account for about 40% of the West Bank. They are not contiguous but rather constitute 165

fragments scattered throughout the West Bank, forming "islands" surrounded by Area C.

- Area C: The rest of the West Bank, which remains under full Israeli control. This area is contiguous, engulfing the enclaves defined as Areas A and B. It accounts for about 60% of the West Bank. This is where almost all the land reserves of the Palestinian communities are located, as well as all Israeli settlements and areas allocated by

Israel for their development.

The division of the West Bank was meant to remain in effect for five years only, until a permanent agreement was to be signed. However, it is still enforced by Israel more than 20 years later. This fragmentation fails to answer the needs of the Palestinian population for urban and regional development, and denies any prospect of economic growth. It also creates the illusion that the Palestinian Authority is the main body responsible for the lives of most Palestinian residents in the West Bank; in truth, any decision the Palestinian Authority makes, however insignificant, necessitates the consent (even if tacit) of the Israeli authorities.

The separation between the area under formal Israeli control and the areas handed over to the Palestinian Authority is artificial and does not reflect the geographical reality or Palestinian space. Areas A and B are not contiguous, but made up of scores of islands surrounded by vast areas and narrow corridors defined as Area C. Though the vast majority of West Bank Palestinians live in these areas, almost all the land reserves required for developing their communities remain in Area C, including lands that used to be within the municipal jurisdiction of their communities, some of them privately owned. Any use made of this land for expanding communities inside Areas A and B, building industrial plants or agricultural facilities, laying water mains or building roads, is subject to Israeli approval, which is extremely rare. Referring to figures from 2011, the World Bank found that the Palestinian GDP could have increased by 3.4 billion dollars a year, were it not for the restrictions Israel imposes on economic development in Area C. There has been no significant change in Israel's policy since then. In addition, Israel controls all crossing points between the West Bank and Israel, and between the West Bank and Jordan, as well as all the roads leading to Areas A and B. This leaves Israel with sole authority to determine what goods enter the

West Bank in general, and the areas handed over to the Palestinian Authority in particular.

Israel also continues to individually control all residents of the West Bank, who are ostensibly ruled by the Palestinian Authority: Travel from town to town and area to area involves transit through parts of the West Bank that are under full Israeli control, which means coming into contact with Israeli security forces. These forces also frequently enter Areas A and B, often in coordination with the Palestinian Authority. Israel also continues to maintain the military court system in the West Bank, where it tries thousands of Palestinians every year, most of them residents of Areas A and B. In addition, Palestinian residents of the West Bank cannot travel abroad without Israeli approval, and foreign nationals cannot enter the West Bank without such approval.

Despite this reality, Israel does not consider itself responsible for Palestinian residents living in Areas A and B, claiming that they are the sole responsibility of the Palestinian Authority. In fact, Israel does not consider itself obligated to provide for the needs of the estimated 200,000-300,000 Palestinians living in Area C, either. Instead, Israeli authorities employ a variety of tactics to minimize the presence of Palestinians there. For example, citing a variety of grounds, Israel denies virtually all construction and development by Palestinians in Area C, and has declared vast parts of it as military zones and state land in order to prevent Palestinians from building there. In the few remaining areas, which account for only about a third of Area C, the Civil Administration refrains from drafting master plans that match the needs of the population; when, left with no other option, Palestinians build without permits, the Civil Administration threatens to demolish these homes, and in some cases delivers on this threat. The policy takes on a particularly violent slant in the way Israel treats dozens of semi-nomadic communities scattered throughout Area C, expelling or attempting to expel residents of these communities from their homes and areas of

residency, in a bid to force them to move to areas defined as Area A and B.

Israel treats Area C as though it were its own sovereign territory and meant to serve Israeli needs alone. The area is used to expand the settlements, whose population has more than tripled since the Oslo Accords were signed. Hundreds of thousands of Israeli citizens currently live in more than 200 settlements and unauthorized outposts throughout the West Bank, all established in contravention of international humanitarian law, and some even in contravention of Israeli law.

Tens of thousands of hectares, including pastureland and farmland, have been seized from Palestinians over the years and generously allocated to settlements. A significant portion of these lands has been declared state land, based on a dubious interpretation of the law and disregard for the fact that public land is meant to serve the Palestinian population. Other areas have

been usurped from Palestinians by creating facts on the ground, including use of violence. All lands allocated to settlements have been designated closed military zones which Palestinians may not enter without a permit.

Israeli settlements are the major factor influencing the reality of life in the West Bank; their impact on Palestinians' human rights goes far beyond the size of the land seized for building them. Additional lands have been confiscated from Palestinians to build hundreds of kilometers of bypass roads for settlers; checkpoints and other measures that restrict the movement of Palestinians only have been set up based on the location of settlements; much Palestinian farmland – both in and outside settlements – has become effectively off-limits to its owners; and the meandering route of the Separation Barrier, which seriously impinges on the rights of Palestinians living in its vicinity, was planned to run inside the West Bank, primarily in order to keep as many settlements as possible, as

East Jerusalem

well as large areas designated for their expansion, west of the barrier.

In June 1967, immediately after the war, Israel annexed about 7,000 hectares of West Bank territory to the municipal borders of Jerusalem, applying Israeli law there in breach of international law. Residents of the annexed area were given permanent residency status in Israel, which enables them to move freely throughout Israel and gives them access to Israel's social security system and state health care. However, they have never been treated as having equal rights by the authorities.

Ever since Israel annexed East Jerusalem

and its environs, the Israeli authorities have implemented discriminatory policies toward Palestinian residents and taken various measures to increase the number of Jewish residents there while reducing the number of Palestinians. The purpose of this policy is to manufacture a demographic and geographic reality that would prevent any future attempt to question Israel's sovereignty over East Jerusalem. To pursue these objectives, the authorities have confiscated hundreds of hectares from Palestinians and built 12 neighborhoods designated for Jews only on the annexed territory. In terms of international law, the status of these neighborhoods is no different

than that of settlements in the rest of the West Bank.

Without land reserves, Palestinians are forced to crowd together in existing neighborhoods. The authorities impose broad restrictions on construction inside Palestinian neighborhoods, yet allow Jewish settlers to move into the heart of these neighborhoods and live there while expelling Palestinians from their homes. The authorities also wilfully neglect Palestinian neighborhoods and discriminate against residents there in terms of budgeting and municipal services, which are partial and limited in these neighborhoods.

In the years that followed the annexation, East Jerusalem continued to serve as the major urban center for many West Bank residents, who continued to work, shop and study there. However, in the early 1990s, Israel began restricting Palestinians' access to Israel and put up checkpoints between the annexed area and the remainder of the West Bank. Palestinians remaining in the area that was not annexed were forbidden from entering East Jerusalem without a special permit. As a result, East Jerusalem was cut off from the rest of the West Bank and lost its status as a regional urban center.

Israel's longstanding policies toward East Jerusalem have driven many Palestinian residents to leave the city limits and move elsewhere, most commonly to other parts of the West Bank. In the mid-1990s, they discovered that the move had cost them their permanent residency status and the possibility of living where they were born and raised. The policy of revoking the residency of these Palestinians is based on treating their status as equal to that of immigrants who chose to live in Israel – despite the fact that Israel was the one to annex them, forcing them to live in an area that became part of its sovereign territory.

Israel's disregard for the needs of Palestinian residents of East Jerusalem and the fact that they are viewed as foreigners in their own city was poignantly manifested when the Separation Barrier was built in the area. The route chosen for the barrier left eight Palestinian neighborhoods, including Shu'fat Refugee Camp, on the other side of the barrier, effectively cut off from the city. These neighborhoods, with a total estimated population of more than 100,000, are included in Jerusalem's city limits and their residents pay municipal taxes, yet the Jerusalem Municipality and various government ministries continue to ignore them, avoid entering them, and refuse to provide their residents with basic services. These neighborhoods have now become a no-man's-land, suffering from severe neglect. There are no basic municipal services such as waste collection, roadworks or education, and there is a tremendous shortage of classrooms and daycare facilities. The existing water and sewage infrastructure fails to meet the needs of the population, and there is no development of new infrastructure. Residents are also subject to severe travel restrictions caused by delays at checkpoints and the congestion on the roads leading to them.

What lies ahead?

Almost fifty years ago, Israel occupied the Gaza Strip and the West Bank. It continues to control these territories to this day – along with their inhabitants.

In Gaza, Israel disavows any responsibility for the residents and is willing to answer only their barest needs. This falls far short of what is necessary for Gaza's reconstruction and economic recovery. Despite the dire situation in the Gaza Strip, and the projections that it will become unliveable in several years, Israel refuses to change its policies. Given that the way in which Israel 'disengaged' from the Gaza Strip created a unique precedent under international law, the lack of clarity around its current legal obligations is not surprising. However, in the years that have passed since the withdrawal, legal scholars and policy-makers in Israel and abroad have formed the understanding that, even if the laws of occupation no longer fully apply to Israel when it comes to the Gaza Strip, it is clear that Israel cannot treat its obligations toward Gaza's population the same way it treats its obligations toward residents of "enemy states". The scope of Israel's control over the Gaza Strip, both past and present, comes with responsibility for the lives of its residents, and any formalistic interpretation that does not reflect the provisions and spirit of international law is unreasonable. No elaborate legal argument can hide what is happening: Life in Gaza is like life in a collapsing third-world country, a reality that is not the result of a natural calamity but purely man-made.

In the West Bank, Israel's conduct indicates that it does not view the occupation as a temporary situation. Instead, it treats the West Bank as if it were part of its sovereign territory: grabbing land, exploiting natural resources for its own needs and building permanent settlements. At the same time, it shirks responsibility for all Palestinian residents of the West Bank, who, for almost fifty

years now, have been living under rigid military rule that primarily serves the interests of the government of Israel and the settlers. These Palestinian residents are governed by a slew of military orders that restrict them and violate their rights, and they cannot participate in electing the Israeli officials who serve on the bodies responsible for making decisions about their lives. East Jerusalem, part of the occupied West Bank, was annexed by Israel in breach of international law. Despite the annexation, Israel treats Palestinian residents of the city as unwanted immigrants – even though it was Israel that entered their territory, not vice versa – and systematically applies policies designed to drive them away from their homes and city.

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For nearly half a century, Israel has created a reality of dispossession, oppression and human rights abuse towards Palestinians in Gaza and in the West Bank. In Gaza, through external control, Israel applies a callous policy and assumes no responsibility for its dire effects on the lives of residents. If Israel continues on this path, it will lead to Gaza's collapse. In the West Bank, both through direct control and via the Palestinian Authority, Israel implements a policy whose long-term goals are unmistakable. In annexed East Jerusalem, Israel persists in its attempts to dispossess Palestinian residents and drive them away from the city.

Israeli officials deny state responsibility for this systemic violation of Palestinians' human rights, claiming that the fault lies with the Palestinians and security concerns. Although Israel has largely succeeded in promoting the argument that the Palestinians are primarily to blame for this situation, security concerns have very little to do with the reality described here.

In fact, as detailed above, Israel is the one controlling millions of Palestinians, dictating their

daily lives and futures. It could choose to end the occupation, stop the blockade on Gaza, and set millions of Palestinians free. It can also choose to prolong the current state of affairs indefinitely. A public opinion poll recently conducted by B'Tselem shows that Israelis understand this: 42% of respondents believe that changing the situation and/or progressing towards an agreement is in Israel's hands, while only a quarter believe that the key to change lies with the Palestinians. Almost half (44%) believe that the government's policies in the West Bank are aimed at prolonging military rule there, and only some 20% believe that Israel wishes to attain the two-state solution. The rest are divided between those who believe governmental policy is aimed at annexing the West Bank, and those who do not know where Israel's intentions lie. It appears, therefore, that Israelis are well aware of reality: They know that the key to change lies with them – but choose not to act upon it.

It is Israel's choice to continue its policy of controlling Palestinians – and the Israeli public knows this full well. Therefore, and especially after almost fifty years, it is untenable to view these policies as temporary or continue to believe that Israel has any intention of changing them. It is just as untenable to believe that a different future, one in which all persons living between the Mediterranean and the Jordan River enjoy their full human rights, is possible as long as Israel's policies receive international backing and consent.

The political dynamics in Israel regarding the Palestinian territories range from disregard – especially where the situation in Gaza and in Areas A and B is concerned – to attempts to further the dispossession of Palestinians, mostly in East Jerusalem and in Area C. The handful of recent initiatives by the “political center”, as it is known in Israel, concerning a future arrangement with the Palestinians include driving more Palestinians out of Jerusalem; right-wing proposals center on

formally annexing more parts of the West Bank. Nor does the legal realm offer much hope for a solution: While many facets of Israeli government combine to facilitate control over Palestinians, it is the legal system's readiness to approve almost every request by authorities that makes this possible. Home demolitions, administrative detention, expulsion of communities, torture, road closures and the Separation Barrier are only some of the measures sanctioned by Israel's High Court of Justice. Israel's legal system has breached its duty – and professed aspiration – to protect the human rights of Palestinians living under Israeli control. Instead, it has become a key player facilitating this control while providing it a guise of legality.

On an international level, contrary to Israel's claims and despite international responsibilities for human rights, very little has been done to challenge Israel's occupation of the West Bank and its policies towards Gaza. Round after round of negotiations has failed to protect Palestinians' rights (in fact, the Oslo Accords ultimately made matters worse), granting Israel more time to promote its interests while trampling them.

The longer the world allows this reality to continue, the worse it will grow. A realistic assessment of the future paints a grim picture. In ten years' time, will any Palestinian communities remain in the Jordan Valley? How will the paralyzed Palestinian economy function? How many more Palestinian neighborhoods will be cut off from East Jerusalem? And what will the lives of millions in Gaza look like?

The facts and analysis presented here are well-known and agreed upon in the human rights and international community. The implications of continuing to stand idly by are well understood, too. What is needed is not more words, but decisive action marking an end to international cooperation with Israel's policy, which is aimed at retaining control over Palestinians in the West Bank (including East Jerusalem) and in Gaza.