



THE OCCUPATION IN ITS **51st** YEAR

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In June 2017, Israel's occupation of the West Bank and Gaza Strip reached the half-century mark, and entered its fifty-first year. A third, and even fourth, generation of Palestinians and Israelis has been born into this reality, and it is the only one they have ever known. It is a reality in which Israel has direct or indirect control over the entire area between the Mediterranean Sea and the Jordan River as well as over all 13 million people living on that land, including millions of Palestinians who have no political rights and no say in determining either the present or the future of the area. Instead, they are subject to decisions by Israeli voters, politicians, judges, civil servants and soldiers, none of whose ingroup is the Palestinian public whose lives they run. Israelis are the ones making the decisions that govern every aspect of Palestinian lives, and they do so over their heads, without consulting them. It is a reality that is inherently violent and undemocratic. It is a reality that must end.

Israel's permanent control over millions of people bereft of rights is unjustifiable, inexcusable and unacceptable. The situation wrongly called the status quo ensures one thing, and one thing only: a continued downward spiral into an ever more violent, unjust and hopeless reality. Unless a non-violent way out of the present situation is found, the violence of the past half century might be just a preview of much worse to come. The effort to achieve a different future here is not only an urgent moral imperative, it is a matter of life and death.

This bleak prospect is what B'Tselem is fighting against. We are fighting to secure a different future altogether, a future based on human rights, democracy, liberty and equality. All the people living between the Jordan River and the Mediterranean have both individual and collective rights, including freedom, equality and the right to self-determination. There are various political scenarios that could accomplish this goal. While it is not B'Tselem's place to say which scenario is best, one thing is certain: continued occupation is not an option.

In this paper, we seek to offer a portrait of the occupation at its half-century mark. In 1967, when the occupation began, all Palestinians living in the Occupied Territories shared the same status. In the years since, Israel has divided the area into distinct sections, differing from one another based on how Israel defines them, what it plans for them, and the status it has accorded their residents. Nevertheless, Israel still retains effective control over all Palestinians living in the West Bank (including East Jerusalem) and the Gaza Strip, regulating their lives and determining their future. Israeli control

over the entire area and everyone living in it is the salient feature of the reality of occupation.

The Gaza Strip

In September 2005, Israel completed its so-called disengagement from Gaza, after evacuating all Israeli settlements established there, withdrawing its troops, and declaring the end of its military rule in the Gaza Strip. In September 2007, after Hamas seized control of Gaza, Israel declared the area a “hostile entity”, a status equivalent to that of an enemy country. Israel now claims that apart from the barest humanitarian obligations necessary to avert a severe humanitarian crisis, it no longer bears any responsibility for, or duties toward, the nearly two million people living in Gaza.

Although Israel no longer has a permanent military presence within the Gaza Strip, it retains control over all but one of Gaza’s border crossings. The one exception is Rafah Crossing, use of which depends entirely on Egypt. Since Israel’s so-called disengagement, Egypt has opened it for only short periods of time and, even then, use of the crossing was subject to various Egyptian-imposed restrictions. However, using this crossing to travel to other countries involves a long and often dangerous journey; when the destination is no further than the West Bank (including East Jerusalem), or Jordan, this lengthy journey is particularly unreasonable.

Israel also controls Gaza’s sea-space and airspace, and does not allow Palestinians to build an airport or seaport. Consequently, Israel has virtually complete control of the passage of both people and goods into and out of Gaza. No one can enter Gaza or leave it – be the destination Israel, the West Bank or third countries via Israel – without obtaining a permit from Israeli authorities.

In June 2007, Israel used its control over the crossings to impose a blockade on Gaza, which has remained in place ever since. With few exceptions, Israel does not allow residents to leave Gaza. In the early years of the blockade, Israel prohibited export from Gaza and imposed a ban on bringing in thousands of commodities, including food items, toys and paper. According to documents disclosed in October 2010 following a Freedom of Information petition filed by Israeli NGO Gisha, it emerged that Israel had employed a “deliberate reductive policy”, based on calculations of the minimum caloric intake required for Gaza residents to survive.

In June 2010, following international pressure on Israel after its navy took over six vessels en route from Turkey to the Gaza Strip for the professed purpose of protesting the blockade, Israel decided to lift some of the restrictions. While the ban on export remains in effect with very few exceptions, the ban on bringing goods into Gaza has been eased so that it is now confined to hundreds of items Israel considers “dual purpose”, i.e., that can allegedly be used for either civilian or military purposes. Under this policy, restrictions are imposed on bringing in construction materials, such as cement and iron. Without them, the development of factories, the restoration of civilian infrastructure, and other projects cannot move forward.

The blockade has led to the collapse of Gaza’s economy. Most factories and hundreds of businesses have shut down. Nearly 80% of the population now receive humanitarian aid from international organizations. The impact of the blockade can be seen in reduced food security among much of the population and some of the highest unemployment rates in the world, reaching upwards of 40% overall, and 60% among younger adults.

Gaza’s infrastructure and public services are in dire straits. About 95% of the water pumped locally is contaminated and unpotable, forcing residents to buy desalinated water. People have electricity only a few hours a day, partly because of fuel shortages, high fuel costs, and restrictions Israel imposes on bringing in the parts necessary for maintaining existing systems, including the restoration of the power plant that Israel bombed in 2006. The power shortage also impacts water and sewage facilities, which become virtually non-operational with an intermittent power supply. In addition, the medical services available in the Gaza Strip fall far short of meeting the needs of the population, and many critical treatments are unavailable locally.

Since its so-called 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. These rounds of fighting further exacerbated conditions in Gaza. Thousands of people who were not involved in the fighting were killed, including hundreds of children; homes and agriculture sustained extensive damage as did electric, sanitation and water facilities, which were already on the brink of collapse.

In early September 2015, the United Nations Conference on Trade and Development published a report cautioning that unless Israel’s policy is significantly changed, the Gaza Strip – after eight years under blockade and three rounds of fighting – stands no

chance of recovery and may become unlivable by 2020. The situation has since gone from bad to worse.

The West Bank

In the mid-1990s, under the Oslo Accords, the West Bank was divided into three types of areas. This division was only meant to remain in effect for five years, until the signing of a final status arrangement, but it is enforced by Israel to this day. The land where most of the Palestinian population lived at the time the Accords were signed was designated as Areas A and B, and ostensibly handed over to the full or partial control of the Palestinian Authority. These areas are non-contiguous, constituting 165 'islands' scattered across the West Bank. The rest of the land, some 60% of the entire West Bank, was designated Area C and remained under full Israeli control. This area is contiguous and includes all Israeli settlements as well as nearly all the land reserves of the Palestinian communities.

Israel uses this division to foster the illusion that it is the Palestinian Authority that is primarily responsible for administering the lives of most Palestinians living in the West Bank. However, as detailed below, in reality it is Israel that continues to control the entire West Bank and the lives of all West Bank residents.

Under the Oslo Accords, Israel has authority over planning and construction only in Area C. Nonetheless, its planning and construction policies affect all West Bank residents. The size of Areas A and B was determined according to the built-up Palestinian area at the time the Accords were signed, more than twenty years ago. Since then, the Palestinian population has nearly doubled, and its needs have grown accordingly. However, most of its land reserves, which could have met these changing needs, were designated Area C, where any new construction – be it building homes, industrial plants, laying water mains, or paving roads – requires Israeli approval. This is the case even if the construction is meant to serve Palestinians living in Area A or B. Israel, for its part, virtually bars Palestinian construction in Area C, and obtaining a permit there is nearly mission impossible. This Israeli policy forces many Palestinians to live in high density conditions, and without essential public buildings or sufficient infrastructure. When Palestinians build in Area C without permits – having no other avenue available to them

– the Civil Administration* threatens to demolish their homes. At times, it carries out these threats and demolishes the homes. In other cases, the residents are forced to live in a state of constant uncertainty.

Similarly, Israel continues to control the individual lives of all West Bank residents. Since Israel still controls all crossings linking the West Bank to Israel, and the West Bank to Jordan, and also controls all roads leading to Areas A and B, it has complete control over the freedom of movement of all West Bank residents, and subjects them to a rigid and arbitrary permit regime that affects all areas of life. It is Israel that decides who gets to travel abroad, work in Israel, pray in Jerusalem, visit the Gaza Strip, receive the merchandise they ordered for their grocery store or arrive at work on time. This regime has no clear rules. Decisions are made arbitrarily and without explanation, and Israel views every permit it issues as an act of charity on its part, a favor it bestows.

West Bank residents also continue to routinely encounter Israeli security forces. Travel between towns or areas inside the West Bank means coming into contact with Israeli soldiers and police. Moreover, although Israeli security forces were withdrawn from Palestinian communities after the signing of the Oslo Accords, they still raid Palestinian homes in Areas A and B on a nearly daily basis, at the sole discretion of the Israeli security establishment. Israel also continues to prosecute thousands of Palestinians every year, most of them residents of Areas A and B, in its military court system in the West Bank. Defendants tried in these courts are convicted almost automatically, while the system is primarily occupied with creating a façade of proper judicial proceedings, rather than with seeing justice done.

Israel treats Area C as though it were its sovereign territory, meant to serve Israeli needs alone, and does not consider itself in any way obliged to meet the needs of the estimated 200,000-300,000 Palestinians living there. Instead, Israeli authorities employ a variety of tactics to minimize the presence of Palestinians in Area C. A particularly violent manifestation of the policy is the way Israel treats dozens of semi-nomadic communities scattered throughout Area C, expelling and attempting to expel residents from their homes and living areas.

In contrast, Israel makes use of the land to expand settlements, whose population has more than tripled since the Oslo Accords were signed. Currently, nearly 400,000 Israelis

* The branch of the Israeli military designated to handle civil matters in Area C.

live in over 200 settlements (excluding those built in East Jerusalem), all of which were established in contravention of international humanitarian law. Although the settlers live inside occupied territory, they enjoy all the protections, rights and budgetary allocations accorded to Israeli citizens living inside the Green Line* (i.e. in Israel proper), and sometimes even above and beyond that.

For the purpose of establishing settlements, Israel has seized from Palestinians tens of thousands of hectares of land over the years, including pastureland and farmland, and made generous allocations of this land to settlements. Israel declared a significant portion of the land seized as “state land”, doing so based on a dubious interpretation of the law combined with disregard for the fact that even if some of the land is indeed public, the Palestinians are the public in question, so they are the ones those lands are meant to serve. Other areas have been forcibly usurped from Palestinians by creating facts on the ground. All the lands given to settlements have been designated closed military zones, placing them off-limits to Palestinians unless they obtain a permit.

Israeli settlements are the chief factor shaping the reality of daily life in the West Bank. Their devastating impact on Palestinians’ human rights far exceeds the tens of thousands of hectares seized for building them. Additional lands have been confiscated to build hundreds of kilometers of bypass roads for settlers; checkpoints and other measures that restrict only the movement of Palestinians have been installed 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 designed to run inside the West Bank, primarily so that as many settlements as possible – and a great deal of land designated for their expansion – would be kept west of the barrier, i.e., on its “Israeli side”.

East Jerusalem

In June 1967, immediately after the war and in breach of international law, Israel annexed about 7,000 hectares of West Bank land to the municipal borders of Jerusalem and applied Israeli law there. Residents of the annexed area were given permanent

* The boundary between Israel’s sovereign territory and the West Bank.

residency status in Israel, which gives them the right to move freely throughout Israel and grants them the benefits of Israel's social security system and state health care. However, unlike citizenship, this status can be easily revoked, as it was originally meant to apply to immigrants who made a voluntary choice to live in Israel.

Israel has never treated East Jerusalem residents as having equal rights. Ever since the annexation of East Jerusalem and its environs, Israeli authorities have implemented discriminatory policies toward Palestinian residents and adopted various measures to increase the number of Jewish residents there while reducing the number of Palestinians. This policy aims to achieve a demographic and geographic reality that would obstruct any attempt to question Israel's sovereignty over East Jerusalem. To pursue these objectives, authorities have confiscated hundreds of hectares of land from Palestinians, and built – on annexed territory – eleven neighborhoods meant for Jewish residents. In terms of international law, the status of these neighborhoods is no different from that of settlements elsewhere in the West Bank.

Without land reserves, Palestinians are forced to crowd together in existing neighborhoods. Yet even there, authorities impose sweeping restrictions on construction, in stark contrast to the policy practiced in the Jewish neighborhoods established in East Jerusalem. At the same time, the authorities encourage hundreds of Jewish settlers to move into the heart of Palestinian neighborhoods, while expelling Palestinians from their homes to do so. These mini-settlements bring with them increased presence by security forces, which in turn makes the lives of the Palestinian residents that remain intolerable. Authorities also willfully neglect Palestinian neighborhoods and discriminate against their residents in terms of budgeting and municipal services, providing them only on a partial and limited basis.

In the years that followed the annexation, East Jerusalem continued to serve as the major urban hub for many West Bank residents, who went on working, shopping and studying there. However, in the early 1990s, Israel began restricting Palestinians' access to East Jerusalem by setting up checkpoints between the annexed area and the rest of the West Bank. Palestinians living in the area that was not annexed were not allowed to enter East Jerusalem without obtaining a special permit. This is how East Jerusalem was cut off from the rest of the West Bank, and lost its standing as a regional urban hub.

Israel's disregard for the needs of the Palestinians living in East Jerusalem and its view of them as foreigners in their own city take on a tangible form in the Separation Barrier, which in Jerusalem is constructed as a high wall that, in some places, is built right up

against homes. Unlike the checkpoints that the military erected in the West Bank a decade earlier, the Separation Barrier introduced an impassable partition between East Jerusalem and the rest of the West Bank, thereby accelerating the city's isolation from the rest of the West Bank.

The route of the Separation Barrier cut off two areas – Shu'fat Refugee Camp and Kafr 'Aqab – leaving them on its other side. The two areas, with a total estimated population of some 140,000 Palestinians, fall within Jerusalem's city limits. Nevertheless, the Jerusalem Municipality and the government's ministries continue to ignore them, refrain from entering them, and refuse to provide basic services to their residents. The neglect on the part of the Israeli authorities has transformed these once vibrant neighborhoods into a no-man's-land. They provide no basic municipal services such as waste collection, roadworks or education, and there is a tremendous shortage of classrooms and pre-schools. The existing water and sewage infrastructure fails to meet the needs of the population, and the Israeli authorities do nothing to remedy the situation. Residents are also subject to severe travel restrictions due to the permanent checkpoints Israel has placed in these neighborhoods.

Israel's longstanding policies toward East Jerusalem have driven many Palestinian residents to leave the city limits, often moving elsewhere in the West Bank, to areas that were not annexed. Those who do so risk having their residency revoked, along with the social rights and benefits that status confers, and losing their right to live where they were born and raised. It is thus that, since 1967, Israel has revoked the residency of some 14,500 East Jerusalem Palestinians.

What lies ahead?

Fifty years ago, Israel occupied the Gaza Strip and the West Bank, part of which it annexed to Jerusalem. To this day, Israel still retains control of these territories and the people living there. For the past half a century, it has created a reality of dispossession, oppression and human rights abuses on those lands.

In the Gaza Strip, via external control over it, Israel applies a brutal, callous policy and assumes no responsibility for the devastating effects this has on the lives of the local residents. While Israel denies Gaza residents any possibility of independent subsistence, it is only willing to meet the very barest minimum of their needs. This policy prevents

Gaza's reconstruction and economic recovery. Despite the grim situation in the Gaza Strip and dire projections that it will become unlivable in several years' time, Israel refuses to alter its policies. Because Israel's unilateral 'disengagement' from the Gaza Strip created a precedent under international law, the lack of clarity that immediately followed it concerning Israel's legal obligations is not surprising. However, in the years since the Israeli withdrawal, legal scholars and policy-makers in Israel and around the world have stated that even if the laws of occupation no longer fully apply to how Israel treats Gaza residents, its obligations clearly exceed a state's obligations to residents of an "enemy state". These obligations arise from the extent of Israel's control over the Gaza Strip, both past and present. Any formalistic interpretation that does not reflect the provisions and spirit of international law is unreasonable. No elaborate legal argument can obscure the reality of what is happening in Gaza. It is like life in a third-world country on the brink of collapse. This reality is not the result of a natural disaster. It is entirely man-made.

In the West Bank, Israel implements – both through its direct control and via the Palestinian Authority – policies whose long-term objectives are obvious. Israel treats the West Bank as if it were part of its own sovereign territory, yet it does without giving Palestinians political rights. Israel grabs land, exploits natural resources for its own needs and builds permanent settlements designated for Israelis only. At the same time, West Bank Palestinians have been living for the past fifty years under a strict military rule that serves, first and foremost, the interests of the State of Israel and Israeli settlers.

East Jerusalem, which is part of the occupied West Bank, was annexed by Israel in breach of international law. The annexation notwithstanding, Israel treats the Palestinians living in the city as unwanted immigrants and systematically applies policies designed to dispossess them of their homes, and drive them from their own city.

Israeli officials deny state responsibility for the situation described in this paper, and similarly deny responsibility for the violation of Palestinians' human rights. They claim there is an alleged need to protect Israeli security interests, attempting to promote the argument that the Palestinians are primarily to blame for the continued control over them, whether directly as in the West Bank or indirectly, as in the Gaza Strip. Security concerns, however, have little to do with Israel's policy and despite the oft-repeated *hasbara* (Israeli public diplomacy) line, the facts are clear: Israel is the one with control over millions of Palestinians, dictating their daily lives and futures. Israel could choose to end the occupation, lift the blockade it imposed on Gaza, and set millions of

Palestinians free. Israel can also choose to continue its rule over Palestinians bereft of rights for many years to come. It has chosen the latter.

After fifty years, it is impossible to continue viewing the occupation as a temporary situation. The half century that has gone by, Israel's conduct and the official positions expressed by increasing numbers of Israeli leaders indicate that Israel has no intention of changing this reality. The political dynamics in Israel concerning the Palestinian territories range from disregard – especially in terms of the Gaza Strip and Areas A and B in the West Bank – to deliberate attempts to further the dispossession of Palestinians, particularly in East Jerusalem and in Area C.

The Israeli legal system does not offer much hope for a solution either. While many official Israeli authorities take part in the implementation of control over the Palestinians, it is the legal system's readiness to give a legal stamp of approval to widespread abuse of Palestinians' rights that makes it possible. Home demolition, administrative detention, expulsion of communities, torture, road closures and the denial of the right to compensation for harm by security forces are only some of the measures sanctioned by Israel's High Court of Justice and consistently defended by the State Attorney's Office. Israel's legal system declared itself available to Palestinians for the express purpose of safeguarding their rights. Yet high-flown declarations are one thing, and reality quite another. In practice, the Israeli justice system has become a key player in facilitating and approving control over Palestinians.

On an international level, contrary to Israel's claims and despite states' international obligations to human rights, very little has been done to challenge Israel's policies, and it enjoys widespread international support. Round after round of negotiations has failed to advance the realizations of Palestinians' rights. In fact, the Oslo Accords ultimately even made matters worse, merely serving to buy Israel more time – two decades of it – to promote its interests.

The longer the world allows this reality to continue, the worse it gets. The present situation is grim, but a realistic assessment paints an even bleaker future. In a few years' time, will there still be any Palestinian communities left in Area C? What will become of the Palestinian neighborhoods of East Jerusalem on either side of the Separation Barrier? And what will the lives of Gaza's more than two million residents be like five years from now?

The facts presented here are well-known, as is their significance. They have been clear to both the human rights and the international community for quite some time, as has the understanding that Israel's policy is violent, unlawful and immoral. Israel's goals are clear: promoting Israeli interests and establishing ever more facts on the ground, while seeking to minimize the cost this ought to exact in the international arena; continuing to control millions of Palestinian subjects bereft of rights while maintaining the appearance of being a democracy; and weakening the resistance in Palestine, Israel and around the world to a continued state of occupation. Given this state of affairs, the implications of standing idly by are equally well understood. What is now needed is not just more words and analysis. What is needed is decisive action to end international cooperation with Israel's policy, in pursuit of the express goal of ending the occupation.