

The Israeli Occupation of the Palestinian Territories

Too Many Reports, Too Little Action

65 years have passed since more than 6 million Palestinians have been displaced to make way for the state of Israel and 46 years have passed since another 834,000 Palestinians have become refugees in the aftermath of the Israeli occupation of the West Bank and Gaza. Since that time, hundreds of official reports have been issued by international, regional and national agencies, NGOs and governments. Over and over again these reports have exposed the human rights violations committed by Israel against the Palestinian land and people, have raised alarms about the resulting abuses and destruction of the Palestinian property and the damage to the Palestinian economy.

Until 2013 most reports have not had much effect besides adding a new layer of statistics up the ante. A laudable exception has been the European Commission's announcement that in 2014 it would withhold its "grants, prizes and other financial instruments" from Israeli entities that operate in the OPT, yet without this exception no action has followed words. Most of the reports are very isolated from each other and are too quickly relegated to the archives.

This report therefore tries to assemble past papers in one document, present the salient facts and conclusions from the most recent investigations conducted by both, the international and European bodies charged with oversight of the Occupied Palestinian Territory (OPT).¹ The period of examination includes all reports of 2012 and January-July 2013, including reports issued by the various branches and affiliates of the United Nations and the European Parliament, as well as findings issued by international think tanks and human rights organizations. The following reports are summarized:

- *The Palestinian economy in East Jerusalem: Enduring annexation, isolation and disintegration,*²
- *"Policy Briefing – Area C: More than 60% of the occupied West Bank threatened by Israeli annexation,"*³
- *"Recent Experience and Prospects of the Economy of the West Bank and Gaza: Staff Report Prepared for the Meeting of the Ad Hoc Liaison Committee,"*⁴
- *"Fiscal Challenges and Long-Term Economic Costs: Economic Monitoring Report to the Ad Hoc Liaison Committee," 11 March 2013, World Bank*⁵
- *"Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the*

¹ The Treatment of Palestinians living in the current State of Israel and the status of refugees exiled to the diaspora are beyond the scope of this report.

² 9 May 2013, United Nations Conference on Trade and Development

<http://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=537>

³ April 2013, European Parliament, Directorate-General for External Policies/Policy Department

<http://www.europarl.europa.eu/delegations/de/studiesdownload.html?languageDocument=EN&file=92610>

⁴ International Monetary Fund, 19 March 2013, <http://www.imf.org/external/country/WBG/RR/2013/031913.pdf>

⁵ World Bank 11 March 2013 <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AHLCMarchfinal.pdf>

*Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem*⁶

- *“Children in Israeli Military Detention: Observations and Recommendation”*⁷
- *“Extreme Makeover? (I and II): Israel’s Politics of Land and Faith in East Jerusalem and The Withering of Arab Jerusalem”*⁸
- *“Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory,”*⁹
- *“Gaza in 2020: A livable place?”*¹⁰
- *“Report of the Director-General: The situation of workers of the occupied Arab territories”*¹¹
- *“Jerusalem: The Heart of the Israeli-Palestinian Conflict”*¹²

The observations and calls to action highlight all facets of Israeli control of Palestinian land and people, each now stretched to a breaking point that cannot be sustained any longer. The timing is ripe for international and European governing bodies to play the role the United States cannot due to its internal political climate – that of enforcer.

Summary of Findings

- **Mandates of international law**

Numerous international agreements ratified by Israel obligate it to respect, protect, promote and fulfill the full range of social, economic, cultural, civil and political rights of all persons living within its jurisdiction. The bodies of the UN that monitor the implementation of these treaties have consistently concluded they are applicable to acts committed in the Occupied Palestinian Territory (OPT), both during peace and war. The International Court of Justice confirmed this conclusion in 2004. Thus, Israel is bound by international humanitarian and international human rights law.

- **Lack of good faith**

“State building” has contributed to the creation of a dependency culture in the OPT and masking the hollowing-out of the Palestinian economy. Public opinion across the European Union is consistently less patient with Israeli policies and more sympathetic to the Palestinians’ predicament. Further entrenchment of the occupation as hope for a two-state solution fades will make the parallels with apartheid South Africa increasingly difficult to ignore. Israel is more and more under pressure to finally submit to international humanitarian and international human rights law

⁶UN Human Rights Council 7 February 2013 (presented to the General Assembly)

<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

⁷ Unicef February 2013, <http://www.unicef-irc.org/article/948>

⁸ International Crisis Group, 20 December 2012

<http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/134-extreme-makeover-i-israels-politics-of-land-and-faith-in-east-jerusalem.aspx>

<http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/135-extreme-makeover-ii-the-withering-of-arab-jerusalem.aspx>

⁹ United Nations Conference on Trade and Development, Trade and Development Board: 59th session 17-28 September 2012.

<http://unctad.org/en/Pages/GDS/Assistance%20to%20the%20Palestinian%20People/The-Assistance-to-the-Palestinian-People.aspx>

¹⁰ Report by the United Nations Country Team in the OPT, United Nations Special Coordinator for the Middle East Peace Process (UNSCO) 27 August 2012, <http://www.unrwa.org/etemplate.php?id=1423>

¹¹ May 2012 and 2013, International Labor Conference, 101st and 102nd sessions

http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS_213298/lang--en/index.htm

¹² Directorate-General for External Policies of the Union Policy Department, European Parliament March 2012 <http://www.euronews.com/2010/03/23/jerusalem-heart-of-the-israeli-palestinian-conflict/>

- **Economic development and public welfare**

The economic activity in the OPT has significantly slowed down following robust gross domestic product (GDP) growth in recent years. Overall, 25.8% of persons living in the OPT¹³ earned below the poverty line in 2011. Deep poverty afflicted 12.9 %¹⁴. Without international and local aid programs those numbers would be much worse¹⁵. Especially Gaza is an urban economy, heavily reliant on intensive trade, communication and movement of people. The area has been essentially isolated since 2005 - meaning that, in the longer term, its economy is fundamentally unviable under present circumstances. Israel is to a big deal responsible for the misery.

The loss of Palestinian natural resources – such as land and water - to occupation and settlements and the isolation of Palestinian producers from regional and global markets, led to their inability to obtain supplies needed for production and to export their goods and services. ¹⁶Lifting the occupation could practically double the size of the local economy. Prolonged occupation, and the socio-economic impact of confrontation with an expanding settler/colonial-type enterprise, is the main cause of the failure of Palestinian economic development efforts. Ending settlement and occupation is the *sine qua non* for sustainable development to take root.

- **Access to water**

At the present Israel uses 86 % of the water extracted from the region's Mountain Aquifer, the sole source of water for West Bank Palestinians and a resource that by international agreement must be shared equitably by both sides. Israel controls the quantity of water extracted by the Palestinians, and has veto power over Palestinian and Palestinian Authority investment in water infrastructure. In the Gaza Strip, all agricultural water comes from wells. There is a severe deterioration of water quality caused by the destruction of infrastructure and the continued blockade, which make repair and replacement difficult if not impossible. By such practices Israel seriously violates the International Covenant on Economic, Social and Cultural Rights.

- **Land use and restrictions on movement**

Under the terms of the 1993 Oslo peace accords, more than 60 per cent of the West Bank remains under full Israeli military and administrative control. ¹⁷ Still in 2013 Israel restricts Palestinians' access to land and resources through systemic segregation, forcibly evicting and displacing Palestinian residents, demolishing civilian property and expanding Israeli settlements. Palestinians have seen more than 1 million dunums (247,104 acres) of their land seized for military or state use or due to archaic absentee property laws.

Physical barriers such as checkpoints and roadblocks, combined with complex, equally onerous administrative controls, continue to confine daily life and economic development in the West Bank. In Gaza, farmers are denied access to vital agricultural lands within the "buffer zone" along the

¹³ 17.8 % of residents in the West Bank and 38.8% in Gaza

¹⁴ 7.8 and 21.1%, respectively

¹⁵ For example, in Gaza, the overall poverty rate would rise to 49.9%

¹⁶ In total, the Palestinian Ministry for the National Economy estimates that the economic cost of the Israeli occupation totaled more than \$6.9 billion, or nearly 85 % of the total GDP.

¹⁷ Article 27 stipulated that Israel would gradually relinquish control by 1999. That did not occur.

border with Israel, as well as to their most productive fishing waters. Although Israel's encroachment into Area C has long been condemned by the European Union, efforts to improve the situation are continually undermined. Minimal recommendations set out by the EU's 2011 report on Area C have not been implemented. While the EU has expressed its concern about the state of affairs, decisive action is long overdue.

- **Settlements**

The settlements violate Article 49 of the Fourth Geneva Convention of 1949¹⁸, which prohibits the transfer of an occupying power's civilian population into occupied territory. This illegality has been confirmed by the International Court of Justice, the High Contracting Parties to the Fourth Geneva Convention and the UN Security Council. The settlements are "a mesh of construction and infrastructure leading to a creeping annexation that prevents the establishment of a contiguous and viable Palestinian State and undermines the right of the Palestinian people to self-determination.

Roughly 250 Israeli settlements and outposts now consume approximately 43 per cent of the West Bank, with the total population (including East Jerusalem) estimated at more than 520,000 (double what it was upon negotiation of the Oslo Accords, which were originally intended to create a framework for ending the occupation). If there are to be any real prospects for peace the tide of settlement activity must be turned. Action is not only a political imperative; it is also a humanitarian imperative and an obligation under international and international humanitarian law.

- **East Jerusalem**

The Israeli policy of severing political, economic and social links between the West Bank and East Jerusalem has caused a serious deterioration in Palestinian living conditions. Settlements have hemmed in Arab East Jerusalemites neighborhoods, which have become slums in the midst of an expanding Jewish presence. Trade with the West Bank has also been choked off, by the Separation Barrier and checkpoints. Organized political life has been virtually eradicated by the clampdown on Palestinian institutions; and their social and economic deprivation is rendered the more obvious by proximity to better-off Jewish neighbors.

Although Israel may not have achieved its demographic goal, it succeeded in disempowering Arab Jerusalemites. Israel annexed east Jerusalem, with its Palestinian population, immediately after capturing the territory from Jordan in 1967 and has built housing developments for Jews there, but the annexation has not been recognized internationally. The disputed status of Jerusalem under international law means that external interventions are not only legitimate but also incumbent upon the international community, which in 1949 assumed the moral responsibility for the city's future.

- **Demolitions**

Since 1967, Israeli authorities have demolished more than 27,000 Palestinian homes in the OPT. The Israeli Committee Against Home Demolitions (ICAHN) counts 160,000 displaced Palestinians during that time period. These demolitions on alleged military or security grounds lead to a creeping

¹⁸ Compare Article 49, Fourth Geneva Convention of 1949
<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

land annexation contravene the fourth Geneva Convention¹⁹. Article 53 of the Fourth Geneva Convention states that an occupying power is forbidden to destroy the property of the local population "except where such destruction is rendered absolutely necessary by military operations." Furthermore, according to Article 147 of the Fourth Geneva Convention the extensive destruction of property not justified by military necessity constitutes a war crime.

- **Detention of prisoners**

It is estimated that over time 700,000 Palestinians have been held in Israeli military detention. In 2012, approximately 4,100 Palestinians were in Israeli military detention²⁰. The Israeli military court system does not ensure Palestinians fair trials, including clear evidentiary or procedural rules, the presumption of innocence, or the right to hear witnesses or examine all material evidence. The hardship especially affects children.

Each year for the past 10 years, approximately 700 Palestinian children age 12-17 (mostly boys) are arrested, interrogated and detained by the Israeli army, police or security agents – an average of two per day. The ill-treatment of children who come into contact with the (Israeli) military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing.

Conclusions

The international and European communities must not consign its extensive investigations and well-thought-out preventive actions to the dustbin of history. There is no shortage of concrete proposals for action; the reports catalog dozens of specific recommendations. Yet few steps beyond warnings have been actually taken. It is time now to act.

In the past Israel has consistently ignored and defied the UN and UN resolutions that condemn settlements and Israel's treatment of Palestinians. Even as it sat on the negotiation table, Israel announced that it had paved the way for construction of 1,900 more settler homes over the coming months. If no action is taken it will be too late.

The EU's anti-settlement initiative has already pushed Benjamin Netanyahu into peace talks and thus disproved the U.S. and Europe's rationale that boycotts and sanctions serve only to push the Israeli public and politicians further to the right.

If the international community does not want to lose credibility, it must increase its pressure.

¹⁹ Compare Article 53, Fourth Geneva Convention of 1949
<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

²⁰ 143 were aged 16-18 and 21 were below 16