



Fact Sheet: The Occupation

To occupy in the classic political meaning of the term "occupation" is to take control of a place or territory by military conquest or by settlement. Israel is generally recognized and considered to have occupied the territories it conquered as a consequence of the Six-Day War of 1967, with the exception of the Sinai Desert that was returned to Egypt as part of a peace agreement. The settlers and the military were evacuated from Gaza in 2005, but Israel continues to control the borders, air and sea and remains Gaza's occupying power according to most interpretations of international law.

Israel formally annexed the Golan Heights in the 1980s, which previously belonged to Syria, and it does not consider itself to be in occupation of East Jerusalem - which it has declared will belong to Israel for eternity. The West Bank is also considered by various religious and political groups in Israel to be part of the land promised to the Jews by God and is referred to as "Judea and Samaria." Israel prefers the term "disputed territories" to "occupied territories" when referring to Gaza and the West Bank. The International Court of Justice considers Israel to be in occupation of the territories, and Prime Minister Sharon has admitted that in fact these territories are "occupied" though he later rejected the legal implications of his remark.

As a military occupier, Israel is subject to a wide variety of regulations of its behavior according to the terms of the fourth Geneva Convention. Israel does not recognize the Convention to apply *de jure*, that is to say legally, but says it applies it *de facto*, which would appear to mean at best, selectively. The most important of the terms of the Convention forbids settlement or colonization ("the occupying power shall not deport or transfer part of its own civilian population into the territory it occupies"), and Israel has engaged in widespread Jewish colonization of the territories since 1967. There are 268,400 settlers or colonists residing in the West Bank amid more than two million Palestinians, and a great many more if one counts those residents in East Jerusalem, once part of the territories and since annexed to the city. The existence of these settlements has been one of the major obstacles to a peace agreement.

The United States consistently opposed Israeli settlement in the occupied territories, and the first Bush administration actually withheld loans from Israel unless they were forbidden for use in the territories. The Reagan and Clinton administrations also regarded the settlements as obstacles to peace and expressed disapproval. The current Bush administration, however, has recently expressed its toleration or even tacit support of Israeli settlement policy, which continues on the West Bank under Ehud Olmert.

Israel is widely accused of abuses of human rights in the territories as well. In an effort to control Palestinian terrorism, it regularly bulldozes the homes of the families of suspected terrorists. It imposes curfews and engages in collective punishment of the inhabitants, a practice also forbidden by the Geneva Convention. As the occupying power, Israel has general responsibility for the welfare of the inhabitants of the territories. The occupation has its defenders, who note the general improvement in public health and hygiene and the eradication

of disease in the territories, at least prior to the beginning of the second intifada in 2000. Life expectancy is greater and infant mortality much less since Israel took control and there is, in fact, a kind of population explosion there. But it is impossible to say that this would not have happened in the absence of the occupation, and Israel would be derelict in its occupation responsibilities had it not exercised a maximum effort with regard to public health.

The situation in the territories is further clouded by the two intifadas or Palestinian insurrections against Israeli rule and the often-brutal efforts of the Israelis to repress them. The first intifada broke out in the late 1980s and resulted in the Oslo Agreement of 1993. By the agreement's terms, Israel was gradually to relinquish control of increasing portions of the territories to Palestinian authority as Israel and the PLO, having formally recognized each other's rights, advanced toward a general peace agreement. Israel, in fact, withdrew from Gaza and Jericho as part of the initial implementation of the agreement. Subsequent steps stalled, however, as sentiment in Israel built for advancing directly toward a final status agreement rather than proceeding by stages. Meanwhile Israeli settlement activity continued, which Palestinians claimed violated the Oslo Accords, which called for a settlement freeze. Palestinian terrorism grew apace, taking the form of increasing numbers of suicide bombings both in the territories and in Israel proper, inside the Green Line. These bombings generally derailed efforts at a peace agreement and brought world condemnation of Israel for its harsh retaliation for each act of Palestinian violence and the measures it has taken to repress further terrorism and safeguard the safety of the settlers as well as Israeli citizens within the Green Line.

A final effort at a peace agreement took place under the aegis of President Clinton in 2000. The two sides seemed close to an agreement that would have ended the occupation and resulted in a Palestinian state in the West Bank and Gaza. Most of the settlements near the Green Line would have been allowed to remain, the borders would be adjusted and territory exchanged, with Israel ceding vacant territory to the PLO in exchange for some of the land on which it had built settlements. The Palestinians would have regained 96% of the territory of the West Bank and all of the Gaza Strip. In the end, however, the Palestinian Authority refused the offer that Prime Minister Ehud Barak had put on the table, and withdrew from the negotiations at Camp David. The negotiations restarted in 2000 in Taba, based on the Clinton "bridging proposals" for compromise between Israelis and Palestinians. Though the two sides came close to agreement, Prime Minister Barak broke off the negotiations in order to campaign for re-election.

With the failure of the agreement the second intifada broke out, followed by the election of Ariel Sharon, whose government repudiated the concessions offered by the preceding government of Barak. That intifada reached a peak in 2002 with terrorist attacks on civilians and massive Israeli retaliation. It has largely died down since 2005. As a consequence of the second intifada, the Israeli army re-occupied much of the West Bank and remains in large parts of it. The occupation continues, now entering its 40th year.

Prepared for Brit Tzedek by Irwin Wall of the Center for European Studies at New York University.