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No end in sight.

50 years of impunity and inaction in the Occupied Palestinian Territory (OPT)

Background

June 2017 marks 50 years since the occupation of the Palestinian Territory¹. Despite Israel's responsibilities as an occupying power, life for millions of Palestinians under this ever-expanding, ever-controlling occupation is worse now than decades ago.

Israel's occupation is the root-cause of poverty and injustice in the Occupied Palestinian Territory (OPT). It drives a constant conflict that impacts both Palestinians and Israelis, ultimately denying generations of Palestinians their fundamental freedoms and rights.

There is no end in sight.

Introduction

Fifty years since the Six-Day War, Israel's occupation of the Palestinian Territory has permeated every facet of daily life for the 4.8 million Palestinians living in the West Bank, including East Jerusalem, and Gaza.

It has triggered unprecedented "de-development"² (a phenomenon whereby development indicators regress), stunting the Palestinian economy and causing unnecessary aid dependency. It has deepened poverty and sparked serious violations of international law, including the denial of rights, freedom, dignity and opportunities for Palestinians living under occupation.

Israel's expansion of illegal settlements continues unabated. Palestinian homes and whole communities are threatened with being forcibly transferred off their lands.³

Intra-Palestinian political divisions further exacerbate this poverty and insecurity, leaving ordinary Palestinians bearing the brunt of their leaders' repeated failures. The divide between the Palestinian Authority (PA) and the de facto authorities in the Gaza Strip continues to impede the efficient and coordinated operation and delivery of government as well as basic services, compounding the already crippling symptoms of the occupation.

In Gaza, Israel's occupation includes a 10-year land, air and sea blockade that has trapped almost two million people inside the 60-kilometre wall, isolating and depriving them of their rights.

The humanitarian needs in Gaza are enormous. People struggle to access clean water, food, medical care, education and to rebuild homes.

Most people can't leave to see their families, export their crops or study. Currently, 4,000 people are unable to leave Gaza for urgent medical care⁴ and 80 per cent of the population rely on humanitarian aid to survive.

As the occupation enters its sixth decade, the international community must drastically and urgently improve efforts to ensure it does not reach into a seventh.

If the occupation ended, people would go back to their confiscated lands, move freely, market their products without restrictions and competition; we will have something to live for. But for now, the occupation has taken everything away from us.

The Occupation Controls Everything

Seventy-five year old Hamed has lived in Tubas in the Jordan Valley, the bread basket of the West Bank, for his entire life. His small patch of land is filled with dates, lemons, grapes and any other seasonal crops he can squeeze on his plot.

Hamed has watched the occupation decimate his industry and community and remembers a time when his family lived in freedom and safety.

"Before the occupation, life was very simple. We could go onto our land whenever we wanted, we could build houses, and we could plant whatever we wanted. We could go and sell our products in the villages and the city. We had water. There were no checkpoints and we were happy.

"Then the occupation started. They took away our land to build settlements and checkpoints. Now we can't move our produce to sell or get to our crops. With this occupation, we can't just export our products to other countries. It is not easy. The occupation controls everything.

"We face daily harassment by soldiers. We had to move back to the village rather than live on our land. A few years back, the soldier on one checkpoint tore up my ID; I was just trying to take my sick wife to go see a doctor.

"Settlers are destroying water pipes we use to water our crops and they control the other water resources as well.

"We feel unsafe whenever we come to our land and we are frustrated. Life isn't as simple as before, but we are determined to stay and protect it.

"If the occupation ended, people would go back to their confiscated lands, move freely, market their products without restrictions and competition; we will have something to live for. But for now, the occupation has taken everything away from us."



Oxfam/ Suhaib Jarrar 2017

Women and Occupation

The occupation and the blockade affect every aspect of life for Palestinians – it dictates where they can live and study, and whom they can marry. It limits their access to basic resources including land, water, health care and education. But the occupation affects women and girls differently. Safety and security and freedom of movement take on new meaning for women and girls, and the impacts on them can be particularly severe.

* In 2017, 294,000 women needed support dealing with gender-based violence.¹⁴

* Every year, an estimated 2500 pregnant mothers have difficulty making it to a health facility to give birth

* 32.9 per cent of Palestinian women are unemployed (25.3 per cent in the West Bank; 50.1 per cent in the Gaza Strip), compared to 20.5 per cent of Palestinian men¹⁵.

* Between January 2014 and August 2015, 148 women were denied permits through the Erez crossing to access health care.¹⁶

* 224 women out of 347 patients experienced delayed care due to permit delays¹⁷

“Because of the wall, there is no freedom at all, no liberty. Life has completely changed from what it was before. There is no peace of mind at all. I only think about keeping my children safe and out of harm’s way”.

Um Fadi, a widow, lives with her seven children on the edge of a mountain of Jabal al- Baba bedoiun village. The illegal settlement of Ma’ale Adumim looms above the clusters of houses and animal pens that make up the community, built from the twisted remnants of whatever was left from the many demolitions carried out by Israeli authorities over the years.

The last time Um Fadi’s house was destroyed was last May. Every day she waits for the bulldozers to come again. Despite being particularly vulnerable as a widow, Um Fadi was once able to provide for her large family. But the pressures of the occupation mean she and her children have been forced into deepening poverty, with little control over their lives or their futures.

“If it was like the way it used to be before, when I had fifty animals or a hundred, then I wouldn’t need or depend on anyone, I would even be the one to help others. As women we no longer have what we once did. Things have changed for me and have become very hard, We used to go to Jerusalem to sell cheese and dairy products, but these days, we can’t.

“Because of the wall, there is no freedom at all, no liberty. Life has completely changed from what it was before. There is no peace of mind at all. I only think about keeping my children safe and out of harm’s way. Everything in life is replaceable except for our children.

“We dream of a house, to be settled down like other people, without threats and danger and without fear. I dream one day my children will be safe and sound.”



Um Fadi with her youngest son. Oxfam/ Simon Trepanier 2017.

Band Aid solutions

According to Oxfam, the international community has channelled \$30 billion worth of overseas assistance into the OPT since the Oslo accords.¹⁸ Between 1993 and 2000, international overseas development assistance averaged \$500 million per year.¹⁹ By 2014 that had skyrocketed to \$2.4 billion.²⁰

However, this substantial development and humanitarian assistance has brought neither peace nor sustainable development. This is largely because of the crippling effects of the occupation alongside the failure of the international community to hold the Government of Israel accountable for violating the rights of Palestinians. Without occupation, much if not all of this assistance would not be required.²¹

According to the UN, Gaza's socio-economic conditions are worse today than in 1967.²² During that time Palestinians in Gaza have lived through three wars, the Palestinian economy has stagnated and people's access to infrastructure, land, basic services and education and employment opportunities has been heavily restricted.

The OPT has become one of the highest per capita recipients of aid in the world. However this has not been matched by the international community showing the necessary political will to hold Israel accountable under international law. The widespread, ongoing egregious abuses being perpetrated under the occupation have been allowed to persist with impunity.

The UN resolution *The Respect for and Implementation of Human Rights in Occupied Territories* adopted in May 1968 highlighted the "grave concern for the violation of human rights in the occupied Arab territories". It called on Israel to "desist forthwith from acts of destroying homes".²³

Fifty years on it is clear these early condemnations have had little impact. Today UN agencies, Oxfam and other international organisations continue to call for the immediate end to a range of violations such as the destruction of Palestinian homes and the forcible transfer of people, as well as restrictions that amount to collective punishment.²⁴ Despite that, last year saw the highest number of demolitions of Palestinian structures since the UN began keeping records, close to double the previous year, while civilians in Gaza continue to suffer under a blockade they have done nothing to deserve.

Meanwhile, the number of settlers living illegally in the West Bank, including East Jerusalem, has increased to more than half a million. The amount of Palestinian land annexed for Israeli use in the West Bank has grown from 849 square kilometres in 1967 to 5215 square kilometres in 2009,²⁵ an increase of more than 500 per cent.²⁶

According to the International Monetary Fund, aid inflows have been responsible for the majority of economic growth in the OPT but have also resulted in aid dependency.²⁷ Aid saves lives, but unless it is accompanied by consistent pressure at the highest-level to address the root causes of the crisis it will never provide what is needed for long-term and sustainable development.

In addition, while the occupation renders some aid ineffective, millions of dollars of overseas assistance is also destroyed by Israeli authorities each year. Recent research by the European human rights organization Euro-Mediterranean Human Rights Monitor found that the total amount of EU member state aid "squandered" through destruction or confiscation by Israeli authorities between 2001 and 2015 was 65 million Euros through the entire OPT. Twenty-three million Euros of that alone was lost in the 2014 Gaza war.²⁸

Israel has imposed increasingly severe restrictions on international organisations trying to help Palestinians suffering from its unlawful demolition of their homes and other assets in Area C and East Jerusalem. Israel's obstruction and destruction of aid, such as schools, homes and animal shelters, has at times been so extensive that it has forced humanitarian organisations to suspend their work.²⁹

This is a direct violation of Israel's obligation to facilitate the effective delivery of aid to people who need it most.

While the occupation is in place, there can be no real progress to end poverty and uphold people's rights across the OPT. Band-aid solutions will continue to fail to build long term sustainable change unless the root cause of these injustices – the occupation – ends.

CASE STUDY

Noam Rabinovich is the Director of International Relations of Oxfam partner Gisha, an Israeli NGO which provides individual legal assistance to help people travel in order to unite with their families, access professional, commercial and educational opportunities and receive vital medical care.

She says that promoting and allowing the function of normal civilian life in Gaza is the key to a better future for the region and a critical part of Israel's legal obligations as the occupying power.

"As an Israeli NGO, it is our moral duty to hold the Israeli government to account for its conduct and policies, and to give voice to those who are not represented in Israeli discourse, but are affected by Israeli policy."

"We work for the protection and promotion of human rights for Gaza residents, but we also believe that holding the Israeli government to account for its policy and treatment of all people, including residents of Gaza subject to its control, contributes to a stronger and better Israeli society. When we shed light on its practices and reveal its implications we help to promote a more just and transparent society, which is the interest of all, Palestinians and Israelis alike".

"Restrictions on freedom of movement have become one of the most dominant aspects of the occupation, impacting every resident of the Occupied Palestinian Territory. Restrictions are imposed collectively on the entire population, even though no security claims are made against most of the people whose movement is restricted".

"The right to life, the right to health, the right to education, the right to live in dignity, the right to family life, and the right to freedom of worship are all dependent on the right to freedom of movement, Gisha's work has a multiplier effect in allowing for the fulfilment of a most of basic right".

"Gisha seeks lasting changes in Israel's policies regarding freedom of movement. Our work is guided by international humanitarian, human rights law and Israeli law. We believe all people have the right to move and travel, in order to pursue their dreams".

Challenging the occupation: the international responsibility for peace

After 50 years, the charge sheet against Israel for flagrant and continuing violations of international human rights and humanitarian law is long. It includes forced displacement, destruction of homes and other property, illegal night raids, restriction of movement, confiscation of land, building the separation wall, collective punishment of civilians living under blockade in Gaza, confiscation, destruction of and failure to provide humanitarian aid, disproportionate use of force, and damage and denial of basic needs like health care and clean water.

Too often Israel has been allowed to violate international law with impunity. The international community has offered little more than toothless condemnations which have had little or no impact. The root cause of poverty and injustice is the occupation, and the international community can choose to either challenge or entrench these ongoing violations caused by the occupation.

For the past 50 years, it has chosen the latter.

Israel has the right to ensure its own security, but this provides no legal or moral justification for the annexation of territory that is not part of Israel, or for violations of international human rights and humanitarian law.

The international community's inaction gives a dangerous signal: that international law can be violated with impunity.

The conditions for achieving peace and prosperity for Palestinians living under occupation, discrimination and abuse can only be achieved if Israel is held to account for its systematic violations of international law, and if the occupation ends. Until then, the status quo will remain.

With every passing day, Israel denies more Palestinians their rights, forces more people from their homes and allows more children to grow up with their horizons restricted by walls and checkpoints. Israel incurs no tangible cost for its violations and therefore has no incentive to end its policies and practices that obstruct a political solution and prevent a just and lasting peace for both Israelis and Palestinians.

As such the international community bears significant responsibility for the situation and must take clear and urgent action to address this. Otherwise, another generation of Palestinians will be forced to live in insecurity and poverty.

Recommendations

There must be a lasting solution to the conflict. Without accountability there will be no peace or justice for Palestinians or Israelis. Continued impunity for Israel's violations of international law will further entrench what is becoming a permanent occupation.

The international community, including governments and donors, must:

- Take all actions possible to bring the occupation, including the blockade of Gaza, to an end in a manner that respects international law and the rights of all Palestinians and Israelis, and achieves a just and lasting peace.
- Take all possible steps to ensure that those responsible for violations of international law on all sides are held to account. Accountability for violations of international law is essential to achieving a just and lasting solution to the conflict. They should take action to ensure Israel adheres to its responsibilities under international humanitarian and human rights law, including the obligation to facilitate humanitarian relief, by lifting the blockade of Gaza, allowing for the unimpeded entry and exit of goods and people, and allow for the free movement of Palestinians within the Occupied Palestinian Territory.
- Take action to ensure that Israel ceases its unlawful demolitions and confiscations of Palestinian property and ends its policy of forcible transfer of the occupied population in the West Bank, as well as ending the related and unlawful construction of Israeli settlements.

Notes

¹ The term used to describe the West Bank including East Jerusalem and the Gaza Strip

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⁴ Data from B'Tselem, http://www.btselem.org/gaza_strip/20160112_gaza_patients accessed 23 May 2017.

⁵ OCHA Humanitarian Response Plan, November 2015,

https://www.ochaopt.org/documents/2016_hrp_22_january%202016.pdf

⁶ ibid

⁷ Association for Civil Rights in Israel, Fact Sheet May 2015 <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>

⁸ . ibid

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¹³ Data from B'Tselem, http://www.btselem.org/statistics/casualties_clarifications, accessed 23 May 2017.

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¹⁵ UN Women, Palestine Fact Sheet, May 2017 <http://palestine.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>

¹⁶ OCHA, Gaza Crisis Appeal, September 2014 Update https://www.ochaopt.org/documents/gaza_crisis_appeal_9_september.pdf

¹⁷ ibid

¹⁸ Oxfam, 'Mapping of Donors in Gaza 2006-2016: Aid Industry and Data Chaos', August 2016. (unpublished)

¹⁹ Oxfam, 'Mapping of Donors in Gaza 2006-2016: Aid Industry and Data Chaos', August 2016. (unpublished)

²⁰ World Bank, Country Overview, 2017, West Bank and Gaza, <http://www.worldbank.org/en/country/westbankandgaza/overview>

²¹ *ibid*

²² 'Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory', July 2015, P. 1. Accessed from http://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf

²³ UN Resolution, *The Respect for and Implementation of Human Rights in Occupied Territories*, May 1968, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/0835819B80CAB3A78525690B00550AB4>

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²⁵ http://www.badil.org/phocadownloadpap/Badil_docs/publications/survey08-09/survey2008-2009.pdf

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²⁷ International Monetary Fund, West Bank and Gaza: Report to Ad hoc Committee, April 05, 2016 <https://www.imf.org/~media/Files/Countries/ResRep/WBG/WBG040516.ashx>

²⁸ Euro-Mediterranean Human Rights Monitor, Squandered Aid, 06 June, 2016 <http://euromedmonitor.org/en/article/1255/Squandered-Aid:-Israel%E2%80%99s-repetitive-destruction-of-EU-funded-projects-in-Palestine>

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