



A Very Brief Introduction to the Occupation

By T'ruah: The Rabbinic Call for Human Rights
In collaboration with Breaking the Silence

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T'ruah brings a rabbinic voice and the power of the Jewish community to protecting and advancing human rights in North America, Israel, and the occupied Palestinian territories. We do this by training and mobilizing our network of 2,000 rabbis and cantors, together with their communities, to bring our Jewish values to life through strategic and meaningful action.

Breaking the Silence is an organization of veteran combatants who have served in the Israeli military since the start of the Second Intifada and have taken it upon themselves to expose the Israeli public to the reality of everyday life in the Occupied Territories. We endeavor to stimulate public debate about the price paid for a reality in which young soldiers face a civilian population on a daily basis, and are engaged in the control of that population's everyday life. Our work aims to bring an end to the occupation.

"Go and See" is a joint project of T'ruah and Breaking the Silence to bring Jewish communities and their leaders to the West Bank to witness the effects of occupation firsthand.

truah.org/GoAndSee • breakingthesilence.org.il

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We often hear the Israeli-Palestinian conflict described as **"complicated."** This complexity sometimes makes us feel paralyzed.

The situation *is* complex. Many smart and reasonable people disagree about how best to move toward a solution that protects the human rights of both Israelis and Palestinians.

But conversations about solutions often get mired in disagreements about the very terms we use to discuss the situation. We offer this booklet as an introduction to common terms and key issues, so that we share a starting point for discussing solutions and action.

We also can't allow the complexity to obscure Palestinians' daily suffering. "The beginning of wisdom is the awe of the ETERNAL" (Psalm 111:10). I hope that we will all approach debates about the Middle East with reverence born from an awareness that they are not merely an intellectual or political exercise, but that real people's lives, dignity, and rights are at stake.

Rabbi Jill Jacobs, Executive Director, T'ruah
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FOUNDATION FOR
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Cover photo: Checkpoint near Abu DIs (East Jerusalem) by Justin McIntosh, via Creative Commons

Why call it occupation?

The Fourth Hague Convention of 1907¹ defines occupation in Article 42: "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised." Subsequent Articles define the laws of occupation. The Fourth Geneva Convention of 1949 reaffirms this definition. The occupation began in 1967 when Israel conquered territories (including the West Bank, East Jerusalem, and Gaza Strip) and then neither withdrew from them nor granted their residents citizenship. (East Jerusalem now has a somewhat different status, see p. 3.) People may argue about the value of the occupation or whose fault it is, but the term itself is neutral and simply describes the situation on the ground. Occupations, on their own, are not illegal, though they are meant to be temporary. The military carrying out an occupation may violate international laws in the process.

The Israeli government calls the land "disputed," claiming that since the collapse of the Ottoman Empire there is no rightful sovereign from whom it could be occupied. The international community rejects this interpretation, and the daily lived experience of Palestinians belies it. The Israeli Supreme Court has reiterated, as recently as 2010, that the West Bank is to be treated as occupied territory and that international law applies, including parts of the Fourth Geneva Convention.

How can Jews be occupiers in our own land?

We believe Jews' ancient historical and spiritual connection to the land of Israel, including the West Bank, is not up for debate. This does not, however, detract from the Palestinians' own valid historical claim. We can affirm a valid Jewish connection to the whole land of Israel, while also understanding that a modern nation state must act according to international law and work toward a diplomatic agreement for sharing the land justly and peaceably.

1 <https://ihl-databases.icrc.org/ihl/WebART/195-200052?OpenDocument>

Definitions

Green Line: Israel’s internationally recognized border, based on 1949 armistice agreements, also known as the pre-’67 borders. Most relevant in this context for delineating the West Bank.

Nakba: Arabic for “catastrophe,” refers to the displacement of about 700,000 Palestinians during Israel’s 1948 War of Independence.

Palestine Liberation Organization (PLO): The PLO is an umbrella group representing Palestinians around the world. **Fatah** is its most dominant political party. Originally founded for armed resistance, it officially renounced violent struggle and recognized Israel’s right to exist in the 1990s, as part of the Oslo Accords.

Oslo Accords/Process: Signed in 1993 and 1995, initiating a formal peace process between Israel and the PLO. Intended as a temporary, five-year accord paving the way for a two-state solution. The status of Jerusalem, which Palestinians seek as their capital, was among many issues put off to the “final status talks.”

Palestinian Authority (PA): Interim body set up by the Oslo Accords, intended to become the government of Palestine at the end of the process.

Settlement: An all-Jewish Israeli town or city located in the West Bank and authorized by the government; some live there for economic or quality-of-life reasons, and some for ideological reasons. Distinct from **outposts**, which may be just a caravan or two on a hilltop, are not officially sanctioned, and attract the most ideological settlers, often youth. International law recognizes no difference between settlements and outposts. Note that even officially illegal outposts may receive government utilities and other services and are often retroactively legalized.

The Oslo Accords divided the West Bank into three zones:

	Area A	Area B	Area C
Definition	Palestinian cities	Suburbs of Area A	Rural areas, incl. Israeli settlements
Responsible for civil administration	PA	PA	Israel
Responsible for security/policing	PA	Israel	Israel
West Bank land area ²	18%	21%	61%
Palestinian population	55%	41%	4%

Aspects of Occupation:

- 96% of Palestinian population has been pushed into 40% of the West Bank territory, in order to leave Area C largely open for Israeli use.
- Parallel legal systems: Palestinians are subject to military law and tried in military courts with due process procedures often falling below international standards, while Jews living in the West Bank are subject to Israeli criminal law.
- Limited freedom of movement: military checkpoints are set up throughout the West Bank, not just on the border, with IDF control over internal Palestinian travel.
- Israeli-only bypass roads further restrict Palestinian movement.
- The IDF operates as it wishes, where it wishes, even in Area A.
- Israel controls borders and airspace, including Gaza’s coast. Entry to Israel for medical care or family occasions requires overcoming numerous hurdles to obtain a permit from the Civil Administration.
- Israel limits Palestinian access to water, electricity, sewage and other basic services, especially relative to what settlers enjoy, and both restricts the availability of building permits and regularly demolishes homes built without them.

2 <http://peacenow.org.il/en/settlements-watch/settlements-data/lands>

The Ideology of Naming: What We Call A Place Matters

Because our thoughts can’t exist independent of language, the words we use to label places and activities shape how we see them.

“**West Bank**,” perhaps the most neutral of the terms in use, simply refers geographically to the west bank of the Jordan River.

The biblical name “**Judea and Samaria**,” which highlights the belief that God gave this land to the Jews, became an official Israeli government term in 1968, though it came into popular usage only under the 1977 Likud government. Today the settler movement and most official Israeli government publications prefer this term .

The UN officially refers to the area as “**Occupied Palestinian Territories**,” abbreviated OPT. Some leave out one or both modifiers for brevity—i.e., the Territories (*hashtachim*, in Hebrew).

Some say “**Palestine**,” the name of the state they hope will be created there, as a way of creating facts on the ground; others intentionally avoid this language because it gives the impression that the state already exists.

The Same Goes For People...

Some of Israel’s Arab citizens identify as “Arab Israelis” while others identify as “Palestinian citizens of Israel.” The former emphasizes a sense of belonging to Israeli society, while the latter emphasizes their political, familial, and historical connection to their fellow Palestinians.

“Bedouin” refers to an ethnic and cultural group. There are Bedouin citizens of Israel, Bedouin who live in the occupied Palestinian territories, and Bedouin who live in nearby countries.

...And the “Separation Wall”

This is the most neutral term for the wall (Heb: *geder hafrada*), the border wall Israel began building in 2000. Some Israelis refer to it as a “security fence,” to emphasize the goal of protecting Israel from terrorists. Palestinians call it the “apartheid barrier,” to highlight its political and legal significance.

Countries can fortify their internationally recognized borders as they see fit. However, about 85% of the wall goes beyond the Green Line and cuts into the West Bank.⁴ The wall as constructed separates many Palestinians from their fields and olive groves, de facto annexing this land, and separates West Bank Palestinians from East Jerusalem, the largest Palestinian city. The path of the barrier can seem arbitrary: Sections of barrier remain unfinished (which raises questions about its security effectiveness), and at times it meanders to entirely surround or exclude individual houses.

3 See, e.g., the website for the Coordinator of Government Activities in the Territories, part of the IDF: <http://www.cogat.mod.gov.il/en/about/>
4 https://www.ochaopt.org/sites/default/files/ocha_opt_barrier_update_july_2011_english.pdf p. 3

Why are Israeli settlements illegal?

The 4th Geneva Convention (Article 49, Paragraph 6) prohibits moving civilians into an occupied military zone, *for the protection of the people living there*. The settlers' desire to move to the settlements does not negate this prohibition.⁵ Furthermore, construction of homes and infrastructure that lead to long-term changes in the territory contravenes the essential temporary nature of an occupation.

The Status of East Jerusalem

Israel's annexation of East Jerusalem soon after the Six-Day War is not recognized by the international community; thus, Jewish neighborhoods built in this area constitute settlements.

Some 324,700 Palestinians, one third of Jerusalem's total population, live in East Jerusalem. Most have "permanent resident" status: They must pay taxes and may vote in municipal elections, but not national ones. The government may revoke their residency status at its discretion, as it has for at least 14,595 people since 1967.⁶ East Jerusalem residents may apply for citizenship, but between 2014 and Sept. 2016, only 0.02% of applications were approved.⁷ The Jerusalem municipality is responsible for city services to Palestinian neighborhoods of the city but provides such services at grossly unequal rates; for instance, only 59% of homes are officially connected to municipal water and sewage.⁸ One-third of Jerusalem's Palestinian residents live behind the separation wall and cannot freely travel to parts of the city west of the wall. The PA has no authority in East Jerusalem.

5 For a fuller analysis, <https://www.jpost.com/Opinion/Op-Ed-Contributors/The-settlements-are-illegal-under-international-law-336507>

6 <https://www.brw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>

7 <http://www.timesofisrael.com/israel-almost-entirely-halts-citizenship-approvals-for-east-jerusalemites/>

8 See this 2017 report from the Association for Civil Rights in Israel: <http://www.acri.org.il/en/2017/05/24/east-jerusalem-facts-and-figures-2017/>

The Status of Major Settlements

Some people call Jerusalem neighborhoods and suburbs in the West Bank, as well as the Jewish Quarter of the Old City, "consensus" areas, meaning that these areas are expected to be part of Israel following a peace deal. This may be so; currently there is no such agreement. A priori calling these areas "consensus" unilaterally cuts the Palestinians out of the process and changes the status quo to be negotiated.

The Occupation's Cost To Israel

Apart from the cost to Israel's international standing, the occupation distorts Israeli government spending.⁹ On average, Israel spends twice as much per settler as it spends per citizen in the country's center.¹⁰ The occupation also puts Israeli young adults in danger, both physical and psychological, as 18-year-olds are sent to oversee the daily lives of millions of Palestinian civilians.

9 See this 2017 report from the Adva Center for details: https://il.boell.org/sites/default/files/adva_-_price_of_occupation_en.pdf

10 <https://www.haaretz.com/israel-news/premium-special-funding-for-israeli-settlements-soared-in-2015-1.5428135>

TEXT STUDY (SEE BELOW)

The settler movement likes to use the Torah as proof that God gave Israel to the Jews. Here we offer a different framework for the relationship among God, land, and people of Israel, as a grounding principle and moral mirror. Consider how Leviticus views this relationship and what that says about the occupation.

TORAH AS A FRAMEWORK FOR THINKING ABOUT OCCUPATION

ויקרא כ"ה

(ו) ויקראתם דרור בארץ לכל יושביה...
(יח) ועשיתם את חקתי ואת משפטי תשמרו
ועשיתם אתם וישבתם על הארץ לבטח:
(כג) והארץ לא תמכר לצמתת כי לי הארץ כי גרים
ותושבים אתם עמדי:

חזקוני על ויקרא כה: יח

"ואת משפטי" כגון "אל תונו איש את אחיו"
(כה: יז). "וישבתם על הארץ לבטח" בשכר שמור
מצותי ולא תיראו להיות גולים ממנה.

ע"פ פני יהושע, עטורי תורה על ויקרא כה: יח

"לכל עבדיה" לא נאמר אלא "לכל יושביה",
כי מדינה שאין בה חירות, ואפילו רק למקצת
תושבים, כל התושבים הם משועבדים. מרגישים
את החירות רק כשאין בכלל עבדות במדינה.
העבדות נגע היא, שנגועים בה העבד והאדון גם
יחד. ומעין זה אמרו חז"ל: כל הקונה עבד עברי
כקונה אדון לעצמו (קדושין כ: ב). ולכן "וקראתם
דרור לכל יושביה", שעל-ידי שחרור העבדים כל
תושבי המדינה יהיו בני חורין.

Leviticus 25, excerpts

(10) ...Proclaim liberty throughout the land, to all the inhabitants thereof...

(18) You shall observe My laws and faithfully keep My rules, that you may live upon the land in security;

(23) But the land must not be sold beyond reclaim, for the land is Mine; you are but strangers resident with Me.

Hizkuni (13th c. French rabbi) on v. 18

"My ordinances," such as "You shall not wrong one another" (v. 17, above). "That you may live upon the land in security"—as a reward for keeping my *mitzvot*, you need not fear being exiled from it.

Oral teaching attributed to the P'nei Yehoshua, Rabbi Yaakov Yehoshua Falk [Germany, 17th-18th c.]

[Verse 10] does not say "to all its slaves" but "to all the inhabitants," for in a state where there is no freedom, even for a minority of its inhabitants, all its inhabitants are enslaved. We experience freedom only when there is no slavery at all in a state. Slavery is an affliction that damages slave and master as one. As our sages taught: "Anyone who buys an Israelite slave has essentially bought a master for him/herself" [Talmud, *Kiddushin* 20b]. Therefore it says "to all the inhabitants"—by freeing the slaves, all the inhabitants of a state become free. (quoted in *Itturei Torah* on v. 10)

Breaking the Silence Testimony: A Female IDF Soldier Speaks¹¹

Catalog number: 513635, Hebron, 2000 - 2002

What's one thing that you take with you from your time there?

One thing? I don't know....I saw people who were afraid.

Of you?

Of me? Yes, a bit as well...even when I called up someone to talk to them, to check their ID, just in order to prevent friction, because I see some [crappy] Jew approaching. Only to move him [the Palestinian] out of his way....And you see the Arab go: "yes, yes, what, what, no, I don't have anything, what." Like, in fear. [The perception is] 'Why would a soldier call you aside if he isn't going to be a [turd]?'...

Or there were those who didn't speak Hebrew... I would try to communicate with them... until everyone [other soldiers] was really on my case all the time, like, "What did you think, that there's someone here who doesn't know Hebrew? They all know Hebrew." And the sad thing is that it really turned out that they all knew Hebrew. Every person to whom I tried to somehow explain something, when [another] soldier would come over and concretely threaten him somehow... suddenly they spoke amazing Hebrew.

It's bad being the frightening one, the one they're afraid of [...] Seeing an old woman crawl to me on all fours just to say: "I know there's a curfew, that's why I'm not walking, but I have to go there, my kid is just here at the neighbor's, and I have to bring him home." And she comes back with a baby. She says to me: "Should I crawl on my knees?" I say to her: of course not, get up, go. A second later a soldier cocks his weapon at her just because she's passing by his post, and she gets back on her knees so he won't... "I'm just getting my baby, I'm just..." Like that. I say: why should she have to explain anything to me at all?... It's her neighborhood, and she has to explain to me that she's just going to bring her baby. That's bad.

Did you also feel bad at the time?

I felt bad, sure[...]

11 More testimonies at <http://www.breakingthesilence.org.il/testimonies/database>

Palestinian Testimony

Lana Kan'an, 21-year-old female student in Burqah, outside Ramallah. Collected by B'tselem, 22 October 2014¹²

We are a family of 10: my parents, three sons and five daughters. My father...has a master's degree in engineering and he values education, so he made a real effort to enable us to study...

Our family has olive groves on a 1.7-hectare plot of land near [the settlement outpost of] Givat Assaf, and we can't reach them. To get there, we need to get security coordination because settlers are there all the time and they attack anyone who comes close. When the course for Route 60 was altered in 1996, the military seized a hectare of our land, where there were groves of mature olive trees.

I'm very worried about my future after I finish my studies. Things are unstable here, and our village is particularly bad....I'm afraid I won't find work and I'll just sit at home. Our village is isolated, and there's no economic or commercial activity here. Ever since the old road has been closed down, the village is far from the urban center in Ramallah...

Most of the land in the village is considered Area C, so we can't build on it because it's under Israeli control. We don't even have anywhere to go for walks, to just get a breath of fresh air ...People here in the village, including me and other young women, are always stressed and tense...

We feel like the occupation follows us wherever we go. My father bought a plot of land in Jericho. He put up a fence around it and built a small house, so we could go there for vacations. Last year, the military demolished the house and the fence, saying they had been built in Area C without a permit. They took away our only getaway. We think a thousand times before we build, go on vacation, study, work, trade, or grow crops. It's not because of laziness, or inability. It's because of concerns about the obstacles, about harassment and attacks by the Israeli military or by settlers. It's as if we live in a big prison as a result of the restrictions imposed on us, except it doesn't have walls or barbed wire fences to hold us in. It's a prison, with invisible walls.

12 https://www.btselem.org/testimonies/20140321_burqah_lana_kanan

Suggestions for Further Reading

The T'ruah and Breaking the Silence websites contain a wealth of further information, testimonies, online actions, and Torah: www.truah.org and www.breakingthesilence.org.il. In particular, the T'ruah Yovel Project (www.truah.org/yovel) offers a much-expanded version of the text study in this booklet.

Vox published a solid online background guide in December, 2017, which adds more detail than we could publish here. Its final page contains some good further reading suggestions. www.vox.com/cards/israel-palestine/

+972 Magazine (972mag.com) is a web magazine offering progressive news, analysis, and commentary.

Americans for Peace Now (peacenow.org) maintains an extensive online list of resources, especially about settlements.

The organizations *Ir Amim* (www.ir-amim.org.il/en) and Terrestrial Jerusalem (www.t-j.org.il/) have expertise regarding East Jerusalem.

BOOKS

Lords of the Land: The War Over Israel's Settlements in the Occupied Territories, 1967-2007, by Idith Zertal and Akiva Eldar, 2005.

The Unmaking of Israel, by Gershom Gorenberg, 2011.

The Wall and the Gate: Israel, Palestine, and the Legal Battle for Human Rights, by Michael Sfard, 2018.