

# Palestinian Movement Restrictions Highlight Israeli Apartheid

On May 14, 2002, the Israeli Army announced that Palestinians living under Israeli military occupation for the last 35 years now require written Israeli permission to move within the Occupied Palestinian Territories. Under the system, the West Bank is now divided into at least eight isolated, non-contiguous ghettos with control of movement exclusively exercised by the Israeli Army. Movement of goods between Palestinian towns will be subject to a "back-to-back" system - goods will have to be unloaded from incoming trucks and then reloaded into local trucks. This policy, which highlights Israel's increasingly visible apartheid regime, is illegal under international law and the Oslo Agreements.

## Policy Is Part of Israel's Plan to Segregate the Palestinian People While Continuing the Colonization of Palestinian Land

Israel occupied the Gaza Strip and the West Bank, including East Jerusalem (the Occupied Palestinian Territories) in June 1967.

From June 1967 until the signing of the Oslo Agreements in September 1993, Palestinians were not subject to systematic Israeli travel restrictions within the Occupied Palestinian Territories and within Israel.

**The Oslo Accords initiated the apartheid process** by dividing the land of the Occupied West Bank into 3 separate categories and introduced checkpoints as a means of caging the Palestinian population:

- **Area A** - Israel was able to cage the majority of the Palestinian population by defining population centers as "Area A" consisting of approximately 17.2% of the Occupied West Bank, divided into 13 separate, non-contiguous areas. The Palestinian Authority has responsibility for internal security and has wide civil powers.
- **Area B** - The majority of the remainder of the Palestinian population lives in "Area B," consisting of 23.8% of the West Bank. The Palestinian Authority has civil control over the area, but overall security control rests with Israel. For all practical purposes, since September 2000, Area B has functionally ceased to exist and has been under full Israeli control.
- **Area C** - Israel was able to strengthen its hold over the majority of Palestinian land (while carving away the Palestinian population) by creating "Area C," consisting of 59% of the Occupied West Bank. Israel has full security and civil responsibility over these areas. This is the only contiguous area in the Occupied West Bank; it surrounds and divides Areas A and B.

Since September 2000, the apartheid process intensified and led to the establishment of approximately 120 checkpoints in the Occupied West Bank, restricting the movement not only of people but also of goods and services, thereby adversely affecting the ability of the Palestinians to develop a viable economy.

**On May 14, 2002**, Israel formalized its apartheid policy by announcing that it has divided the Occupied West Bank into eight isolated ghettos, each surrounded and controlled by the Israeli Army.<sup>1</sup> The movement of goods (including food and medical supplies) and people within the Occupied West Bank is now entirely subject to Israeli control.

Two days later, on May 16, 2002, Israel issued tenders for the construction of 957 family housing units in Israeli colonies in the Occupied West Bank - tenders for 810 units were issued in 2001 and 34 new illegal Israeli colonies were established in the year since Sharon took office.

The effect of the Israeli plan, which denies Palestinians their rights solely based on their religion or ethnicity, is to

turn Palestinian population centers into large open-air prisons, destroying any possibility of cohesive Palestinian economic, social and educational life. Meanwhile, Israeli Jewish settlers, continue to colonize the Occupied Palestinian Territories (in violation of the Fourth Geneva Convention) and are permitted full freedom of movement. Israel has created a de-facto apartheid system.

## **Israel's Policy Violates the Fourth Geneva Convention**

Israel's policy punishes the entire Palestinian population and therefore violates the Fourth Geneva Convention's prohibition on collective punishment.

*"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."* (Fourth Geneva Convention, Article 33)

According to the Commentary of the Fourth Geneva Convention: *"During past conflicts, the infliction of collective penalties has been intended to forestall breaches of the law rather than to repress them; in resorting to intimidatory measures to terrorize the population, the belligerents hoped to prevent hostile acts. Far from achieving the desired effect, however, such practices, by reason of their excessive severity and cruelty, kept alive and strengthened the spirit of resistance. They strike at guilty and innocent alike. They are opposed to all principles based on humanity and justice..."*

International Community Obligated to Enforce Fourth Geneva Convention:

*"The High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances."* (Fourth Geneva Convention, Article 1)

The international community has failed to fulfill its obligation to enforce international law, promoting Israeli intransigence by teaching Israel that it is above the law and reinforcing the sense of abandonment prevalent in the Palestinian population.

## **Israel's Policy Violates the Oslo Agreements**

Israel's policy violates the Oslo Agreements' prohibition on free movement:

*"Without derogating from Israel's security powers and responsibilities in accordance with this Agreement, movement of people, vehicles and goods in the West Bank, between cities, towns, villages and refugee camps, will be free and normal and shall not need to be effected through checkpoints or roadblocks."* (Interim Agreement, Annex I, Article IX, para 2(a))

Israel's security powers, with respect to freedom of movement, extend only to prohibiting or limiting the entry into Israel of persons and of vehicles from the Occupied Palestinian Territories. Israel's policy affects Palestinian freedom of movement not only into Israel, but also within the Occupied Palestinian Territories.

Israel's policy violates the Oslo Agreements' requirement to preserve the territorial integrity of the Occupied Palestinian Territories:

*"The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period."* (Interim Agreement, Chapter 2, Article XI)

Israel's policy in effect divides the Occupied West Bank into eight non-contiguous ghettos, thereby destroying the territorial integrity of the West Bank.

- 1. The eight areas are: Jenin, Nablus, Tul Karm, Qalqiliya, Ramallah, Jericho, Bethlehem and Hebron. Fences have been built around some of these areas.