

Are the Palestinian Territories Occupied?

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Resources Fact Sheets

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- In November 1967, following Israel's capture of the Palestinian West Bank, Gaza Strip, and East Jerusalem the previous June, the United Nations Security Council passed Resolution 242, which has been the foundation of international efforts to make peace in the region ever since. The pre-amble of Resolution 242 stresses "**the inadmissibility of the acquisition of territory by war**," while the text calls for the "**Withdrawal of Israel armed forces from territories occupied in the recent conflict.**"
- In July 2004, while ruling that the wall Israel is building in the West Bank is illegal, the International Court of Justice also deemed Israel's settlement enterprise to be in contravention of international law, and the West Bank, Gaza, and East Jerusalem to be under Israeli military occupation.
- In 2005, Israel's own Supreme Court also judged the West Bank to be under "belligerent occupation" by Israel.
- In 2003, then-Prime Minister Ariel Sharon, known as a political hardliner and godfather of the settlement movement, stated "You cannot like the word, but **what is happening is an occupation - to hold 3.5 million Palestinians under occupation**. I believe that is a terrible thing for Israel and for the Palestinians."
- In addition, the High Contracting Parties to the Fourth Geneva Convention, including the International Committee of the Red Cross, consider the Gaza Strip, West Bank, and East Jerusalem (and Syrian Golan Heights) to be territories militarily occupied by Israel.

According to a 2001 statement:

[The ICRC] has always affirmed the de jure applicability of the Fourth Geneva Convention to the territories occupied since 1967 by the State of Israel, including East Jerusalem... As an Occupying Power, Israel is also bound by other customary rules relating to occupation, expressed in the Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907.

- Implicitly acknowledging that the recently conquered territories were militarily occupied by Israel, in September 1967 the legal counsel to Israel's Foreign Ministry, Theodor Meron, advised the government of Prime Minister Levi Eshkol that "civilian settlement in the administered territories contravenes the explicit provisions of the Fourth Geneva Convention."
- Israel withdrew its soldiers and 8000 settlers from the Gaza Strip in 2005, however Gaza remains under Israeli occupation according to international law as Israel continues to control all entry in and out of the territory, as well as its coastline and airspace.
- Although Israeli authorities radically expanded the municipal boundaries of East Jerusalem and then annexed it shortly after the occupation began in June 1967, the

international community does not recognize Israel's claim to the eastern half of the city. In legal terms, East Jerusalem is no different than the rest of the West Bank or Gaza, which is why no major country - including the United States - has its Israel embassy in Jerusalem.