



Forum: Human Rights

Issue: The question of the deteriorating situation of human rights in the Palestinian territories

Seeing as this is an extremely sensitive matter, the chair has tried to be as impartial as possible and apologizes for any offences she may have unintentionally caused in writing the report.

Introduction

All attempts in the last six decades to solve the ongoing conflict between the State of Israel and the Palestinian people in the Middle East have proved counterproductive or, at best, eventually futile as a result of the parties' lack of disposition to arrive at a viable solution. At the heart of the Palestinian-Israeli conflict is the growing amount of Israeli settlements in what is considered to be Palestinian Territory. Such settlements have been declared illegal by international law and pose an obstacle towards arriving to a comprehensive solution. The government of Israel supports the settlements legally and financially with the purpose of enhancing Israel's security, but the settlements also cause fragmentation of the Palestinian territory and as a result, are precluding the creation of an independent state of Palestine and aggravating the tensions between the two parties. Currently, there are 121 government authorized settlements and 102 "illegal" ones (outpost) in the Occupied Palestinian Territories, which are defined as those beyond the 1949 Green Line, and are compromised of the majority of the West Bank, the Gaza Strip and East Jerusalem. In 2004, the International Court of Justice declared that the settlements were a clear breach of international law as an advisory opinion, not only due to legal aspects, but also to human rights violations in such territories. Nevertheless, Israel continues to foment settlement activity and despite pressure from the international community, hasn't ceased supporting the practice through infrastructure and economical aid, regardless of the hindrance it poses towards the right of self-determination of a Palestinian State.

Key Vocabulary

Palestine (Region): Palestine is a geographical region including modern-day Israel, the Gaza Strip and the West Bank. For the purpose of this research paper Palestine will refer to the geographical region.

Palestine (State of): a quasi-sovereign state located in the Middle consisting of the geographical regions of the West Bank and the Gaza Strip governed at present by the Palestinian National Authority. The state of Palestine's right to self-determination has been granted by the UN but not yet achieved due to cultural, economic, religious and political conflict with the State of Israel. The State of Palestine holds observer status in the UN at this time. A major problem to finding a viable two state solution is the existence of many Israeli settlements in lands inside the 1967 borders, the common reference point for a territorial division between Israel and a Palestinian state.

Zionism: defined by the Jewish Virtual Library, Zionism is: "the national movement for the return of the Jewish people to their homeland and the resumption of Jewish sovereignty in the Land of Israel." Since the State of Israel was established in 1948, the Zionist movement also includes the belief in the development of prosperity in the Land of Israel and its establishment as a home for the Jewish community worldwide. The belief also embodies the union of the Jewish people as a nation rather than a religious or ethnic group.

Anti-Semitism: term used to describe the prejudice or discrimination against Jews or Arabs as an ethnic, cultural or religious group. There has been a widespread misconception that the term merely designates discrimination against Jews, and yet the term *Semite* refers to all groups that speak Semitic languages.

Interim: provisionally, in the meantime, in the intervening period.

Right to self-determination: Self-government. Defined by the General Assembly with regards to the Palestinian people as “the right to self-determination without external interference; the right to national independence and sovereignty; and the right of Palestinians to return to their homes and property from which they had been displaced and uprooted” - General Assembly resolution 3236 (XXIX)

Palestinian National Authority (PNA): the interim self-governing body established in 1994 to hold jurisdiction over the Palestinian peoples in the Gaza Strip and the West Bank according to the Oslo Accords. This body is the one recognized in the United Nations to represent Palestine as an Observer member state. It is currently under the control of the political party Fatah

Fatah: a moderate, secular Palestinian political party led by Mahmud Abbas and mostly popular in the West Bank. It heads the PNA.

Hamas: organization with military and political wings born during the 1980's whose main objective is to liberate the Palestinian people of “Zionist” occupation and to establish an Arab state in the place of Israel. Contrary to Fatah, Hamas is of an Islamic extremist ideology, and is mostly supported by the Islamic Republic of Iran and the Syrian Arab Republic. They govern the Gaza Strip since 2007 and are considered by many states as a terrorist organization.

Israel (State of): self-proclaimed Jewish democratic state in the Middle East located along the South coast of the Mediterranean Sea. Declared its independence in 1948, currently governed by a parliamentary republic. Despite the fact that the State of Israel claims Jerusalem as its capital, all states continue to ensue their affairs with Israel in Tel Aviv where the majority of embassies stand.

Jewish: traditionally a religious group practicing Judaism, the term Jewish has also come to define the cultural group to which historically Jewish people belong. As such, many non-practicing Jews are still referred to and identify themselves as Jewish culturally.

Diaspora: Jewish people living outside of Israel

Arab: a family of cultures referring to the peoples originally originating from the Arabian peninsula and, nowadays, including various cultural families under it across the whole Middle East and Northern Africa. The term is independent of religious belief.

Palestinians: the modern descendants of the people who have lived in Palestine through the ages. These people are mostly culturally Arab and, in their majority but not in their entirety, Muslim. This term encompasses Arab Israelis who identify culturally with this group, Palestinians in the West Bank and Gaza, Palestinians in refugee camps and other Palestinians around the globe.

Muslims: Those who follow the religion of Islam with Allah as their deity.

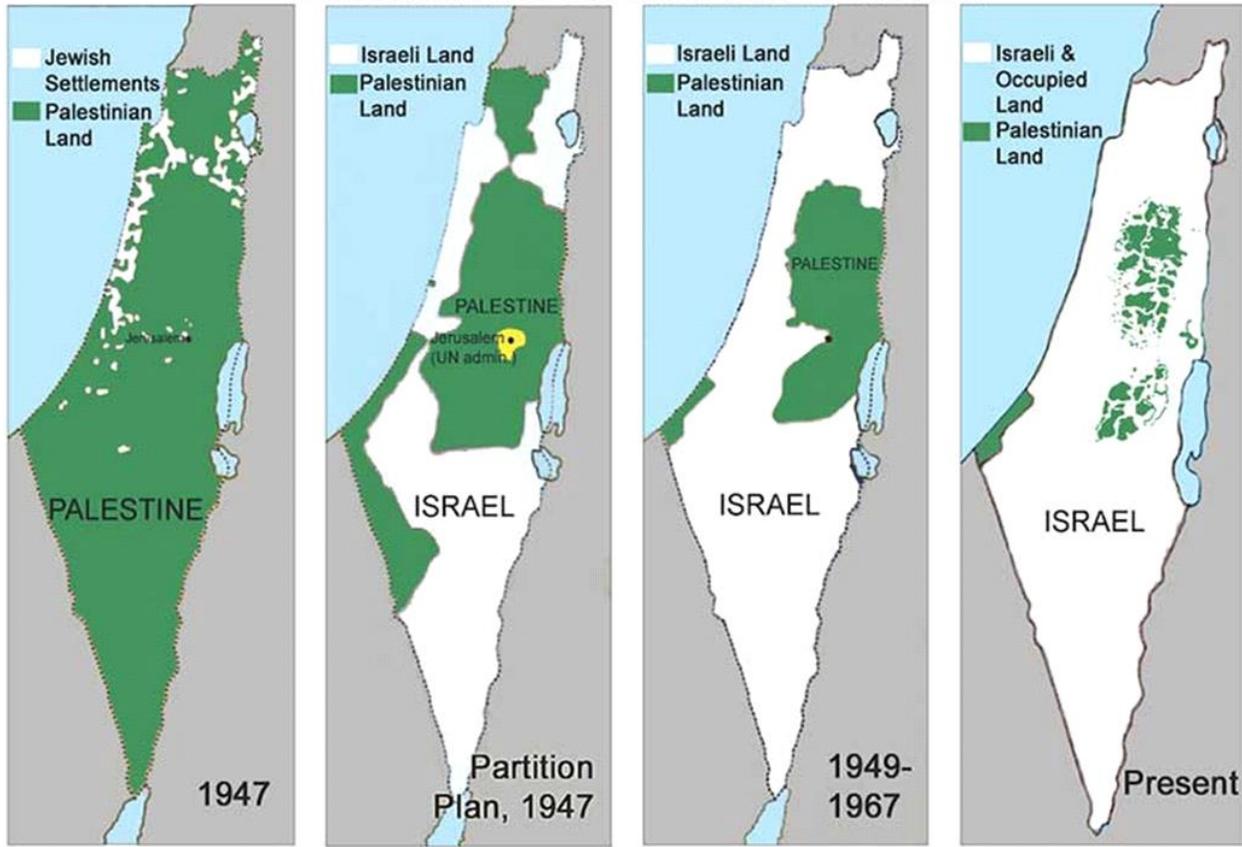
Settlements: large housing projects planned and executed by the State of Israel in occupied and annexed territories in both Palestinian and other Arab territories as defined by the 1967 borders. Such settlements are illegal by international law.

Occupied Territories: a territory provisionally under the control of an occupying power, which does not have sovereignty over said territory. The placement of settlements in occupied territories is illegal under International Law.

1967 Borders: the borders refer to the division between the State of Israel and their neighbouring Arab states at the start of the 1967 war.

Historical Background

Palestinian Loss of Land 1947 to Present



Claims

Israeli claims to the land go as far back as biblical times. According to the Jewish Bible a Jewish leadership with ranging degrees of authority existed in the region of Palestine between the establishment of the Kingdom of Israel in 1020 BC and up to the failed Bar Kochva Revolt of 70 AC. The complete end of Jewish rule was a consequence of continuing conflict with the Romans, a conflict whose aftermath led to the exile of a big majority of the Jewish population of the region and the renaming of the region as *Palaestina* (named after the Philistines, which are not related to modern day Palestinians). The Jewish exile continued mostly uninterrupted around the world until the rise of the Zionist movement under the leadership of Theodore Herzl. The Jews assert the land belongs to them on the basis of the biblical promise of the land in which the aforementioned Kingdom of Israel was granted to Abraham and his descendants. Nevertheless it would be inaccurate to believe the conflict was merely based on religious grounds as numerous other aspects have come to constitute it in the past. The conflict has become among others, a cultural, identity, economic, territorial issue that seems to have arrived at a dead end with no clear solution in sight.

The Arabs claim the land on the basis that Palestine has been the Palestinian Arabs permanent residence for hundreds of years as well as demographic majority. On religious territory, the Arabs claim that because Abraham's son Ishmael is the forefather of the Arabs, the promise of the land applies to them too. Muslims consider Jerusalem to be one of their most sacred cities as it is where the Al Aqsha Mosque is located.

The British Mandate

The region of Palestine was inhabited by a wide array of peoples since the beginning of civilisation, including the Ancient Egyptians, the Ancient Israelites, the Muslims, and the Crusaders. During the 19th Century, the land of Palestine was under the control of the Ottoman Empire, ruled by the Turkish people, but after the First World War, in which the

Ottomans had sided with the Germans, the territory became the property of the British and the French, who won the war.

At the end of World War I, the United Kingdom received international mandate (control) of the regions of Palestine and present day Jordan, Iraq and Kuwait, as part of the mandate system of the League of Nations. The British, under the guidance of the League, divided the territory into two separate regions: the Mandate of Mesopotamia, including everything East of the present Iraq-Jordan border, and the Mandate of Palestine, including everything West of the present Iraq-Jordan border. The mandate system was *officially* preserved through the interwar years and the course of World War II. However, the viability of the system was questioned severely and shaken by several events. De facto, only geographical Palestine remained under direct British rule, due to the difficulties to find a viable form of self-government.

According to the Balfour Declaration in 1917, the British would; “view with favour the establishment in Palestine of a national home for the Jewish people,” causing the Jewish immigration to the Holy Land increase substantially, especially due to the Nazi persecution of Jews in Europe and the ensuing Holocaust. There was also a protection for the non-Jewish community in the Declaration, meaning the Arabs in the region were protected in some ways. The times of the Mandate were a glance of the violence to come between both cultures, and were not eased by the ambiguous policies of the British crown.

In 1946, the right-wing militant sub-group of the Zionist, the Irgun, carried out a terrorist attack on the British headquarters in Palestine. The Central Offices of the British Mandatory Authorities in Palestine were situated in a hotel; the attack is therefore known under the name of “King David Hotel bombing”. Many had been the warnings and the rumours, but nobody thought of an imminent risk; in the attack, ninety people died and many were injured. This attack is said to be one of the first and most lethal terrorist attacks in the 20th century.

<http://www.etzel.org.il/english/ac10.htm>

In 1947, shortly after the Second World War, the issue was put in the hands of the United Nations, who, in the 1947 partition plan proposed the creation of two independent states with separate borders: Arab Palestine and Jewish Israel. The Palestinians were granted the Gaza Strip and the West Bank while the Jewish received the rest. Since both parties claimed Jerusalem as Holy Land, it was made international territory under UN jurisdiction. The following map shows the borders that were defined.

1948

Israel accepted and declared itself an independent state in 1948, but Palestine rejected the UN Partition Plan and fighting broke out between Israel and the surrounding Arab States: Egypt, Syria, Lebanon and Jordan. By the time ceasefires were reached, Israel controlled much more than the land originally allocated by the Partition Plan, having expelled many of the Arab inhabitants of the conquered territories. A substantial part of the Arab population had also fled to neighbouring states as a result of the yearlong war conflict. The end of the conflict marked the beginning of the now 66 years old Palestinian exile into refugee camps at Israel’s borders and elsewhere around the globe.

The West Bank and Gaza, despite no under Israeli control, where not given independence by the Arab states. Gaza remained under Egyptian provisional administration while the West Bank and East Jerusalem where officially annexed by the Kingdom of Jordan.

<http://lostislamichistory.com/the-nakba-the-palestinian-catastrophe-of-1948/>

1967

In 1967 the Six Day War broke between Israel and a wide Arab coalition including Jordan, Syria, Egypt and Iraq. In a surprising feat, the Israelis conquered the Sinai Peninsula, the Golan Heights and the West Bank (including East Jerusalem). When the war ended, the Israelis annexed the Golan Heights and East Jerusalem declaring the whole city

their capital, while maintaining military occupation (or “disputed occupation” in Israeli terms) of all other conquered territories. The borders before the Six Day War came to be referred to as the 1967 borders.

Settlement Policy

Despite officially claiming to occupy the conquered lands, the Israelis encouraged and took part in the construction of civilian settlements in all occupied and annexed territories. These settlements were populated by Jewish settlers, which were economically aided by the government. The international community regarded and has continued to regard these settlements as illegal under international law, both in occupied and annexed lands. The construction of settlements has helped strengthen Israel’s control of the occupied lands and enhance its national security, as well as deterring the possibility of implementing a Palestinian state in the region.

Land for Peace - Territorial Concessions

Since 1979, Israel has signed peace treaties with two of its neighbours. The 1979 peace treaty with Egypt was signed with the policy of Land for Peace in mind, which exchanged the conquered lands for peace and security in the borders. The return of the Sinai Peninsula lands led to the government-led dismantling of all Jewish settlements in the region.

Additionally, during Ariel Sharon’s governance in 2004, Israel unilaterally disengaged itself from the Gaza Strip, and removed all Jewish settlers by force and persuasion.

But despite numerous international diplomatic efforts to solve issue, it has proved impossible to make an all inclusive peace settlement so far due to the continuous bilateral attacks. One of the most transcendent reasons that achieving peace has been an uphill effort is the determination of Israel to continue to place settlements in Occupied Palestinian Territory (OPT). The map below shows the limits between the two states arrived to after the 1967 Six-Day War.

1948- 1968

In May 1948 the State of Israel declares its independence. From this declaration to the Six Day War, there is no settling taking place due to Israel being at constant conflict with its neighbouring Arab States. In 1967, the Six Day War marks what have come to be called the 1967 borders. Israel illegally annexes 70% including considerable portions of Gaza, the West Bank and East Jerusalem. This same year, Israel’s Defence Minister and chair of the Ministerial Committee on Settlements presents a plan to give Israel security borders by establishing settlements in unoccupied Arab areas of the West Bank. This plan is to be endorsed. Furthermore, Military Order No.59 Regarding Government Property is adopted in Israel, labelling State Land any land belonging to states enemies to the state of Israel, and granting the Commander of the Israeli Defence Forces the power to take possession of any such lands and use them to his judgement. On September of 1967, the first Israeli settlement in OPT is established.

In November The UN Security Council adopts Resolution 242 calling upon Israel to withdraw from Golan Heights, the Sinai Peninsula, the West Bank and the Gaza Strip, determining the unlawfulness of territories acquired by war, but the resolution is ignored by Israel. During 1968 more settlements continue to appear aiming to fragment the Palestinians living in East Jerusalem or claiming military purposes. Palestinian lands are seized by force, and the Palestinians are evicted to place housing residencies in their place.

1974-1979

In 1974 Israel’s Prime Minister of the time confirms the existence of a settlement policy and that implementing such policy, meaning establishing new settlements is entirely the government’s decision. By 1977 there is 31 settlements in the West Bank with the population reaching 4,500 settlers. By the time, there is 50,000 Israelis residing in East Jerusalem. During the same year, the Drobles plan is put to action, coined by the World Zionist Organization and the Israeli government, it determines that no part of Israel or the West Bank is to be governed by a foreign power, but should all be under the jurisdiction of the State of Israel. The Drobles Plan also consists on a shift from the previous

mentality, and rather than settling in rural unpopulated Arab areas, the settlements are now made in large urban areas where there is a large Arab population that must be dislodged.

By 1979, there is already 43 settlements in the West Bank and a settler population of 10,000 strong, therefore causing the Security Council to enact Resolution 446, establishing that Israel's occupation of Palestinian Territory constitutes a violation of the Fourth Geneva Convention and that: "the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East."

1980-1984

In 1980 yet another UN Security Council Resolution is passed (465) stating: "that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention (...) and a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

In 1981, the government endorses a plan, the Sharon Plan (presented by Minister of Defence, Ariel Sharon) that considers all areas vital to Israel's security and that therefore must be annexed. The plan is not yet taken to action but will serve as a future reference for security-oriented settlements. In 1982 the government continues to rule out any potential peace plans that could involve land being taken away from the State of Israel.

1988-1992

During this period of time, the amount of Israeli settlements increases by 60%, following the *Hundred Thousand Plan*. The Israeli government continues to be transparent in its desire to continue building settlements and ensuring the development of them through infrastructure and control. By the end of this period, major seizure of Palestinian territory has been carried out and the settlements count up to 120 inhabited by 100,500 settlers.

1993- Present

The Oslo Accords of 1993 are signed under the leadership of Isaac Rabin, but they leave permanent issues such as the question of the settlements to future agreement. In 1995, the Oslo II Accords are signed, they allow the Palestinians to hold a democratic election and divide the West Bank and the Gaza Strip into three different areas, Area A under full Palestinian control, Area B under Palestinian control, but with joint Palestinian-Israeli security control and Area C with full Israeli control. From 1996 to 2001 all Prime Ministers express the intention of developing the existing and creating new Israeli settlements in the Palestinian territory for the sake of Israel's security. In 2004, The International Court of Justice publishes the Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, which declares that Israeli settlements in the lands acquired in the 1967 war are a breach of the International Law and the 4th Geneva Convention. In 2005, Ariel Sharon's government unilaterally carries out the "Disengagement Plan" and 9,480 Jewish settlers are evacuated from 21 settlements in the Gaza Strip and the Northern West Bank. During all this time, the amount of settlements not authorized by the Israeli government (outposts) continues to grow.

In 2012, the General Assembly votes for Palestine to hold an observer status as a non-member state in the UN, and Prime Minister Netanyahu authorizes the building to 30,000 new housing units in East Jerusalem and the West Bank. 2013 is marked by rapid growth of settlements and continued financial support of the government towards the development of the Israeli settlements. Israel continues to claim that Palestine is guilty of incitement and of supporting terrorist action against Israel. The end of 2013 and the beginning of 2014 were marked by the official approval of the

Israeli government for 1,400 new settler homes in East Jerusalem and 261 the West bank. Further, the number of Israeli demolition of Palestinian building has reached a 5-year high.

The USA moves the Embassy to Jerusalem

The US Presidency announced late last year the formal recognition of Jerusalem as the capital city of Israel, closing every possibility of dialogue within the international community. The American Embassy in Israel will be soon moved to Jerusalem, probably by the end of 2018, reversing almost seventy years of inclusive foreign policy. This decision has had a great impact on the situation in the Middle East, because most of the countries don't recognise Jerusalem as the capital of Israel, as it is claimed by both parts involved. The majority of Western Embassies are currently in Tel Aviv, a more "neutral city" in the conflict.

International response was very critic against the US government: the UN Security Council has held an emergency meeting immediately after the announcement and voted a resolution on the matter, resulting in 14-1 votes. Soon after, the UN General Assembly voted a resolution to condemn the US decision, with a great majority of countries in favour of the sanctions.

US President Donald Trump's decision to recognize Jerusalem as the capital of Israel was condemned by 128 countries in a United Nations vote in 2018. There are 8 nations which openly declared to be in favour of Trump's decision: Guatemala, Honduras, Israel, Marshall Islands, Micronesia, Nauru, Palau and Togo.

ICC

The International Criminal Court ("the ICC" or "the Court") is a permanent international court established to investigate, prosecute and try individuals accused of committing crimes concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression. Some of the most serious crimes were committed during the conflicts which marked the twentieth century. Unfortunately, many of these violations of international law have remained unpunished. The Nuremberg and Tokyo tribunals were established in the wake of the Second World War. In 1948, when the Convention on the Prevention and Punishment of the Crime of Genocide was adopted, the United Nations General Assembly recognised the need for a permanent international court to deal with the kinds of atrocities which had just been perpetrated. The Court is funded by contributions from the States Parties and by voluntary contributions from governments, international organisations, individuals, corporations and other entities. The ICC is a permanent autonomous court as well as other similar courts established within the framework of the United Nations to deal with specific situations. The ICC, which tries individuals, is also different from the International Court of Justice, which is the principal judicial organ of the United Nations for the settlement of disputes between States.

The Rome Statue

On 17 July 1998, a conference of 160 States established the first treaty-based permanent international criminal court. The treaty adopted during that conference is known as the Rome Statute of the International Criminal Court. Among other things, it sets out the crimes falling within the jurisdiction of the ICC, the rules of procedure and the mechanisms for States to cooperate with the ICC.

Palestine

On 1 January 2015, the Government of Palestine lodged a declaration under article 12(3) of the Rome Statute accepting the jurisdiction of the International Criminal Court (ICC) over crimes committed in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014. In relation to the crimes committed in the occupied Palestinian territory, including East Jerusalem, since 13 June 2014. Since the opening of the preliminary examination of the Situation in Palestine,

Israel has continued unabated to commit crimes within the jurisdiction of the Court. It has done so brazenly in order to advance its settlement regime to an unprecedented level with the aim of pursuing its policy of displacement and replacement of the Palestinian people. This settlement policy has been carried out through the commission of multiple crimes within the Court's jurisdiction. Crimes against humanity have continued to be committed on an aggravated basis throughout the period of the preliminary examination. The impunity of Israeli officials and Israeli nationals responsible for the commission of these crimes has contributed to the continuation, intensification and recurrence of these crimes. Palestine maintains the hope that other States, including States Parties to the Rome Statute, will provide the cooperation and resources necessary for the Prosecutor to complete her investigation as expeditiously as possible, with a view to ensuring prompt accountability for the crimes committed in Palestine. Palestine's responsibilities as an ICC member state include cooperating with the Court and its decisions, incorporating the Rome Statute into national legislation.

The Gaza Blockade

Fifty years after Israel occupied the West Bank and Gaza Strip, it controls these areas through repression, institutionalized discrimination, and systematic abuses of the Palestinian population's rights, Human Rights Watch said today. At least five categories of major violations of international human rights law and humanitarian law characterize the occupation: unlawful killings; forced displacement; abusive detention; the closure of the Gaza Strip and other unjustified restrictions on movement; and the development of settlements, along with the accompanying discriminatory policies that disadvantage Palestinians. Many of Israel's abusive practices were carried out in the name of security. Palestinian armed groups have carried out scores of lethal attacks on civilians and launched thousands of rocket attacks on Israeli civilian areas, also in violation of international humanitarian law. Israel has imposed movement restrictions on the Gaza Strip since the early 1990's. Restrictions intensified in June 2007, following the takeover of that part of the occupied Palestinian territory (oPt) by Hamas, when Israel imposed a land, sea and air blockade on Gaza, citing security concerns. Despite relaxation of some blockade-related restrictions in recent years, 1.8 million Palestinians in Gaza remain 'locked in', denied free access to the remainder of the territory and the outside world. The blockade has undermined the living conditions in the coastal enclave and fragmented the oPt and its economic and social fabric. The isolation of Gaza has been exacerbated by restrictions imposed by the Egyptian authorities on Rafah, its single passengers crossing. Between 9 July and 15 August, the Israeli authorities severely tightened restrictions on the movement of goods through the Kerem Shalom crossing between Gaza and Israel, and further reduced the area permitted for fishing at sea from six/nine to three nautical miles. According to the Israeli authorities, these measures were in response to the launching of incendiary kites and balloons from Gaza into Israel that have resulted in extensive property damage. The exit of goods was banned entirely and only food, medical supplies and animal fodder were allowed to enter Gaza via Kerem Shalom without quantity restrictions. Imports of all other items, including building materials, furniture, wood, electronics and fabric were halted during this period, while the entry of fuel and cooking gas was stopped intermittently. As a result, the number of truckloads entering Gaza each day during this period was only one-third of the daily average during the first half of 2018. To a very limited degree, this was compensated by an increase in the entry of goods from Egypt via the Salah. The tightening of the Israeli blockade has aggravated the already dire humanitarian situation in Gaza, alongside the dramatic rise in casualties, the longstanding energy crisis and the unresolved internal Palestinian divide. In addition, the sharp decline in the international assistance to the people of Gaza has further impacted the purchasing power, as staff were laid off and food or livelihood assistance significantly reduced. On 16 July, the Israeli authorities announced that they would restrict the entry into the Gaza Strip of fuel and cooking gas through Kerem Shalom crossing, the only operational commercial crossing between Gaza and the outside world. The import of medical and food supplies may be approved on an individual basis. The restrictions follow the imposition of a new set of severe restrictions by the Israeli authorities on 9 July, wherein only food, medical supplies, animal fodder, livestock and fuels would be allowed into Gaza via Kerem Shalom, without quantity restrictions. The entry of all other

items, including building materials, furniture, wood, electronics and fabric, was halted, as was the exit of all goods. Also the Government of Israel announced a reduction in the permissible fishing zone from six to three nautical miles, preventing fishermen from accessing 85 per cent of the fishing areas agreed for Gaza under the Oslo Agreements.

Agriculture livelihoods undermined

The ban on the exit of agricultural produce from Gaza has had an adverse effect on farmers by reducing revenues from sales and adding to storage expenses. The closure also undermines the reputation of Gaza farmers and traders as reliable suppliers, and may affect their access to credit and potential decisions on planting and trading. Revenue from Gaza’s agricultural exports to markets outside the oPt (i.e. including Israel but excluding the West Bank) peaked in 2000 at almost \$46 million, but fell dramatically from 2008 following the imposition of the blockade. Due to the overall deterioration of the situation in Gaza, revenue from agricultural exports and sales in the first half of 2018 declined by about 17 percent versus the same period in 2017.



Source: PCBS foreign trade data series and FAO trade database.
 * A total of 33 and 21 truckloads of carnations were exported in 2008 and 2009 consecutively to Europe, the value of which is not available
 **The figures for 2018 include exports up until 10 July.

Increased restrictions on the movement of humanitarian staff out of Gaza

In 2018 the Israeli authorities have particularly tightened restrictions on the movement of Palestinian humanitarian staff out of Gaza. Measures by the Israeli authorities include an increase in the processing time for exit permits, a rise in denials and one-year bans, restrictions on the type of items allowed to be taken out of Gaza, and new crossing procedures at the vehicle terminal. The Hamas authorities have established a new registration point at the entrance to Gaza. These measures have increased uncertainty, delays and logistical impediments, and have a negative impact on humanitarian operations. The UN continues to conduct negotiations with all relevant actors in Israel and Gaza to alleviate these challenges. Over the past 12 months, there has been a dramatic increase in the processing time for permit applications to exit Gaza to Israel and the West Bank from 14 to 55 working days. The processing time for applications for a one-day permit to travel to Jordan via Israel is now 70 working days. Along with this negative trend, the duration of security clearance necessary to access approved permits has been extended from six to nine months. Since August 2017, the authorities at the Erez crossing have introduced new restrictions on items that Palestinians are allowed to carry when they exit Gaza through the pedestrian terminal. These include a ban on toiletries, and laptops and other electronic equipment, except for mobile phones. The restrictions on laptops and electronic devices are especially problematic and create logistical challenges, particularly for senior staff engaged in finance, IT and programme monitoring activities in Gaza as they have to find alternative equipment to work with once they arrive at their destination.

Hamas registration point

Until November 2017 Hamas maintained a checkpoint on the road leading to the Erez crossing (known as Arba-arba) where individuals were stopped and checked when entering or departing Gaza. Hamas currently requires staff from

international organizations to register prior to and upon entry to Gaza, imposes restrictions on the use of INGO vehicles and sporadically questions staff.

The situation of Palestinian children

The total population of The Occupied Palestinian Territory (OPT) was estimated at about 3.9 million as at mid-2009: 2.4 million in the West Bank (including East Jerusalem) and 1.5 million in the Gaza Strip. As elsewhere in the region, OPT population is youthful: 52 per cent are under the age of 18, and 42 per cent under 15. The available data from the Palestinian Authority Ministry of Health (MoH) annual reports in the last decade show no change in the four top causes of infant deaths; however, the magnitude or disease burden has changed for a few conditions such as prematurity, low birth weight, infections and congenital abnormalities and the progress vary strongly.

School usurpations

The drop-out rate at the basic stage in the scholastic year 2006/2007 in OPT was one per cent for male and female students. At the secondary stage, the rates were 3 per cent for males and 4 per cent for females. The dropout rate among females at the secondary stage in 2006/2007 was 4 per cent - 3 per cent in the West Bank and 5 per cent in Gaza Strip - while the rate at the basic stage was less than one. For a variety of reasons – including poor learning environments, violence and limited extra-curricular activities, adolescents are prone to drop out after basic education at age of 16. In 2007, almost 30 per cent did not enrol in secondary school at all. Primary reasons cited were the need to work to help support their families, early marriage, drug abuse, and political polarization. The blockade and restrictions on the movement of goods and people across Gaza's borders have constrained the functioning of the education system in Gaza, negatively affecting the quality of the education provided to Gaza's students. According to the Palestinian Central Bureau of Statistics, 53 per cent of mothers in the West Bank reported that one of their children aged 5-17 years old had been exposed to violence in 2005, mainly at home (93 per cent) and at school (45 per cent). 50% of students in West Bank schools are subjected to physical and verbal violence practiced by teachers and sometimes by students themselves. The blockade has also been affecting education by restricting the import of some school supplies, including paper, text books, computers, and educational kits.

Children militarily involved

The list of grave violations to be monitored are: killing or maiming of children, recruiting or using child soldiers, attacks against schools or hospitals, rape or other sexual violence against children, abduction of children and denial of humanitarian access for children. The UN Secretary-General has reported that there is no evidence of systematic attempts to recruit children to Palestinian armed groups for training or operations. However, there are individual cases that appear to breach the Optional Protocol, including a 13-year-old boy recruited by Hamas for monitoring and information gathering on drug dealers and collaborators with the occupying force, and a 16-year-old boy detected by IDF soldiers carrying explosive devices for a suspected suicide attack against them. The Israeli police force recruits children into its civil guard, and provide weapons training from 16 years. An Israeli NGO reports that young Israelis are "saturated with the idea of enlistment" in the military service from age 16. The number of use of Palestinian children as human shields has deeply increased. The written submissions highlighted grave concerns about the use of children as human shields, notably during the Gaza crisis of December 2008 – January 2009. Practices include deploying civilians to an area to protect it from attack, forcing them to enter houses to search for explosives or to remove suspicious objects. From reports emerge from the Gaza Strip and other parts of the occupied Palestinian territory of children killed or seriously injured, a number of these children will suffer lifelong disabilities, including because of the amputation of limbs. Thousands are in need of urgent psychosocial assistance, specialised medical care, and support for their rehabilitation. Israel denied Palestinian children arrested and detained in the West Bank legal protections granted to Israeli children, including settlers, such as protections against arrests and interrogations without a guardian present. Israeli forces frequently used unnecessary force against children during arrests and physically abused them in custody.

Abusive Detention

Children aged 16 years or over at the time of sentencing are sentenced as for adults. The sentence that may be imposed is a period of up to six months imprisonment for a child aged 12-13 years (at the time of sentencing) and, for a child aged 14-15 years, a period of 6-12 months imprisonment for offences with a maximum penalty of five years, and a potential life sentence for offences with a greater maximum penalty. The use of torture and other measures to force a confession are common specific techniques used regularly by Israeli interrogators on Palestinian children include a combination of: excessive use of blindfolds and handcuffs, beatings (slapping and kicking), sleep deprivation, solitary confinement. Denial of food and water for up to 12 hours, denial of access to toilets, denial of access to a shower or change of clothes for days or weeks, exposure to extreme cold or heat, position abuse, yelling and exposure to loud noises, insults and cursing. A range of threats of physical violence to the child or its family members supplements such measures. On 29 July 2009 a new Military Order was issued purporting to establish a juvenile military court in the West Bank. While the adoption and implementation is a useful step, children are still going to be tried under a military system, by the Occupying Power. Israeli authorities have incarcerated hundreds of thousands of Palestinians since 1967, the majority after trials in military courts, which have a near-100 percent conviction rate. In addition, on average, hundreds every year have been placed in administrative detention based on secret evidence without charge or trial. Some were detained or imprisoned for engaging in nonviolent activism. Many detainees, including children, face harsh conditions and mistreatment.

For the complete statement:

<https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/>

Other P5 Members statement on the question of Palestine

UK

<https://www.gov.uk/government/speeches/support-for-a-two-state-solution-is-the-only-way-to-ensure-a-just-and-lasting-resolution-to-the-israeli-palestinian-conflict>

<https://www.theguardian.com/world/2016/dec/28/uks-key-role-in-brokering-un-resolution-on-israeli-settlements-confirmed>

Russia

<http://www.inss.org.il/publication/russias-initiative-on-the-israeli-palestinian-process-another-move-to-regain-influence-in-the-middle-east/>

China

http://www.xinhuanet.com/english/2017-08/16/c_136529012.htm

<https://thediplomat.com/2017/12/whats-chinas-stance-on-trumps-jerusalem-decision/>

<https://thediplomat.com/2017/12/china-takes-bigger-role-in-palestine-israel-issue-as-un-rejects-trumps-jerusalem-move/>

France

As reported on the official website of French Diplomacy, "France is a friend to both Israel and Palestine, unreservedly condemns terrorist acts aimed at sabotaging hopes of peace and condemns settlement-building, which is illegal under international law. Further, France considers that the conflict will only be resolved through the creation of a viable and democratic independent Palestinian State, living in peace and security alongside Israel and advocates urgent, renewed mobilization of the international community."

EU

<http://www.jordantimes.com/news/region/us-eu-discordant-notes-jerusalem-underline-mideast-policy-rift>

UN resolution condemning Trump's decision

<http://www.bbc.com/news/world-middle-east-42446027>

Question of Jerusalem update: <https://www.aljazeera.com/news/2017/12/trump-jerusalem-decision-latest-updates-171212081649751.html>

Countries and Organisations Involved

State of Israel

The State of Israel is the Occupying Power in the Palestinian territory. To this day, they have continued to support and finance the settlements in the Occupied Palestinian territories, despite having been instructed to cease such behaviour and immediately begin the process of removing them. Furthermore, Israel doesn't consider the West Bank "occupied territory" but rather "disputed territory" under the pretence that they acquired it in the 1967 in self-defence. The Government of Israel (GOI) claims not to be required to return to the pre-1967 borders and therefore rid themselves of the responsibility of dismantling all settlements in the West Bank, also claiming the settlements don't violate any Palestinian-Israeli Treaty. The Israel-Palestinian Interim Agreements prohibit any unilateral actions that may alter the status of the West Bank, yet Israel claims that this doesn't ban settlements.

Palestinian National Authority/State of Palestine

Palestine is the occupied territory in the Israeli-Palestinian conflict. They have been given the right to self-determination but have not been recognized as official states by many countries and still have observer status in the UN. They have officially relinquished the use of violence to arrive to solutions. The Palestinians have also recognized the right of Israel to exist, but haven't accepted it as a Jewish state. The Palestinian Authority is in favour of arriving to a two-state solution and has agreed to the Kerry Initiative peace talks. The Palestinian Territory of the West Bank is controlled by the Palestinian Authority, and yet the Gaza Strip's governance has fallen into the hands of a group with a military wing: Hamas. The power of Hamas over the West Bank supposes a problem to the arrival of a comprehensive solution due to their approval of violence as a means of arriving to solution. In order for Palestine to accept a peace treaty, a comprehensive solution to the refugee issues, the settlements and the Jerusalem needs to be arrived to. Palestine accuses Israel of being unwilling to compromise due to their continual approval of settlements in the West Bank and East Jerusalem. Further, they claim Jerusalem as their capital due to its religious significance to Muslims.

United States of America

The United States and Israel have had a supportive diplomatic relationship, from their recognition of the State of Israel in 1948 (when the State of Israel announces to the present. This good relationship is due to strong economic ties and mutual interests, seeing as the Israeli Lobby in the United States is very powerful. The United States continues to be very involved in the Peace Process negotiations between Palestine and Israel. Their goal is to preserve security in Israel, and their basis for negotiations is that Israel needs to take some calculated risks, taking it upon them to minimize such risks for Israel. Currently, US Secretary of State, John Kerry is working towards brokering a deal, with the hopes that it will not be an interim agreement, but rather the final agreement. These talks between Kerry and the Prime Minister of Israel, Benjamin Netanyahu and Mahmoud Abbas have the goal of incorporating both country's interests into final two-state solution framework. These talks resumed in January of this year and are scheduled to continue in April. The US doesn't

have official diplomatic relations with Palestine as they have not recognized them as an official states and they consider Hamas, the Palestinian government in the Gaza Strip, a Foreign Terrorist Organization.

Arab League

The Arab league is an organization that consists of all independent Arab states in the North and Northeastern part of Africa and Southwest Asia. These six states are: Egypt, Iraq, Jordan, Lebanon, Syria and Saudi Arabia. They have supported the peace process between Israel and Palestine, but when tensions got high between Israel and Hamas in the Gaza Strip, the Arab league got so far as to threaten to withdraw their recognition of Israel if the violence didn't stop.

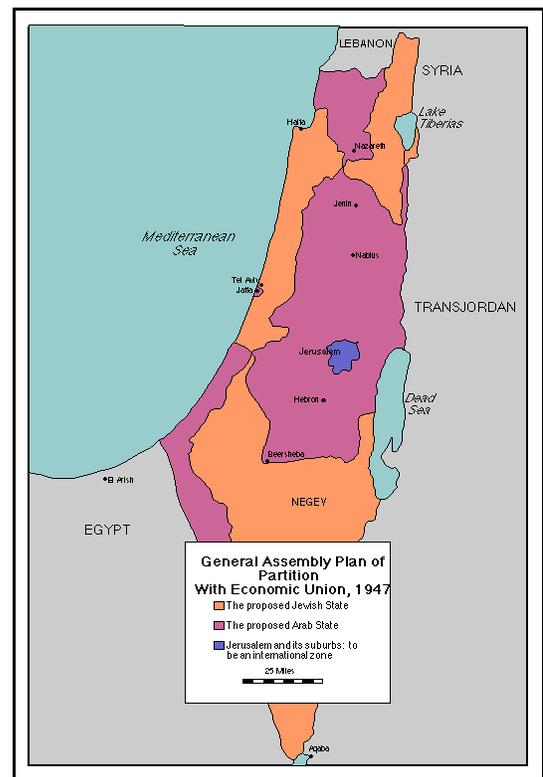
International Court of Justice

The Court declared that the Israeli settlements in the 1967 borders were in clear breach of the International Law and the 4th Geneva Convention Regarding the Protection of Civilians in Time of War. Israel denies the illegal nature of their settlements as they claim the land gained in the 1967 was taken in self-defence and therefore doesn't constitute a breach of the 4th Geneva Convention.

Past Resolutions and Treaties

UN Partition Plan of 1947

Divided the land between a Palestinian and a Jewish State, with Palestine getting the totality of the West Bank, and the Gaza trough its resolution 181 (A/RES/181). Jerusalem was made international territory under UN jurisdiction. The border described in this plan, known as the 1947 borders, have not followed by Israel, and are mostly disregarded as an option for agreements. Following this, Israel declared itself an independent while Palestine did not.



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<http://unispal.un.org/UNISPAL.NSF/0/7F0AF2BD897689B785256C330061D253>

Security Council Resolution 242:

(S/RES/242) Failed due to lack of compliance from Israel's part and the ambiguity of the resolution itself.

<http://unispal.un.org/UNISPAL.NSF/0/7D35E1F729DF491C85256EE700686136>

Security Council Resolution 446:

(S/RES/446) 1979, Called for an immediate cessation of all action that could change the legal or demographic status of the Arab lands acquired in 1967, determined the illegal nature of Israel's settlements in the Occupied Palestinian

territories, asked Israel to abide by the 4th Geneva convention. Wasn't recognized by Israel, as they didn't deem their settlements illegal or applicable to the 4th Geneva Convention.

<http://unispal.un.org/UNISPAL.NSF/0/BA123CDED3EA84A5852560E50077C2DC>

Resolution 1397:

(S/RES/1397) 2002, Demanded the immediate cessation of all forms of violence in the Middle East and affirming the vision of a two-state solution following the Second Intifada. It didn't achieve anything relating to the question of the settlements, or other pending issues.

<http://www.un.org/News/Press/docs/2002/sc7326.doc.htm>

Madrid Framework of 1991:

The Madrid Peace Conference in 1991 brought together for the first time Lebanese, Egyptian, Israeli, Syrian and joint-Jordanian-Palestinian representatives, but it yielded no significant results. Nevertheless, it was followed by bilateral talks between the parties that would result in the 1993 Oslo Accords and the 1994 Israel-Jordan Peace Treaty.

Oslo Accords

(A/48/486) The Oslo Accords, signed in 1993, also known as the Declaration of Principles on Interim Self-Government Arrangements, establish the guidelines for the creation of an interim, democratically elected self-governing body for the State of Palestine. It set up a transitional period of five years in which permanent status issues were to be determined between the State of Israel and the Council elected by the Palestinian peoples. The Oslo Accords failed due to the lack of disposition of both parties to begin peace talks regarding permanent status negotiations on issues such as the settlements, the refugees, etc. Despite the fact that the elected Council was meant to be transitional and last for a period of five years, the Palestinian National Authority (PNA) remains present to this day. The negotiations were meant to have started in 1996, and yet they only got underway in 2000. Even then, the only agreements that were arrived to was the interim withdrawal of Israel from 40% of the West Bank settlements and 65% of the Gaza Strip settlements, leaving the PNA with partial control over such territories. Further, Israeli forces controlled entrance/exit, and the territories given to the Palestinian peoples were surrounded by Israeli territory.

<http://unispal.un.org/UNISPAL.NSF/0/71DC8C9D96D2F0FF85256117007CB6CA>

Arab Peace Initiative

The Arab Peace initiative of 2002 was a framework drafted by the Arab League that emphasizes the need for the withdrawal of Israel from all territories acquired during the 1967 war and calls for a just solution to the refugee problem. The Secretary General of the United Nations, Ban Ki-moon, expressed his support of it and asked Israel to keep an open mind towards it. Because it was never accepted by Israel, the Arab Peace Initiative did not lead to a step forward in the process.

<http://www.al-bab.com/arab/docs/league/peace02.htm>

Quartet Road Map for Peace (2003)

What is known as the Quartet Road Map for Peace, was a framework proposed by the joint cooperation of the United States, the United Nations, the Russian Federation and the European Union (the Quartet) which established the basic steps towards achieving a comprehensive peace solution between Israel and Palestine through a series of gradual phases in which both parties had to take reciprocal measures. The goal of the plan was that by 2005, the parties would arrive at a comprehensive solution and there would be a Palestinian State and an Israeli state living side by side in peace. Despite the acceptance of both parties', the Road Map did not work according to the predicted deadlines, due to the parties' lack of willingness to compromise and Israel's lack of disposition to freeze and retract settlement activity.

Nevertheless, it continues to be used as guidelines for potential solutions and provides a backbone for negotiations today.

Past Solutions

Camp David Accords (1978):

Was a peace negotiation between Israel and Egypt that not only addressed the topic of achieving peace between Egypt and Israel, but also of the wider topic of achieving peace in the Middle East. Israel agreed to withdraw gradually from the Sinai Peninsula, and gained the right of passage for Israeli ships through the Suez Canal. The Accords led to a peace treaty signed later in the same year, and were a true diplomatic success.

Oslo Accords II:

In 1995, the Oslo II Accords were signed. This treaty divided the occupied territories into three different sections: Area A, with full control of a newly established Palestinian Council, Area B would be under the control of such council, but under Israel security control, and Area C would be governed by Israel. These Accords were implemented at the time and served as a basis for negotiations but were only meant to be an interim agreement that would lead to further solutions.

2005 Disengagement Plan:

In 2005, Ariel Sharon's government conducted a unilateral disengagement plan of all the settlements in the Gaza Strip and a few in the West Bank with the purpose of increasing the security of the Israeli citizens, relieving some of the pressure on the Israeli Defence Forces (IDF) and of reducing the tensions between the Palestinian and Israeli governments. It was the first move on the part of Israel to withdraw from their settlements in the Occupied Territories, but it has been criticized due to its unilateralism and lack of diplomacy in the decision making process.

Latest Resolutions

- May 18, 2018 Violations of International Law in the Context of Large-scale Civilian Protests in the OPT, Commission of Inquiry – Human Right Council Resolution (A/HRC/RES/S-28/1)

<https://www.un.org/unispal/document/violations-of-international-law-in-the-context-of-large-scale-civilian-protests-in-the-opt-commission-of-inquiry-human-right-council-resolution-ahrcress-281/>

- April 12, 2017 Right of Palestinian People to Self-determination – HRC 34st Session – Resolution

<https://www.un.org/unispal/document/right-of-palestinian-people-to-self-determination-hrc-34st-session-resolution-ahrcres3429/>

- November 2, 2018 Illegal Actions in the OPT – Killing and Injuring of Palestinian Children (A/ES-10/799–S/2018/968)

<https://www.un.org/unispal/document/illegal-actions-in-the-opt-killing-and-injuring-of-palestinian-children-aes-10799-s2018968/>

Possible Solutions to the conflict

Because the Israeli settlements in Occupied Palestinian territory are at the root of the Palestinian-Israeli conflict, a compromise needs to be arrived to in order to achieve a viable solution, but most importantly, the settlements must end. Due to the sensitive nature of the issue, it needs to be done step by step in order to guarantee both parties security.

It is very important for the UN and the international Community to recognize Palestine as an official member state in order to give it an equal status to Israel and to be able to rebuild their infrastructure as a state.

Lastly, international pressure in the form of economic sanctions is needed in order for both parties to negotiate a solution when diplomatic efforts fail. Organizations or states that share close diplomatic ties with Israel such as the United States or the European Union should consider placing pressure on them, and likewise with countries with close economic ties with Palestine, such as the Russian Federation.

UN Secretary General Antonio Guterres stated: “In this moment of great anxiety, I want to make it clear: there is no alternative to the two-state solution. There is no Plan B. For my part as the UN Secretary-General, I will do everything in my power to support the Israeli and Palestinian leaders to return to meaningful negotiations and to realize this vision of a lasting peace for both people.”

Full declaration of the United Nations Secretary General:

<https://news.un.org/en/story/2017/08/564132-gaza-strip-un-chief-appeals-palestinian-unity-renews-call-two-state-solution>

Research

Middle East Research and Information Project (MERIP):

<http://www.merip.org/>

Report of the independent international fact-finding mission:

<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

Israel Ministry of Foreign Affairs:

<http://mfa.gov.il/MFA/Pages/default.aspx>

Foundation for Middle East Peace (FMEP):

<http://www.fmep.org/>

United Nations Information System on the question of Palestine (UNISPAL):

<http://unispal.un.org/unispal.nsf/home.htm>

International Court of Justice Ruling:

<http://www.icj-cij.org/docket/files/131/1677.pdf>

International Crisis Group (ICG) on Israel/Palestine:

<http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine.aspx>

Palestinian Ministry of Information:

<http://www.minfo.ps/English/index.php?pagess=home>

Gaza blockade

<https://www.ochaopt.org/theme/gaza-blockade>

ICC

<https://www.icc-cpi.int/palestine>

<https://www.un.org/unispal/>