

Where is Palestine?

A story of loss, inequality and failure

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VISIT

PALESTINE

christian
aid

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Christian Aid exists to create a world where everyone can live a full life, free from poverty. We are a global movement of people, churches and local organisations who passionately champion dignity, equality and justice worldwide. We are the change makers, the peacemakers, the mighty of heart.

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Photographs: Christian Aid

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Foreword

Amanda Khozi Mukwashi, Chief Executive

Christian Aid has worked in the Middle East since the 1950s when we responded to the Middle East Council of Church's request for help to support the humanitarian needs of Palestinian refugees. We are still there today, working with civil society organisations across the region, trying to restore dignity, provide hope and act in solidarity with those who have been marginalised, displaced and impoverished.

Our Palestinian and Israeli partners work with some of the poorest communities in the West Bank, Gaza, inside Israel and Lebanon to help develop resilience and opportunity. Others focus on documenting human rights violations and promoting accountability.

As a faith-based development agency, we are driven by the belief that everyone is created equal and should have the opportunity to experience life in its fullness. We are committed to tackling injustice, inequality and poverty in every country where we are present because we know that these fundamental problems are not an accident but happen structurally and systemically. They therefore require deliberate political and social determination if they are to be dismantled for a just and peaceful human co-existence.

This report deliberately focuses on the experience of the millions of Palestinians for whom poverty and insecurity is an inter-generational lived reality. In the absence of a just peace, Palestinians are bearing the highest cost. The status quo guarantees that Palestinians have fewer rights, face ever-worsening prospects for a viable future and are statistically more likely to lose their lives to violence than Israelis. This report serves both as a timely reminder and a call to people of all faiths and none, governments and businesses not to turn a blind eye to the injustices that dominate the region and instead to act decisively and collectively in a manner that guarantees peace and justice for Palestinians and Israelis alike.



Executive summary

'Where is Palestine? A story of loss, inequality and failure' provides a snapshot of the reality that many Palestinians face daily across the occupied Palestinian territory. It illustrates how occupation undermines economic development and dehumanises those under its control. It highlights the violence that has claimed so many lives. It paints a bleak picture of how one population suffers and the other thrives; a place where Palestinians often live in grinding poverty next to Israelis living in illegal settlements whom the state of Israel has generously supplied with the amenities for leading a comfortable modern life.

Both Palestinians and Israelis have rights that must be upheld and fulfilled, and for that to happen, both communities need a just and lasting peace. They are the ones who will make the ultimate decisions about the future. However, as this report demonstrates, their relationship is strongly influenced by a significant imbalance of power and a culture of impunity. International governments have consistently failed to recognise the impact that this has had on any peace process, including Oslo, to deliver the self-determination and sovereignty that Palestinians were promised. Hence, we ask: where is Palestine?

We are clear that the building blocks for a meaningful peace will be found in the pursuit of justice and an end to the indignity of occupation. The world must not choose who is more deserving and privilege one over the other. If governments and others in positions of influence, including faith-based institutions, do not uphold the law and demonstrate impartiality, then not only will Palestinians and Israelis continue to live within ever more destructive cycles of violence, but international law and its underlying norms will be eroded, with damaging implications for other communities in conflict.

As this report demonstrates, currently there is very little accountability across the occupied Palestinian territory and Palestinian communities suffer routine humiliation and maltreatment. We look at the impact of illegal settlements, the blockade of Gaza, demolition of Palestinian property, displacement, unchecked settler violence, the distribution of water, corruption and legal representation. In each case, Palestinians are largely worse off than their Israeli neighbours, often unprotected before the law, in danger of losing their homes and livelihoods and more likely to die in violent conflict.

We also note that Palestinians outside of the West Bank and Gaza are often subjected to discrimination and insecurity.

Millions of Palestinian refugees across the region rely on foreign aid – which is unpredictable and insufficient to maintain adequate living standards - against a backdrop of regional instability and violence. In short, international governments and institutions have failed to act on the recognition that Palestinians are a sovereign nation with the same rights as any other.

We highlight the laws which have been broken, or where illegal acts are systematically sustained. This includes illegal Israeli settlements which are destroying the fabric of Palestinian life across the West Bank, including in East Jerusalem, without the Israeli state being in any meaningful way being held to account.

We present the reality of a civilian population in Gaza existing rather than living under blockade, without clean water, experiencing extreme restrictions to movement and mass unemployment. Four major violent attacks since 2007 have left thousands dead, tens of thousands homeless and millions traumatised. In 2015 the United Nations warned that Gaza would be uninhabitable by 2020. Most people in Gaza wondered why the UN thought life was bearable even in 2015.

After more than five decades of brutal occupation and seven decades of displacement, Palestinian hopes have been repeatedly dashed, and expectations are low. Both Palestinians and Israelis deserve better leaders and friends. Their respective political leaderships have not been honest with them, often facilitated by allies who refuse to be anything other than partisan. In the end, both Palestinians and Israelis - Muslims, Christians, Jews and people of no faith - will share this land that many call holy. But not at any price.

Following the latest round of intense violence in May 2021, it should be clear to all that maintaining the status quo is the problem. A different future is possible, but it requires all to find the political, legal and moral will and courage to understand and challenge the failure and help build a future in which Palestinians and Israelis are treated as equals with equal rights.

This short report does not provide all the answers, but it does demand that those with power and influence recognise the role of accountability and the law in achieving peace. It demands that equality, dignity and justice be the bedrock of any future peace process. Without these principles it is hard to imagine how relationships can be sufficiently developed that will be so critical to sustaining and deepening any future peace agreement. Failure must no longer be accepted as inevitable.

Introduction

Palestinians feel more isolated and marginalised than ever before. While governments talk about peace, it is displacement, discrimination and insecurity that dominate the lives of people across the occupied Palestinian territory (OPT) and overcrowded refugee camps in neighbouring states – with no end in sight.

Until Palestinians and Israelis can participate as equals in a time-bound peace process, grounded in international law – a process that gives proper weight to the existing inequalities of power between the parties – violent conflict will persist. Without justice, equality and dignity, a durable peace will continue to elude both Palestinians and Israelis. Instead, poverty and despair will deepen, leaving many Palestinians dependent on humanitarian aid and facing endemic insecurity.

While suffering is experienced by both Palestinians and Israelis, Palestinians are suffering disproportionately in terms of poverty, human rights violations and violence. They are also forced to contend with a democratic deficit and Palestinian administrations in the West Bank and Gaza that are frequently ineffective and unaccountable, and often fail in their duty to protect civilian life.

The 2020 ‘normalisation’ deals between Israel and the United Arab Emirates and Bahrain brokered by the US Government may have temporarily halted Israel’s threat of formal annexation of parts of the West Bank. However de facto annexation continues uninterrupted and effectively unchallenged, putting a two-state solution for two sovereign peoples out of reach. Despite repeated references to ‘the peace process’ by many in the international community, many Palestinians are poorer, and feel less equal and more humiliated by Israel’s occupation.¹

This report details the repeated violations of basic human rights, that Palestinians experience, drawing on Christian Aid’s decades of work with the poorest communities in the region and the expertise and experience of our partners. We show how the situation takes away the dignity that we should all be entitled to live with. As one man in Gaza told us in September 2014 after a prolonged outbreak of violence: ‘I wish I had died with the others. Theirs was a quick death’. In May 2021 violence once again claimed many lives and left even more in deep despair, especially in Gaza.

‘I have lost my sisters, and this is a pain that I cannot describe in words, and I also do not know if my mother will survive or not. Her injury is very serious, and I may lose her at any moment. Thinking about this is very stressful, besides my sisters I may lose my mother. I would like to say that I never felt such psychological pressure before, as the house that contains all my childhood memories and my memories with my sisters has become rubble. I am currently living in my grandfather’s house as a guest, and I can’t feel settled because this is not my home’

Maysaa Abu-Oof, 22 years old, Gaza, speaking after the latest round of violence in June 2021.

We also ask what the continuation of this situation means for Israelis if their state continues to dominate Palestinian lives? As US Secretary of State John Kerry warned in 2016: if a two-state solution is not achieved, Israel will be untenable as both a Jewish and a democratic state.

In June 2020, 47 independent UN Human Rights experts called for urgent action to prevent formal annexation of occupied Palestinian territory, warning that it would see 'the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights... a vision of 21st century apartheid'.²

This reality has been meticulously documented by Palestinian, Israeli and international human rights and civil society organisations.³ Every part of this story of loss, inequality and failure has been publicly shared, and no one can claim ignorance of the ever-changing facts on the ground. As Michael Lynk, UN Special Rapporteur, said in 2019: 'No occupation in the modern world has been conducted with the international community so alert to its many grave breaches of international law, so knowledgeable about the [Israeli] occupiers' obvious and well-signalled intent to annex and establish permanent sovereignty, so well-informed about the scale of suffering and dispossession endured by the protected [Palestinian] population under occupation, and yet so unwilling to act upon the overwhelming evidence before it...'⁴

It is also critical to remember that persecution, demonisation and extermination are not distant memories for the Jewish people, in and beyond Israel. Antisemitism continues to be a tragic and shameful reality; the State of Israel exists as a recognized and legitimate political entity partly because of the experience of murderous prejudice against Jewish people. Israelis and Palestinians should have the same right to live in safety and security and righting the wrongs against one must not come at the expense of the other. Both populations desperately need the principled and impartial support of a world prepared to act for the good of all.

The current reality is neither sustainable nor acceptable. The international community, including governments and churches, must act now out of both legal obligation and moral urgency. The military might of Israel, which controls Palestinian lives, will not create meaningful security for Israelis if structural inequalities and injustices are not addressed.

While there are political barriers to a just and lasting settlement that require political solutions, it is also the case that in a land that holds unique significance for Judaism, Christianity, and

Islam, religious actors have a critical role to play in changing hearts and minds and to help build a durable peace.

Christian Aid does not take a position on whether the future for Israelis and Palestinians should be characterised by one state or two states, or some form of confederation – that is for them to decide together. We believe the international community, including the UK and Irish Governments and churches in their respective roles, must now take appropriate, concrete actions that can help transform the status quo and help them to take such decisions. We challenge them to acknowledge that their approaches so far have not been sufficient or helped to achieve the two-state policy that they have pursued.

If Palestinians and Israelis are to enjoy a viable, prosperous and dignified future, then the following essential principles must be applied to ensure any peace process of success:

- There must be an end to all violence that either targets or deliberately endangers innocent civilians, whether Palestinian or Israeli.
- Palestinians, as a sovereign people, must be treated as equals and supported to exercise their right to self-determination in the same way that most nations have supported Israel to do.
- The international community must demand and pursue accountability and act decisively when international law is broken and when war crimes or crimes against humanity are committed. Human rights for all must be our minimum standard.
- Words of condemnation must be backed up by concrete action, otherwise a culture of impunity prevails. International Law establishes an impartial legal framework to protect human beings from abuse; this must be respected and strengthened. Otherwise, we are in danger of betraying a core tenet that the world must not sit and watch as others suffer violence and injustice.

A short background

'Palestine presented a unique situation. We are dealing not with the wishes of an existing community but are consciously seeking to re-constitute a new community and definitely building for a numerical majority in the future.'⁵
This comment by British Foreign secretary, Arthur Balfour, following the 1917 Balfour Declaration⁶, when seen alongside the promises Britain made to other parties, including Henry McMahon's offer to Sharif Hussein in 1915 of an Arab state in Palestine,⁷ illustrates the contradictions if not duplicity of British foreign policy in the Middle East at the time.

Despite a commitment in the Balfour Declaration to uphold the civil and religious rights of communities already in Palestine, Palestinian political rights were effectively sacrificed by their omission. Palestinians are still living with the consequences of those contradictions today.

Following violent conflict in the inter-war years the British decided to withdraw from Palestine and referred the unfolding situation to the United Nations. United Nations Resolution 181, passed by the United Nations (UN) General Assembly in 1947, called for the partition of Palestine, allocating approximately 55% to the Jewish state and 43% to the Arab state. Jerusalem was designated a separate entity to be governed by a special international regime.

The State of Israel came into being on 14 May 1948, despite declarations of war by neighbouring Arab states which had opposed the United Nations proposed partition. It acquired 78% of the land area of Mandate Palestine and on its admission as a member state of the United Nations on 11 May 1949, it acquired an internationally recognised sovereign legal personality.

For those Jews who supported it, the establishment of Israel represented a unique achievement, one difficult to exaggerate, after many centuries of European persecution and antisemitism regularly inspired or colluded in by Christians. The horror and depravity of the Holocaust reinforced the need for Jewish people to have a safe place to call home, where they could live a Jewish life without fear of demonisation and persecution.

According to statistics compiled by UNOCHA, from January 2008 to July 2021, 5,951 Palestinian have been killed, of whom 1,340 were children, 262 Israelis were killed, of whom 21 were children. While Gaza has experienced the greatest levels of death and destruction between Israel and the Palestinians, fear and insecurity are felt across Israel and the OPT. The evidence is clear, as long as the status quo and current dynamic continues, so too will the cycle of violence and loss of life.

In 1947 and 1948, in the lead up to and as a result of the first Arab Israeli war, approximately 750,000 of an estimated 900,000 Palestinians who were living in Palestine, fled, or were forcibly removed from their homes. They became, and remain to this day, refugees. Thus, when Israelis celebrate independence, Palestinians commemorate the Nakba, or catastrophe.

In June 1967, after further war between Israel and Arab states, Israel occupied the West Bank (including East Jerusalem which it later formally annexed) and Gaza Strip, ousting Jordanian and Egyptian forces. Initially it stated that its only interest was in secure, recognised boundaries and peace with its neighbours. However, in breach of International Law (IL), it altered the physical and administrative status of East Jerusalem.⁸ In the 1970s it became increasingly clear that settlements constructed for Israelis in occupied territory were permanent and that de facto annexation was becoming a reality. Road networks were established that integrated the settlements into Israel, benefiting Israeli settlers but excluding Palestinians. And in 1980 Israel passed a law making its annexation of East Jerusalem explicit; a step condemned by most of the international community as contravening international law.

From 1993 the Palestine Liberation Organisation (PLO) and Israel, following declarations of mutual recognition, commenced a series of peace agreements, the Oslo Accords, with a view to a final settlement which would allow for the establishment of a viable Palestinian state. East Jerusalem remained integrated into Israel, having been formally but illegally annexed in 1980.⁹ The West Bank was classified into three distinct categories: Area A, 18% of the total, to be solely under a temporary Palestinian Authority (PA); Area B under Palestinian administration but with joint security arrangements; Area C, some 60% of the West Bank, including almost all the Jordan Valley and large settlement blocs, under full Israeli control. It was expressly agreed only to be an interim arrangement for 5 years, but it has become the de facto reality 30 years on, and this has made an eventual agreement of a viable and contiguous Palestinian state substantially more difficult.

Whatever the possibilities there might have been of the Accords leading to a resolution, the assassination of Israeli Prime Minister, Yitzhak Rabin, in 1995 by an Israeli extremist precipitated a hardening of attitudes and a retrenchment to earlier positions. In 2000 the second Intifada broke out. Violence, frustration and resentment cemented opinions across IOPT that neither side had a partner for peace. More recently,

both former and current Israeli Prime Ministers, Benjamin Netanyahu and Naftali Bennett, have declared their opposition to a sovereign Palestinian state.¹⁰

In 2005 Israel unilaterally withdrew all settlers from Gaza and redeployed troops but retained control over its land and sea crossings and borders as well as its airspace. Fatah lost the parliamentary elections of 2006 and violence broke out with Hamas which subsequently took control of the Gaza Strip. The conflict resulted in the dissolution of the unity government and the de facto division of the Palestinian territories into two entities: The West Bank governed by the Fatah dominated Palestinian Authority (PA), and Gaza governed by Hamas.

Contrary to the expressed intentions of the Oslo peace process, Palestinians are now arguably further away from achieving a viable state with full sovereignty. Across the OPT, they are increasingly constrained within a tightly controlled physical space and subject to strict movement and access restrictions for people and goods.

In contrast, the freedom and standard of living enjoyed by around 650,000 Israeli settlers who live across the same territory in violation of international law, is no different to Israelis living inside Israel. There are, in fact, two communities experiencing entirely separate systems of governance and law, defined along ethno-religious lines.

The international order designed to protect us all

After the atrocities of war committed in the nineteenth and twentieth centuries, the international community agreed, through treaty and custom, on rules of fairness that all member states are obliged to uphold and respect. While binding as law, Christian Aid believes, as do many other human rights defenders, that these rules only have traction if the international community has the political will to ensure their application. It is by exercising that will that Palestinians and Israelis can hope to achieve a just peace.

There are certain norms and laws which apply to Palestine and Israel. These include: the inadmissibility of the acquisition of territory by war; the right to self-determination of a people within their acknowledged territory; International Human Rights Law; and United Nations Security Council resolutions. The Laws of Occupation, which form part of International Humanitarian Law (IHL), the branch of international law that regulates the conduct of war, include the Hague Regulations (HRs) of 1907 and the Fourth Geneva Convention (GCIV) of 1949, which are intended to protect the status of occupied territory and its people, placing an absolute obligation on the occupier to respect, protect and ensure the welfare of the occupied population.

Occupation of territory is not in and of itself a violation of IHL. However, the reality is that Israel's ongoing occupation of territory captured in 1967 is exemplified by the constant creation of permanent facts on the ground, contrary to the important principle that the occupying power is only a temporary administrator of occupied territory. This has led the current Special Rapporteur for the OPT to determine that Israel's occupation is illegal under international law¹¹. In addition, specific acts or omissions by Israel in relation to its occupation of the OPT have widely been recognised to constitute violations of international law and norms.

The more serious offences committed by both the state of Israel and Palestinian actors in the OPT are now being actively considered as possible war crimes and crimes against humanity by the International Criminal Court (ICC). In December 2019 the

Prosecutor for the Court, Fatou Bensouda, announced after a five-year preliminary examination that she is satisfied that there is a reasonable basis to proceed with an investigation into alleged Israeli and Palestinian war crimes committed in the West Bank, East Jerusalem and the Gaza Strip and saw 'no substantial reasons to believe that an investigation would not serve the interests of justice'.

This follows the 2004 advisory opinion of the International Court of Justice (ICJ) that found the construction by Israel of a wall in OPT and its associated regime, are contrary to international law; including the laws of occupation referenced above.¹²

The physical and political fragmentation experienced by Palestinians

This report primarily focuses on Palestinians living under occupation in the OPT, but it is important to register the impact that fragmentation has had on Palestinians more broadly. Families have been split and a national political evolution made more difficult by the dispersal of Palestinians across the Middle East. A comprehensive peace needs to take this into account and encourage inclusivity and genuine representation. This section provides a snapshot of different Palestinian experiences beyond the occupied West Bank.

East Jerusalem

Israel's de facto annexation of East Jerusalem in June 1967 was followed by Israeli settlement construction fragmenting the Palestinian community. A ring of settlements was also constructed to ensure that East Jerusalem could not be detached from Israel.¹³ In contravention of international law, East Jerusalem, part of the West Bank, was formally annexed in 1980.¹⁴ Through settlement, approximately 40% of East Jerusalem's population is Israeli, while 60%, approximately 350,000, is Palestinian.

Since Israel's de facto annexation of East Jerusalem in 1967, Palestinians in East Jerusalem have held the status of 'permanent residents' of Israel. This requires them to pay taxes which, in theory, allows access to rights and services that are provided to Israeli citizens, except for the right to vote in the general elections.

In reality, over the past four decades the Israeli government has neglected to allocate the necessary resources to develop East Jerusalem. As a result, there is a severe shortage of public services and infrastructure there, including health and education, welfare and postal services and water and sewage systems.¹⁵

The continuation of discriminatory policies in East Jerusalem has contributed to a decline in Palestinian residency. Also, a variety of restrictive measures ensures that half of East Jerusalem is effectively no longer available to live in for Palestinians. Subject to an Israeli permit regime that is imposed based on ethnicity, it has become progressively more difficult for most West Bank Palestinians to access Jerusalem.¹⁶ In addition, the Separation Wall physically excludes approximately

140,000 Jerusalem Palestinians from immediate access to the city.

In May 2021 Sheikh Jarrah, a district of East Jerusalem, became the focus of international attention as more Palestinian families were targeted with eviction. Under Israeli law, Jews who can prove ownership from before the 1948 war that accompanied Israel's creation can claim back their Jerusalem properties. An equivalent law does not exist for Palestinians who lost their homes in the west of the city. According to UNOCHA, in 2020, at least 218 Palestinian households in East Jerusalem, including the families in Sheikh Jarrah, have eviction cases filed against them, placing 970 people, including 424 children, at risk of displacement.¹⁷

Gaza

80% of Gaza's population, which exceeds 2 million, are aid dependent¹⁸ and almost half the population are unemployed.¹⁹ Cut off from the world, this densely populated strip of land has been further isolated by COVID-19-related restrictions. The halt in coordination between all the relevant authorities (Israeli and Palestinian) impacts on access to medical care and the key factors that drive the fragile humanitarian situation there remain in place, with no changes on the horizon.

Israel has effectively placed Gaza's civilian population under permanent blockade since 2007, after the election, considered free and fair by international observers, of a government led by Hamas. Hamas is not part of the PLO and did not subscribe to the Oslo peace process. Rocket fire from Gaza by armed Palestinian groups, including Hamas, towards Israeli civilian communities began in 2001. These rockets are unguided and inherently indiscriminate and those responsible could be prosecuted for war crimes, assuming the ICC carries out its investigation in OPT.

If the blockade was intended to halt the rocket fire, it does not appear to have worked. Israeli newspaper, Haaretz, wrote in 2016 that: 'the closure of Gaza has not prevented missiles from being fired at Israel despite three major military escalations since 2009. And it constitutes an incubator for the development of despair and cycles of violence that have made the lives of residents both Gaza and of southern Israel intolerable. The Israeli government must immediately end its blockade of Gaza. This Palestinian ghetto must be opened.'²⁰

This has not happened, and the effective collective punishment of Gaza's population continues despite being forbidden by the Geneva Convention.²¹ After the Israeli military offensive on Gaza

in 2008/9, known as 'Operation Cast Lead', a UN factfinding mission in Gaza investigated alleged serious violations of international law perpetrated by both Israelis and Palestinians. The mission warned that if the apparent serious violations identified in its report were not addressed, the climate of impunity would ensure continued violence and disregard for civilian protection.

Between 7 July and 26 August 2014, Gaza experienced the worst violence and devastation since the beginning of the Israeli occupation in 1967. According to UN figures 2,220 Palestinians, including 1,492 civilians, were killed during Israel's Operation Protective Edge. The Palestinian Ministry of Health reported that 11,231 Palestinians were injured. The level of Israeli attacks that struck residential buildings accounts for a significant number of those civilian casualties, which raised serious questions about distinction, proportionality and precaution in attack under international humanitarian law. Where Palestinians were given warning to flee, options were bleak. Anyone who visits Gaza will know that this is a population with nowhere to go. They are trapped and unable to find safe ground. Crumbling infrastructure, undrinkable water, a sporadic electrical supply and the frequent stench of untreated sewage is now their reality.

In May 2021, violent conflict predictably erupted again following threatened forced evictions in Sheikh Jarrah, clashes between Palestinians and far right nationalist Israeli demonstrators in Jerusalem chanting 'death to Arabs', and Israeli police storming the Al Aqsa Mosque. According to the Office of the UN High Commissioner for Human Rights (OHCHR) in the violence that followed, 260 Palestinians in Gaza, including 66 children were killed. It has been assessed that 129 of the fatalities were civilians and 64 members of armed groups, while the status of the remaining 67 has not been determined.²² 245 of those people, including 63 children, were reportedly killed by the Israeli military.²³ In Israel, 13 people – all of them civilians – were killed, including two children.²⁴

The intensity of the aerial bombardment on civilian areas visited yet more trauma upon a population that had not recovered from the previous violent conflict. In Gaza, there is no Iron Dome missile defence system or adequate shelter. One Palestinian mother and Christian Aid partner told us during the bombing 'We are civilians, we don't want to be telling our kids that the rocket that you hear will not kill you, it is the rocket that you don't hear that will kill you. We want to live in peace, we want our kids to live in peace. This is the third offensive for my eldest. She shouldn't have to go through this.'²⁵

Hamad Qdaih is a 76-year-old farmer from Khan Younis in south of Gaza strip. His house was partially bombed twice in 2008, 2012 and was totally bombed in 2014.

Hamad presented all required documents required, including photos, ownership documents, and house maps, to the Ministry of Public Works and Housing MPWH in Gaza to register for the reconstruction process of his house.

'Till this moment my house was not rebuilt and they keep telling me there is no money from donor states to rebuild your house. They offered me a caravan to live in. This has increased my family sufferings due to high temperatures, lack of electricity and the inhuman conditions we live in.'

The National rift between Gaza and West Bank is also a reason behind the late reconstruction of his house in addition to the Israeli blockade and dual-use material system. He was not provided with clear information about the Gaza Reconstruction Mechanism in terms of timetable and money flow.

Therefore, Hamad has been obliged to rebuild his house on his own by purchasing construction materials from black markets using credit and now he has a lot of debts to repay and is unable to cover the basic needs of his family.

As the UN notes: 'Palestinians in Gaza are 'locked in', denied free access to the remainder of the OPT and the outside world. Movement restrictions imposed by Israel since the early 1990's and intensified in June 2007 following the takeover of Gaza by Hamas, have severely undermined the living conditions. The isolation of Gaza has been exacerbated by restrictions imposed by the Egyptian authorities on its single passengers crossing (Rafah), as well as by the internal Palestinian divide. The UN Secretary-General has found that the blockade and related restrictions contravene international humanitarian law as they target and impose hardship on the civilian population, effectively penalizing them for acts they have not committed. Major escalations of hostilities in the past years have resulted in extensive destruction and internal displacement.'²⁶

The Gaza Reconstruction Mechanism (GRM) was established in the wake of 2014's destruction, by the United Nations in agreement with Israel and the Palestinian Authority. It was designed to be a temporary measure to facilitate the entry of materials needed for reconstruction, including items that Israel classifies as 'dual use' – items that could have a military application.

However, the GRM gives the appearance of legitimizing Israel's blockade on Gaza, while failing to meet the needs of the population, tackle and prevent further de-development and rebuild critical infrastructure. It continues to be subject to the same controls as the blockade itself and increasingly focuses on longer term projects. It cannot respond with sufficient speed and capacity to meet the basic and immediate needs of Palestinians. Significantly, the GRM has no accountability mechanisms regarding timelines for approval, or to ensure that the parties comply with international law obligations.

Palestinian citizens of Israel

Marginalisation is not restricted to Palestinians in the OPT. Palestinian citizens of Israel comprise 20% of Israel's population and represent the largest non-Jewish minority within Israel. Discrimination against this minority is common, especially in land use and planning which is an ever-present issue within the Palestinian community, particularly in the Negev where an imposed 'solution' on Bedouin land claims threatens to exacerbate the overall tension between Israeli Jews and Arabs.

In recent years, hostility and mistrust towards Arab citizens has become more pronounced, with large sections of the Israeli public viewing the Arab minority as both a fifth column and a demographic threat.²⁷ This sentiment was exacerbated by comments from the then Prime Minister, Benjamin Netanyahu,

who warned during 2015's election that: 'The right-wing government is in danger. Arab voters are heading to the polling stations in droves.'²⁸ The outbreak of hostilities in Israel's mixed cities in May 2021 when violent conflict was triggered again in the OPT, serves as a sobering reminder of the fragility of inter-communal relations inside Israel.

In 2018 Israel passed the 'nation state' law. It asserts that Jews have a unique right to national self-determination in Israel and places Hebrew above Arabic as the official language. Called the Basic Law: Israel as the Nation State of the Jewish People, the legislation essentially defines Israel first and foremost as a Jewish state. It states that 'The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment.' The Law also reiterates the status of Jerusalem under Israeli law, which defines the city - part of which is claimed by the Palestinians as the capital of their future state - as the 'complete and united... capital of Israel'. Human rights groups and the Palestinian minority in Israel declared the law to be undemocratic and racist.²⁹

Palestinian refugees beyond the OPT

Approximately half of the Palestinian population, estimated at approximately 10 million, live outside the OPT as refugees. Within the West Bank, including east Jerusalem, and the Gaza Strip, 45% of the population are classified as refugees by the United Nations (UN).³⁰

In host countries Palestinian refugees are often unwelcome and their rights denied despite governments' rhetoric championing their cause. Their lack of protection and vulnerability are constant and their presence in those states is often claimed as a source of instability and conflict.

In Jordan, Palestinian refugees hold full Jordanian citizenship; however, some, notably those from Gaza, hold only temporary passports, which restricts full citizenship rights. In Syria, Palestinian refugees are non-citizens, although historically they were permitted to work and access social services. With the outbreak of civil war their situation changed. Before the war, Yarmouk refugee camp in Damascus contained almost 100,000 Palestinian refugees. By 2015, only 18,000 remained. Most were displaced inside Syria or to Lebanon or Jordan.

In Lebanon refugees face employment restrictions and are barred from owning property. As a result, they generally live in severely overcrowded refugee camps - this situation has been exacerbated further given the influx of Palestinians fleeing Syria.

Palestine's refugees feel insecure and abandoned by both the international community and regional leadership. Their fundamental right to return has been reduced to a final status political issue which never arrives and UNRWA, the UN body responsible for providing their essential services, including health and education, struggles to raise the funds to meet those needs.³¹

Life under military occupation: a coercive environment

Illegal Settlements

The building of illegal Israeli settlements in OPT began after 1967. These may initially have seemed random but, in the words of the late former prime minister Ariel Sharon in 2001, 'it's not by accident that the settlements are located where they are.'³² Despite the Oslo Accords peace process, ostensibly designed to lead to a final status with the creation of a Palestinian state based on 1967 lines with east Jerusalem as its capital, Israel has maintained significant construction in the settlements.³³

The effect was to create physical Israeli-only inhabited blocs that fragment Palestinian communities physically, politically, economically and socially across the OPT, configured as an archipelago of enclaves without contiguity and to isolate the economic centre, occupied East Jerusalem, from the rest of any future state. The Oslo accords failed to prevent this abuse of power by the occupier, with evidence found across the OPT. Today, actual settlements cover almost 10% of the West Bank. However, their regional councils control another 165,037 hectares, including vast open areas that have not been attached to any particular settlement. This brings the total area under the direct control of settlements to 40% of the West Bank, and 63% of Area C.³⁴

Further, to support the settlement blocs, Israel has created a network of highways and by-passes which connect the settlement blocs westwards to Israel's metropolitan areas and to the Trans-Israel Highway, which runs north-south just on the west side of the 1949 Armistice Line. In short it integrates the settlements into Israel while creating physical barriers to the transport of goods and people in the West Bank for Palestinians. They must travel on ill-maintained roads that duck and weave between settler highways and negotiate military checkpoints to reach their destination.

Currently, while Israeli settlements are devastating the fabric of Palestinian life across the West Bank, including in East Jerusalem, produce from them, such as fruit and vegetables, can be found on super-market shelves across Europe. Similarly,

some European pension funds have been found to invest in companies that profit from the occupation.³⁵

In 2002, almost 10 years after the Oslo accords were signed, Israel began construction of a Separation Wall, or Barrier, predominantly within occupied territory in the name of security but which, while physically separating major Israeli settlements from nearby Palestinian habitation, also separates and effectively annexes substantial agricultural and other lands from their owner-communities. [see map]. It effectively wrests lands from its Palestinian owners. The EU, UN and international community as a whole are overwhelmingly clear that the Wall is illegal due to its route being largely constructed within occupied Palestinian land, as declared by the ICJ.³⁶

Restrictions on movement

Since 1967, Israeli checkpoints have been a common feature of the occupation. These, however, became progressively more constraining on the movement of the population. Gaza has effectively been sealed off. It is extremely difficult to obtain a permit to leave or enter Gaza without a compelling justification. In the West Bank, there are in the order of 700 impediments ranging from 60 or so manned checkpoints to earth mounds and concrete blocks across roads to restrict or thwart movement by Palestinians. The cumulative effect of corralling Palestinians into approximately 190 enclaves, surrounded by settlements, settler-only roads and checkpoints renders the free movement of people and goods impossible for some, and for those able to travel, stressful, uncertain, expensive and time consuming.³⁷

Such restrictions not only violate important requirements of IHRL, but also cause significant human suffering, separating families, depressing the Palestinian economy and often make journeys that should take only ten minutes take hours.

Demolition of property and displacement of residents

A critical instrument of social containment and collective punishment is by demolition. Most current demolitions are because Palestinians are compelled to build without a permit to do so. In 2019, Israel increased its demolition of homes in East Jerusalem and the West Bank, rendering 677 Palestinians homeless, half of whom were children. Of this total, 14 were punitive demolitions affecting 36 people, a policy that requires no due process and which deliberately punishes the innocent. These demolitions are forbidden by IHL, both as acts of

collective punishment but also of unnecessary destruction.³⁸ The rest were demolished because Israel's planning system renders it almost impossible to obtain consent, or permits, for construction, thereby compelling Palestinians to live in increasingly constrained circumstances.

Israeli Human Rights organisation, B'Tselem, report that Israel has created an acute construction crisis for Palestinians in East Jerusalem, leaving them with no choice but to build and live in their homes without a permit, while Israeli settlements nearby receive substantial funding. Thousands of Palestinians in the city live under constant threat of receiving orders that their properties will be demolished. B'Tselem has documented families forced to demolish their own homes in East Jerusalem to save tens of thousands of dollars that the municipality would charge them for the demolition.³⁹

Home demolition would be unnecessary if Israel allowed the same building regime and financial support for Palestinians as it ensures for Israelis living in adjacent settlements. The destruction of homes arguably breaches the fundamental provision of IHL which demands that protected persons 'shall at all times be humanely treated.'⁴⁰

Despite the current Covid 19 and related economic crisis, more Palestinians property in the West Bank (including East Jerusalem) was demolished in the first 10 months of 2020 alone than in any full year since 2016. As a result of Israel's policies during this period alone 798 Palestinians lost their homes, including 404 children – compared to 677 Palestinians in all of 2019, 397 in 2018 and 521 in 2017. In addition, 301 Palestinian non-residential structures were destroyed in the first ten months of 2020. This includes critical facilities such as water cisterns and pipes and electricity grids, which are crucial to sanitation and health at any time, let alone during a pandemic.⁴¹

Such actions do not go unnoticed by the international community. In November 2020, both the UK and Irish Governments condemned the destruction of more than 70 structures in Humsa Al- Baqai'a, in the northern Jordan Valley. But such condemnation, though important, has not prevented such actions and subsequent displacement of families⁴². The Israeli Committee Against House Demolitions has estimated that between 1967 and 2017, Israel demolished almost 50,000 Palestinian homes and structures across the OPT.⁴³

In East Jerusalem, only 13% is zoned for Palestinian construction and much of this is already built-up. Palestinians who build without permits face the risk of home demolition and other penalties, including costly fines, the payment of which

The Edkedek family had purchased building rights in the 1990s in the neighbourhood of Ras al-'Amud and following a period of renting, in 2018 they built two apartments on the roof of another family's home and a storage room in their yard. One apartment was for the parents and children, and the other for the son, Maamun, 27, who was about to get married. But before they were able to move into their new apartments, they received a demolition order from the municipality. In February 2019, Maamun started demolishing the apartments with labourers. 'We used hand tools because the units were built on top of the neighbour's house', Maamun told B'Tselem. It took them eight days to carefully demolish his parents' apartment. On the eighth day, the city workers suddenly arrived with bulldozers and demolished Maamun's apartment and the storage room. All that was left was a pile of rubble.

Christian Aid partner: B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Date: February 2019

does not exempt the owner from the requirement to obtain a building permit. At least a third of all Palestinian homes in East Jerusalem lack an Israeli-issued building permit, potentially placing over 100,000 residents at risk of displacement⁴⁴. Such policies create a coercive environment that pushes Palestinians to leave Jerusalem, thus preserving a Jewish majority in the city, making the prospect of a shared capital recede still further.

Violence and (un)accountability

In 2019 Israeli forces killed 132 Palestinians (107 in Gaza and 25 in the West Bank). They also injured 15,368, 16% of whom by live ammunition.⁴⁵ In recent years the significantly higher casualties and life changing injuries in Gaza have become routine. In the first eight months during 2018s 'Great March of Return', weekly protests by Palestinians calling for the right to return to their 1948 homes and against the blockade, Israeli forces killed 200 Palestinians, including 38 children and wounded 21,000, one quarter by live ammunition. A UN mandated independent Commission of Inquiry into the 2018 protests in Gaza found that 'the use of live ammunition by Israeli security forces against demonstrators was unlawful'.⁴⁶

In the period 30 March 2018 to 31 July 2019 there were 603 recorded acts of violence on health care facilities and workers in which four health workers were killed and 823 injured, compared with only 111 recorded incidents in 2017.⁴⁷ Even paramedics in distinguishing dress, who should have been afforded special protection, were not safe.

There is a high level of violence and threats of settler violence in the West Bank. Children on their way to school and isolated individuals such as farmers are particularly vulnerable to settler assault. In 2019, UN recorded 47 attacks by Israeli settlers against Palestinians solely in the H2 area of Hebron, resulting in 52 injuries, including 16 children, as well as damage to Palestinian homes, schools, vehicles, trees, crops and other property. The number of incidents recorded in 2019 doubled compared to 2018 and tripled compared to 2017.⁴⁸

In 2016, after 25 years of trying to engage Israel's military law enforcement mechanism, Israeli human rights NGO B'Tselem concluded, 'there is no longer any point in pursuing justice and defending human rights by working with a system whose real function is measured by its ability to continue to successfully cover up unlawful acts and protect perpetrators'.⁴⁹

Indiscriminate violence against civilians, even if it falls disproportionately on Palestinians, has also exacted a heavy toll on Israelis. Since the second intifada broke out in September

Christian Aid interview, June 2019 with Sabrin Jamaa al-Najjar, the mother of Razan, a volunteer paramedic with our partner the Palestinian Medical Relief Society (PMRS). Razan was shot dead in Gaza at the age of 21 while on duty providing medical aid during the 2018 Great March of Return demonstrations.

Slipping between the past and present tense when talking about Razan, Sabrin, who has two other daughters and two sons, spoke movingly about Razan's life and death and about loss, forgiveness – and how she is now following in her late daughter's footsteps and herself now volunteering for PMRS.

I deal with all those injured like I am dealing with Razan. I am doing my best to save the lives of the injured people – and when I am doing my job, my mission, I feel that I am saving the life of Razan.

Even if I found the Israeli soldier, the one who killed my daughter, injured in front of my eyes, there would be no doubt that I would assist him as a first aider.

2000, 828 Israeli civilians have been killed in OPT and inside Israel by Palestinians.⁵⁰ These attacks include suicide bombings in cafes, stabbings and shooting in Israeli population centres and on buses. Armed Palestinian groups in both Gaza and the West Bank have committed serious violations of IHL, in some cases constituting war crimes against both Israelis and Palestinians. The PA and Hamas have likewise failed to investigate suspected violations or to hold perpetrators to account within their jurisdiction.⁵¹

Detention without trial

'Administrative detention' is a measure employed by the Israeli occupation against Palestinians, by which a person can be detained without charge. During the first and second intifadas, thousands of Palestinians were held this way. However, the use of this measure is not confined to those periods. Since March 2002, not a single month has gone by without Israel holding at least 100 Palestinians in administrative detention.⁵² Holding individuals on secret evidence violates IHRL and exceeds 'internment' laid out in the Fourth Geneva Convention. The UN Committee Against Torture has called on Israel to end administrative detention because 'detainees may be deprived of basic legal safeguards, as inter alia, they can be held in detention without charge indefinitely on the basis of secret evidence that is not made available to the detainee or to his/her lawyer.'⁵³

In Area C Palestinians and Israeli settlers may live in close proximity, but they exist under different legal systems.⁵⁴ Palestinians are subject to Israeli military law, meaning they are vulnerable to arbitrary arrest and house searches by any member of the security forces. Israeli citizens, including settlers, answer to Israeli civil and criminal law which offers the same protections as most parliamentary democracies (contrasting status is end-noted).⁵⁵

An Occupying Power is forbidden by international law to replace the local laws with its own except when essential to enable it to fulfil its obligations under IHL or to ensure its security.⁵⁶ Israel has imposed on the Occupied Territories over 1600 military orders which, when supplemented by Civil Administration policies, effectively constitute a corpus of law hostile to the Palestinian population and designed to strengthen Israeli control.⁵⁷

East Jerusalem provides clear examples of discrimination between Palestinians and Israelis. As noted earlier, Palestinians have the status of permanent residents in East Jerusalem. It is a status that can and often is withdrawn. The burden of proof to

Yara lives in a tiny village south of the city of Nablus in the West Bank. She is 54, with six children, and has lived there all her life, except for two years when all the villagers were forced to flee after threats from the Israeli settlers who live in a nearby illegal settlement. 'The evacuation was very difficult and sad for everyone', Yara recalls. 'We couldn't stay here. Every Saturday the settlers came down on horses with dogs. They would point their guns in the doorway of our house where my children were watching. They would stone the windows. Their dogs ate our chickens and they would set our sheep loose on the hill.'

The family returned home once Ecumenical Accompaniers (part of the EAPPI human rights monitoring programme run by the World Council of Churches and supported by Christian Aid) started providing a protective presence in the village. Yara says that her children still remember the days before. 'If the [Israeli] army or settlers came, everyone was afraid. But now that has changed because they see international people coming to help.'

Christian Aid Partner: EAPPI (Ecumenical Accompaniment Programme in Palestine and Israel)

January 2019

Source:
<https://archive.eyewitnessblogs.com/2019/01/31/soon-the-village-will-just-be-a-handful-of-old-women-and-old-men%ef%bb%bf/>

justify residence in East Jerusalem rests on the 'resident'. Since 1967, 14,500 residencies have been revoked, 11,500 of these being executed since 1995.⁵⁸ Since 2003, a non-Jerusalemite Palestinian who marries a Jerusalemite Palestinian may not receive permanent residency in the city, only periodic permits at the discretion of Israel. Many are refused, and so must live outside the city, while those granted permits know them to be temporary and insecure, which also encourages such couples to abandon living in the city. No such restrictions are applied to Israelis. Since 2010, 943 Jerusalemite Palestinians have applied for Israeli citizenship but by 2018 only 153 of these had been successful.⁵⁹

Across the West Bank Israel has seized land claiming military 'necessity' and subsequently given it to settlers. The private property of civilians in an occupied territory cannot be confiscated for any reason, not even military necessity.⁶⁰ Furthermore, any expropriation may only be temporary 'as the administrator and usufructuary of public buildings, real estate. It must safeguard the capital of these properties and administer them according to the rules of usufruct.'⁶¹

Health

The blockade, and political and economic restrictions across OPT also feed into daily privations in essential services. Access to care in the West Bank is far from assured since it is subject to the uncertainties of Israeli consent at checkpoints and an onerous permit system. In the case of Gaza, where treatment may be unavailable, there is no guarantee of being permitted to travel to an appropriate facility elsewhere in OPT, such as east Jerusalem.

As the Occupying Power, Israel has a duty of ensuring access to medical supplies for the population and must respect their human right to health.⁶² Even in East Jerusalem, 36,000 Palestinians have major difficulty accessing East Jerusalem clinics because they are cut off by the Separation Barrier. Another 10,000 Jerusalem women have major problems accessing health care because their residency has been rescinded, or because their family reunification scheme means they do not have Israeli health care.⁶³ Health care is also weakened by a system dependent on limited external funding which is subject to political whim. For example, in September 2018 President Trump cancelled the annual US grant of \$25 million to East Jerusalem hospitals, notwithstanding that restrictions on health access infringe IHL and IHRL.⁶⁴ President Biden subsequently started reversing this policy in 2021.

Due to the blockade, Gaza's hospitals lack sufficient medical equipment and specialised staff to support Palestinians facing life-threatening illnesses such as cancer. Patients are referred for medical treatment in Jerusalem but have severe difficulty in reaching their appointments as they need to seek a permit from Israel to travel. In August 2020, The Palestinian Centre for Human Rights reported that about 8,000 cancer patients in Gaza do not receive necessary treatment.

Layla told The Culture and Free Thought Association (CFTA), that Israel has refused her travel permits to seek medical treatment in Jerusalem, which has meant that she keeps missing her appointments to treat her cancer.

When treatment could be given in Gaza, the medicine might not be available. Noor*, a mother of four children, tells CFTA how she was due to receive a treatment of pain relief in September 2020, to ease the severe side effects from her latest round of chemotherapy to fight breast cancer. She waited in the hospital in Gaza for three hours, but when her turn came the drug she needed had run out.

Water

The Israeli-Palestinian Joint Water Committee (JWC) was established in 1995 as part of a five-year interim arrangement under the Oslo II agreement, in the name of cooperation. It is comprised of an equal number of representatives from either side and is meant to reach decisions through consensus. It covers the West Bank Mountain Aquifer, one of the three water resources over which Israel and the Palestinians are co-riparians, and then only that part of the Aquifer which places the Palestinians upstream. The remaining section that lies on the other side of the 1949 Armistice line, or Green Line, and in common with the Coastal Aquifer which should supply Palestinians in the Gaza Strip, is under unilateral Israeli control.

The JWC tests the premise of cooperation and demonstrates how difficult it is to make fair and effective decisions between such asymmetrical powers. Studying the minutes of JWC meetings and agreements, academic, Jan Selby, has compared the proportion of Palestinian projects approved by the JWC with those submitted by Israel between 1995 and 2008. The data shows that 58% of Palestinian proposals for wastewater plants were approved. By contrast Israel received 96% for its wastewater treatment applications⁶⁵. Notably, the most significant well-drilling areas of the Mountain Aquifer are in Area C where approval ratings are at their lowest. Despite theoretical powers to veto Israeli proposals, the PA has approved almost 100% of settlement related water infrastructure

For decades, water consumption has reflected deep inequality between Palestinians and Israeli settlers. West Bank Palestinians having access to circa 73 litres/capita/day (l/c/d), on average for domestic use and personal hygiene, substantially lower than the 100 l/c/d minimum recommended by the World Health Organization (WHO). In some areas of the West Bank located in Area C, where Israel has full military control, some communities survive on as little as 20 l/c/d. Estimates indicate that settlers and residents in Israel consume about three times as much water per person per day (250 litres) as Palestinians do⁶⁶. Whereas settlers are supplied by the grid, many Palestinian villagers depend on trucked water. The latter is not a secure source and is either dependent on humanitarian supplies or comes with high charges, thereby impacting the poorest most.

In 2010, the UN Human Rights Committee stated that it was 'concerned at water shortages affecting disproportionately the population of the West Bank, due to prevention of construction

and maintenance of water and sanitation infrastructure, as well as the prohibition of construction of wells', linking its concerns to the provisions of IHRL on the 'right to life and non-discrimination'.⁶⁷

In Gaza, the only natural source of water is the coastal aquifer, fed only by rainwater. The population of 2 million is extracting almost three times what the aquifer can sustain, with the consequences of increased saline contamination and infiltration of raw sewage and nitrates from fertilizers. Consequently, over 96% of groundwater is unfit for human consumption. The decline in safe drinking water through the public network is shocking: from 98.3% in 2000, to only 10.5% in 2019, leading to heavy reliance on water tanks, containers and bottled water, which has risen from 1.4% to 89.6% in the same period. Trucked water, which is unregulated and unreliable in terms of quality, is 15-20 times more expensive than water from the network, particularly impacting the poor.⁶⁸

Economic strangulation

During the period 2017-2020 the World Bank anticipated a progressive decline in GDP in the growth in the OPT from 2.7% in 2017 to 2.3% by 2020.⁶⁹ On account of population growth, this represented a decline in per capita income. High unemployment shows no real sign of abating. In Gaza unemployment rose from 44% to 47%, 2018-2020, with 53% of the population (just over 1 million) living below the poverty line of \$4.6 per day.⁷⁰ In the West Bank unemployment fell from 17% to 15% in the same period, with 14% living below the poverty line. 62% of Gazans and 26% of Area C Palestinians are sufficiently poor to be 'food insecure' and reliant on humanitarian assistance.

A major problem lies with youth unemployment, particularly in Gaza where it stands at around 60%. Across the OPT, out of roughly 40,000 Palestinians graduating from university each year, almost 60% remain unemployed. Women face even higher barriers to employment. A Palestinian woman holding a second degree has only 8% chance of employment, compared with a Palestinian man for whom the likelihood is 65%.⁷¹

The Palestinian economy has been effectively strangled due to several issues. These include the blockade of Gaza; appropriation of West Bank land and resources by Israel; corruption and economic mismanagement in OPT; the restriction of movement of goods and people; building permit restrictions and demolitions; settler intimidation and violence; domination by a more powerful economy; unreliable access to external and internal markets; and aid dependency.

The Paris Protocol and structural inequality

In 1994, the PLO and the Israeli government signed the Paris Protocol as part of the Oslo process. It established a contractual agreement to formalize economic relations in the West Bank and Gaza Strip for a period of five years. 25 years on and the protocol still constitutes the basis of economic relations and is the framework for the newly formed Palestinian Authority's (PA) economic, monetary, and fiscal conduct.

The Paris Protocol formalized a customs union in which Israel's trade policy was imposed on the West Bank and Gaza Strip. The fact that the Protocol ignored the gap between the two economies is a major problem, as the tariff structure needed for a weakened Palestinian economy is different to the structure most appropriate for Israel's industrialized economy.

Christian Aid Partner: EAPPI
(Ecumenical Accompaniment
Programme in Palestine and Israel)

Interview April 2021

Jomana is 24 years old and lives in Tulkarem in the West Bank. Instead of studying psychology, as she would like to, she has become the sole breadwinner for her family during the Covid-19 pandemic, working long days in her office job and doing translation and teaching work to earn more income. Her father used to work in construction in Israel, but as the pandemic started, no Palestinians were allowed to enter Israel for work. He has been unable to return to work since, due to his age and diabetes. He has not received any support from the Palestinian government and has been forced to spend his savings to support his family. Jomana's employer has had to cut her salary in half due to the impacts of the pandemic on their business, though Jomana continues to work full-time. In April 2021, her family was still eagerly waiting for the vaccine against Covid-19, hoping that at least her 93-year-old grandfather would get it soon.

The agreement allowed free movement of agricultural and industrial goods between the two sides and permitted Palestinians direct trade links with other countries. However, in violation of the Protocol, Israel has imposed restrictions on the movement of goods between Israel and the OPT since the 1990s, such that goods can only move freely from Israel to the OPT, and not vice versa⁷². Resulting in cheap Israeli produce flooding Palestinian Markets.

Since 1967, Palestinian industrial, agricultural and natural resource sectors have declined. Between 1975 and 2015, GDP in these sectors went down from 40% to 14%. Employment fell in these sectors from 52% in 1970 to 21% in 2016. This is not unique to OPT. Nevertheless, Israeli restrictions have dented investor confidence and limited the effective economic planning powers of the PA. As the World Bank noted in 2008 the inherent problems within the Palestinian economy 'will entail increasing the economic space available for Palestinian ... development in the West Bank, including addressing the increasingly entrenched and expanding impact of Israeli settlement activity...'⁷³

An additional factor has been the pulling power of higher, but politically insecure, wages in Israel on Palestinian workers. After 1967 between 10% to 35% of the labour force were employed in Israel and the settlements. However, after the Oslo Accord, Israel began to replace Palestinian workers with those from Asia and elsewhere. Palestinian workers became increasingly dependent on international aid for jobs in the public sector after 1993.⁷⁴

The OPT has been a captive market for Israel since 1967. Even when trading with third countries, Palestinian traders are often forced to access foreign markets through Israeli intermediaries, incurring further costs. The degree of trade diversion is reflected in the fact that between 1972 and 2017 Israel absorbed 79% of total Palestinian exports and 81% of imports which demonstrates the isolation of the OPT from international markets.⁷⁵

Under the customs union, the dominance of the Israeli economy has meant that the OPT has developed a large persistent trade deficit rooted in an underdeveloped export sector and exposed a weak capacity to produce competitive exports. In 2017 Palestinians exports were 19% of GDP while imports were 56%: the trade deficit was 37% of GDP, among the highest in the world. Israel accounted for 54% of this trade deficit as trade with Israel accounted for 60% of total Palestinian trade. This deficit was financed by the incomes of

Palestinian workers in Israeli settlements and Israel, the remittances of expatriate workers and foreign aid and credit.⁷⁶

The Paris Protocol formalized a revenue system under which Israel collects customs duties on imports from abroad for the Palestinian market that go through Israel. Israel also collects indirect taxes on Israeli products sold to the Palestinian market and income tax and from Palestinians employed in Israel or the settlements and is supposed to transfer these 'clearance revenues' to the PA every month after deducting a fee of 3%. This system provides substantial resources to the PA that were not available before the Paris Protocol. However, this gives Israel considerable power over the PA's revenue streams. For example, in the 2017 PA budget, clearance revenues represented 66% of the PA's net revenues. 'The Paris Protocol has in effect deprived the PA of its sovereignty over its fiscal revenues and thus over its very survival'.⁷⁷

Israel exploits this control by withholding Palestinian tax revenues as a punitive measure or to exert political pressure on Palestinians. For example: after 2006 Hamas election gains; in 2011 after the PA sought diplomatic recognition from UNESCO; and when Palestinians bid to join the ICC.

Ineffective and unaccountable Palestinian governance

Misrule and abuse of power by the PA and Hamas have added to the woes of ordinary Palestinians. The PA has progressively lost the trust of 95% of the adult Palestinian population⁷⁸ as successive elections have been 'postponed'. According to Marwa Fatafta, Middle East and North Africa director of Transparency International, 'We're not living in a functioning democracy, let alone a state.'⁷⁹

The PA employs 165,000 people of whom 44% (73,000) are security personnel despite the overwhelming need for social protection and critical services. Over 80% of Palestinians believe that corruption lies principally in the use of patronage, specifically by the top elite to buy political loyalty.⁸⁰ Clearly PA corruption is a major problem and there are undoubtedly real internal issues within Palestinian society that need to be addressed, despite the underlying problem of the occupation and the structural inequality that it reinforces and perpetuates.⁸¹ While not all corruption can be attributed to occupation and blockade, and corruption is not unique to the PA and Hamas, there is little doubt that the occupation compounds corrupt behaviour. For example, withholding the customs clearance tax revenues challenges the PA's ability to pay public sector salaries, putting enormous pressure on institutions and individuals to meet their needs.

Once the pressures of occupation have ended, and Palestinians acquire full sovereign control over their territory, institutions, and economy, then the pressure to build accountable institutions and a state based on equity and the rule of law will most likely increase. An independent and effective civil society has a crucial role in building accountable governance and promoting human rights. The presence of an extensive network of strong Palestinian civil society organisations that act with integrity and professionalism – something recognised in the support they receive from the international community – is cause for hope.

Yet the PA and Hamas alike restrict the civic space in which these organisations can operate, limiting the rights of Palestinians to free assembly and expression where they have control. The arrest of critics, journalists, students on university

campuses, and protesters at demonstrations and those on social media is not uncommon. Between January 2018 and March 2019, the PA detained 1,609 people for insulting 'higher authorities' and creating 'sectarian strife,' charges that in effect criminalize peaceful dissent, and 752 for social media posts.⁸²

The death in PA custody in June 2021 of human rights activist and critic of the PA, Nizar Banat, after being arrested in Hebron and reportedly tortured, is a stark reminder of authoritarian rule in OPT.

International failure to protect equal rights for all

As a minimum, third party states have a responsibility under the 'do no harm' principle to ensure that they are not aiding or assisting an illegal situation. However, a critical evaluation of the actions, or inaction, of the international community to support accountability and a just peace, reveals their failures.

As an institution established to maintain international peace and security, the UN is only as good as its leading members allow it to be. It has passed resolutions to uphold the rules of the international order, for example the refugee right of return in 1948;⁸³ and defined the territories Israel captured in 1967 as 'occupied' thereby signalling the applicability of Fourth Geneva Convention.⁸⁴ But its membership has lacked the determination to ensure respect for these resolutions. In December 2016, the Security Council passed resolution 2334, of which operative paragraph 5 requires Member States 'to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967.' No material steps regarding such differentiation have been taken to ensure that the most relevant Member State, Israel, respects this requirement.

The EU and the UK endorsed UNSCR 2334, including its commitment to comply with differentiation between Israel and the OPT. As the European Council on Foreign Relations reported, 'Despite noticeable progress in advancing differentiation measures at the level of EU relations, member state practices have often lagged behind. As a result, there is a clear risk that European states are directly supporting the maintenance and growth of Israeli settlements, their residents, and businesses – in contravention of European policy positions and international law.'⁸⁵

Failure to implement a systematic implementation of differentiation restricts an effective means to defend a two-state solution outcome, which the EU, the UK and most of the international community publicly support.

The Quartet (UN, EU, US and Russia), despite issuing strong condemnations, have proved largely ineffective.⁸⁶ A lack of political will to ensure respect for international norms and law has been the reality. There has been a systemic failure of the

In February 2020, in support of differentiation between settlements and Israel, The Office of the UN High Commissioner for Human Rights (OHCHR) published a database of businesses connected to Israeli settlements in the occupied Palestinian territory as a step towards accountability. By trading with illegal settlements, the international community effectively sustains their viability and undermines any statements they make which declare them to be unlawful and an impediment to peace.

international community to ensure that the occupied population have been effectively protected under any of the foregoing principles and laws by which they claim to set such store. While many states routinely issue statements condemning Israel's unlawful acts, such as settlement expansion, they know that condemnation is not enough, for it does nothing to ensure the purpose of the law and the protection of defenceless people. For that more active steps are required.

In November 2020 the UK Government asserted that 'Promoting international criminal justice and the rule of law are fundamental elements of the United Kingdom's foreign policy,'⁸⁷ yet has subsequently stated that it will not support the ICC investigation in the OPT⁸⁸. It is incumbent upon all in the international community to be consistent and support accountability and the rule of law, regardless of the context. This includes respecting the impartiality and independence of the court. This ICC investigation represents the first genuine hope that alleged perpetrators of the most serious crimes on both sides will be held to account for their actions. The ICC is committed to undertaking an investigation that is 'conducted independently, impartially and objectively, without fear or favour.'⁸⁹

The path to peace and a viable solution

When the Oslo Peace Accord was signed in 1993, many saw it as an opportunity to heal the seemingly intractable 'conflict' between the two peoples and end the occupation. According to that process, Palestinians should now be celebrating independence, with borders based on 1967 lines, Jerusalem as a shared capital of both states and a just solution for refugees. Finally, after decades of despair, destruction and displacement, Palestinians, as a sovereign people, would be building a state of their own in safety and security, side by side and at peace with all its neighbours, including Israel.

Instead, creeping, or de facto, annexation is the reality, which the UK Government appeared to recognise in its 2019 statement condemning settlement expansion: 'We urge Israel to halt its settlement expansion, which is contrary to international law and promotes the effective annexation of the West Bank'.⁹⁰

The viability of Palestinian towns, villages and communities across the OPT should not be the 'gift' of the Israeli Government. Palestinians must be supported to exercise full and equal political rights, not least the chance to define and determine their own future, free from the control and occupation by others. History demonstrates time and again the moral bankruptcy of controlling people against their will.

Nevertheless, Israeli leaders have threatened to intensify that control. During the 2019 Israeli election campaigns, Prime Minister Netanyahu declared that, should he win, Israel would continue controlling the entire territory west of the River Jordan. He confirmed that he would 'not transfer sovereignty to the Palestinians' and his Government threatened further formal annexation of the West Bank. It is too early to predict what 2021's new coalition Government will deliver, but in 2020 prior to becoming Prime Minister, Naftali Bennet declared that 'the Israeli government will not recognize a Palestinian state.'⁹¹

Clearly, successful peace agreements involve compromise that will not be universally popular. But for compromise to be acceptable and agreed, ways must be found that both recognise the rights and secure the consent of those directly affected. To undermine and delegitimise the rights and identity of one people to satisfy the desires of another, is not peace-making; it is conflict by other means.

The principle of 'parity of esteem' (establishing intercommunal trust, recognition and respect) is essential for developing meaningful, fruitful negotiations and underpins the need to ensure that the historic power imbalance between Palestinians and Israelis is addressed as a precursor to a just and lasting peace. As this report has demonstrated, equity and accountability are largely absent in the OPT. Palestinians should not be expected to be 'good victims'. They will not accept anything less than full and equal rights and recognition as a sovereign people.

If policies are to have value and power, then they need to be acted upon. Repeated violence and destruction have taught us that words and quiet diplomacy alone have not delivered. Christian Aid was encouraged by the 2018 Control of Economic Activity (Occupied Territories) Bill in Ireland, which sought to prohibit certain economic activity with illegal settlements in territories deemed occupied under international law, including the West Bank and Gaza. Such a bill, if passed, would send a clear political message that illegal activity will not be tolerated or rewarded.

Similarly, the Quakers, the Methodist Church and the United Reformed Church have all recently responded positively to the Investing for Peace Campaign²² which encourages UK churches to screen against investments that profit from occupation, including companies that trade in the illegal settlements.

Both these represent important steps towards accountability. Lack of trust in state actors, religious institutions and businesses, because of a willingness to either sanction or ignore human rights abuses, fosters a culture of impunity and hinders Palestinian-Israeli relationship building. Reconciliation is clearly an important part of building sustainable long-term peace, but so too is establishing trust and faith in the systems and 'contract' upon which peace will be built. A genuine rapprochement requires us all to be critical friends and hold the latter to account when they break the law and impede peace.

Respect, recognition and fulfilment of the right to self-determination are also essential aspects of building peace.

Rhetoric, including faith-based, that dehumanizes and delegitimises 'the other' is an insult to both communities and inimical to a just and lasting peace. Palestinians and Israelis live on the same piece of land and some form of coexistence is certain and critical. For that to work for the benefit of all, policies and practices that perpetrate violence and harm must not be tolerated. Neither should we resign ourselves to accept the poverty and despair that is sustained by the blockade in Gaza. Our humanitarian imperative requires everyone, including Hamas, Israel, the PA and international governments, to desist from any actions that degrade or destroy human life.

Our recommendations are about actions; statements alone, even good ones, are not enough. We challenge the Governments of the United Kingdom and the Republic of Ireland to work together with others and be honest about what is happening on the ground. This demands recognition of the suffering and holding all to account, without exception. It also requires challenging unlawful acts by word and deeds. Our firm belief must be that from upholding justice, equality and dignity for all, peace and security will surely flow.

Recommendations

The UK, Ireland and EU member states to:

1. Formally recognise that Israel has de facto annexed significant parts of the West Bank and that this process is ongoing. Israel's refusal to adhere to its obligations under international law or to respond to condemnation by the international community regarding, for example, settlement expansion, demonstrate that the State of Israel is treating the West Bank as its own. Governments should acknowledge this reality and confirm that it fundamentally undermines the viability of a future contiguous Palestinian state.
2. End trade with illegal settlements. All Governments should prepare legislation against the importation of products from illegal settlements. A ban on trade with Israeli settlements is not a ban or boycott on trade with Israel; Christian Aid believes it is the role of governments to end trade with illegal entities and ensure businesses under their jurisdiction comply. UNSCR 2334 required all Member States to differentiate between Israel and the Occupied Palestinian Territory. Trading with them merely sustains their economic viability and helps maintain an illegal situation.
3. Use diplomatic and political leverage to end the blockade of Gaza. The UK and Ireland should employ all available soft power and leverage to bring an end to the blockade and movement restrictions to and from Gaza by both Israel and Egypt. Life inside Gaza is not sustainable in any dignified sense of the word and the population's continued isolation and appalling humanitarian situation effectively acts as collective punishment.
4. Support the investigation by the International Criminal Court (ICC) The ICC investigation into alleged war crimes and crimes against humanity in the OPT is a means to achieve accountability against those on either side, responsible for serious violations of international humanitarian law. No one should be exempt from the law. It is only when justice is done (and seen to be done) that positive relationships can be developed which are essential for long-term peace.
5. Formally recognise Palestine as they have Israel. The lack of legal standing of Palestine puts it on the back foot compared with Israel which has enjoyed 'legal personality' as a recognised state since 1949. The UK, Ireland and their allies should join the 138 other states which recognise

Pray not for Arab or Jew,
for Palestinian or Israeli,
but pray rather for ourselves,
that we might not
divide them in our prayers
but keep them both together
in our hearts.
When races fight,
peace be amongst us.
When neighbours argue
peace be amongst us.
When nations disagree
peace be amongst us.
Where people struggle for justice
let justice prevail.
Where Christ's disciples follow
let peace be our way.
Amen.

Palestine and welcome Palestinians to the family of nations, with all the responsibilities and legitimacy that comes with it.

6. Support free and fair elections for Palestinians that meet international standards. Palestinians should have the opportunity to elect their representatives in elections as soon as possible. Accountability must extend to those who seek to represent Palestinians in government and in any negotiations regarding their future.

The Churches to:

1. Support the Investing for Peace Campaign. Churches should carefully review their investments and pension funds to ensure that (i) they do not invest directly or indirectly in firms that profit from occupation, including trade with Israeli settlements; (ii) that they are withdrawing investments from any company trading with illegal settlements.
2. Hold both Palestinians and Israelis as equals. Christians worldwide must listen to the voices of their brothers and sisters in IOPT and respond in ways that are neither divisive nor discriminatory. The church has a duty of responsibility to demonstrate principled impartiality. It should not take sides, other than that of justice or misuse theology to support any one group at the expense of another's humanity. The church should demonstrate love towards both Israelis and Palestinians, support initiatives for a just peace and use its prophetic voice to help transform conflict.

End notes

All websites listed accurate at time of release (September 2021)

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