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DEDICATION

To Adriana,

On the faith that she grows up in a peaceful world; witnessing the ideal of the liberty of the Palestinian people come true.

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To God, for the infinite blessings and their manifestations.

To my brother Kaiser, for being the reason to move forward, for having always believed in me and for being the strength to face each challenge with cheer and optimism.

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ABSTRACT

A historical approximation to conflict between Israel and Palestine is an essential step in overcoming the obstacles of understanding the issue. This paper takes into account the roles of the main actors of the conflict: Israel, Palestine and the International Community – represented in the United Nations. What has been the role of the United Nations in the conflict? Taking as a reference point Operation 'Cast Lead' - December 2008/January 2009 –, the study presented hereby will attempt to provide an answer to this question.

INTRODUCTION

The Israeli-Palestinian conflict is extremely complicated to study and understand. The extent of the conflict goes far beyond two nations struggling for a State. We need to take into account historical, political and humanitarian situations.

First, it is necessary to lay the historical foundation of the conflict, channeled through Zionism. The ideology of a religious state faces several obstacles in its development. The idea of a people without a land, a land without a people encountered a land with a people. Since then Zionism has been a synonym for the ethnic cleansing of the Palestine.

Secondly, it is necessary to gauge the effectiveness of the international community... in this particular case through the United Nations system. United Nations has been part of the conflict in many ways: UN General Assembly Resolutions, UN vetoes, Roadmap and humanitarian agencies of the organization.

Evidently oppression produces resistance. Several conflicts have arisen between Israelis and Palestinians. The rise in Hamas's popularity as the representative of the Palestinian resistance led to Operation 'Cast Lead'. Several lives were taken in the operation. Thus it involved political, opinion and action consequences.

FIRST CHAPTER

Introduction

A complex conflict such as the one between Israel and Palestine needs to be supported on a historical basis. Despite of being a situation that even nowadays is shaped daily; its history goes back a long time.

The main ideological foundation to understand is Zionism, which led the Jews to focus on the creation of a Jewish State. A story of exile and several forms of discrimination led to a world movement, they chose the territorial wholeness of biblical Israel. Once Jews arrived in Palestine, conflict with the Arabs was inevitable.

Great Britain took over Palestine, an ungovernable territory. Finally, it returned Palestine back to the United Nations. During this time Israel declared its independence, a fact with significant consequences.

The Independence War was the first of many clashes between Israel and Arab Countries and Palestinians, the latter in recent years. Nonetheless, the biggest obstacle to a solution is the continuation of the Israeli occupation of Palestinian territory.

The Arrival of Zionism to Palestine

The historic responsibility of the world over the Jewish people is undeniable. A people that have BEARED exiles and terrible forms of discrimination found on the emigration towards Palestine the solution to its problems. However, the character of the era made of this solution a colonialist campaign in which for Jews to find peace, the peace of Palestinians had to be sacrificed.

The history of the existence of the Jewish people dates back many years before the Christian era. Besides of having inhabited Israel for more than three millenniums, they also survived multiple exiles. Therefore the relation of Jews with their age-old land is indisputable. It is worth pointing out that they kept their lifestyle and their own law, no matter the places they found themselves in. Starting from these circumstances a sense of belonging to the country awakened and was of great importance for the development of the Zionist campaign.

The Middle Age was characterized by the existence of ghettos. Ghettos were zones in which the Jews were isolated and which they could not leave but to work. They weren't allowed to buy land either, which is the reason for their lack of agricultural basis. These zones became "States within the State, externally inflicted, as it were, but governed, by the free will of its inhabitants, from within"¹. The countries of strongest subjugation were Russia and Poland, becoming the places of origin of the Zionist ideology.

Years later, a new form of discrimination arose: the pogroms. The pogroms consisted in killing Jews with or without reason. Because of the disappointment and desperation that this phenomenon caused, Jews started to scape... many to the US. When they questioned why they had to go through all that, they found an answer: 'because we have lost all other people possess: a territory that we can call our own. Because in no single land do we govern our destiny, independent of the will of others'².

¹Tsur, Jacob. ¿Qué es el sionismo?, p. 21.

²Tsur, Jacob. ¿Qué es el sionismo?, p. 33.

This answer was formulated mainly by young Jews who had struggled for assimilation in their own countries. Starting from this hypothesis Zionist ideology truly took shape. 'Zionism had emerged in two ways in Europe. It appeared first in the central parts of the continent as an intellectual conceptualization of European Jewry's predicament, and second in eastern Europe as a practical solution to this predicament'³.

Before Theodore Herzl, Zionism main representative, there were also Lilienblum and Pinsker. 'Mazin Qumsiyeh acknowledges Judah Leib Pinsker and Hibbat Zion's Moses Lilienblum as the founders of Zionism and the chief actors who consolidated the first Jewish settlements in Palestine'⁴. Lilienblum wrote the 'KehalRefaim' poem in which civil servants were judged before God. Meanwhile Pinsker wrote the booklet 'Auto-Emancipation' pamphlet that made reference to the auto-determination of the Jewish people. Pinsker founded the 'Hovevi Zion' organization, proto-Zionist movement core.

Starting from this approach, the first 'aliyah' took place, in which the pioneers founded the first Jewish villages. Nonetheless the campaign was not resulting as expected. Edmond de Rothschild, a world-renowned banker who protected the first villages and founded others, saving them from ruin.

Despite Zionism had already come alive, it was necessary to form a society composed of all social classes and jobs. Diaspora produced an inverted social pyramid in the Jewish society in which no working class existed⁵. It was the only way to ensure the expansion of the Jewish people in Palestine.

In spite of French Revolution meant a light of hope regarding the situation of Jews around the world, in 1894 the Dreyfus Affair burst.

'Alfred Dreyfus was the only Jew on the General Staff of the French Army. (In military circles, a quiet policy of discrimination against the Jews was the fashion, and he had not advanced beyond the rank of Captain). The discovery of treasonable correspondence led to his indictment and trial for espionage, though no proof of his guilt was ever established. But the truth, in the context and spirit of the day, was immaterial: Dreyfus was convicted because he was a Jew'⁶.

³Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 65.

⁴Recalde, Aritz, 10 CUESTIONES PARA COMPRENDER EL CONFLICTO ENTRE ISRAEL Y PALESTINA, p. 6.

⁵Jewish Virtual Library.

⁶Tsur, Jacob, ¿Qué es el sionismo?, p. 47.

This hatred towards Jews impressed the back then Austro-Hungarian writer Theodore Herzl, who decided to dedicate his life to the search of a homeland for the Jewish people and published 'Der Judenstat'. His theory was that the arrival of the Messiah was a symbol and that Jews themselves had to plot their salvation with the colonization of Palestine.

According to traditional Judaism Jews lost their sovereignty over Israel when they failed in the compliance of the Torah Commandments and were exiled. Since then they are forbidden of their sovereignty. Thus the idea of Zionism was at least partially against Jewish religious aspirations; therefore traditional rabbis forbid Zionist activities at the time.

Herzl's main concern was to achieve international recognition of the right of Jews to have their own territory. He was the main propeller of political Zionism. Zionism was a 'a program stimulated by the Jewry cultural unity, the decline of the Ottoman Empire and the perception of the Extraeuropean world as space yet to be colonized'⁷.

The first Zionist Congress took place in Switzerland from the 29th to the 31st August 1897 in Basle. In this Congress Herzl made clear that if he had read Pinsker's booklet he would have never written his because he agreed almost completely with him. After the Congress, he wrote in his diary:

"Were I to sum up the Basle Congress in a word- which I shall guard against pronouncing publicly- it would be this: 'At Basle, I founded the Jewish State. If I said this out loud today, I would be answered by universal laughter. If not in 5 years, certainly in 50, everyone will know it'"⁸.

The World Zionist Organization was founded at this Congress. However, the materialization of the idea involved significant difficulties. First there was the Jews geographical situation back then. It was necessary to create an ideal in a dispersed mass. The ideal had to be to establish themselves in an unknown place and generate the will to leave their homes to do it.

The guideline that was followed in Palestine was 'dunam after dunam'⁹, meaning to get Palestine gradually without Palestinians even realizing and thus

⁷Madrilejos, Mateo. Historia Ilustrada del Siglo XX, p. 50.

⁸MidEast Web GateWay

⁹ "goat after goat". Chomsky, Noam; Achcar, Gilbert. Perilous Power, p. 222.

take control of the country. The first settlements were mainly orange orchards or vineyards.

In the next Zionist Congress in 1898, with a clear idea of the situation, the colonization of Palestine was imminent. In order to achieve this goal an agricultural school was organized in Palestine with the purpose of cultivating the land.

The second 'aliyah' took place in the years 1905 to 1914. It was at this time when the first kibbutz started, which would be and still are the backbone of Zionism of Israeli society.

'(More than 90 years ago the first Kibbutz (from the Hebrew word kvutza, meaning group), was established) It was a revolutionary idea of a voluntary society in which people live in accordance with a specific social contract, based on egalitarian and communal principles in a social and economic framework. The main characteristics of Kibbutz life were established in adherence to collectivism in property alongside a cooperative character in the spheres of education, culture and social life. With this came the understanding that the Kibbutz member is part of a unit that is larger than just his own family'¹⁰

Herzl made multiple attempts to achieve the legitimate recognition of a Jewish home in Palestine. He went to Ottoman Sultan Abdul Hamid¹¹, to Lord Cromer – agent of Great Britain in Egypt –, to the Pope Pius X in the Vatican; but all he could get was for them not to oppose to the establishment of settlers.

At the time the second aliyah was coming to an end, World War I broke in Europe. The reaction in Palestine was indifferent until the Ottoman Empire joined the coalition with Germany and Austria-Hungary. Being the Ottoman Empire at the edge of its strength, in December 1917 the British took Jerusalem and established a temporary political frame to administrate Palestine. After the end of the war in 1919, Israel and Palestine became a geopolitical unity, part of the British Empire of the Middle East.

¹⁰Jewish Agency for Israel

¹¹The Sultan refused Theodor Herzl's offer to consolidate the Ottoman debt in exchange for a charter allowing the Zionists access to Palestine.

British Mandate for Palestine

In the early XX century, Palestine had become a diplomatic flashpoint and competition over territory. The territorial battle of British and Zionists and the Arab reluctance towards it strongly affected the local population, generating a background that made a conflict inevitable.

British thirst for power took them to make territorial promises contradictory to each other, none of them taking the Palestinians into account. These three promises were: the Hussein – McMahon Correspondence, the Sykes-Picot Agreement and the Balfour Declaration (See Annex 1).

The Hussein-McMahon Correspondence made reference to the British promise of protecting the Arab nation in exchange of any help to their country in the war against the Ottoman Empire. The Sykes-Picot Agreement was a secret covenant between the British and French governments, which given the decline of the Ottoman Empire divided the Middle East for themselves. The last promise, the Balfour Declaration was the manifestation of the British commitment with the establishment of a Jewish national home in Palestine. It was the document by which a first nation solemnly promised a second nation the country of a third nation¹². It was issued on November 2nd of 1917; its main incentive was the role Jews had played in the formation of a new Russian government that had forced Germany to surrender in the war¹³.

Three years later, at the San Remo Conference, a mandate system was established. The administration of territories unable to govern themselves would be trusted to advanced nations. Palestine had become a part of the British Mandate which goals were to 'lead the country towards independence, in accordance with the desire of the majority (Arab) and bring about the creation/foundation of a Jewish National Home in the same territory'¹⁴.

¹² Koestler, Arthur. Promise and Fulfilment.

¹³ Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 107.

¹⁴ Madriles, Mateo. Historia Ilustrada del Siglo XX, p. 51.

At the time, the injection of capital in the agricultural market raised and Zionist officials bought lands and established new settlements. Thus Zionism became a modern structure. Meanwhile the Palestinian elite lacked leadership, a characteristic that determined the future of the nation in many senses.

After the League of Nations confirmed the British Mandate for Palestine, a sort of constitution was drafted – it included the Balfour Declaration. Despite Palestinians constituted 90% of the population, they were treated as if they were 50%¹⁵.

What the Zionists had in their favor was the clarity of their purpose: to create the necessary conditions and infrastructure to the constitution of a Jewish State in Palestine. According to this objective, priorities were clear: Jewish labor was preferred over Arab labor and national products were preferred as well. Another important factor when setting this road was education. The educational system was used to diffuse the new version of the history of the country. Both Palestinian and Zionist leaders had their own version of the story, a contradiction that is still noticeable nowadays.

On August 15th 1929 a Zionist flag was raised over the Wailing Wall. Jews, then, were attacked by Arabs who feared for the Noble Sanctuary ¹⁶. The consequence of this confrontation was the publication of a *White Book* in which both Jewish immigration and land purchase was limited, but due to Zionist pressure was discarded.

The Zionist modus operandi consisted in 'buying land to the landowners and expel the leaseholders'¹⁷. Thus 60% of the rural population was broke and sold their work to the highest bidder. The lack of British investment in Palestine was such that the rural sector was only able to provide raw material.

¹⁵Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 129.

¹⁶ The Wailing Wall, one of the holiest sites for the Jews, is adjacent to the Temple Mount. On the mount is the site of the al-Aqsa Mosque and the Dome of the Rock, believed to mark the spot from which the Prophet Muhammad ascended to heaven on a winged horse.

¹⁷Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 145.

Meanwhile, Nazism gained strength in Europe. As a consequence, from 1932 to 1935, 150 000 Jews arrived to Palestine. This migratory wave produced the 1936 Arab revolt that came to an end once they got their own government, the suspension of immigration and the prohibition of the sale of their land¹⁸.

The British, surprised by the revolt, sent a Commission of Inquiry to Palestine in 1937. The Peel Commission report recommended the partition of Palestine, the creation of a Jewish State, the annexation to Transjordan of the regions populated by Arabs and the continuity of the British Mandate for Palestine. The plan was rejected by the Palestinians.

It is worth mentioning that among the working class, a cooperation bond – because of their daily routine - was developed between Arabs and Jews. Their leaders, especially the Zionist ones, tried to destroy that bond:

‘Cohabitation was not only practised in a few isolated circles in Palestine: it was an ideology. It had very little political support, as it did not enjoy a significant institutionalized political leadership (...) Cooperation was unable to stem the course of nationalist segregation, which won the day with disastrous consequences for the indigenous population of Palestine (...) From a historiographical point of view, the impression is left of an alternative history’¹⁹.

In 1939, at the beginning of World War II when the situation of the Jews in Europe was critical, London again published a White Paper limiting immigration and land sale. Then the Jewish community in Palestine, also known as yishuv, started an illegal immigration campaign.

The White Paper proposed the creation of a Jewish-Arab state within ten years. The Arabs rejected this plan, proving ‘both their ignorance of international reality and their inaccurate appreciation of the strength of Yishuv and the influence of the Jewry in the entire world’²⁰.

Despite the Zionist discourse emphasizes on the Holocaust tragedy, back then their priority was the yishuv and not to save the Jews. Most Jews preferred the USA as their destiny. Of the total number of Jews that abandoned Europe, only

¹⁸Madriñeja, Mateo. *Historia Ilustrada del Siglo XX*, p. 52.

¹⁹Pappe, Ilan, *A History of Modern Palestine: One Land, Two Peoples*, p. 168, 169.

²⁰Madriñeja, Mateo. *Historia Ilustrada del Siglo XX*, p. 55.

10% went to Palestine²¹. Nonetheless, as a consequence of the war, Jews attracted the sympathy of the international community that agreed to the establishment of a Jewish State in Palestine, without taking into account the local population that had nothing to do with the genocide and were about to pay the price of that objective.

At the end of the war, the political leadership was exercised by politicians of neighbor Arab countries who looked after their own interests and not those of the local population. Zionists, then, were aware that the British were the true impediment for their total control of the country. They also believed necessary the transfer of the Arab population.

‘The Jewish state could only be won by force, but one had to wait for the opportune historical moment to come along in order to be able to deal ‘militarily’ with the demographic reality on the ground: the presence of a non-Jewish native majority population’²².

Since then it became evident: Israeli fascination for military power and the use of violence that continues nowadays.

After the war, the British looked for a democratic solution and present multiple peace programs. Their last proposition was the creation of autonomous Jews and Arab cantons, with the exception of the areas that had to continue under their control but both sides objected. In February 1947, without having reached a solution, Great Britain referred the problem of Palestine to the United Nations without having the required measurements for the transition period.

²¹Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 172.

²²Pappe, Ilan, The Ethnic Cleansing of Palestine, p. 48.

UN Partition Plan

The question of Palestine was the first serious conflict in which the United Nations (UN) intervened. The British Mandate referred the UN an impending conflict which tried to be solved by Resolution 181. Unfortunately, the application of the resolution was impossible and turned into the precedent of an imminent war.

Once Great Britain referred the situation of Palestine to the UN, a United Nations Special Committee on Palestine (UNSCOP) was established. It was formed by eleven countries: Australia, Canada, Czechoslovakia, Guatemala, the Netherlands, India, Iran, Peru, Sweden, Uruguay and Yugoslavia. This commission took nine months to present a solution to the conflict, until November 1947. While the situation was discussed, Palestinians boycotted the UNSCOP members, on the contrary of Zionist representatives.

During these nine months, life in Palestine elapsed in the same way than during the British Mandate. Despite the Zionist efforts, most of the Jewish community expected fearful the end of the Mandate, in the worry of facing a war with a big Arab army. The fate of the population remained in the hands of a few.

Zionist leaders elaborated a partition plan which they delivered to the Commission. Palestinians, despite rejecting the plan, did not offer an alternative to it. Palestinian political activity was completely in hands of the Arab League, they thought their war rhetoric would be enough to discourage the UN. Zionists were aware of their advantage given the fact that Palestinians rejected the plan. 'Before UN Resolution 181 was even adopted – we find Ben Gurion telling that in the light of the Arab refusal to cooperate with the UN, there 'are no territorial boundaries for the future Jewish State'²³.

Finally, on November 29th 1947, the UNSCOP presented its conclusions to the UNGA. The project, backed by seven countries (Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay) recommended Palestine partition in two states with an economic union. The minority project

²³Pappe, Ilan, *The Ethnic Cleansing of Palestine*, p. 64.

(India, Iran, and Yugoslavia) recommended the creation of a federal State consisting of two provinces. Australia abstained.

It is worth pointing out that, as it is used inside the UN power wise, the influence of powers was necessary to gain support for the resolution. Even at this time, the Israeli – Zionist at the time – lobby in the US exercised strong pressure in the government. Both the US and the speech of the USSR representative were crucial in achieving the two thirds required for adopting the resolution.

The Jewish Agency adopted the resolution, the Arab League rejected it. The day next to the elections violence broke as a protest of both Zionists and Palestinians. Zionists used all their force to claim the territories that the Plan had designated them. Palestinians had underestimated Jewish military force against the lack of Arab preparation on this matter, a determining factor in the balance of regional power.

UN Partition Plan was adopted by UNGA Resolution 181. Its main component was the solution of two sovereign States, a Jewish and an Arab one. Jerusalem area, including Bethlehem would have had *corpus separatum* status, remaining under a special international regime and UN administration. For the Economic Union to be set up, a Joint Economic Board had to be previously established, composed of three Arabs, three Jews and three foreigners.

Chart No. 1

UN Partition Plan



From: The Palestinian Academic Society for the
Study of International Affairs (PASSIA)

The Partition Plan established a transition government between the British Mandate and the new governments of each state; it would be formed by Bolivia, Czechoslovakia, Denmark, Panama and the Philippines. It was that government's task to set the borders of each State, make sure Provisional Ruling

Councils for each would be established and exercise political and military control of both armies.

In order to facilitate immigration, the Jewish State would count on a region with a seaport. However, it was also stipulated that 'During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission'²⁴.

In order for the independence to be recognized, each government had to present a declaration with their commitment to respect entry liberties, visit, transit and cult of the sacred places, religious and minorities' rights, citizenship, international conventions and financial obligations.

The resolution dictated that 'when the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given at its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations'²⁵.

The borders of the States were defined under demographic parameters. However, 'the tangle of the two communities made creating homogeneous states impossible'²⁶. The creation of a Jewish State, even in just a part of Palestine, meant for the Zionists their first step to a significant Jewish immigration. Conversely, for the Palestinians it meant a direct attempt to their interests since they would lose 60% of their best lands which had to be transferred to the Jewish State²⁷.

The following months proved the infeasibility of the Partition Plan. It was too late; Zionists had already started an ethnic cleansing operation over the Palestinian population. The Arabs started preparing for a military operation. The British

²⁴ United Nations.

²⁵ *Ibíd.*

²⁶ Universitat de Barcelona.

²⁷ La Fogata Digital.

government 'did not help by prohibiting the arrival in Palestine of UN officials who wanted to supervise the transition according to the partition resolution'²⁸.

²⁸Pappe, Ilan, *A History of Modern Palestine: One Land, Two Peoples*, p. 182.

Declaration of Independence of the State of Israel

After the adoption of UNGA Resolution 181, the confrontations between Jews and Arabs became a routine of Palestinian life. Zionists leaders were aware that now they had the opportunity to establish their state and thanks to their military superiority, they unilaterally declared the State of Israel. It was the first definitive step in the expulsion of Palestinians from their land.

The Plan Dalet was a plan designed by the Haganah in order to carry out Palestine's ethnic cleansing. Until then, living in a sort of civil war... '70,000 Palestinians left between September 1947 and March 1948'²⁹. The officially called Plan Yehoshua started its military campaign starting March 1948. Slaughters took place, they were aimed at forcing the Palestinians to run away from the areas that fell in Jewish hands under threat of death or expulsion³⁰.

One of its most evident actions was the DeirYassin affair. DeirYassin was an Arab village that had come to a non-aggression pact with the Haganah. Anyway, its destiny was written because it was part of the zones the Plan D ordered to clean. On April 9th the Haganah sent Jewish terrorists to murder over 250 000 old men, women and kids in the village. The Arabs retaliated by destroying a Jewish medical convoy causing the death of at least 50 people³¹.

On March 1948, the US proposed the UN an alternative solution, fearing for the effects of Arab reactions on North American petroleum interests. It consisted in putting Palestine under UN Trusteeship Council for five years and checking the problem after to find a definite solution. The proposal faced the pressure of the Israeli lobby in the US but failed anyway because of USSR opposition. It was until April 1948 that Arab leaders prepared a plan to save Palestine; its true objective was to annex every possible territory for them. It is worth mentioning that 'by the time the British left in the middle of May, one-third of the Palestinian population had already been evicted'³².

²⁹Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 184.

³⁰Ibídem, p. 187.

³¹Madribejos, Mateo. Historia Ilustrada del Siglo XX, p. 59.

³²Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 187.

In May the British Mandate had come to an end. The eve of the end of the Mandate, the Jewish Agency – a governing body of the Hebrew community – a meeting was held at the Tel-Aviv museum in order to declare the independence of the Jewish State. Arie Handler, one of the Zionist leaders participating in this meeting, remembers telegrams from President Truman and his Jewish associates, exhorting them not to continue arrived hours before³³. The Arabs had declared that if the Declaration was carried out, they would invade the state. Anyhow, with the promise of recognition of the US President, David Ben-Gurion declared the creation of the State of Israel in the territory adjudicated to them by UNGA Resolution 181. (See Annex 2).

At one in the morning the next day, the US President Harry Truman, announced that the US recognized *de facto* the authority of the Jewish provisional government over the Jewish State. Two days later the Soviet Union recognized Israel *de jure*. In the next five days Guatemala, Belarus, Ukraine, Poland, Czechoslovakia, Uruguay and Yugoslavia recognized Israel³⁴. It seems no state realized or insisted on the implications of this act over the fate of the majority of the Palestinian people, the Palestinian Arabs. On January 29th 1949, Great Britain, the last mandatory power, recognized Israel. On March 31st 1949 after the new Israeli government took oath. On January 31st 1949, after the Israeli government took oath, the US expressed their recognition *de jure*³⁵.

For the majority of Palestinians the declaration had no meaning. It was just another horrible day in the ethnic cleansing calendar that had started five months earlier, the result of a bitter historic defeat.

The creation of the State of Israel caused different reactions in Europe, America and the Middle East. 'Its supporters and detractors called it 'staunch ally of the West', 'wonder in the desert', 'Zionist entity', 'Only democracy in the Middle East', 'thorn in the heart of the Arab world', 'North America's aircraft carrier''³⁶. In any case, despite the Cold War, the Jewish State counted on American and European support.

³³Haaretz, 28 de abril del 2009.

³⁴PalestineFacts.

³⁵Ibíd.

³⁶Mac Liman, Adrián. Palestina: el volcán, p. 21.

The Declaration of Independence of the State of Israel has been controversial regarding the legitimacy of the State of Israel. Most Arabs are willing to recognize it de facto, as a reality that exists, but not de jure, by law. Chomsky argues that the concept of the 'right to exist' is not a valid concept in international law and therefore it cannot be said that any State is legitimate or illegitimate³⁷. The truth is Israel does exist and is recognized by the UN and many countries.

On February 1949 Israel present for the second time³⁸ its application to join the UN. On March 4th 1949, the Security Council recommended the UNGA to admit Israel as a member by resolution 69. On May 11th 1949 Israel was admitted by UNGA Resolution 273. Thus the list of states that recognized the State of Israel increased considerably.

Palestinians had also tried to declare their independence but their efforts were blocked by Jordanians and Egyptians since for them the importance of Palestine fit in their territorial ambitions. Egyptians allowed the declaration of a state in Gaza on September 1948 but this was not recognized by anyone or actually existed³⁹. It would be forty years later, on December 15 1988 that the PLO Palestinian National Council, in the voice of Yasser Arafat would declare the Independence of the State of Palestine (See Annex 3), obtaining recognition of around 90 countries in less than a month⁴⁰. The UN recognized the Declaration of Independence by UNGA Resolution 43/177 on December 15 1988. It was decided to change the designation to 'Palestine' instead of 'PLO' in the frame of the UN system. Nonetheless, the State of Palestine exists only hypothetically since it should have sovereignty – autonomy to the outward and independence to the inward – over its people and territory. That was the reason why it did not change its observer status in the UN, membership is an exclusive right for States.

³⁷ Chomsky, Noam, Achcar, Gilbert. *Perilous Power*.

³⁸ The first time it did not get the required votes in the Security Council.

³⁹ MidEast Web.

⁴⁰ Mac Liman, Adrián. *Palestina: el volcán*, p. 42.

Arab-Israeli Wars

Israel is characterized by a record of wars with its Arab neighbors. Since the moment of its Declaration of Independence, numerous confrontations have taken place. US support, in the form of military funding, has proved very useful for Israel to demonstrate its military superiority over any opponent.

In the war record of the Middle East, the most relevant confrontations within the context of the Israeli-Palestinian conflict are:

- Independence War or Al-Nakbah (1948-1949)
- Suez War (1956)
- Six Days War (1967)
- Yom Kippur War or Ramadan War (1973)
- Lebanon War (1982)
- First Intifada (1987-1993)
- Al-Aqsa Intifada
- Lebanon War II (2006)
- Gaza War (2008-2009)

Independence War (1948-1949)

British Mandate for Palestine should end on May 14, 1948. By then, Zionists had already decided to declare their independence. The Arab states had warned them that if they did it, they would invade the Palestinian territory.

On May 15, David Ben-Gurion declared the State of Israel and the next day there were Egyptian, Syrian and Lebanese troops – Iraq and Transjordan would join later – in the territory of the former Mandate.

When the UN accepted the establishment of a Jewish state in Palestine, they did not think of the consequences that decision would cause. When violence broke, they tried to amend their previous policy and sent a mediator to the scene: Count Folke Bernadotte. Jewish extremist groups murdered him.

The Security Council ordered the ceasefire, but it was ignored. Through Resolution 50 it imposed an importing and trade embargo on the countries involved. Zionists circumvented the decision thanks to the Eastern bloc countries⁴¹.

'The lack of ammunition, long supply lines and an absence of military experience left the Arab side unable to withstand the Jewish forces, which, although consisting of a similar number of troops, were more experienced and better equipped'⁴².

Finally, through international intervention, Israelis respected the ceasefire. The dialogues between Israel and the Arab States, supervised by the UN, resulted in armistices with each of the countries but Iraq that does not have a border with Israel.

Palestinians refer to this confrontation as al-Nakbah that means catastrophe. The conflict generated an impressive refugee wave: about 726 000 Palestinians abandoned Israel, only 100 000 people remained within its borders⁴³. The position against the right of return of these people is still one of the main problems of the negotiations between Israel and Palestine.

As a result of the war, Israel got 5000km² beyond the territory the UN had assigned it⁴⁴, thus it took possession of 77% of the historic Palestine⁴⁵. . Egypt occupied the Gaza Strip and Transjordan the West Bank.

⁴¹Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples.

⁴²Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p, 191.

⁴³MacLiman, Adrián. Palestina: el volcán, p, 23.

⁴⁴Israel Ministry of Foreign Affairs

⁴⁵MacLiman, Adrián. Palestina: el volcán, p, 23.

Chart No. 2

1949 Armistice Map



From: The Palestinian Academic Society for the Study of International Affairs (PASSIA)

Suez War (1956)

After the defeat in the 1948 War, the Arab states promised revenge. Egypt and Syria modernized their armies. Guerilla's wars broke. Israel took disproportionate retaliation, inspired by its conviction that the Arab states prepared a war.

Egypt president back then, Gamal Nasser, decided to nationalize the Suez Channel in 1956. With the support of France and Great Britain they launched an assault in the Sinai Peninsula. Its success did not last for long since the USA and the USSR got the withdrawal of Israeli troops.

Six Days War (1967)

Israel and Syria were having trouble because of the possession and use of the water of Lake Tiberias. Nasser, in response to the call for help of the Syrian Minister of Defense made his army ignore the armistice agreement and cross towards the border.

Israel, meanwhile, had been elaborating plans to occupy the West Bank for over a decade⁴⁶. Therefore it faced the Arab coalition – the king of Jordan had also joined Syria and Egypt – and in just a few days the IDF got the control of the Gaza Strip, the West Bank, the Syrian Golan Heights and the old city of Jerusalem.

The UN Security Council adopted on November 22nd, 1967 its resolution 242 in which it condemns 'the inadmissibility of the acquisition of territory by war', demands the 'withdrawal of Israel armed forces from territories occupied in the recent conflict' and a 'a just settlement of the refugee problem'⁴⁷.

This resolution has become the most relevant international legal instrument as base of the negotiations because of its appeal to Israel.

Despite the short time the war lasted, it started the longest occupation of the modern history of the world. The form of occupation that Israel has employed is the clearest evidence of its attempt of performing an ethnic cleansing of the Palestinian people. Only a year after the war, the back then Minister of Defense and currently President of Israel, Shimon Peres, authorized the creation of the first Jewish settlements⁴⁸.

⁴⁶Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples.

⁴⁷ United Nations.

⁴⁸MacLiman, Adrián. Palestina: el volcán, p, 25.

Yom Kippur War or Ramadan War (1973)

The IDF occupied the Sinai Peninsula. Egyptian and Syrian Presidents carried out a surprise joint attack on the Yom Kippur⁴⁹. In spite of Israel had not been prepared, it quickly turned the situation to its favor. The USA supplied it great armament quantities. However, 'the myth of Israeli invincibility was shattered'⁵⁰ and helped enforce its security speech.

Egyptian and Syrian leaders wanted a limited war and the peace process resumption⁵¹. Both leaders accepted the ceasefire and signed treaties that restricted the presence of troops and substituted them with UN [peacekeeping] troops. The agreement with Egypt was replaced by the Peace Treaty with Israel in 1979. As to Syria, the UNSC prorogates the mandate of the United Nations Disengagement Observer Force (UNDOF) each year.

Lebanon War (1982)

In June 1982 Palestinian extremist groups carried out an attempt of murder to Shlomo Argov, Israeli ambassador in the UK. As a response, the IDF attacked Lebanon. Their incentive was the disintegration of the PLO bases: their main location was the south of Lebanon.

They achieved their goal since Yasser Arafat abandoned Beirut in august and the PLO headquarter was evacuated to other Arab countries. As a consequence of the war a big part of Beirut was destroyed and Hezbollah was born.

First Intifada (1987-1993)

The Israeli occupation back then was similar to the current one: land expropriation, movement restriction, increase of Jewish settlements and

⁴⁹ Most important Jewish holiday. Days of Repentance.

⁵⁰Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p, 289.

⁵¹Ibidem.

harassment of Palestinians. The international community did not take part in looking for a solution and the Palestinians did not have any hope on it either.

Israeli economy was the equivalent of the economic exploitation of Palestinians. This 'created a relationship of dependence that had become by far the most important aspect of life under occupation'⁵². . Palestinians offered cheap labor but they never saw any fruit of their investment.

The Intifada finally broke on December of 1987 as a symbol of the Palestinian resistance to the occupation. The Unified National Command of the Intifada which carried out a sort of boycott to the measures imposed by the occupying power. The Intifada actions consisted basically in make the boycott be respected and stoning of soldiers.

It is worth mentioning here the IDF procedure taking into account the incongruity between the Israeli version and the one of the renowned historian Ilan Pappé.

Israeli version:

*"The IDF was under strict orders to open live fire only in a situation of real danger to life. What was one to do with a mere boy, throwing a stone? It was a most distasteful task for a citizen army trained for warfare and tested the army's morale to the utmost"*⁵³.

Ilan Pappé:

'This included mass arrests without trial, torture during interrogation, assembling all the men in reoccupied villages and in some cases subjecting them to merciless beatings, and above all, a new measure, cordoning off villages as 'secure military areas', preventing entry and exit for days on end (...) house demolition, the erection of high fences around refugee camps, and the assembling of men in the centres of villages, refugee camps and neighbourhoods, and abusing and torturing them'⁵⁴.

The IDF are the occupation's main instrument. Its procedures have earned them the condemnation of several human rights monitoring organizations on

⁵²Ibidem, p 321.

⁵³ Israeli Ministry of Foreign Affairs

⁵⁴Pappé, Ilan, A History of Modern Palestine: One Land, Two Peoples, p 324 -325.

an international level. The Israeli discourse defends its army and enhances its protection of the country security. But if we take into account that the purchasing power of most Palestinians is almost null (as to get weapons) and it is this majority that refugees under stoning... How do Israeli soldiers defend their country from a method they do not consider dangerous themselves?

Anyhow, given the success of the uprising, Israel had to appeal to water cuts or harvesting prohibitions that would end the period of the Intifada.

Al-Aqsa Intifada (2000)

Ariel Sharon, who back then was a candidate for Prime Minister paid a visit to the Temple Mount in Jerusalem. This was the starting point of a series of circumstances that led to a situation similar to the one that preceded the First Intifada.

In the Camp David negotiations, Yasser Arafat refused to give up the right of return of the refugees. Palestinian population reacted to this proposal in the form of a Second Intifada that would extend to Israel.

Ehud Barak, not finding a solution, quit and elections were called. However he kept negotiating with Arafat and in Taba, Egypt in 2001 they almost reached an agreement. Nonetheless, the last meeting, which would be the definite one was canceled *in extremis*.

The breakpoint of the violence of Israel was the destruction of the Jenin refugee camp in April 2002. This particular fact was the incentive for the UN Roadmap.

Lebanon War II (2006)

Israel had occupied Lebanon for over 20 years, but in 2000 it had to withdraw. The withdrawal was achieved mainly thanks to Hezbollah intervention. Israel constantly ignored Lebanon's sovereignty and invaded its airspace. The situation in Gaza was desperate.

On July 12th, 2006 Hezbollah launched an attack against Israeli soldiers and kidnapped two. Despite the attack was a reprisal against Israeli actions, there was not a specific action to determine it. Israel answered with the goal of destroying Hezbollah. 'Hezbollah attack was undoubtedly a misjudgment'⁵⁵.

Israel answer was a collective punishment over Lebanese population. According to Human Rights Watch the number of victims was 1 109 860 civilians and 250 combatants⁵⁶. The Security Council did not even call for a ceasefire, as a result of US veto⁵⁷.

Israel's goal was for the civil population to rebel against Hezbollah. 'Israel telling the Lebanese what it keeps telling the Palestinians: 'Destroy each other or we shall destroy you all''⁵⁸. The result, however, was the opposite reaffirming Hezbollah as the representative of the Lebanese resistance. The same would happen with Hamas later.

⁵⁵ Chomsky, Noam, Achcar, Gilbert. *Perilous Power*, p, 276.

⁵⁶ Human Rights Watch, *Why they died?*.

⁵⁷ Chomsky, Noam, Achcar, Gilbert. *Perilous Power*.

⁵⁸ *Ibidem*, p, 278.

The Israeli Occupation

In the Six Day War (1967) Israel occupied the West Bank and the Gaza Strip and the Palestinian State was designed under the name of Occupied Palestinian Territories (OPT).

In 1981 a Civil Administration was created. It receives guidelines from the Israeli Ministry of Defense. Its role is to determine all public life aspects in the OPT, with the exception of defense and security⁵⁹.

Israel maintains its occupation under policies that in their majority contravene international law. It remains indifferent to human rights protection. These policies or practices are⁶⁰:

- Gaza Strip Siege
- Settlements
- Separation Barriers
- Right to Water
- Violation and destruction of private property
- Military Ordinances
- Excessive use of force
- Use of firearms
- Restricted Circulation
- Permit Regime
- Justice System

⁵⁹MacLiman, Adrián. Palestina: el volcán, p, 27.

⁶⁰ Data from Amnesty International Report 2009 'The State of the World's Human Rights'; and B'tselem – The Israeli Information Center for Human Rights in the Occupied Territories.

Photography No. 1

Brave IDF soldier 'defending himself' against ruthless Palestinian



Fuente: SodaHead

Gaza Strip Siege

After Hamas electoral triumph, Israel declared Gaza Strip a hostile entity and imposed a collective punishment⁶¹ on its population. This collective punishment includes measures such as the reducing the electricity supply, access to land

⁶¹ Collective punishments are prohibited by article 33 of the IV Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War

only 500m beyond the border and permit to fish only until three nautical miles offshore.

An OCHA and PMA report indicates that in the Gaza Strip Palestinians are completely or partially impeded of access to a 17% of the total of land mass that includes 35% of their agricultural land. In the sea, fishermen are completely impeded of access to an 85% of the maritime area that they are entitled to, according to the Oslo Agreements⁶².

Settlements

Article 49 of the IV Geneva Convention states that 'the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies'⁶³. Israel, however, rejects this asseveration.

Settlers steal Palestinian land and establish themselves there. Despite the illegitimacy of their situation they are considered Israeli citizens and could even enjoy more rights than citizens residing in Israel territory. They are famous for their use of violence with Palestinians: beatings, stoning, crop damage, even unlawful murders.

From 1967 to the beginning of 2012, 124 settlements were recognized by Israel authorities as 'communities'⁶⁴. There are also the so called 'outposts' which even Israel considers illegal.

The New York Times conducted a study of the US and Israeli public registers which concluded that the US Department of the Treasury helps maintain Israeli 'outposts' in the West Bank through tax exemptions for the donations that fund them. It identified at least 40 groups of US citizens that in the last decade have collected more than 200 000 000 for outposts in the West Bank and East Jerusalem. Money goes to schools, synagogues, recreation centers... and also to housing, guard dogs, bulletproof vests, telescopic sight rifles and vehicles⁶⁵.

⁶² The Humanitarian Monitor: August 2010, Office for the Coordination of Humanitarian Affairs – Occupied Palestinian Territory.

⁶³ Comité Internacional de la Cruz Roja.

⁶⁴ B'Tselem

⁶⁵ Rutenberg, Jim, Tax-Exempt Funds Aid Settlements in West Bank, The New York Times, 05 de julio del 2010.

Separation Barriers

The Israeli government has created a series of obstacles to Palestinian movement from the West Bank to Israel. These obstacles are: electronic fences, barbed wire fences, trenches and gates through which permit holders can circulate. Few people get the permits and the Civil Administration decides if permits apply or not.

The most polemic of the obstacles is the Apartheid Wall that Israel is building. The Wall is 700km² long⁶⁶ and was created to defend Israel from terrorist attacks. The option of the Wall is legally valid. Its illegitimacy is based on the outline of its route. Most part of the Wall crosses the West Bank instead of maintain inside the Green Line. If the two States solution comes true, Israel would annex land that didn't belong to it.

Right to Water

Israel has denied the OPT population access to enough safe water. The army has even destroyed tanks that Palestinians build to pick up water from the rain under the premise that they did not have permission to do so.

On 2009, water consumption in Palestine was 70lts a day per person (the WHO recommends 100lts per day).

Violation and destruction of private property

In the OPT Palestinians need property permits issued by Israeli authorities. Nonetheless they are rarely approved. By taking advantage of the situation, the IDF usually employs measures as demolitions, destruction of olive trees and forced evictions.

Military Ordinances

Israel rules the occupation through ordinances. One of the orders came into force in April 2010. Order No. 1650 demands all West Bank dwellers to get permits issued by the IDF, since everyone is considered an 'infiltrate' (even

⁶⁶Amnesty International

natives)⁶⁷. Residence is a privilege, not a right. Even when it has been granted, it could be revoked anytime and because of any reason. Palestinians do not have rights in their own land.

A 'Palestinian Monitoring Group' trend analysis about colonization and displacement on the Jordan Valley, occupied since December 2006, exposes that under the security pretext Israel declares 'closed military zones' to properties owned by Palestinians. Since 2000 year, the most common way to enforce this ordinance is through the delivery of notifications. Hereby an example of a notification for cattle owners to evacuate a determined military area⁶⁸:

⁶⁷Lendman, Stephen, Impact of Israeli Military Order No. 1650, The Palestine Chronicle, 19 de agosto del 2010.

⁶⁸ Palestinian Monitoring Group, Trend Analysis. Under the Pretext of Security: Colonization and Displacement in the Occupied Jordan Valley, PLO Negotiations Affairs Department, 30 de julio del 2006.

Standard text of a warning issued by the IDF to evict a closed military zone

From: The Palestinian Liberation Organization (PLO) Negotiations Affairs
Department (NAD)

Occupation supports its violence on the threat of any resistance threat. IDF use violence with excessive frequency. Many of the times violence is unnecessary and unjustified (one pacifically protesting person is considered a threat to Israeli

security): slapping, kicking, beatings, insults. They use weapons such as tear gas, rubber-coated metal bullets and ammunition. As a result, they have caused countless injuries and even death.

Use of firearms

Regulations that allow soldiers in Israel to use firearms:

- Stoning is considered a 'direct threat to life'.
- Sometimes and in certain areas any Palestinian carrying weapons can be shot.
- War ammunition can be shot to enforce curfews.
- They are forced to open fire when Palestinians enter places defined as 'hazardous zones' (mainly around the Gaza Strip fence).
- They can murder Palestinians suspects of having committed attacks against Israelis.
- They can use ammunition capable of killing from a long distance.

Restricted Circulation

Israel impedes freedom of movement in the OPT, in flagrant violation of international law⁶⁹. Circulation between the West Bank and the Gaza Strip is almost impossible: countless requirements are imposed, and are usually denied. In the Gaza Strip control towers watch over Palestinians not to go near the border, if they do they are shot. Inside the West Bank Israel controls movement through several measures: checkpoints (permanent or temporary), highways either forbidden or restricted for Palestinians, movement permits and curfews. Thus, it is impossible for a population to have a normal life. To go to school or a clinic is an odyssey.

Human Rights International Law demands Israel to respect the right of residents of the occupied territories to move freely in the occupied territory. This right is recognized on Article 13 of the Universal Declaration of Human Rights and on Article 12 of the International Covenant on Civil and Political Rights.

⁶⁹ Freedom of Movement is stipulated in Article 13 of the Universal Declaration of Human Rights and in Article 12 of the International Covenant on Civil and Political Rights

Freedom of movement is important because it is a prerequisite for other rights such as the right to work (Article 6), right to adequate standard of living (Article 11), right to health (Article 12), right to education (Article 13) and the right to family life protection (Article 10).

Permit Regime

Palestinians need to obtain permits for almost every movement outside their municipal area. Requisites for the permit are rarely published and can vary a lot. The system works on two levels – one to control the movement inside the West Bank and other for the movement between East Jerusalem, the West Bank and the Gaza Strip. On the other hand, permits are valid only for individuals. Private, public or commercial vehicles need different permits⁷⁰.

Justice System

- *Administrative detention*

Administrative detention is detention without charges or trial that is authorized by an administrative order and not a writ. Israel has arrested administratively thousands of Palestinians for extended periods of time, without prosecuting them, not informing them of their charges and not allowing them or their lawyers to study evidence.

- *Unfair Trials*

OPT Palestinians are interrogated - including minors - without the presence of a lawyer and judging them to court-martials instead of civilians where they suffer other violations of their right to a fair trial.

- *Torture and Other Cruel, Inhuman or Degrading Treatment*

The Security Service inflicts torture and other cruel, human or degrading treatment to Palestinians. Apparently they used methods such as beating the victim, sleep deprivation and force him/her to be in a stress position for a long time. Israeli domestic law still justified torture under 'need'.

- *Confinement Conditions: Denial of family visits*

⁷⁰ Palestinian Academic Society for the Study of International Affairs

Family visits have been denied to around 900 Palestinian prisoners, in some cases for the third consecutive year since Gaza Strip dwellers cannot travel to Israel since the imposition of the siege.

Impunity is the answer to any complaint against the IDF. In the few cases when guilt has been pleaded, sentences are light. Israeli youth (conscientious objectors) who refuse to join the army as a protest to the occupation are imprisoned.

Filkenstein argues that there are different motivations for the status quo. For some it is religious. For some it is economic: preserve farmland and water resources. For some it is political: Israelis do not give up and withdrawing would be a sign of weakness⁷¹.

Definitely, the form of Israeli occupation is a long list of violations of international law. Human dignity is replaced by the interests of a State. These measures lead to the conclusion that Israel carries out an ethnic cleansing; it locks Palestinians in an oppressive regime that does not leave any opportunity of a future.

The basis for a solution must be the end of the occupation. If Israel wants to end the violence of only a handful of Palestinians, it must allow them to have opportunities. Violence creates violence and it is time for it to stop being a policy. Palestinian people live oppressed in every sense. Its condition does not fit under a definition other than dehumanization.

⁷¹ Stern-Weiner, Jaime, 'God Helps Those Who Help Themselves': Interview with Norman G. Filkenstein, Part 1, Monthly Review Zine, 13 de julio del 2010.

Conclusions

The historical situation of Jews justifies the development of a Zionist ideology, but not its implementation. Zionism caused the conflict and the way in which it has been implemented suggests the goal of the ethnic cleansing of Palestine.

It is worth pointing out Great Britain's relinquishment of responsibility for finding a solution to the conflict and returning it back to the United Nations when this was system at birth. Particularly it highlights the organization's irresponsibility of submitting an inequitable plan and recognizing a State in the middle of an unresolved conflict. Wars and confrontations reflect the need for a new approach to the situation.

Anyway, the biggest responsibility falls on the Israeli occupation. The occupation violates international law; an oppressive regime that locks Palestinians up leaving no opportunity for the future. The first step to a solution must be the end of the occupation.

SECOND CHAPTER

Introduction

The Israeli-Palestinian conflict has been, like no other, characterized by the intervention of the United Nations. There are resolutions that date back to the beginning of the UN that we still see today.

The United Nations General Assembly, throughout the years, has condemned a series of Israeli practices. Of course Palestinian practices have been condemned, too. However, by analyzing the conflict the last don't represent an irresponsible State policy.

The hierarchical nature of the Security Council has been an obstacle to the solution of the conflict; especially because of the use of US veto power which has not allowed the organization to give international law the importance it should.

Beyond meetings, the conflict is involved in the UN system since the organization provides for the Palestinian people through numerous agencies.

UNGA Resolutions

The General Assembly is the organ that symbolizes representativeness in the United Nations since, unlike other organs; it is composed of all its members. It is the political representation of the UN. It gathers each year, between September and December.

The UNGA has issued several Resolutions regarding specifically to the conflict between Israel and Palestine. Different studies and analysis of the conflict mention them repeatedly, especially to prove Israel's indifference to the call of the international community.

Photography No. 2

Israeli against United Nations



From: Silverman, David - Getty Images.

The role of the UN in the conflict starts on November 29th, 1947 with Resolution 181, the UN Partition Plan. It was not only the first of the resolutions regarding the conflict but also the first intervention of the organization in an international dispute.

After war broke in 1948, the UNGA adopted a Resolution, which is constantly referred to, about the situation of refugees. Israel argues that neighbor Arab governments invited Palestinians to their countries while the Arab governments blame Israel of creating a situation that led to desperate escapes. Resolution 194 reads:

'Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Government or authorities responsible'⁷².

This Resolution is reiterated in Resolution 212 which states that the situation of refugees is a condition for peace.

One of the most controversial resolutions is Resolution 273 since it is the one that accepts Israel as a member of the UN. Pappe explains that Israel, under US pressure, accepted on May 11th to negotiate the situation of refugees, the internationalization of Jerusalem and land partition. It was accepted as a member of the UN and it denied these premises a day afterwards⁷³. Israel seems to have forgotten that once it was accepted as a member it declared that: 'it unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations'⁷⁴.

Only a year after, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The agency was supposed to be temporary but its mandate is prorogated constantly. Its contribution to refugees, in almost every aspect of life, has become essential to their survival. Sadly, another clause that is repeated in the Resolutions is the serious financial situation of the organization that makes fulfilling its mission more difficult each time.

⁷² United Nations.

⁷³ Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples, p. 204.

⁷⁴ United Nations.

The first UNGA Emergency Special Session was convened following the Suez Crisis in 1956.

After the Six Day War, in its resolution 2443, the UNGA established a Special Committee in charge of researching Israeli practices that affect the human rights of the OPT population. Subsequent resolutions repeatedly condemned Israeli refusal to let the Committee to the OPT and not allow witnesses of presenting their testimonies. Since there was no progress, resolution 2851 lists Israeli practices that contravened international law:

- 'The annexation of any part of the occupied Arab territories;
- The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territory;
- The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property;
- The evacuation, transfer, deportation and expulsion of the inhabitants of the occupied Arab territories;
- The denial of the right of the refugees and displaced persons to return to their homes;
- The ill-treatment and torture of prisoners and detainees;
- Collective punishment'⁷⁵.

The Arab League recognized the PLO as the only representative of the Palestinian people. Afterwards the PLO was invited to participate in the discussions regarding Palestine in resolution 3210. Later, its resolution 3237 it was granted the observer status inviting it to participate in every UNGA meeting.

The Madrid Peace Conference was held in Spain in 1991 sponsored by the USA and the USSR. What is usually unknown is that this conference had been requested for years by the UNGA, since 1976 in its resolution 31/62 in which the UN expressed it would sponsor the Conference. Even in 1985, in its resolution 39/49 it expressed that 'it is clear from the replies of the Government of Israel and the United States of America that they are not prepared to participate in the proposed Conference'.

The UNGA, that in its resolution 2672 had recognized equal rights and self-determination of the Palestinian people, decided in its resolution 32/40 to declare November 29th as the International Day of Solidarity with the

⁷⁵ Ibidem.

Palestinian People. Some years later, in its resolution 37/86 it called upon the Security Council to 'discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish its independent Arab State in Palestine'.

In 1979 and 1980 Israel expelled and imprisoned mayors of Palestinian cities, a fact that was condemned by the UNGA which also called to their restitution. One of the many resolutions ignored.

While Israel has shielded under its self-defense premise, resolution 35/122 'condemns Israeli policies and practices against Palestinian students and faculty in schools, universities and other educational institutions in the occupied Palestinian territories, especially the policy of opening fire on defenceless students, causing many casualties'⁷⁶.

The UNGA does not recognize Jerusalem as the capital of Israel nor the laws that change its character and status. Even more, government policies have been such that the UNGA in its resolution 1981 demanded that:

'Israel desist forthwith from all excavations and transformations of the historical, cultural, and religious sites of Jerusalem, particularly beneath and around the Moslem Holy Sanctuary of Al-Haram Al-Sharif (Al Masjid Al Aqsa and the Sacred Dome of the Rock), the structures of which are in danger of collapse'⁷⁷.

US provision of weapons to Israel is voxpopuli. Asserting and exhibiting this perception resolution 36/27 expressed 'gravely concerned over the misuse by Israel, in committing its acts of aggression against Arab countries, of aircraft and weapons supplied by the United States of America'. Such a little clause agrees with those who explain that US money pays for Israeli crimes.

The UNGA, the organization that represents most of the international community accused Israel of terrorist practices long before Palestinians were accused of them. Its resolution 36/226 warned:

⁷⁶ Ibidem.

⁷⁷ Ibidem.

'considers that the agreements on strategic cooperation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region';

Ironically the country 'sponsor' of peace in the Middle East was the first accused by the international community of investing in the Israeli aggression industry. Subsequent resolutions demand to stop measures that grant war power to Israel. Nonetheless, military and economic cooperation agreements are still a regular practice between the two countries.

Nowadays, an important boycott against Israeli products is being developed. While the movement faces polemics, it would be important to remind resolution ES-9/1 of the ninth period of emergency sessions of the UNGA whose clauses were repeated from 1982 to 1989 as an initiative of the international community. The resolution urged State members to 'cease forthwith, individually and collectively, all dealings with Israel in order to isolate it in all fields'⁷⁸ through the following measures:

- 'To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance which Israel receives from them;
- To refrain from acquiring any weapons or military equipment from Israel;
- To suspend economic, financial and technological assistance to and co-operation with Israel;
- To sever diplomatic, trade and cultural relations with Israel'⁷⁹.

In the same resolution it urges Israel to restore Palestinian cultural heritage property that the army had seized during Beirut occupation, and considers genocide the killing of Sabra and Shatila refugees.

It was then that the UN recognized that Israel ignores international law and its inherent obligations to respect it. The only way for it to comply them was through extreme measures. It also condemned the cooperation between South Africa racist regime and Israel.

⁷⁸ Ibidem.

⁷⁹ Ibidem.

Resolution 40/161 reaffirms the illegitimacy of Israeli settlements in the OPT: 'the Israeli military occupation of the Palestinian and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories'. Also starting from this resolution it condemns the measures destined to 'judaizing' (Israel is not a synonym of Judaism) the habitants of the Golan Heights.

Increasing the list of condemned Israeli practices, resolution 42/160 states:

- 'Implementation of an "iron fist" policy against the inhabitants of the occupied territories since 4 August 1985;
- Ill-treatment and torture of children and minors under detention and/or imprisonment;
- Closure of headquarters and/or offices of trade unions and harassment of trade union leaders;
- Interference with freedom of the press, including censorship, closure and suspension of newspapers and magazines.
- Killing and wounding of defenceless demonstrators;
- House and/or town arrests'⁸⁰.

Palestine declared its state in 1988. A month after, in resolution 43/177 the UNGA endorsed the resolution and decided to use the name 'Palestine' instead of PLO. Anyhow its observer status did not change since only States can be members of the UN according to its charter. As long as Israel continues its occupation of Palestine, it is not officially a state. In the next resolution it also decided to grant Palestine the preferential treatment of Least Developed Country.

The eyes of the world have recently condemned Israel for actions it has committed for years. During Operation 'Cast Lead' the attack to UNRWA facilities was one of the main reasons for global outrage. In 1989, resolution 44/47 manifests that Israeli soldiers burst in UNRWA schools and 'two students were killed inside Agency schools, 376 were injured by live rounds and rubber bullets and 76 were detained. Outside the schools, 11 were killed, 3,655 injured and 657 detained'⁸¹. One year later raids increased: '555 intrusions into Agency premises were recorded in the Gaza Strip and 191 in the West Bank'⁸².

⁸⁰ Ibidem.

⁸¹ Ibidem.

⁸² Ibidem.

Not only UN facilities have been attacked... Resolution 44/235:

'Further calls for the immediate lifting of Israeli restrictions and obstacles hindering the implementation of assistance projects by the United Nations Development Programme, other United Nations bodies and others providing economic and social assistance to the Palestinian people in the occupied Palestinian territory'

In its resolution 45/183 it asked the World Food Programme for food assistance to the Palestinian people.

Resolution 46/46:

'on 27 December 1990, members of the Israeli security forces entered the Agency's health centre in Jabalia camp, passing through the emergency section and the maternity ward where several women were about to give birth and fired shots from within the health centre compound at stone-throwers on the roof of a nearby mosque'⁸³.

Despite it did not take part, in 1994 the UNGA endorsed the Declaration of Principles of Washington in hopes of glimpsing a favorable change of the situation. Two years later and in subsequent years, it would express concern about the stalemate in the peace process.

In 2003, when a peace process was supposedly taking place, resolution 57/127 details Israeli politics and practices:

'collective punishment, reoccupation and closure of areas, confiscation of land, establishment and expansion of settlements, destruction of property... policy of closure... severe restrictions, including curfews, imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem... acts of terror, provocation, incitement and destruction, especially the excessive use of force by Israeli forces against Palestinian civilians'

Shortly thereafter the construction of the wall became another condemned practice.

In 2003 the UNGA also condemns 'suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury'⁸⁴.

⁸³ United Nations.

⁸⁴ Ibidem.

In its resolution 59/31 it express international consensus about the two states solution:

'Reaffirms its commitment, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders'

While in resolution 60/183 it welcomed Israel disengagement from the Gaza Strip and called upon Israel to

'cease the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely the water and land resources, and pose an environmental hazard and health threat to the civilian populations'⁸⁵.

Since the victory of Hamas, resolutions made reference to the violence of both parts and shortly before the conflict, in resolution 63/29 it even expressed satisfaction for the calm that had prevailed in the Gaza Strip.

After the Goldstone Report presentation, by resolution 64/10 endorsed the Human Rights Council Report and asked the Secretary General to transmit it to the Security Council. It exhorted both Israeli and Palestinian governments to undertake independent investigations. It reiterated that call in resolution 64/254.

Regarding the humanitarian situation, resolution 64/94 manifested its concern about the 'impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socio-economic and humanitarian conditions of the Palestinian civilian population'⁸⁶.

Resolution ES-7/4 of the seventh period of emergency sessions condemned the misuse of the veto by a permanent member of the Security Council'⁸⁷. Also several resolutions repeatedly declared that it 'strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel (under Chapter VII of the Charter) the appropriate measures'⁸⁸. Ironically in resolution 64/126 it commended 'the continuous efforts by the Administration of the United States of America in

⁸⁵ Ibidem.

⁸⁶ Ibidem.

⁸⁷ Ibidem.

⁸⁸ Ibidem.

pursuing vigorously a two-State solution'⁸⁹. Thus it applauded the peace process being in the hands of the country which has been its greater obstacle.

It is necessary to acknowledge that every effort, declaration and call have been useless. Even when the general perception of the international community is one, decisions remain in the hands of a few. Inside the UN, these few are the Security Council. The principle of representativeness is replaced by the principle of power

⁸⁹ Ibidem.

UNSC Resolutions

The UN was created following WWII. Therefore its main objective is to maintain peace and security worldwide. Back then States that won the war were considered the guardians of peace and were granted the privilege of being permanent members and the right to veto. That created a hierarchical composition of the UN.

The UNSC is formed by 15 members. Five permanent members are China, the USA, France, Great Britain and Russia. The other members are elected for five years transitory periods. The decisions of this body are the only ones binding for its members. Regarding the Israeli-Palestinian conflict, US veto power has been constantly used in favor of Israel, what has prevented the Council of adopting countless resolutions.

In 1948 war was imminent and the UNSC banned the import of arms granting only Great Britain the power to use military force. The same year, resolution 48 would establish a Truce Commission for Palestine.

But war broke. Its resolution 49 called on governments for a 36 hours effective ceasefire. Repeatedly, resolution 50 conferred governments a month to cease their hostilities while a ban on arms trade was imposed on countries involved in the war.

Resolution 62 established an armistice. And in resolution 72 it expressed its satisfaction at the conclusion of the armistice negotiations of Israel with Egypt, Jordan, Lebanon and Syria. The armistice would substitute the truce.

Resolution 69, March 4th recommended the UNGA to admit Israel as a UN State member.

The Council held that the IDF violated the armistices with Jordan in Qibya in 1953 and with Egypt in Gaza in 1955.

In 1958 Jordan had reported Israeli activities and the Council expressed 'unless otherwise mutually agreed, Israelis should not be allowed to use Arab owned properties and Arabs should not be allowed to use Israeli-owned properties'⁹⁰. The expansion of settlements in the OPT clearly expresses Israeli disregard of this resolution.

In 1967 when the Six Day War took place, the Council held several meetings. In resolution 233 it exhorted governments to immediately cease fire. It repeated so in the next resolution. Despite resolution 235 expressed that Israel and Syria had accepted the ceasefire, resolution 236 condemned violations of the ceasefire.

The UN resolution that is mostly referred to regarding the Israel-Palestinian conflict is resolution 242 of November 22nd, 1967 (See Annex 4). This resolution acknowledges the 'inadmissibility of the acquisition of territory by war'⁹¹, asks for 'withdrawal of Israel armed forces from territories occupied in the recent conflict'⁹², and a just settlement for the refugee problem.

Because of the conditions it is one of the main documents for negotiations between the parties.

As one of the many examples of Israel's disobedience: through resolution 150, the Council requested a military parade in Jerusalem not to be held. Resolution 251 deplored that it was done.

The Council also adopted an official position in the matter of the Israeli effort to annex Jerusalem, by declaring the nullity of the measures that would affect its status.

In its resolution 259 the Council called on Israel to stop conditioning and receive a special representative of the Secretary General. It is typical of Israel not to allow the UN or its representatives access to places of events nor collaborate with them.

⁹⁰ United Nations.

⁹¹ Ibidem.

⁹² Ibidem.

In 1969 it condemned an intentional fire of al-Aqsa sacred Mosque that took place on August the 21st.

The UN has also condemned IDF attacks that it has declared were premeditated. In its resolution 280 it finally declared that 'such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would, in accordance with resolution 262 (1968) and the present resolution, consider taking adequate and effective steps of measures in accordance with the relevant Articles of the Charter to implement its resolutions'. This clause was repeated in subsequent resolutions but any resolution has given proof of actually carrying out those measures so far.

In 1972, its resolution 316 condemned and demanded the release of Syrian and Lebanese military and security personnel that the IDF had kidnapped. Even worse, resolution 337 condemned Israeli air force for forcing diversion of a Lebanese civil plane in 1973.

In 1974 the UN established the United Nations Disengagement Observer Force (UNDOF) between Israeli and Syrian forces for a six months period, through its resolution 350. The UNDOF mandate is prorogated continuously.

Also in 1978 through resolution 426 the United Nations Interim Force in Lebanon (UNIFIL) for a six months period. The UNIFIL mandate is also prorogated until nowadays.

During some years, the prorogations of the mandate of these two Forces were the only decisions the Council made regarding the situation in the Middle East.

Ironically, in resolution 444, Israel was accused of providing assistance to irregular armed groups in south Lebanon.

In 1979, the Security Council declared that:

'the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Geneva

Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (...) Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East'.

In 1980 when the Israeli government decided to officially support the settlements in the OPT, the UN invited Hebron Mayor to provide information. Israel banned the Mayor's trip to appear before the Security Council⁹³. In its resolution 468 it called to the restitution of the Mayors of Hebron, Halhoul and the Qadi (Islamic Judge) of Hebron, who had been deported.

Shortly after, the Mayors of Nablus, Ramallah and Al Bireh were attacked, too. The Council requested prosecution and arrest of the crime perpetrators. It expressed in its resolution 471 that since 'Jewish settlers in the occupied Arab territories are allowed to carry arms (...) enabling them to perpetrate crimes against the civilian Arab population'⁹⁴. . It was therefore demonstrated that the Israeli government allows settlers violence in the settlements.

In 1980 the Israeli Knesset announced a 'basic law' that would alter Jerusalem status. UNSC resolution 478 ignored the law and called on States with diplomatic representations in Jerusalem to leave.

One of the premeditated Israeli attacks was the one that it carried out against Iraq's Nuclear Investigations Centre on June 7th, 1981. Iraq, according to the International Atomic Energy Agency (IAEA) met all safeguards. The Council answered by requesting Israel to also meet these safeguards and recognize Iraq the damage caused.

The Council also declared in its resolution 497 that the imposition of Israeli law in the Golan Heights is null.

When war broke in Lebanon in 1982 the UNSC requested a ceasefire repeatedly and took note of the withdrawal of the Palestinian army in Beirut, by the PLO.

⁹³ Ibidem.

⁹⁴ Ibidem.

Resolution 607 called on Israel to 'refrain from deporting any Palestinian civilians from the occupied territories'⁹⁵ and resolution 608 called upon Israel to 'rescind the order to deport Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported'⁹⁶. Subsequent resolutions on the matter passed with US abstention.

In 1990 the Secretary General decided to send a mission to Israel. In its resolution 673 the Council deplored that the Israeli government refused to receive it.

In its resolution 1322 the Council also deplored the event that gave rise to the al-Aqsa Intifada, the September 28th provocation.

In 2002, facing another one of Israeli government regular practice, after the refugees disaster in Jenin, the Council called for 'the lifting of the restrictions imposed, in particular in Jenin, on the operations of humanitarian organizations, including the International Committee of the Red Cross and United Nations Relief and Works Agency for Palestine Refugees in the Near East'⁹⁷.

In November 19th, 2003 the Council made it's the Road Map (explained in detail in a subsequent subchapter) proposed by the Quartet on the Middle East according to its 1515 resolution.

In February 14th, 2005 Lebanon Prime Minister, Rafiq Hariri, was assassinated in Beirut. In its 1595 resolution the UNSC established an Investigation Commission to determine the facts. Afterwards it would accuse Syrian officials of being involved and would constantly request Syria to truly collaborate with the process. The Commission mandate was prorogated several times.

In Lebanon Second War in 2006, resolution 1701 urged the IDF to withdraw from south Lebanon and a ceasefire.

⁹⁵ Ibidem.

⁹⁶ Ibidem.

⁹⁷ Ibidem.

Over the last years the last of the most relevant resolutions was resolution 1860 of January 8th, 2009. Days had gone by since the outcome of the conflict in Gaza and the international community awaited restlessly an answer from the Security Council. The international community seemed to hesitate before a resolution of timid and vacillating character which read::

'Stresses the urgency of and calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza; (...) Calls for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment; (...) Condemns all violence and hostilities directed against civilians and all acts of terrorism'.

The resolution did not condemn the facts categorically, as the inhumanity shown by the IDF deserved. Even UN facilities were attacked a few days later after the resolution was adopted.

The resolutions adopted by the UNSC have demonstrated to some extent rambling at the seriousness of the conflict. While the UNGA is emphatic in its convictions, the Council is more flexible to the situation. Israeli influence within the UNSC is implicit and its performance leaves space to discuss if nowadays the role of this body, mainly because of its structure, is truly a guardian of peace or an accomplice of war.

Palestinian Refugees

Understanding the situation of the Palestinian refugees is central to understand the conflict. Any reconciliation proposal should include the three main issues of the conflict: Jerusalem, territory and the situation of the refugees. Their situation has turned them into an important source of Palestinian resistance, besides of their influence in politics.

Palestinians refer to the creation of the State of Israel, in 1948 as Nakba which means catastrophe in Arab. The Independence War caused the displacement of over 750 000 Palestinians (75% of the Arab population in Palestine)⁹⁸.

Photography No. 3

Nakba



From: Nodo50.

As a result of the situation on December 11th of the same year, the UN adopted resolution 194 which clearly expresses:

'Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for property of

⁹⁸ Palestinian Academic Society for the Study of International Affairs.

those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible⁹⁹.

The resolution established a Conciliation Commission (USA, France and Turkey) in order to facilitate these processes.

However, the resolution was not materialized and in 1949 UN considered it necessary to assist the refugees. In resolution 302 established the United Nations Relief and Works Agency (UNRWA). The body was established in order to elaborate relief and public works programs and coordinate measures subsequent to the international assistance period. Its role in the life of Palestinian refugees has precluded a temporary character; its mandate is repeatedly renewed.

Pappe argues that the idea of the body came from North American businessmen whose main motivation was to 'promote better standards of living as the best means for containing Soviet expansion'¹⁰⁰, rather than the problem itself and such is the reason why it has not been able to change the status of refugees.

There are around five and a half million refugees worldwide, 4 618 141 of them are registered in the Middle East with UNRWA¹⁰¹. Palestinians are the world's largest refugee's population and constitute one third of the world's refugee population¹⁰²; about half of them are stateless¹⁰³.

Palestinians are the only refugees in the world with a UN agency exclusively dedicated to them. The mandate of the UNRWA specifically refers specifically to the OPT, Lebanon, Syria and Jordan. Out of its area of operations, Palestinian refugees are under the responsibility of the United Nations High Commissioner for Refugees (UNHCR). Interior refugees, those who dwell in Israel, do not count on any type of assistance.

⁹⁹ United Nations.

¹⁰⁰ Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples.

¹⁰¹ Palestine Monitor 2009 Factbook.

¹⁰² De Currea- Lugo, Víctor, Palestina. Entre la trampa del muro y el fracaso del derecho, p, 67.

¹⁰³ Palestinian Academic Society for the Study of International Affairs.

UNRWA defines Palestinian refugees as people whose residence place between 1946 and May 1948 was Palestine and lost their homes and livelihoods as a result of the conflict¹⁰⁴. One third of them live in UNRWA refugee camps in Jordan, Lebanon, Syria and the OPT¹⁰⁵.

In 1952 the Israeli government denationalized Palestinians who had run away or were expelled, by the Israeli citizenship law. Their assets were seized and transferred to the State of Israel¹⁰⁶. After being expelled, refugees depended on UN assistance. The trauma they endured consolidated 'their sense of identity centred on their lost homeland'¹⁰⁷. Their lifestyle in host countries depends on their policy of Palestinian refugees dwelling there.

The country that offers the best conditions is Jordan where they are entitled to citizenship. Pappe explains that this right has been granted as long as they did not manifest their Palestinian identity because there was the risk of the country to be 'palestinized'¹⁰⁸. Anyhow their situation is better than in Lebanon where they do not enjoy social or civil rights and have limited access to public facilities¹⁰⁹. In Syria they also enjoy citizenship but it is more limited than in Jordan.

Refugee camps look like small overcrowded cities.

¹⁰⁴ United Nations Relief and Works Agency.

¹⁰⁵ *Ibidem*.

¹⁰⁶ Palestinian Academic Society for the Study of International Affairs.

¹⁰⁷ Pappe, Ilan, *A History of Modern Palestine: One Land, Two Peoples*.

¹⁰⁸ *Ibidem*.

¹⁰⁹ *Palestine Monitor 2009 Factbook*.

Photography No. 4

Refugee Camp



From: UNRWA

One of the main considerations about the importance of refugees is that they are the source of the Palestinian resistance. Fedayeen arose from a nationalist ideology forged at the refugee camps, the origin of Al-Fatah¹¹⁰. The fact that Palestinian politics was founded by refugees explains the importance of the right of return.

It is worth recalling that the right of return is stipulated in many international legal instruments:

- Universal Declaration of Human Rights
Article 13.2: Everyone has the right to leave any country, including his own, and to return to his country¹¹¹.
- International Convention on the Elimination of All Forms of Racial Discrimination
Article 5.d.ii: The right to leave any country, including one's own, and to return to one's country¹¹²

¹¹⁰Pappe, Ilan, A History of Modern Palestine: One Land, Two Peoples.

¹¹¹ United Nations.

- International Covenant on Civil and Political Rights
Article 12.4: No one shall be arbitrarily deprived of the right to enter his own country¹¹³.
- Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.
Article 49: Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive... Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased¹¹⁴.

Israeli rejection of the right of return is a result of the demographic threat that the Palestinian Diaspora is. It is also the reason why they insist that Palestinians should recognize Israel as the Jewish State. Even with the extensive Zionist campaign that Israel carries out, there are about five and a half million Jews while the Diaspora is over seven millions¹¹⁵. Despite time, Palestinian refugees have not stopped claiming what the international law grants them: Israel to take responsibility in the creation and prolongation of their situation, the restitution of their property, compensation when they prefer it over restitution (or restitution is not possible) and indemnification for a long story of displacement and suffering¹¹⁶.

Palestinian refugees feel the consequences of the expulsion daily, in the lifestyle they are forced to have. Achcar explains that negotiations on the right of return are the only card they have over their destiny and therefore they would accept any agreement that would improve their living conditions, if it is treated properly¹¹⁷.

¹¹² Office of the High Commissioner for Human Rights

¹¹³ *Ibíd.*

¹¹⁴ Comité Internacional de la Cruz Roja.

¹¹⁵ Cook, Jonathan, Why there are no "Israelis" in the Jewish State, Dissident Voice, 6 de abril del 2010.

¹¹⁶ Palestinian Academic Society for the Study of International Affairs.

¹¹⁷ Chomsky, Noam, Achcar, Gilbert. Perilous Power.

There is strong political debate between a fair and a realistic solution to the refugee problem. For those who advocate for a realistic solution, the right of return would be more a symbolic recognition rather than a fact. Those who advocate for a fair solution argue that if the speech of a realistic solution is accepted, the situation of the refugees would be postponed until they disappear of the negotiations table.

US Veto in favor of Israel

Chart No. 4

The US Veto in the UN



From: Gaharaybeh, Khaldoun, AlJazeera.info

The right to veto of the permanent members of the Security Council is widely considered an impasse for peacekeeping. It is used for the protection of the interest of those States and not in terms of their role of peacekeepers.

US veto use has overwhelmingly been used in favor of Israel. The explanations on the reason of the veto usually repeat the phrases 'unbalanced and politically motivated' resolution. Therefore, UN cannot exercise their true role but have to adjust to the will of the holders of decision power.

US have vetoed all resolutions regarding specific Israeli actions in the OPT. Resolutions have had to be very vague in order to pass the US veto filter. But the matter is not the times the US has used the veto, it is the fact that Israel counts on it. The US having veto power in the UNSC is tantamount to Israel having the power of, at least changing rhetoric to its favor.

US have not always been the country that vetoed the resolutions regarding the Middle East. A great number of resolutions have been vetoed by the old USSR, which actually holds the record of the most number of vetoes in the UN. Until 2008 the total number of USSR vetoes added 124(Russia's use of veto is not even five), the US veto added 82¹¹⁸.

Even in 1956 France and Great Britain vetoed a draft resolution that the US presented. It exhorted members to 'to refrain from giving any military, economic or financial assistance to Israel so long as it has not complied with this resolution'. The draft resolution requested the IDF to withdraw from Egypt, behind the armistice line.

Almost every draft resolution regarding the conflict has been presented by UNSC non-permanent members. Many of those have as a preamble declarations of parts who are interested in the draft resolution but do not belong to the Council. The preambles of many of the vetoed draft resolutions mention letters of countries that chaired the Arab States group back then.

The US veto has freed Israel from the UNSC condemn in many actions it has committed in the Middle East, especially its violation of Lebanon sovereignty. In this subchapter I will refer specifically to the use of veto in the conflict of Israel and Palestine.

In 1973, when military cooperation between USA and Israel was defined, the USA vetoed a resolution that denied Israel the power to make changes in the OPT. In 1976 it would veto a draft resolution that asseverated:

'That the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent state in Palestine in accordance with the Charter of the United Nations;... The right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;... That Israel should withdraw from all the Arab territories occupied since June 1967'¹¹⁹.

¹¹⁸Argés, Joaquín, Recopilación de los Proyectos de Resolución vetados por el Consejo de Seguridad ONU, p, 4.

¹¹⁹ United Nations.

The vetoes would be repeated in the next resolutions that demanded these rights for Palestinians.

It overlapped Israel's annexation of land by vetoing a draft resolution (S/12022) that requested Israel to 'desist from the expropriation of or encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the City of Jerusalem and to rescind measures already taken'¹²⁰.

In 1982, S/14985 draft resolution manifested that the UNSC was:

'Deeply concerned over the sacrilegious acts perpetrated against the sanctity of al-Haram al-Shareef in Jerusalem on 11 April 1982 and the criminal acts of shooting at worshippers, particularly inside the sanctuary of the Dome of the Rock and the Al-Aqsa Mosque' ¹²¹.

The document condemned the facts and exhorted Israel to refrain from jeopardizing the functioning of the Supreme Muslim Council. The project had 14 votes in favor and the US veto¹²².

The following year the Council tried to condemn attacks against students of the Islamic University in al-Khalil (Hebron). The project was vetoed.

The vetoed draft resolution S/17459 clearly explained Israel's repressive measures against the civilian population: "curfews, administrative detentions and forceful deportation"; and called upon Israel to release forthwith all detainees.

In 1986 the Security Council tried to express its outrage at "provocative acts by Israelis, including members of the Knesset, which have violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem'. Again it requested Israel to allow the Supreme Muslim Council to perform its duty... to receive a veto once again.

¹²⁰Ibidem.

¹²¹Ibidem.

¹²² Global Policy Forum.

The vetoed draft resolution S/19870 of 1988 is very clear in its explanation of the IDF's brutality and absolute disrespect for Islam. 'Also expressing grave concern over the action taken by the forces of the Occupying Power against Sheikh Saad Eadin El-Alami, Head of the Supreme Islamic Council, who was assaulted and beaten in the Haram Al Shareef in Jerusalem, on 1 April 1988'¹²³. Besides it expounded Israel's expansionist policy: "Israel has continued to transfer its civilian population into the territory it occupies and has equipped those settlers with arms which have been used against the civilian Palestinian people"¹²⁴; and condemned "the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians"¹²⁵. Draft resolutions, such as this last one, which expose the truth about Israel, are the ones that have not been able to pass through the US veto filter. It had 14 votes in favor and the veto¹²⁶.

Once again, the next year it tried to expose the traditional settler's violence which has been intensified with years deploring 'policies and practices of Israel, the Occupying Power, which violate the human rights of the Palestinian people in the occupied territory as well as vigilante attacks against Palestinian towns and villages and desecration of the Holy Koran'. The UNSC is aware of the humiliations that Muslims have had to stand because of Israeli acts. However it continues to overlap the settlements industry. The same year, the Council regretted 'the siege of towns, the ransacking of the homes of inhabitants, as has happened at Beit Sahur, and the illegal and arbitrary confiscation of their property and valuables'.

In 1990 in an attempt to stop Israeli practices the Security Council wanted to send a Commission consisting of three members of the Council to examine them at the place but the US did not allow it.

In 1997 new activities took place in East Jerusalem. The UNSC called on Israel to refrain from modifying facts on the ground and end them but the draft resolution did not pass.

¹²³ United Nations.

¹²⁴ *Ibidem*.

¹²⁵ *Ibidem*.

¹²⁶ Global Policy Forum.

In 2001 Israel would be requested 'an end to the closures of the occupied Palestinian territories' and 'the transfer by Israel to the Palestinian Authority of all revenues due, in accordance with the Paris Protocol on Economic Relations of 29 April 1994', but the draft resolution did not pass.

In 2002, after the massacre of Jenin, the USA vetoed a draft resolution (S/2002/1385) that condemned Israeli actions that prove disrespect for the UN. The project expressed "grave concern at the killing by the Israeli occupying forces of several United Nations employees, including the recent killing of one international staff member in the Jenin refugee camp"¹²⁷, and also highlighted

'the deliberate destruction by the Israeli occupying forces of a United Nations World Food Programme warehouse in Beit Lahiya in the Occupied Palestinian Territory, in which 537 metric tons of donated food supplies intended for distribution to needy Palestinians had been stored'¹²⁸.

The silence of the UNSC against the construction of The Wall in the OPT is a direct consequence of the veto of the Bush administration. Draft resolution S/2003/980 stipulated that the Council "decides that the construction by Israel, the occupying Power, of a wall in the Occupied Territories departing from the armistice line of 1949 is illegal under relevant provisions of international law and must be ceased and reversed"¹²⁹. The result of the vote was in favor: Angola, Chile, China, France, Guinea, Mexico, Pakistan, Russia, Spain and Syria. Bulgaria, Cameroon, Germany and Great Britain abstained and only the US voted against. In subsequent declarations, the US and Israel emphasized that the draft resolution did not condemn terrorist acts. Such was a cynical and revolting declaration against an almost unanimous perception of the international community, proving that this last one is worthless when faced with power concentration.

In 2006 the US vetoed a draft resolution regarding the Israeli soldier Gilad Shalit. The draft resolution was obviously vetoed because it was impartial. It demanded the release of both Gilad Shalit and all members of the Palestinian

¹²⁷ United Nations.

¹²⁸ *Ibidem*.

¹²⁹ *Ibidem*.

Legislative Council. It also exposed and condemned the destruction of Gaza's main power plant and called on Israel to supply fuel.

Later that year, an attack in BeitHanoun took place. A draft resolution was vetoed; it condemned the attack and also the launching of rockets from Gaza to Israel. It also proposed to establish a fact-finding commission. When the US vetoed the resolution, Hamas spokesperson declared that the veto gave Israel green light to continue its crimes. He argued Israel would incur in them for as long as a superpower covers its crimes claiming its right to self-defense¹³⁰.

On February 18th, 2011 the US vetoed a draft resolution presented by Palestine in order to reaffirm the illegitimacy of the Israeli settlements in the West Bank. The resolution counted with every vote in favor but the US. Susan Rice, US Ambassador to the UN, argued that they agree with the illegitimacy of the settlements but that it is not for the Council to solve the crucial issues of the conflict¹³¹.

¹³⁰ The US Veto... A credit to the Occupation's massacres, Ezzedeen AL-Qassam Brigades – Information Office, 03 de diciembre del 2006.

¹³¹ El Mundo

Middle East Quartet: The Roadmap

The Middle East Quartet was established in Madrid in year 2002 following an initiative of former Spanish president José María Aznar, by the escalation of violence in the conflict. Needless to say Aznar is one of the main advocates of the Bush policy in the Middle East, especially Israel. Such is enough consideration to analyze the biased origin of the Roadmap created by the Quartet.

Nowadays, the Quartet is formed by Catherine Ashton on behalf of the European Union, Hillary Clinton on behalf of the USA, Ban Ki-Moon on behalf of the UN and Sergei Lavrov on behalf of Russia. Tony Blair was designated in 2007 as the Quartet special envoy.

Countries members of the Quartet "do not feel properly represented in the United Nations. Furthermore, the UN recognizes two of the Quarter Members as equals in the sense that they have the same juridical capacity. The same happens with a league of countries that does not have a clear legal status in the UN Charter since as such it is not a part of it, although its members are"¹³². There is no such thing as UN power.

In 2003 the Quartet presented a Roadmap (See Annex 5) aiming to create two States. On November 19th, 2003 the UNSC endorsed the proposed Roadmap in its resolution 1515. The dates that the Roadmap established as deadlines have been postponed and its implementation has been hampered because of several factors. However, Occident still recognizes it as a basis for negotiations and directs its policy to its implementation.

The Roadmap proposes a solution through three phases:

1. Ending Terror And Violence, Normalizing Palestinian Life, and Building Palestinian Institutions (to May 2003)
2. Transition (June 2003 - December 2003)

¹³² De Currea- Lugo, Víctor, Palestina. Entre la trampa del muro y el fracaso del derecho, p, 199.

3. Permanent Status Agreement and End of the Israeli-Palestinian Conflict (2004 – 2005)¹³³.

According to the Roadmap Phase I would be the eradication of the Palestinian resistance thanks to Palestine security forces trained by the US and Israel, and replace the IDF by Palestinian forces. It also proposes the appointment of a Prime Minister (back then a replacement for Yassir Arafat would have been imposed) and some officials.

Restrictions to the displacement of people and merchandise from Israel to Palestine should diminish.

Israel has to dismantle settlements created since year 2001 (there is a considerable amount dating long before 2001) but the parameters for their freeze are not defined.

In Phase II an independent Palestinian state is created with 'provisional borders and attributes of sovereignty'. For the final institution of the State, Palestine has to have 'a leadership acting decisively against terror'¹³⁴; which actually means that they should be manipulated by the US and Israel.

In Phase III, once the Palestinians have met every demand, only then the end of the occupation, the situation of the refugees and the status of Jerusalem can be discussed. Against all logic, the origin of the problem is debated at the end of the negotiations. 'Extending the conflict, delaying a solution, perpetuating the debate, is to help Israel'¹³⁵.

The document is very clear on its approach. It does not mention any human rights legal instruments (the Apartheid Wall is completely ignored) and makes vague reference to UN resolutions. Palestinians are subjected to conditions that Israel considers; it argues the need of security of a people and not the peace of those that are part of the conflict.

¹³³ United Nations.

¹³⁴ *Ibíd.*

¹³⁵ De Currea- Lugo, Víctor, *Palestina. Entre la trampa del muro y el fracaso del derecho*, p, 198.

Its goal is to definitely eradicate any form of protest against an unarguably unfair solution. 'To read the road map is to confront an unsituated document, oblivious of its time and place... The road map, in fact, is not a plan for peace so much as a plan for pacification: it is about putting an end to Palestine as a problem'¹³⁶.

Christian Aid Organization made a report on the progress of the Quartet work at the end of 2008. The report concluded that the lack of progress in the key objectives brings in question the Quartet's current approach. Back then – the situation has worsened until nowadays – the report focused on the settlements, access and movement and Gaza siege. According to the report the capability of the Quartet to encourage a positive evaluation on these matters was weak and unless there is a quick improvement, the future of the Quartet is questionable.¹³⁷.

The Israeli government has announced that it would reject any Quartet invitation to negotiate with the Palestinians and it would only accept an invitation by the US. To accept an invitation through the Quartet would have meant to freeze the expansion and dismantling of the settlements.

Both the origin of the Quartet and the Roadmap nature are extremely questionable regarding their impartiality and a true interest in a fair solution to the conflict. It seems more like an instrument to pretend to want to solve the conflict while the facts on the ground are altered on a daily basis. However, despite its inefficacy it is most likely to continue existing and pretending to achieve a solution by means that have proved not to be effective.

¹³⁶ Said, Edward W, La Hoja de Ruta: ¿hacia qué y hacia dónde?, Red Mundo Árabe.

¹³⁷ Christian Aid, The Middle East Quartet: A Progress Report.

UN Subsidiary Agencies in Palestine

UN subsidiary agencies have a leading role in Palestine. While the political commitment in the resolution of the conflict has been useless, the humanitarian commitment is vital for the development of Palestinian citizens. The work the agencies do is praiseworthy; they do a great effort to sustain Palestine under awful circumstances. However, its role cannot be unlinked from the system they belong to and the interference that some actors of the world order have over it.

The dimension of the Palestinian conflict has seen the need for the United Nations acting in a significant number of ways. Some exclusive agencies for Palestine have been created and some agencies have established offices dedicated specifically to Palestine. UN agencies participating in Palestine are:

- World Bank
- Economic and Social Commission for Western Asia (ESCWA)
- Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP)
- United Nations Conference on Trade and Development / Assistance to the Palestinian People Unit (UNCTAD / APPU)
- United Nations Special Coordinator for the Middle East Peace Process (UNSCO)
- United Nations International Children's Emergency Fund (UNICEF)
- United Nations Truce Supervision Organization (UNTSO)
- Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory (OCHA-OPT)
- United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Development Programme / Programme of Assistance to the Palestinian People (UNDP / PAPP)
- World Food Programme (WFP)

- United Nations Register of Damage (UNRoD)

World Bank¹³⁸

The World Bank portfolio in the Palestine includes 14 projects addressed to address the provision of immediate services and medium term reforms:

1. Social Safety Net Reform Project
2. North Gaza Emergency Sewage Treatment Project
3. Tertiary Education Project
4. Teacher Education Improvement Project
5. Gaza II Emergency Water Project
6. Emergency Municipal Services (Rehab. II)
7. Palestinian NGO Project III
8. Palestinian NGO Project IV
9. Third Emergency Services Support Project (ESSP III)
10. Village and Neighborhood Development Project
11. Electric Utility Management Project
12. Southern West Bank Solid Waste Management
13. Municipal Development Program
14. Capacity-Building for Palestinian Economic and Regulatory Institutions

Economic and Social Commission for Western Asia (ESCWA)¹³⁹

Five regional commissions were created by the United Nations in order to fulfil the economic and social goals set out in the United Nations Charter by promoting cooperation and integration between the countries in each region of the world. The Economic Commission for Western Asia (ECWA) was established on 9 August 1973, the latest of the five. It operates under the supervision of the UN Economic and Social Council and comprises Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, The Sudan, The Syrian Arab Republic, Tunisia, The United Arab Emirates and Yemen.

It works under the following focus areas:

¹³⁸ The World Bank

¹³⁹ United Nations Economic and Social Commission for Western Asia

- Sustainable Development Policies
- Social Development
- Economic Development and Globalization
- Technology for Development
- Statistics
- ESCWA Centre for Women
- Emerging and Conflict Related Issues

Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP)¹⁴⁰

In 1975 the UN General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP), and requested it to recommend a programme of implementation to enable the Palestinian people to exercise their inalienable rights. The Committee's recommendations were not approved by the UNSC due to the US vote against them. However the Assembly requested the Committee to present annual reports. The Committee is composed of 23 members and 25 observer states. The PLO holds observer status.

The Committee organizes international meetings and conferences, cooperates and liaises with civil society organizations worldwide with the participation of politicians, government representatives and IGOs, UN officials, parliamentarians, the academia and media representatives.

To assist the Committee in the exercise of its mandate, the UNGA established the Division for Palestinian Rights. Its core functions are the organization of international meetings and conferences, liaison and cooperation with civil society and parliamentarians, implementation of a publications programme, establishment and development of an online information system called the United Nations Information System on the Question of Palestine (UNISPAL), and the holding of an annual training programme for staff of the Palestinian Authority.

¹⁴⁰ The United Nations Information System on the Question of Palestine (UNISPAL)

United Nations Conference on Trade and Development / Assistance to the Palestinian People Unit (UNCTAD / APPU)¹⁴¹

UNCTAD's APPU began in 1985 with the establishment of the Assistance to the Palestinian People Unit (APPU). It is a special economic unit to monitor and investigate policies of the Israeli occupation authorities and their impact on the living conditions of the Palestinian people. It is also in charge of identifying and capitalizing on promising opportunities for accelerating Palestinian economic growth.

UNCTAD initiated a programme of technical assistance in favour of the Palestinian people in 1995. The programme has evolved to respond to the Israeli system of closure policy and movement restrictions imposed on the OPT. As a consequence of such policies, in Palestine 60% of the population live below the poverty line and 44% in extreme poverty¹⁴².

Palestinian development efforts are severely constrained by the limited policy-making space available to the Palestinian Authority. The development constraints facing the Palestinian people predominantly stem from the fact that the Palestinian Authority's civil jurisdiction is limited in its own territory, thus isolating Palestinian trade from the world stage. Also Palestinian development efforts are severely constrained by the limited policy-making space available to the Palestinian Authority. Israel collects tariffs and VAT revenues on Palestinian imports on behalf of the Palestinian Authority. Moreover, the Palestinian Authority does not have the option to issue a national currency. Palestinian policymakers lack instruments for monetary, exchange rate and trade policies, and do not have a complete set of fiscal policy instruments. Furthermore, the Palestinian Authority retains only limited control over tax and budgetary management, since the largest part of public revenue (imports and sales tax) is determined by Israeli rates that are not tuned to the Palestinian economy's needs. Furthermore, the clearance of this revenue, which is collected by Israel on behalf of the Palestinian Authority, is subject to Israeli political decisions.

¹⁴¹ United Nations Conference on Trade and Development.

¹⁴² *ibidem*.

80% of Palestinian Gross Domestic Product (GDP) comes from foreign trade, being Israel its main destiny. However, trade with Palestine represents a minimum percentage of Israeli economy.

UNCTAD promotes the advance of Palestinian economy through research, qualitative and quantitative analysis that allow it to identify development opportunities. It carries out cooperation projects and activities in pursuit of benefit accrual. Programs are defined under four groups:

- Trade policies and strategies
- Trade facilitation and logistics
- Finance and development
- Enterprise, investment and competition policy

Trade policies and strategies

- Training programme in international commercial diplomacy (implemented)

Workshops, study tours and advisory services to enable Palestinian policymakers and relevant private sector institutions to participate more effectively in bilateral, regional and multilateral deliberations and negotiations in the field of trade in goods and services.

- Integrated framework for Palestinian macroeconomic, trade and labour policy (implemented)

Implemented in 2005-2007. A macro-econometric model "Integrated Simulation Framework (ISF) for Palestinian Macroeconomic, Trade and Labour Policy" was institutionalized in six Palestinian institutions: the Palestinian Authority Ministries of Finance, Planning, National Economy and Labour, the Palestinian Monetary Authority and the Palestinian Central Bureau of Statistics and the Palestinian Economic Policy Research Institute (MAS) in Ramallah.

Brainstorming workshops and training workshops on the use of the ISF were carried out, too.

- Promoting subregional growth-oriented economic and trade policies towards achieving the MDGs (ongoing)

Launched in mid-2008, this project seeks to support the efforts of UNDP and ESCWA to achieve MDGs Nos. 1 and 8 of eradicating hunger and fostering a global partnership for development. Project activities involve training and advisory services as well as research and networking efforts to ensure policy responsiveness.

Trade facilitation and logistics

- Palestinian subregional cooperation with Egypt and Jordan (implemented)
- A framework for facilitating Palestinian transit trade (implemented)
- Establishment of the Palestinian Shippers' Council (implemented)
- Palestinian customs modernization programme (ongoing)

Finance and development

- Capacity-building in debt and financial management (suspended)
UNCTAD's Debt Management and Financial Analysis System (DMFAS) in Arabic was installed at the Ministry of Finance headquarters, and a core team of expert staff on the use and updating of the system was created. However, implementation was suspended in 2007, as donors were hesitant to finance the project following the 2006 Palestinian Legislative Council elections.
- Enterprise, investment and competition policy

Investment, enterprise development and competition

- Feasibility of Nablus industrial estate (implemented)
- Support for small and medium-sized enterprise development: Empretec-Palestine (phase I implemented)
A small community of 123 Palestinian Empretec companies was created. 10 Empretec companies started their own businesses and another 13 expanded or reopened existing operations. Planned activities have

been put on hold since mid-2006 due to resource shortfalls, which has caused repeated suspension of project implementation.

➤ Palestinian investment retention programme (implemented)

The programme was implemented over the period 2004-2008 in close cooperation with the Palestinian Investment Promotion Agency (PIPA). A user-friendly investment database was prepared for the use of PIPA staff, who also received training on the use and updating of the database.

United Nations Special Coordinator for the Middle East Peace Process (UNSCO)¹⁴³

UNSCO (Robert H. Serry) represents the Secretary-General in the peace process. The office of UNSCO was established in June 1994 following the signing of the Oslo Accord. The aim was to enhance the involvement of the United Nations during the transition process, and to strengthen UN inter-agency cooperation to respond to the needs of the Palestinian people, mobilizing financial, technical, economic and other assistance.

He is the Personal Representative of the Secretary-General to the PLO and the Palestinian Authority and also the Secretary-General's envoy in the Middle East Quartet. UNSCO is a field office mandated to assist in all issues related to the humanitarian situation and development challenges facing the Palestinian people.

It is divided into three units:

- The Regional Affairs Unit
- The Coordination Unit
- The Media Unit

United Nations International Children's Emergency Fund (UNICEF)¹⁴⁴

UNICEF works with the Palestinian Authority and a broad range of partners to protect children and women from the impact of violence, and to prevent further deterioration in their conditions and well-being. UNICEF's programmes

¹⁴³ Office of the United Nations Special Coordinator for the Middle East Peace Process

¹⁴⁴ UNICEF – occupied Palestinian territory

target the most vulnerable children and women, focusing on health and nutrition, water and sanitation, education, protection and participation.

Activities

Health

- Facilitating procurement of vaccines and supplies for routine and supplementary immunization
- Providing neonatal and obstetric equipment and supplies to health facilities
- Scaling up use of the Mother and Child Health Handbook growth monitoring tool
- Strengthening capacities of health workers on infant and child care
- Improving disease and nutrition surveillance systems
- Supporting behaviour change communication on nutrition and home care practices
- Equipping young people with skills and knowledge for HIV & AIDS prevention

Education

- Creating school environments that encourage children, particularly girls, to enroll and complete school through teacher training, the provision of interactive teaching and learning material, and implementing recreational activities that encourage stress relief and play
- Improving the quality of basic education by supporting information management systems, training, and supplies
- Supporting younger children with early education opportunities in order to better prepare them for basic education
- Providing intensive remedial opportunities for adolescents at risk of dropping out of school

Adolescence

- Provide support in literacy and mathematics to help teens continue their education and not drop out of school
- Provide opportunities for recreational activities such as sports, music, art and free play
- Support adolescents' participation and involvement in their communities, especially in reconstruction
- Support peer-to-peer interventions in vulnerable scopes
- Provide education for life: communication, leadership, stress management, HIV/AIDS

Child Protection

- Support the establishment of a national framework for child protection that outlines laws, policies, systems and services, and resource needs
- Promote a culture of zero-tolerance towards abuse, exploitation and violence against children in schools and in society as a whole
- Build the capacity of partners working in child protection, focusing on front line workers such as social workers, police and members of the judiciary
- Support parents and their ability to protect children
- Provide psychosocial support for children and caregivers and train psychosocial professionals and volunteers on crisis intervention, management and referral
- Support awareness-raising campaigns on risk of UXOs, Explosive Remnants of War and Small Arms and Light Weapons

Water and Sanitation

- Rehabilitate/construct water (networks, wells, fountains, stainless steel filling points, taps) and sanitation facilities in schools, public health centers and unserved or underserved communities.

- Acquire water tanks and water treatment test kits for schools, public health centers and unserved or underserved communities. Also spare parts for water wells and rehabilitation of water networks and sewage
- Provide drinking water daily to 343 schools and 40 health centers in Gaza; and five medical centers, 12 schools and 6000 households in the West Bank
- Support to solid waste collection in schools and health centers
- Establish environmental clubs
- Promote awareness among students, teachers, medical staff and patients about hygiene and proper maintenance of water and sanitation facilities and environmental issues, especially fountains.

United Nations Truce Supervision Organization (UNTSO)¹⁴⁵

UNTSO were the first peacekeeping operation established by the UN. They were first created to supervise the armistice between Israel and neighbouring Arab countries. After subsequent wars their functions changed acting as go-betweens for the hostile parties. Nowadays they are attached to UNDOF and UNIFIL and a group of observers remains in Sinai.

Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory (OCHA-OPT)¹⁴⁶

OCHA is responsible for bringing together humanitarian actors to ensure a coherent response to emergencies, making sure people who are affected by conflict and disaster receive the emergency assistance they need. It advocates on behalf of people in need; it promotes preparation and prevention and facilitates sustainable solutions.

In Palestine, it issues a weekly report on protection of civilians and a monthly humanitarian bulletin. It issues other reports such as factsheets, maps, photos, presentations and videos.

¹⁴⁵ United Nations Truce Supervision Organization

¹⁴⁶ United Nations Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)¹⁴⁷

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established following the 1948 war to carry out direct relief and works programmes for Palestine refugees. It also provides services to refugees and people displaced by the Arab-Israeli conflict of 1967 and subsequent hostilities.

UNRWA was established as a temporary agency but over time has adapted its programmes to meet the needs of refugees. It is the only agency dedicated to helping refugees from a specific region or conflict for such a long time: four generations. It provides assistance, protection and advocates for 4.7 million Palestine refugees in Jordan, Lebanon, the Gaza Strip, Syria and the West Bank (including East Jerusalem). The UN Office of the High Commissioner for Refugees (UNHCR) provides assistance and protection to Palestine refugees outside UNRWA's areas of operations.

Table No. 1

UNRWA: Refugee Statistics¹⁴⁸

Field of Operation	Existing Camps	Registered persons in camps	Registered Refugees
Jordan	10	359,410	1,979,580
Lebanon	12	233,509	436,154
Syria	9	154,123	486,946
West Bank	19	211,665	727,471
Gaza Strip	8	526,891	1,167,572
Total	58	1,485,598	4,797,723

From: UNRWA

UNRWA provides assistance directly to Palestinian refugees. It plans and carries out its own activities and projects, builds and manages facilities such as schools and clinics. Nowadays it operates or sponsors more than 900 facilities in its five

¹⁴⁷ UNRWA

¹⁴⁸ As of 1 January 2012

fields. It works in collaboration with local government authorities that also offer some services to Palestinian refugees.

Nearly all of the funding for UNRWA comes from voluntary contributions. As of 2011 UNRWA's largest donors were the USA (\$239 million), the European Union (over \$175 million). Their contributions represent a 42% of UNRWA's total income for its ordinary budget. Nonetheless, Scandinavian countries top the list of donors in relation to size population and per capita GDP¹⁴⁹.

UNRWA's assistance is carried out under five programmes:

➤ Education

Between 2011 and 2012 the system comprised 699 schools, 19,217 educational staff, 486,754 enrolled students, 49.6% female students, 10 vocational schools, 6,652 apprenticeships, three faculties of educational sciences, 891 teachers in training, 1700 students practicing teaching.

➤ Health

UNRWA has primary care facilities and mobile health clinics that provide preventive medicine and general and specialized services. It has 138 primary care health centers, 3,595 dental clinics and about 11 million annual patient visits.

➤ Relief & Social Services

UNRWA provides assistance to refugees who are unable to meet their most basic food and shelter needs. The programme also provides direct aid during emergencies caused by violence and political unrest, along with shelter rehabilitation in coordination with the department of infrastructure and camp improvement.

The programme is committed to developing the institutional capacity of more than 100 community-based organisations (CBOs) that organise a wide range of

¹⁴⁹ UNRWA

social, cultural and recreational activities, as well as skills training and rehabilitation services.

It has addressed 293,718 special hardship cases. 5.7 per cent of registered refugees are special hardship cases. It has 49 women's programme centres, 35 community rehabilitation centres and 699 staff.

➤ Microfinance

The UNRWA microfinance department provides sustainable income-generation opportunities. It extends credit and complementary financial services to households, entrepreneurs and small-business owners.

➤ Infrastructure & Camp Improvement

It promotes environmentally sustainable neighbourhoods. It develops integral camp improvement plans that include shelter, agency facilities and environmental infrastructure.

United Nations Educational, Scientific and Cultural Organization (UNESCO)¹⁵⁰

In recent years the most important activities that UNESCO has implemented in Palestine are:

Education

- National teacher education strategy
- Three-year technical assistance programme entitled "Quality Systems for Quality Teachers"
- Five-Year Education Development Strategic Plan (2008-2012)
- Introduction of micro-science kits in marginalized and isolated Palestinian schools

Culture

- Culture and Development in the Occupied Palestinian Territories
- Action plan for the safeguarding of the Palestinian Hikaye (folktales)
- "Riwaya Museum – Bethlehem" Project

¹⁵⁰ United Nations Educational, Scientific and Cultural Organization

- Bethlehem Area Conservation and Management Plan
- Adoption of the Charter on the Safeguarding on Palestinian Historic Towns and Landscapes (the Bethlehem Charter)
- Safeguarding Historical and Environmental Resources towards Sustainable Development in Bethlehem Governorate
- Old City of Nablus Renovation – Restoration and Adaptive Re-use of Khan al-Wakala
- Revitalization Plan for the Old City of Nablus
- Conservation and Management of the archaeological site of Tell Balata
- Archaeological Park of QasrHisham in Jericho

Information and communication

- New broadcast law
- Reconstruction and Strengthening the News Agency WAFA: Legal advice, training of WAFA's reports and senior staff, development of the photography department and a study tour to news agencies in Turkey and the United Kingdom.
- A digital and web radio for Voice of Palestine
- Strengthening Palestinian Participatory Democracy and Public Dialogue: First Palestinian blogging portal in Arabic and English
- "Promotion of the freedom of expression, safety of journalists and empowering women in media

Social and human sciences

- Gender Equality and Women Empowerment in the Occupied Palestinian Territories

Humanitarian Response in Gaza

- Emergency rehabilitation of higher education institutions
- Provision of emergency secondary education in non-UNRWA schools
- Support for crisis planning and management for affected school principals and district officials
- Training in INEE minimum standards
- Promotion of schools as safe zones: Five days' workshop

- Safety and protection of journalists and press freedom in Gaza
- Six-week catch-up course for upper-secondary education students in Gaza
- Support to higher education, in particular the Islamic University

United Nations Development Programme / Programme of Assistance to the Palestinian People (UNDP / PAPP)¹⁵¹

Called upon by United Nations Member States in 1978, UNDP was requested “to improve the economic and social conditions of the Palestinian people by identifying their social and economic needs and by establishing concrete projects to that end”. UNDP/PAPP is a responsive development agency that works in the building of schools, roads, health centers, wastewater treatment and hydraulic works.

UNDP/PAPP's work focuses on the achievement of MDGs through the following areas:

Democratic Governance

- Fostering inclusive participation
- Strengthening accountable and responsive governing institutions
- Grounding democratic governance in international principles

Poverty Reduction

- Promotion of private sector productivity, employment schemes, and micro-entrepreneurship
- Social safety nets for the most vulnerable families
- Integrated agricultural management
- Basic infrastructure for improved service delivery

Crisis Prevention & Recovery

- Knowledge Development
- Dialogue, consensus building
- Youth

¹⁵¹ United Nations Development Programme – Programme of Assistance to the Palestinian People

Energy & Environment

- Rehabilitation, upgrading and extension of water supply systems
- Wastewater and storm water collection and treatment

Information and Communication Technology

- Academic Computer Network project: The agency acted as the main hub for internet connections for all eight Palestinian universities, and provided each with a server, router, technical training, and technical assistance
- Palestinian School Network: Provides Palestinian schools with the infrastructure and technical assistance necessary to operate and maintain an ICT based school network

Economic Development

- Microfinance projects
- Support to cooperatives, societies and individuals

World Food Programme (WFP)¹⁵²

WFP has been providing food assistance to Palestine since 1991. In 2012, WFP is targeting 285,000 people in the Gaza Strip and 363,000 in the West Bank¹⁵³. The assistance is provided through two WFP programmes:

- An Emergency Operation (EMOP) in Gaza
- A Protracted Relief and Recovery Operation (PRRO) in the West Bank

United Nations Register of Damage (UNRoD)¹⁵⁴

Following the issuance by the International Court of Justice of the advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (UNRoD) was established in January 2007. UNRoD's mandate is to serve as a record, in

¹⁵² World Food Programme – occupied Palestinian territory

¹⁵³ World Food Programme – occupied Palestinian territory

¹⁵⁴ United Nations Information Service in Vienna

documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the Wall by Israel in the Palestine, including in and around East Jerusalem. UNRoD undertakes outreach activities in Palestine to inform potential claimants of the existence and purpose of UNRoD and the procedure for filing a claim for registration of damage. UNRoD also assists claimants in completing the official UNRoD claim forms, and collects completed claims forms for processing in Vienna. As of 2012, 28,000 claims have been collected. Six thousand of them have been reviewed by the Board of UNRoD for its inclusion in the Register.

Conclusions

The international community is represented in the United Nations. The organization has been part of the conflict since its beginning and is still a part of it in many ways.

The UN General Assembly represents the voice of global public opinion and tries to put an end to the situation in Palestine. They condemn illegal practices and call for definitive solutions. However, attempts of the international community are limited to the imbalance of power within the United Nations. UNSC veto power is anachronistic. In order to achieve true efficiency of an international legislative system must be reformed to reflect more equitable representation.

Despite the hierarchical system of the organization, we must acknowledge the admirable work of humanitarian agencies related to the conflict. However, it is worth pointing out that the end of the occupation and the creation of a Palestinian state could mean less expenditure for United Nations.

THIRD CHAPTER

Introduction

The electoral background of Palestine was instrumental in the development of Operation 'Cast Lead', starting from 2006 municipal elections.

Within Israel, politics regarding Palestine do not differ much. The left supports the establishment of a Palestinian state and the right doesn't. Nevertheless, every government leader has followed a uniform policy line.

In 2006, elections were held in Palestine and Hamas won the parliamentary election. Fatah had been discredited for their previous handling of politics. Palestinians preferred resistance. Hamas was a political threat, thus Israel imposed a siege on the population of Gaza and launched an assault that took the lives of thousands of people.

Israeli Political Parties

Israel is governed under a multiparty parliamentary system. The government is composed of executive, judicial and legislative power. It has a President (currently Shimon Peres) but such is an honorary title that fulfills ceremonial functions and does not have government power.

The executive branch is represented by the Prime Minister. The Prime Minister (currently Benjamin Netanyahu), who must be a Knesset member, is elected in national elections for a four year period by absolute majority. If candidates fail to obtain it, the two most voted candidates take part in a second in a runoff.

The Judiciary is composed of the judicial system and the Courts. An ideological contradiction between religious and secular political parties has stopped the adoption of a Constitution. Therefore, the equivalent to the Constitution have been the basic laws of the country, other important laws approved and interpretations of the Supreme Court of Israel.

The legislature is the core of the Israeli political system. The unicameral parliament is best known as the Knesset. Members of the Knesset are elected for a four year period in national elections, 120 seats are designed¹⁵⁵. There are no members by region, only by party. The system is controversial. Whilst some argue that the system undermines a true representation of the electorate, others believe that it grants representation to groups that otherwise would remain outcast.

Political parties in Israel can be classified under several parameters: left or rights, religious and secular, Arabs and Jews but the most important in Israeli political jargon is hawks and doves. That classification is based in Israel's position towards the situation of Palestine and relations with neighbor Arab states. Doves are the ones with a more flexible position on these issues, hawks are more reluctant.

¹⁵⁵ Israel Science and Technology Homepage

Despite members of the Knesset are elected by parties, their mandate is personal. They can split from their party with their mandate. Usually fraction lists are formed within the parties to push for a change in it. These lists are usually temporary and are reinstated to their parties afterwards¹⁵⁶.

Given the nature of the Israeli political system, a series of parties have been created throughout the years... some just for one election. The ones that stand out are:

- AgudathYisrael
- Balad
- Hadash
- YisraelBeitenu
- Kadima
- Likud
- United Arab List (Ra'am)
- National Religious Party (Mafdal)
- Meimad
- Meretz
- Labor
- Shas
- Shinui

AgudathYisrael (The Israelite Union)

AgudathYisrael was established in 1912 to represent anti-modern branches that were part of traditional Orthodoxy. They care for the welfare of its constituents in areas of educational institutions, housing, welfare services, transfer payments and exemption from military service, and the Jewish-religious character of the State. It is identified with nationalistic positions. Despite it recognizes Israel as the Holy Land, it favors land grant.

It is essential for the survival of government coalitions due to Israeli's system of proportional representation.

¹⁵⁶ Zionism & Israel Information Center

It is considered a party of the right-wing because of its religious stance.

Balad

Balad was established in 1966. It supports an Israeli state that is not Jewish in character, the end of the occupation of Palestine, the evacuation of all of the settlements and the removal of the separation fence and the return of the Palestinian refugees and their descendants. It advocates the creation of a Palestinian state alongside Israel with East Jerusalem as its capital.

It also claims absolute autonomy for Arab Israelis in matters of culture and education. Its economic policies are left-of-center, supporting a just tax policy aimed at the equitable distribution of social resources.

Hadash (The Democratic Front for Peace and Equality)

Hadash is a Jewish and Arab left-wing party. The main points of its platform include the complete Israeli withdrawal from the occupied territories, the establishment of a Palestinian state alongside Israel, recognition of the PLO, the Palestinian "right of return" to Israeli territory, lobbying for workers' rights, the separation of religion and state, full equality for Israel's Arab citizens and encouraging Israel to join the Nuclear Non-Proliferation treaty.

YisraelBeitenu (Israel Our Home)

YisraelBeitenu is a right-wing nationalist party established in 1999 by Avigdor Lieberman, current Foreign Affairs Minister. It supports socioeconomic opportunities for immigrants and a hard line in peace negotiations with the Palestinians and Arab States.

YisraelBeiteinu is in favor of a peace settlement with the Palestinians but advocates replacing the land-for-peace approach with a mutual exchange of territories and populations under the principle of peace for peace, land for land. It would be unjustifiable to create a Palestinian state that would exclude Jews while Israel became a state with a representative Arab minority. The party states that Jerusalem must remain the undivided capital of Israel.

Kadima (Forward)

Kadima is a centrist liberal political party in Israel founded by Ariel Sharon in 2005 to support the unilateral disengagement from the Gaza Strip. It recognizes Israel as a democratic Jewish State and Jerusalem its undivided capital. It acknowledges the Road Map as the road to peace (preserving settlements in Jerusalem and the West Bank) and the establishment of a Palestinian State that is unarmed and terrorist-free.

It supports a free market economy.

Some of its leaders have been Ariel Sharon, Ehud Olmert, Tzipi Livni.

Likud (Consolidation)

Likud was formed in 1973 and is nowadays the main conservative party in Israel. Since its inception the party has been either the party in power in the Knesset or the opposition leader party. It supports a free market pro capitalist economy and a religion status quo. All of its leaders (Menachem Begin, Yitzhak Shamir, Benjamin Netanyahu, Ariel Sharon) have been Prime Ministers of Israel.

In the preamble of their Charter they argue that the right of the Jewish people to the Land of Israel¹⁵⁷ is an eternal right and not subject to dispute, immigration will be increased, and the decision to freeze settlements will be rescinded. Peace will be a central aim of Israel's policy but under their conditions¹⁵⁸.

For the purpose of this study, some of the most significant clauses of their Charter¹⁵⁹ are:

- The Government of Israel will carry out negotiations with the Palestinian Authority to achieve a permanent peace arrangement, on condition that the Palestinians fully honor all their obligations
- The Government of Israel will enable the Palestinians to manage their lives freely, within the framework of self-government... The government will oppose the establishment of an independent Palestinian state

¹⁵⁷ Biblical Israel (including Palestinian territory)

¹⁵⁸ Jewish Virtual Library

¹⁵⁹ Ibidem

- United and undivided Jerusalem is the capital of the State of Israel
- Israel will continue to view its relations with the United States as the cornerstone of its foreign policy
- Israel will continue to maintain its full power of deterrence. Israel cannot ignore the threats to its security emanating from the efforts of Iran and other countries to procure arms, and from Syria's determination to prepare for war against Israel
- The government will set a goal of having seven million Jews in Israel within the next decade
- Settlement in all parts of the Land of Israel is of national importance and part of Israel's defense strategy

United Arab List (Ra'am)

It is the largest Arab party represented in the Knesset. Its platform holds the following: Israeli withdrawal to the pre-1967 borders, the dismantlement of all Israeli settlements (including those in Golan Heights and Lebanon's border), the "Right of return" to Israel for Palestinian refugees, the creation of a Palestinian state, with East Jerusalem as its capital and, the dismantling of all nuclear weapons in the world and the separation of religion and state.

It claims giving Islamic religious courts greater freedom, an increase in the budget for subsidizing all holy places belonging to the Muslims, Christians and Druze and argues that Arabs should not be recruited to serve in the Israel Defense Forces.

National Religious Party (Mafdal)

The NRP was founded in 1956 and represented the Zionist Religious movement and argued the importance of a special Jewish character for Israel. It emphasizes the importance of Israeli law to be consistent with Jewish law.

NRP's platform opposes the creation of a Palestinian state and the withdrawal of the occupied territories, Palestinian self-rule in Israel, *land-for-peace* model and supports the wall.

Mafdal is responsible for the fact that parents can send their children to state-funded religious schools, the establishment of religious courts endowed with legal authority over all issues of personal jurisdiction in the Jewish community and the exclusive use of kosher¹⁶⁰ food in the Army and government functions.

Meimad

Established in 1988 as a religious Zionist alternative to the National Religious Party (Mafdal), Meimad was discouraged by the NRP's increasingly right-wing positions on the peace process and security matters. Meimad hopes to incorporate Orthodox religious practice in Israeli public life, but does not want to do so by restrictive legislation.

Meimad maintains that peace between Israelis and Arabs is possible and that Israel can negotiate land for peace because saving a soul is more important.

Meretz

Meretz is a left-wing, social-democratic political party in Israel. Meretz was originally founded in 1992 through a union of Ratz, Mapam and Shinui. Ratz (The Citizens Rights Movement) mainly consisted of the Ashkenazi urban middle class and the intelligentsia. It favored strengthening civil rights in Israel, the separation of religion and state and the reform of the electoral system. Mapam was one of the oldest parties of the country, a social-Zionist party that was the first to include an Arab member in the party.

The common denominator among Ratz, Mapam and Shinui was their advocacy of an agreement with the Palestinians on the basis of a territorial compromise, and the establishment of a Palestinian state, civil and human rights, and the separation of religion and state. The party advocates for social justice for Israel's ethnic minorities, women, social justice and environmental protection. It is closely associated with Israeli peace movement PeaceNow.

Meretz views the realization of the Palestinian people's right to self-determination as an established basis for any future peace settlement. Israeli

¹⁶⁰ Kosher food is that which is acceptable under traditional Jewish dietary laws

withdrawal is conditional upon security arrangements and the evacuated territories will be demilitarized.

Massive employment of Palestinian workers in Israel entails grave security risks and creates a fundamentally abnormal situation from a human and societal point of view. It is offensive to the Palestinian workers themselves, and also affects the wages of Israeli workers. It will be necessary to guarantee other sources of income for Palestinians during the interim period.

Meretz considers the IDF must act within the law, respecting human dignity and protecting human life. Meretz is unequivocally opposed to the settlement policy in the territories, and advocates for a compensation system.

Labor

The Labor Party was established in 1968 through the joining of Mapai, AhdutHa'avodah and Rafi. Labor is the dominant left-of-center party in Israel and dominates Israel's political scene with Likud. Until Menachem Begin's victory in 1977, every Israeli Prime Minister came from Labor: David Ben-Gurion, Moshe Sharett, Levi Eshkol and Golda Meir. Since 1977, Labor leaders Yitzhak Rabin, Shimon Peres and Ehud Barak have served as Prime Ministers.

Its ideological vision is based upon the values of the Jewish labor movement, which are in turn, products of the social experience and cultural heritage of the Jewish people. The Labor Party has a principled commitment to the maintenance of a democratic form of government; to the enhancement of the social and economic wellbeing of all of Israel's citizens; to the strengthening of Israel's economy based on free market principles; and, to the achievement of a comprehensive peace with security in the Middle East. It views all religious streams as legitimate, and opposes legislation that denies the rights of non-Orthodox citizens and groups in Israel.

The negotiations will be based on the Oslo Accords. Some of the most important points¹⁶¹ are:

¹⁶¹ Jewish Virtual Library

- United Jerusalem, the capital of Israel, under Israeli sovereignty. The Palestinian residents of the city will enjoy municipal rights in the quarters in which they reside, and special arrangements will be established for the sites sacred to Christianity and Islam
- It recognizes the Palestinians' right to self-determination, and does not rule out in this connection the establishment of a Palestinian state with limited sovereignty
- Israel extends its sovereignty over areas that are major Jewish settlement blocs
- Israel does not recognize the right of return of Palestinians to areas under Israeli sovereignty. Israel will negotiate with the Palestinians on allowing the return to areas under Palestinian control
- The Labour Party will continue to pursue a peace agreement with Syria
- Israel is prepared to reach a peace agreement with an independent and sovereign Lebanon

Shas

Shas is an ultra-orthodox political party representing Jews from the Middle East and North Africa. It advocates a state run according to Halakha (Jewish religious law), taxes and economic initiatives for the community, student's enrollment in religion and social welfare programs.

Flexible on the issue of Palestine: Shas would be willing to form coalitions with any other party.

Shinui (Change)

Shinui was formed in 1974. It is a Zionist party, secular, liberal, defender of political purity and lawful behavior. Shinui supports a free market, privatization of public assets, and a lowering of taxes, freedom and equality for all citizens. The party believes all branches of Judaism are legitimate and equal and considers army exemption of orthodox youth to be a national scandal.

Shinui calls for secular courts instead of rabbinical courts. It views funds secured for religious purposes as excessive compared to essential requirements. The

party supports the LGBT community, equal rights for same-sex couples and their right to adopt.

It supports the Wall in the West Bank and the withdrawal of some territories. The settlements between the wall and the Green Line will remain. They favour the notion of a Palestinian state once refugees would give up their right of return.

There are political parties in Israel that advocate a fair solution for both Israelis and Palestinians. However, the ones that dominate the political scene are completely committed to Israel, demanding Palestinians to adjust to their conditions. In an international level many do not recognize an important difference between the parties. At the time of Operation 'Cast Lead', the parties dominating the Knesset were Kadima with 29 seats, Labor with 19 and Likud and Shas with 12 each¹⁶². In subsequent elections Israeli right-wing again dominated with Kadima with 28 seats, Likud with 27 and YisraelBeitenu with 15¹⁶³.

Unfortunately propaganda from the Israeli government has been such that the electorate is certain that Palestinians are a threat to their security. There are a growing number of Israeli citizens who advocate for human rights. Unfortunately, they are mainly NGOs who do not enjoy enough political power as to influence a true change in Israeli's official position.

The international civil society is a leading player in the defense of the rights of the Palestinian people. International awareness on the matter has risen significantly. Nonetheless it is still necessary for the Israeli people to push its government in order to achieve a true peace agreement... They should do it just because a fair agreement for the Palestinians will be equivalent of a quiet life for Israelis.

¹⁶² The Knesset - The Israeli Parliament.

¹⁶³ *Ibidem*

Palestinian Political Parties

The political scene in Palestine is very complex. The lack of sovereignty over the territory, major external interference in domestic politics, irregularity in the performance of the functions of the legislature and the absence of a unified national government have all caused the weakening of a system that already was fragile.

The two main political bodies are the Palestinian Liberation Organization (PLO) and the Palestinian National Authority (PNA). The PLO was recognized in 1974 as the legitimate representative of the Palestinian people at the UN and is still the body that represents the country on an international level.

The PLO signed the Declaration of Principles with Israel in 1993. It stated the creation of an interim government: the Palestinian National Authority. The PNA's mandate was supposed to end three years later, when a final agreement was reached. However, the PNA still exercises the functions of the executive in Palestine. The President of the PNA, namely the President of Palestine, is elected every four years and is the one who appoints the Prime Minister... who then seeks the vote of confidence of the legislature¹⁶⁴.

The PNA has some of the characteristics of a government. However, its sovereignty is extended only to certain areas of the Palestinian territories. It does not control external borders, airspace or their natural resources.

Whilst the PLO arose from Palestinian interests, the PNA also supports Israeli interests... enough reason to bring it in question. It counts on the support of internal and external bodies. For Israel, to blame the PNA of Palestinian internal affairs is to be innocent on the matter. The USA, the EU and the Arab League all benefit from an ally that takes care of their political interests. Even worse, Palestinian groups of interest benefit from its government.

¹⁶⁴ Central Elections Commission – Palestine

Critiques of the PNA are well-founded. Its security forces are actually allies of the Israeli military occupation. The occupation is denounced because of the violation of civil rights: judicial procedures, warrants and arbitrary detentions, violation of the right of freedom of expression or torture of detainees¹⁶⁵. Tristemente, el gobierno de la ANP es en efecto un encubrimiento de la política colonizadora israelí. Sadly, the government of the PNA is indeed a concealment of Israeli colonization policy.

The judiciary is exercised by religious courts, the Supreme Constitutional Court and the courts on specific matters.

The legislature is exercised by the Palestinian Legislative Council (PLC), responsible of the enforcement and compliance of the law. The PLC had to prepare a Basic Law that would regulate the powers of the PNA. The law was passed in 1997, ratified in 2002 and modified in 2003 in order to include legislation about the Prime Minister¹⁶⁶. The first PLC was elected in 1996. Even though it has a four-year period, next elections were held in 2006.

Some of the most important Palestinian political parties are:

- Fatah
- Democratic Front for the Liberation of Palestine (DFLP)
- Popular Front for the Liberation of Palestine (PFLP)
- Hamas
- Palestinian National Initiative (PNI)
- Palestine Liberation Organization (PLO)
- Palestine People's Party (PPP)
- Palestinian Democratic Union (FIDA)

Fatah

Fatah is an acronym for Harakat al-Tahrir al-Watani Al-Filastini (Palestinian National Liberation Movement), with the first letters in reverse order giving Fateh

¹⁶⁵ Palestinian Academic Society for the Study of International Affairs (PASSIA)

¹⁶⁶ The Palestinian Basic Law – A collection of various proposals and amendments to the Basic Law of Palestine

which means conquest. It is a nationalist political party established at the end of 1950 by Yassir Arafat and other Palestinian refugees in Kuwait. It is headquartered in Tunisia, with branches in Lebanon and other Middle East countries.

The main goal for Al-Fatah was to free Palestine from Israel. Its platform was the liberation of all Palestine for the Arabs that could be achieved only through relentless armed struggle. Fatah argued Arab governments were not to be trusted and the Palestinian people had to have its own distinctive character.

The movement disapproved of ideological debates and political parties, which they viewed as a distraction from the sole goal of liberating Palestine. It portrayed itself as a movement rather than an organization, hence winning the support from all sectors of society and, ironically, later from Arab governments. Fatah's statist ambitions led it to adopt populist political rhetoric; creating a paternalistic style of leadership. Statist ambitions also led it to set up social welfare provisions (Palestinian Red Crescent Society) and schooling programmes.

Fatah took an active part in the politics of Palestine after 1967. It joined the PLO in 1968 and took over its leadership in 1969. Instead of calling for a unified political front of the Palestinian groups, Arafat expanded PLO positions in order to assign them to other groups. Between 1968 and 2007 the party monopolized almost every aspect of politics in Palestine.

With international condemnation, the loss of public support and Israeli reprisals, Fatah formulated new policy viewing guerrilla warfare as one of the means - and not the only- of struggle. Nowadays Mahmoud Abbas is the president of the PLO and the leader of Al-Fatah. However, he is not considered an effective leader for neither. Fatah was extremely dependent on Yassir Arafat's leadership and has started to disintegrate after his death.

Democratic Front for the Liberation of Palestine (DFLP)

The Democratic Front for the Liberation of Palestine (DFLP) was founded in 1969, split off from the Popular Front for the Liberation of Palestine (PFLP) over personal and ideological rivalries. It redefined its ideology focusing on replacing Israel with either a secular Palestinian state for both Arabs and Jews. It was also opposed to the division between Jordan and Palestine, arguing that as it was a British creation. The DFLP criticized Arafat's autocratic style of leadership. However, despite its criticism of Arafat, it has always supported PLO unity. It is the third PLO biggest faction.

Popular Front for the Liberation of Palestine (PFLP)

The Popular Front for the Liberation of Palestine (PFLP) is a leftist nationalist group formed in 1967 after the Six Day War. It is a movement for national liberation that claims their resistance is a just resistance against a brutal occupier¹⁶⁷. The liberation of Palestine is its primary goal, but seen as possible only through wider anti-colonial campaign in Arab States. Therefore the PFLP sought to topple conservative Arab states, destroy Israel, and apply Marxist doctrine to the Palestinian struggle, which it saw as part of a broader proletarian revolution. The movement has favored armed struggle over diplomacy, and accepted partition as the first step towards liberation. In 1968 the PFLP joined the PLO and became its second-largest faction.

It is headquartered in Damascus. The PFLP is considered a terrorist organization by the US¹⁶⁸.

Hamas

Hamas is the abbreviation of Harakat Al-Muqawama Al-Islamiyya – means 'zeal'. It emerged shortly after the outbreak of the first Intifada as an extension of the Muslim Brotherhood. Hamas has two branches, a political one and an armed one. Its political-social branch is involved in social work (charities, schools), fundraising and political activities. It is headquartered in Damascus.

¹⁶⁷ Popular Front for the Liberation of Palestine

¹⁶⁸ U.S. Department of State

Hamas presents itself as an alternative to the PNA on an international level, through diplomacy. It considers initiatives, proposals and international conferences are all a waste of time. It supports a greater role for Islam in the everyday life of Palestinians. Its Charter affirms that the land of Palestine is an Islamic Waqf (Trust land) upon all Muslim generations¹⁶⁹.

Hamas declares Israel as its enemy. The United States, Israel, the European Union, and Canada consider Hamas a terrorist organization¹⁷⁰.

Palestinian National Initiative (PNI)

Al Mubadara or the Palestinian National Initiative (PNI) was founded in 2002 by Dr. Haider Abdel Shafi, Dr. Mustafa Barghouthi and Ibrahim¹⁷¹. It defines itself as an optimistic Palestinian militant group, which calls for an independent, democratic Palestinian state on the land occupied since 1967.

Its main goals are¹⁷²:

- Strengthening and promotion of national independence
- Establishing the rule of law in Palestine
- Fight against unemployment
- Protection of human dignity and women's rights
- Liberation of prisoners and detainees in Israeli prisons
- Activation of the role of the Palestinian people in the Diaspora
- Strengthening the role of civil society
- Strengthening of the international campaign of solidarity with the Palestinian people and their struggle

Palestine Liberation Organization (PLO)

The Palestine Liberation Organization (PLO) was founded as a nationalist political party in 1964. In 1969, Yasser Arafat, leader of Fatah, became the Chairman of the Executive Committee of the PLO. It is an umbrella organization, comprised of numerous organizations of the resistance

¹⁶⁹ Palestinian Academic Society for the Study of International Affairs (PASSIA)

¹⁷⁰ Zionism & Israel Information Center

¹⁷¹ Al Mubadara – Palestinian National Initiative

¹⁷² *ibidem*

movement. The PLO is an umbrella organization composed of several groups with diverse ideologies that have as their common goal the achievement of a Palestinian state. It then acquired a more central role in mobilizing Palestinians, as well as gaining international support.

The PLO created a number of organizations to provide education, health, and relief services and formed a quasi-government with security apparatus, a financial system, information offices and diplomatic missions.

Ten years after its foundation it was recognized as the representative of the Palestinian people. The PLO represents Palestine at the United Nations (observer status), the Movement of Non-Aligned Countries (NAM), the Organization of the Islamic Conference (OIC) and the Arab League. It is therefore subject of international law¹⁷³. However, it was marginalized by the creation of the PNA in 1993 and its functions were limited.

Its most famous presidents have been Yassir Arafat (Abu Ammar) and the current president, Mahmoud Abbas (Abu Mazen). Arafat was the President of the PNA, the PLO, Fatah and the president of Palestine.

PLO factions are¹⁷⁴:

- Al Fatah
- Al-Sa'iqa
- Palestinian Arab Front (PAF)
- Arab Liberation Front (ALF)
- Palestinian Liberation Front (PLF)
- Popular Struggle Front (PSF)
- Democratic Front for the Liberation of Palestine (DFLP)
- Popular Front for the Liberation of Palestine – General Command (PFLP-GC)
- Popular Front for the Liberation of Palestine (PFLP)
- Popular Organizations

¹⁷³ The Jerusalem Fund for Education and Community Development

¹⁷⁴ Permanent Observer Mission of Palestine to the United Nations

- Palestinian People's Party (PPP)
- Palestinian Democratic Union (FIDA)

Palestine People's Party (PPP)

The PPP is a leftist faction founded in 1982. It defines itself as a democratic, pragmatic and popular party. Its main goal is to establish a democratic Palestinian society based on respect for the rights of all citizens.

The party joined the PLO in 1987, but calls for its reconstruction.

Palestinian Democratic Union (FIDA)

The Palestinian Democratic Union (FIDA) is a small Palestinian political party formed in 1990. It is a progressive, secular, and democratic socialist party that espouses Marxist scientific socialism. Its motto is "freedom, independence, return, democracy and socialism"¹⁷⁵. The party is interested in establishing and consolidating relations with progressive and democratic forces in Arab countries.

FIDA is a PLO and PNA member. It is headquartered in Jerusalem.

Despite all political parties call for the establishment of a State, there is a lack of a clear and common orientation among them. Unfortunately, partisan interests prevail over national interests... political parties play a flimsy role in the system and there have been very few efforts to strengthen it. There must be a policy reformulation, aligning it to a common goal: the strengthening of a transparent system that is able to face the occupation and respond to people's needs.

¹⁷⁵ Palestinian Democratic Union

Benjamin Netanyahu

Benjamin 'Bibi' Netanyahu was born in Tel Aviv in 1949, a year after the Declaration of Independence of the State of Israel. Both his parents are Lithuanian-Polish descent Jews. Several years of his life were spent between Israel and the United States. Before meddling in politics he was renowned for his lectures on terrorism and the ways to fight it.

He is one of the leaders of the Likud party, neoliberal in economy, fancy suits and luxuries. His party charter opposes the establishment of an independent Palestinian state. The party even considers the settlements as the cornerstone of Israel's defense strategy.

He is considered a hawk when it comes to his political position on the conflict with Palestine. In his first years in politics he flatly refused the idea of a Palestinian state. He insists in negotiations based on 'economic peace', namely granting certain economic sovereignty to Palestine but no commitment to establish a state. Even nowadays he declares the pre-1967 borders as indefensible.

The first direct elections for Israel's Prime Minister were held for the first time in 1996. Netanyahu defeated Shimon Peres and became the ninth Prime Minister of Israel and the youngest one in the country's history. It was then when he ordered the creation of the tunnel that runs under al-Aqsa Mosque. Such fact offended the Muslims and was one of the incentives for the Second Intifada¹⁷⁶.

During his first mandate he ordered the murder of Khaled Meshal, Hamas leader. The intervention of the former president of the USA, Bill Clinton and the King of Jordan forced the Prime Minister to supply an antidote to the poison that Mossad¹⁷⁷ agents had administered to Meshal¹⁷⁸.

It was also during this period, when in 1998 he was forced to break a public promise and shook hands with Yassir Arafat, to whom he had referred as a Palestinian *raïs*¹⁷⁹. He governed until 1999.

¹⁷⁶ J. Baker, The Palestine Chronicle, 4 de agosto de 2009

¹⁷⁷ Israeli Secret Service

¹⁷⁸ Huffington Post

¹⁷⁹ 'Leader' in Arabic

The influence of Netanyahu's predecessors is remarkably important in the context of Operation 'Cast Lead'. Back then the Israeli troika consisted of Ehud Olmert, Ehud Barak and Tzipi Livni: Primer Minister, Minister of Defense and Minister of Foreign Affairs, respectively.

The officially stated Israeli goal of Operation 'Cast Lead' was to diminish the security threat to residents of southern Israel by steeply reducing rocket fire from the Gaza Strip, weakening Hamas, and restoring Israel's deterrence, which had been weakened as a result of the 2006 war in Lebanon. However, beyond the official discourse each member of the troika had political motivations to carry out the war. Olmert tried to change Israel's strategy, which was consistent with Barak and Livni's political intentions who were about to participate in elections¹⁸⁰.

The political handling of the Operation favored Benjamin Netanyahu to a large extent. Israelis were disappointed about the withdrawal. Netanyahu offered to defeat Hamas if he came to power. Elections were held in February 10, 2009. The Likud won the second most seats in the Knesset, but was the candidate with most possibilities to form a coalition government. Thus Bibi started his second period as Israel's Prime Minister on March 31, 2009. His government was one of the most right-wing governments in Israeli history, with Avigdor Lieberman as Minister of Foreign Affairs.

Netanyahu's relationship with Obama has been characterized by some political distancing. That distance has been one of the largest between the Israeli and US government over the last years.

Netanyahu refuses to negotiate with Hamas under any circumstance. Netanyahu discredited the attempt of reconciliation between Hamas and Fatah. Bibi firmly argues that Hamas is a terrorist organization and therefore cannot negotiate with them. At the same time, he threatens Fatah if they are in talks with Hamas.

"The Palestinian Authority must choose either peace with Israel or peace with Hamas. There is no possibility for peace with both"¹⁸¹.

¹⁸⁰K. Khalefeh, TheDailyStar, 24 de Enero de 2009

¹⁸¹ The Consulate General of Israel Philadelphia, 27 de Abril del 2011

Another highlight in his foreign policy is the 'Iranian issue'. His Minister of Foreign Affairs, stated in the General Assembly, on 10 September 2010:

*'In searching for a durable agreement with the Palestinians, one which will deal with the true roots of the conflict and which will endure for many years, one must understand that first, the Iranian issue must be resolved'*¹⁸²

Of the most recent attempts of negotiation was an exchange of letters between Abbas and Netanyahu in which both leaders said they were committed to peace. Palestinians rejected Netanyahu's proposal because of the lack of specific actions to return to negotiations.

In May 2012, Israel was about to hold early elections. Nonetheless, Netanyahu formed one of the best coalition governments in recent times. He formed a national unity government with Kadima's leader Shaul Mofaz who was appointed Deputy Prime Minister. Mofaz proposes the immediate establishment of a Palestinian state with temporary borders and control over 60% of it, while they will continue to dialogue on the remainder of the final status issues. However he also favours to maintain the settlements and Israel's complete control over Jerusalem.

Unfortunately, if we take Israel's interior policy into account, Netanyahu's government offers little chance for a two-state solution. When it comes to the Palestinian conflict, no matter the political posture, the ideological approach is Zionism.

¹⁸²Permanent Mission of Israel to the United Nations

Hamas

Hamas defines itself as the Islamic Resistance Movement, a Palestinian national liberation movement that struggles for the liberation of the Palestinian occupied territories and for the recognition of the legitimate rights of Palestinians. Its Charter calls for the destruction of Israel:

*'Surat Al-Imran (III), verses 109-111 Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors'*¹⁸³.

Hamas founded in 1987 in the context of the first Palestinian uprising, or Intifada. Organizationally, it comes out of the Muslim Brotherhood, established in 1945 in Jerusalem. Hamas was the product of the pressure exerted by the more nationalist and confrontationist section on the leadership of the Brotherhood.

Hamas today is a different organization than the one of the First Intifada. Its doctrinal discourse has diminished. In 1990, it published a document stating that its struggle was against Zionists and Zionism, and not Jews and Judaism¹⁸⁴. Hamas also differs from more fundamentalist Islamist parties in that it accepts the concept of the nation state, rather than the *ummah*¹⁸⁵.

Hamas began to gain a hearing in the late 1980s, when the Palestine Liberation Organization (PLO) gave up on the long-term goal of liberating all of historic Palestine--and followed a path of negotiations that resulted in the Oslo Accords of 1993. The culmination of Hamas' growing support lies on mass disillusionment with the Fatah-led Palestinian Authority. Hamas' steadfast opposition to occupation and constant criticisms of Fatah's compromises, combined with its network of social service and charity agencies, bolstered its image not only among religious Muslims, but also among secularists and Christians.

Khaled Meshal, head of Hamas's political bureau, has predicted the failure of this process from the start but has never been invited to sit at the negotiating table. Israel and the US refuse to sit on the negotiation table with Hamas until it meets three conditions: recognize Israel's right to exist, renounce the use of

¹⁸³ Federation of American Scientists

¹⁸⁴ Socialist Worker

¹⁸⁵ Collective community of Islamic peoples. It refers to a single group that shares common religious beliefs, specifically those that are the objects of a divine plan of salvation

violence and terrorism and accept previously negotiated Israeli-Palestinian agreements, especially the Roadmap. However, Israel does not renounce the use of violence, rejects the Roadmap¹⁸⁶ and obviously does not recognize Palestine's right to exist.

Hamas rejects the principle of conditions, for it suggests that there are two levels of human beings, and one party can dominate the other. Besides, recognizing Israel would mean recognizing the occupation.

Khaled Meshal considers the peace process has failed for three reasons:

- Israel does not want peace. They talk about peace but they are not ready to pay the price of peace
- The Palestinian negotiator does not have strong cards in his hand to push the peace process forward
- The international community does not have the capability or the desire to push Israel towards peace¹⁸⁷.

Meshal explains that Hamas restricts its battle to Israel only (because of the occupation). Their battle is not with the United States of America— or with the West. They consider some Western policies are hostile to them, but there is no way their battle is with them. They are open, they can engage in dialogue with the West and with the Americans¹⁸⁸.

Its leaders declare that their strategy may change with evolving regional and global realities, but the group's objectives stand firm. Meshal clearly states:

*'Hamas does accept a Palestinian state on the lines of 1967 -- and does not accept the two-state solution'*¹⁸⁹.

They would not recognize the State but would neither fight against it. In a speech at the King David Hotel, former US president Jimmy Carter, said Hamas

¹⁸⁶ They accept the speech but continue to build illegal settlements.

¹⁸⁷ Huffington Post

¹⁸⁸ ibidem

¹⁸⁹ ibidem

would accept a two-state peace agreement as long as it was approved by a Palestinian referendum or a newly elected government¹⁹⁰.

Noam Chomsky argues:

*'I don't like Hamas by any means, there is plenty to criticize about them, but if you compare their actions with US and Israel, they are minor criminals'*¹⁹¹.

Despite arguing there is no solution to the Palestinian problem except by Jihad and transforming it into an Islamic State, Hamas has repeatedly claimed that the scene of its battle against the Zionist occupation is limited to the Occupied Palestinian Territories. They said they would accept a prolonged truce with Israel for 40, maybe more years, either directly or through mediation.

Hamas succeeded in capturing Israeli soldier Gilad Shalit in 2006, who was freed in 2011 in exchange of the release of several Palestinian prisoners. Regarding their relationship with Iran, they state that they have relations with Iran and will do so with whoever supports them, but not at the expense of their Arab relations.

¹⁹⁰The Guardian, 22 de abril del 2008

¹⁹¹ Information Clearing House

Palestine's 2006 Electoral Process

Palestine has no Constitution, just a draft.

Palestinian Electoral law stipulates 16 districts chosen according to historic borders. Head of State is chosen directly in general elections by simple majority. Head of Government is appointed by the Head of State and then submitted to the Palestinian Legislative Council confidence vote. The Legislative Council is a unicameral assembly elected through a closed-list proportional representation system. Electoral law encompasses national legislative and presidential elections. Voting is voluntary. The minimum voting age is 18 years. Palestinians are not allowed to vote from outside Palestine. The President is chosen by popular vote and serves a four-year term¹⁹².

An electoral law passed on June 18, 2005 that replaced the 1995 Electoral law. The new law changed the electoral system from a majority system to a mixed system and the number of seats in the Palestinian Legislative Council from 88 to 132. Half the seats are elected by direct ballot based on 16 electoral districts and half chosen from party lists by proportional representation. It reserves six of the seats for Christian representatives. It also considers women's electoral quota¹⁹³.

From the establishment of the Palestinian Authority until the death of Yasser Arafat in November 2004, only one election had taken place, a single election for president and the legislature. The next elections were scheduled for 2000 but were delayed after the outbreak of the Second Intifada. Following Arafat's death, elections for President were announced for 9 January 2005¹⁹⁴. Municipal elections took place in rounds, starting with 26 towns and villages in the West Bank on December 23, 2004. On January 27, 2005, the first round took place in Gaza for 10 councils. Hamas took part of parliamentary election for the first time and won a decisive majority.

Hamas emerged as the clear winner, with 74 out of 132 parliamentary seats. Fatah managed to win only 43. Charges of widespread corruption have plagued Fatah. Its leaders have oftentimes been accused of siphoning funds,

¹⁹²Palestinian Legislative Council

¹⁹³ibidem

¹⁹⁴ Palestinian Academic Society for the Study of International Affairs

accepting favors and gifts and soliciting bribes. Fatah is out of power as a result of poor party discipline, multiple party lists and limited technical preparation for the parliamentary vote.

Immediately after the elections the Quartet stated that all future assistance to the PA will be reviewed by donors against Palestinian's commitment to non-violence, recognition of Israel and acceptance of previous agreements. Hamas refused¹⁹⁵.

As a result, in April 2006, the United States and the European Union announced they were halting assistance to the Hamas-led PA government. In addition, the PA lost access to banking services and loans as banks around the world refused to deal with the fear of running afoul of U.S. anti-terrorism laws and being cut off from the U.S. banking system¹⁹⁶.

Israel pressured people in Gaza, cutting off necessary resources such as electricity and starting a military assault.

By the end of 2006, tensions in the West Bank and Gaza Strip were rising as living conditions deteriorated. Armed supporters of Fatah and Hamas clashed repeatedly. After months of intermittent talks, on February 8, 2007, Fatah and Hamas signed an agreement to form a national unity government aimed at ending both the spasm of violence and the international aid embargo. The accord was signed by Fatah leader Mahmud Abbas and Hamas political leader Khalid Meshal in Saudi Arabia, after two days of talks under the auspices of Saudi King Abdullah¹⁹⁷.

Under the agreement, Ismail Haniyeh of Hamas remains prime minister. In the new government, Hamas controls nine ministries and Fatah six.

Ismail Haniyeh delivered a speech about the situation, he explained some points:

- A truce after the establishment of a state within the 1967 borders, for 10 or 15 years
- About an agreement sponsored by Qatar he said:

¹⁹⁵ Global Security

¹⁹⁶ibidem

¹⁹⁷ibidem

'the Americans rejected it and because some of those who were at the meeting with the president said that since the Americans rejected it then it would be difficult for them to approve it (...)Your position [Hamas] is impeccable and you are not to blame; you have done your part. The problem is not with you'¹⁹⁸.

- Haniyeh said he would step down as Palestinian prime minister if that would persuade the West to lift economic sanctions. He was rejected

Finally Abbas dismissed Haniyeh and dismissed the government on June 14, 2007. After declaring a state of emergency he swore in a new cabinet under the leadership of Salam Fayyad on June 17, 2007.

The international community supported Abbas. The Arab League and the European Union supported him and Israel and the US announced they were ready to lift the sanctions since a new government had been formed.

After the conflict Hamas and Fatah have met several times and announced they are close to reaching an agreement to form a national unity government. However Egypt and Syria were the main sponsors of this reconciliation. The Arab Spring has complicated the scenario but talks sponsored by Jordan are still taking place.

¹⁹⁸ The Official Muslim Brotherhood English website

Invasion of Gaza (2008 – 2009)

The Gaza Strip has been the center of the Palestinian resistance. In 2005 Israeli disengagement from this place offered hope in the improvement of their situation. However, when elections took place and Hamas won the election, Israel imposed a siege on the population of Gaza. Under the pretext of self-defense, Israel undertook a disproportionate attack against the population which has had serious consequences.

Ever since the al-Aqsa Intifada, the Gaza Strip is key to the resistance. Its resistance was mainly manifested through the use of primitive Qassam rockets. Gaza's population cannot manufacture or purchase high-tech weapons.

In 2005, Ariel Sharon was praised for the Israeli disengagement from the Gaza Strip. His reasons, rather than pacific, were to facilitate Israeli army brutality against Palestinian targets, which the presence of the settlers hampered¹⁹⁹. Sharon also transferred settlers to the West Bank, with valuable territory, unlike the Gaza Strip²⁰⁰.

Chomsky rightly argues that in 2006 Palestinians voted the wrong way in a free election²⁰¹. The elections had been monitored by the US and considered the most democratic in the Middle East but ironically the results of the elections were unexpected. Hamas's victory would entail tragic consequences for the Palestinians.

Israel, the US and the European Union argue Hamas is a terrorist organization. Israel justifies its confrontation with Hamas under the pretext of self-defense against the attacks against civilians Hamas carries out. Despite attacks against civilians unquestionably are a violation of international law, there are two things to keep in mind. First, Israel regularly attacks Palestinian civilians. Therefore it is guilty of its own indictment. Secondly, Israel has absolute power to eradicate Hamas's violent actions: recognizing the legitimate rights of the Palestinians.

¹⁹⁹IlanPappe: Israel's Message, Palestine News Network, 23 de junio de 2009.

²⁰⁰ Chomsky, Noam, Chomsky on Gaza, MIT World, 13 de junio de 2009.

²⁰¹Ibidem.

Hamas is not a military threat to Israel but a political nuisance. Israel and the US were used to manipulating Palestinian governments, but Hamas given in. Its leadership is based in the steadiness of its resistance, being completely committed to the Palestinian cause. Thus, it is an impediment to Israeli settler goals.

As a result of the elections a blockade was imposed on the Strip. The agreements that the disengagement had resulted in, were cancelled. The goal of that policy was that Gaza's population would rise up against the government. Hamas's response was the launching of rockets to Israel.

The Bush administration hoped Mahmoud Abbas would win the elections. After the results he decided to sponsor a military coup by Fatah to overthrow Hamas of power. However Hamas forestalled the attack. Clashes led to a civil war. Israel and the US made sure they did not have that problem in the West Bank by imposing severe measures in that territory.

Israel and Hamas have agreed to ceasefires. In June 2008 they agreed to one. Israel would allow the transfer of all goods that were banned and restricted to go into Gaza. However, it immediately announced that it would not abide by the agreement until Gilad Shalit is liberated. Shalit is a soldier Hamas captured and who remains in their hands. Hamas argues they won't release Shalit until the release of 1500 Palestinian prisoners, and end to the siege and opening all Gaza crossings forever²⁰².

Despite Israel kept the siege, the firing of rockets decreased. On the 4th of November that year, Israel raided Gaza. Chomsky argues that the most evident reason was Hamas-Fatah talks aimed at creating a single, unified government. After the attack, violence increased until the ceasefire formally ended on December 19th.

Days before the invasion, Khaled Meshal, Hamas's political bureau chief, announced that he was prepared for a cessation of aggression. He proposed

²⁰²Meshal: "One Shalit is not enough", Ezzedeen AL-Qassam Brigades – Information Office, 28 de juniodel 2010.

going back to the arrangement at the Rafah crossing²⁰³ in order to rehabilitate it and obtain the supplies that the region desperately needed. Israel attacked.

The cabinet was convened on Wednesday prior to the attack. What went on at the cabinet meeting was a discussion about the operation in which ministers were briefed about the various blueprints and plans of action. One minister said: Everyone fully understood what sort of period we were heading into and what sort of scenarios this could lead to. No one could say that he or she did not know what they were voting on²⁰⁴. Ministers unanimously voted in favor of the strike.

Operation 'Cast Lead' started on December 27th. The rigorous observance of the Sabbath is a source of polemic in Israeli political scene, the assault ignored it. The planning had military and propaganda components²⁰⁵.

Israelis argued the IDF attacked strictly military targets and when civilians were involved they issued an announcement calling on civilians to evacuate their homes. Gaza is one of the most densely populated areas in the world. According to UN OCHA in 2007 there was an average population density of 4000 people per square kilometer²⁰⁶. It is enough to compare the population density with the magnitude of the attack to clearly understand Israel deliberately attacked civil targets.

Since the beginning of the assault, the Security Council convened regularly without reaching agreement. Libya had presented a draft resolution which was rejected. Zalmay Khalilzad, US ambassador to the United Nations said 'The United States is deeply concerned by the continuing violence in Gaza and southern Israel. We support an immediate ceasefire that is sustainable and implemented by all. Specifically, this means that Hamas must stop its rocket attacks. There cannot be a meaningful ceasefire without this step or without the end of illegal arms smuggling into Gaza'²⁰⁷.

²⁰³Eldar, Akiva, White flag, black flag, Haaretz, 5 de enero del 2009.

²⁰⁴Ravid, Barak, IAF strike followed months of planning, Haaretz, 28 de diciembre del 2008.

²⁰⁵ Chomsky, Noam, Chomsky on Gaza, MIT World, 13 de junio de 2009.

²⁰⁶ United Nations Office for the Coordination of Humanitarian Affairs – Occupied Palestinian Territory.

²⁰⁷ El Consejo de Seguridad de la ONU concluye su reunión sin acuerdo sobre Gaza, Herald, 01 de enero de 2009.

After the January 4th meeting, the then-Libyan Ambassador to the UN expressed that 'unfortunately, the delegation of the United States [adopted] a clear position that is against any product or outcome from this meeting'²⁰⁸.

Meanwhile the then French Ambassador to the UN said:

'There was no formal agreement between member states. But I have noted strong convergencies about our concern at the escalation of violence and the deterioration of the situation, and strong convergencies on our call for an immediate, durable and respected ceasefire'²⁰⁹.

Finally, on January 8th, 2009 the Security Council adopted resolution 1860 calling for an 'immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza'²¹⁰ and called for the 'unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment'²¹¹.

Israel ignored resolution 1860 since over 50 UN facilities were damaged. On the 15th of January the UN's main warehouses were set to blaze by a barrage of rocket fire destroying hundreds of tons of emergency foods and medicines. On the morning of January the 16th the UN school in Beit Lahia, which had become an emergency shelter for more than 1800 people, came under fire.²¹²

²⁰⁸ EE.UU. impide Consejo de Seguridad ONU llame a un alto al fuego, Diario Libre, 04 de enero del 2009.

²⁰⁹ Ibídem.

²¹⁰ United Nations.

²¹¹ Ibídem.

²¹² OCHA, UNRWA, OCHA/UNRWA Gaza Film January 2009, Canal de UNRWA en Youtube, 09 de febrero del 2009.

Photography No. 5

Attack in a UNRWA school in Beit Lahia

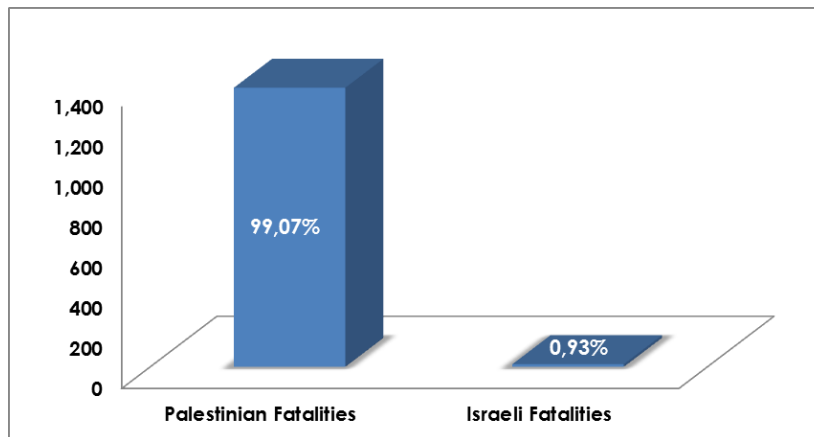


From: PalestinianPhotos

On January 18th, 2009 Israel declared a unilateral ceasefire. Hamas did too. B'Tselem, an Israeli human rights organization, reported 1387 Palestinian fatalities and 13 Israeli ones.

Chart No. 5

Operation 'Cast Lead' Fatalities

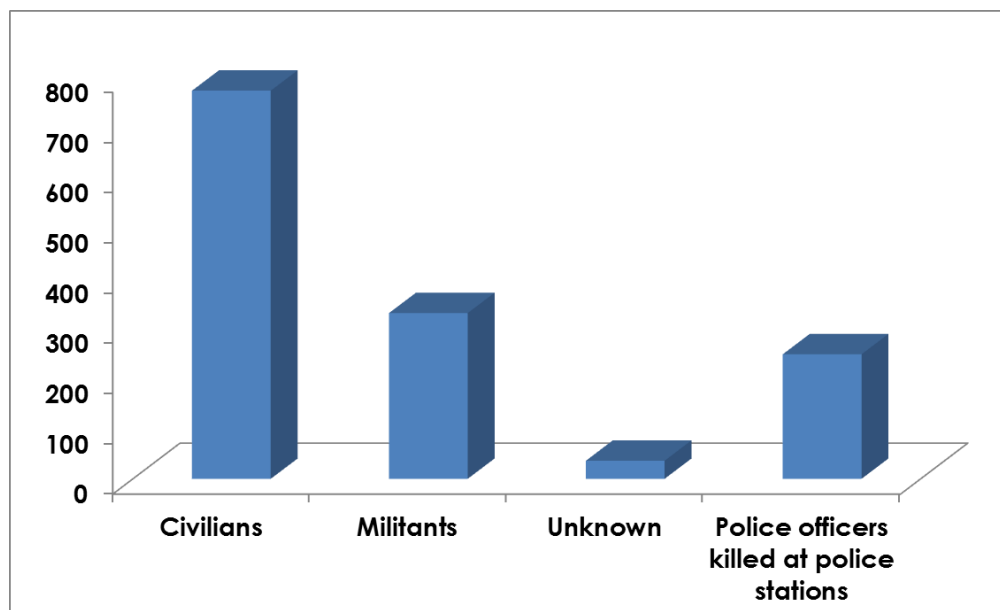


From: B'tselem – The Israeli Information Center
for Human Rights in the Occupied Territories

According to Israel, the attacks were directed against military targets. However there was a massive harm to the civilian population, extremely more civilian than military fatalities as the following chart shows:

Chart No. 6

Breakdown of Palestinian Fatalities



From: B'tselem – The Israeli Information Center
for Human Rights in the Occupied Territories

Israeli fatalities: three killed by rocket fire, six members of the security forces and four soldiers killed by friendly fire.

On January 12th, 2009 the UN Human Rights Council (Resolution A/HRC/S-9/L.1) decided:

‘to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the current aggression, and calls upon Israel not to obstruct the process of investigation and to fully cooperate with the mission’²¹³

The UN Fact-Finding mission led by Justice Richard Goldstone concluded there is evidence indicating serious violations of international human rights and humanitarian law were committed by Israel during the Gaza conflict, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity.

The result of the mission led by Judge Richard Goldstone found out that during the conflict Israel committed crimes such as targeting civilians, illegal detentions, detainee abuse, destruction of housing, use of human shields... ‘due regard for civilian lives and basic human dignity was replaced with disregard for basic international humanitarian law and human rights norms’²¹⁴.

The Report concludes:

‘what occurred in just over three weeks at the end of 2008 and the beginning of 2009 was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability’

Chomsky argues crimes committed in Gaza literally fall under the official US government definition of terrorism²¹⁵. According to Title 22 of the United States Code, ‘the term “terrorism” means premeditated, politically motivated violence

²¹³ Office of the High Commissioner for Human Rights

²¹⁴ *Ibidem*.

²¹⁵ Chomsky, Noam, Chomsky on Gaza, MIT World, 13 de junio de 2009.

perpetrated against noncombatant targets by subnational groups or clandestine agents; usually intended to influence an audience'²¹⁶.

Therefore, while Israel uses repetitive rhetoric against terrorism, it is a terrorist State by US definition. It is not about supporting terrorism. It is about the duty of the international community of an impartial judging and to find a way to eradicate it.

Uri Avnery, an Israeli writer, argues that the Gaza War has ended in a kind of draw. Israel failed to overthrow Hamas; people in Gaza are satisfied with its government. The army, that had lost public confidence in Lebanon War II, won it back. For now, the deterrence in Gaza is mutual. Gilad Shalit has not been freed. He considers the Goldstone Report as the key to analyze the results, since it was a fatal blow to Israel's standing in the world²¹⁷.

Even though there are many Israelis who do not support their government's policies; the international community's perception of Israel is a prerequisite for the awareness of the injustice that Palestinians suffer daily.

²¹⁶ US Department of State's Bureau of International Information Programs

²¹⁷Avnery, Uri, Cast Lead 2, Gush-Shalom, 26 de diciembre del 2009.

Conclusions

The study of Operation Cast Lead from its roots demonstrates Palestine is subjected to Israel's will. It seems unreal that they are victims of a siege because they participated in democratic elections.

On an international level, all the given references to the speech are about violence, none about the negotiating opportunities they have talked about. Israel and the US ignore the most basic principle for peace: you make peace with your enemy.

Operation Cast Lead was inhuman and calculating. It made it evident that if it weren't for the involvement of external actors, the situation in Palestine would not only sustain its status quo but worsen.

FOURTH CHAPTER

Introduction

The operation in Gaza in 2008-2009 had more far-reaching consequences than the conflict itself. It put the eyes of the world on the Palestinian situation and it fostered civil society's greater interest.

The Operation was carried out before a milestone in international politics. Obama would enter office. The Bush Administration had been largely criticized for its hard line. However, Obama has not represented a real change.

Since then, civil society has developed multiple solidarity initiatives with the Palestinian people, achieving better results than speeches at international organizations.

UN Humanitarian Aid

Operation “Cast Lead” pushed the humanitarian crisis in Gaza to catastrophic levels. Since it concluded, the blockade has severely hampered or prevented reconstruction efforts. With many construction materials barred or limited by Israel, Gaza's inhabitants are unable to rebuild their lives.²¹⁸.

On December 18th UNRWA was forced to suspend its food assistance program to 750,000 residents of Gaza due to the depletion of its wheat grain stocks. High-level discussions between the UN and the Government of Israel to facilitate the restarting of stalled UN priority humanitarian projects were largely unsuccessful. Following the resumption of violence in early November, the level of imports reached an unprecedented low level²¹⁹.

On several occasions, significant losses of life occurred when UNRWA schools - which were being used as shelters -, or hospitals or ambulances were hit. The UNRWA compound was hit by shelling, reported to include white phosphorus shells, which resulted in the destruction of an aid warehouse containing millions of dollars of aid supplies. The compound containing the offices of the UNSCO and the OCHA was damaged by IDF ordinance.

From the eleventh day of the operation, the Israelis announced unilaterally three-hour (and later four-hour) daily lulls in fighting to allow aid to be distributed, though these periods were too short to do all that was needed.

The US offered a \$400 million aid package for Palestine. Hamas offered not to touch that money. The Palestinian Authority would distribute part of it in Gaza, not to Hamas.

The international community, led by the UN, coordinated a humanitarian response. Gaza Flash Appeal in the amount of \$613 million was formally launched on February 2 (even though it had been in existence with a smaller funding request since December 31). This plan included 106 non-governmental

²¹⁸ Amnesty International

²¹⁹ OCHA

organization (NGO) projects and 82 UN projects in response to the needs of the humanitarian needs of the Gaza population. The UN Humanitarian Coordinator leads the Humanitarian Country Team with the support of the UNOCHA.

The overall coordination of the humanitarian effort relies on a focus on the following sectors: education, health, logistics, protection, water/sanitation, food security and nutrition, agriculture, mental health and shelter. There are more than 50 international NGOs working in Gaza and approximately 16 UN agencies.

The conflict resulted in extensive casualties and destruction of homes, livelihoods and infrastructure. It significantly debilitated basic services, further compounding an already serious humanitarian situation resulting in large part from the 18 months of sustained closure of Gaza to all but the most essential commodities.

Homes and public infrastructure throughout the Gaza Strip, including UN facilities, sustained extensive damage, with Gaza City the worst hit. An estimated 14,800 homes were destroyed or damaged in the fighting. Nearly 51,000 people were displaced in shelters.

In their visits to the region, both the UN Secretary-General and the Emergency Relief Coordinator (ERC) stressed that it is critical to ease the crossings regime for relief items, equipment and construction material, and spare parts, and for the free and sustained movement of humanitarian personnel to implement this planned response.

This Flash Appeal sought \$615 million to cover the identified and estimated needs 1.4 million persons for a nine-month period. The appeal included 106 NGO projects and 82 UN projects, including 11 projects of the UNRWA.

The Secretary-General and the Emergency Relief Coordinator have emphasized the need for all parties to support the provision of humanitarian assistance irrespective of the political and military situation, and on the basis of

the neutrality and impartiality of the United Nations and its partners. This has been re-affirmed by the parties since the ceasefire.

On this basis, the ERC has articulated the following needs to the Israeli Minister of Welfare and Social Services (MoWSS) and to the UN Security Council:

- Sustained and sufficient provision of basic commodities including wheat grain in bulk, food aid, water and sanitation materials, fuel (including for the power plant) and cooking gas, medical supplies, and cash
- Uninterrupted, sufficient and predictable movement of humanitarian staff (including UN, Red Cross/Red Crescent and NGOs) into and out of the Gaza Strip
- Much expanded quantities and categories of goods with humanitarian applications to be imported including equipment, spare parts and construction materials

Priority needs common to all humanitarian agencies

Opening of crossings: All crossings should be opened immediately for humanitarian agencies, with a particular priority on Karni's facilities, including its conveyor belt for the provision of bulk grain, being made available. Sufa is needed for the shipment of construction materials. The crossings should be used to import essential agricultural inputs to boost the local economy and livelihoods, quickly produce fresh foods and restore one of the few viable industries possible in Gaza at this time. Exports should also be allowed. The crossings must be allowed to operate in accordance with the Agreement of Movement and Access reached between Israel and the PA in 2005.

Supply of fuel: Nahal Oz crossing must remain fully and predictably open as it is the only crossing which can facilitate the transfer of sufficient amounts of fuel to maintain operations of the power plant, and restock other types of fuel needed in the Strip.

Cash/liquidity: Cash has still not officially entered the Gaza Strip (apart from salaries to UN and NGO national staff) and is urgently needed to re-start cash-for-work and cash assistance programmes to social hardship cases, pay PA salaries and reactivate the private sector and prevent increasing dependence on aid. The regular and predictable transfer of cash is therefore required, for aid operations, the provision of basic services, and the functioning of the economy.

Operational security for humanitarian agencies working in Gaza: With Gaza being one of the most densely populated areas in the world, explosive remnants of war pose a particular problem to the local population, and to humanitarian agencies. Although open conflict has subsided, remnants potentially limit humanitarian workers' access to populations of concern in certain areas. Scaling up UN/NGO staff presence and mobility is key to supporting humanitarian and recovery efforts.

Humanitarian agencies scope of action includes Agriculture, Cash-for-Work and Cash Assistance, Food Security and Nutrition, Education, Health, Protection (of Civilian Persons in Time of War), Psycho-Social Support and Mental Health, Shelter and Non-Food Items, Early Recovery/Reconstruction.

While Israel allows some humanitarian supplies from international aid agencies into Gaza, these are strictly limited and frequently delayed. UN agencies have said that additional storage and transportation costs incurred from delays due to the blockade totalled around \$5 million in 2009.

From Bush to Obama

The Bush Administration was one of the most controversial and strict ones the US has had lately. When Obama entered office, great expectations were set for his presidency. There is an open secret in Washington. All members swear to serve the interests of the United States, but there is an unwritten and overwhelming exception: The interests of one small foreign country almost always trump U.S. interests: Israel.

The Obama administration has declared the same goals and some of the same policies that the Bush administration. It supports the goal of two states, Israel and Palestine, living side by side in peace and security.

Barack H. Obama became the 44th President of the United States of America. In an Apr. 6, 2009 speech President Obama offered the following:

'The United States strongly supports the goal of two states, Israel and Palestine, living side by side in peace and security. That is a goal shared by Palestinians, Israelis, and people of goodwill around the world. That is a goal that the parties agreed to in the road map and at Annapolis. That is a goal that I will actively pursue as President of the United States. We know the road ahead will be difficult. Both Israelis and Palestinians must take steps that are necessary to build confidence and trust. Both Israelis and Palestinians, both must live up to the commitments they have made. Both must overcome longstanding passions and the politics of the moment to make progress towards a secure and lasting peace'²²⁰.

Obama is well known for his speeches, the most famous one regarding the Middle East is the one he gave in Cairo. One that is not so common but extremely important is the one delivered before the AIPAC - American Israeli Public Affairs Committee during his campaign. Some of his commitments were:

- Never compromise when it comes to Israel's security
- Ensuring Israel's military advantage through a Memorandum of Understanding that provides \$30 billion in assistance to Israel over the next decade
- Stand up for Israel's right to defend itself in the United Nations and around the world

²²⁰IsraeliPalestinianProCon

- Two states, a Jewish state of Israel and a Palestinian state, living side by side in peace and security
- Isolate Hamas unless they meet the conditions
- Jerusalem will remain the undivided capital of Israel

The importance of the speech he delivered in Cairo can be summarized in: The United States does not accept the legitimacy of continued Israeli settlements. For the first time, a US President categorically condemned this fact. Netanyahu has resisted a settlement freeze.

'America's strong bonds with Israel are well known. This bond is unbreakable. It is based upon cultural and historical ties, and the recognition that the aspiration for a Jewish homeland is rooted in a tragic history that cannot be denied (...)On the other hand, it is also undeniable that the Palestinian people -- Muslims and Christians -- have suffered in pursuit of a homeland. For more than 60 years they've endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza, and neighboring lands for a life of peace and security that they have never been able to lead. They endure the daily humiliations -- large and small -- that come with occupation. So let there be no doubt: The situation for the Palestinian people is intolerable. And America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own'.

Relationship with Netanyahu

The relationship between the US President and the Israeli Prime Minister has been one of the worst of the last decades. When Joe Biden was visiting Israel, Netanyahu announced 1,600 new housing units in the ultra-Orthodox neighborhood, Ramat Shlomo²²¹. Netanyahu and the Israeli lobby in the US want to defeat Obama in order to demonstrate, once again, who makes the decisions when it comes to the Middle East.

²²¹ Mundo árabe

Photography No. 6

Benjamin Netanyahu and Barack Obama



From: Reuters

Obama is a disappointment in the Middle East. When Mahmoud Abbas launched his bid for Palestinian statehood, Obama told him the US would veto any UNSC resolution because Palestinians had to prove they can live in peace, side by side to Israel.

In his last speech addressing the UN General Assembly he even told the world that the US's commitment to Israel's is unshakeable. Foreign Minister Avigdor Lieberman said he was ready to sign the speech with both hands.

However, Obama did Palestinians a favour. By demonstrating that the United States refuses to play the role of honest broker and by telling the UN that we are Israel and Israel is us, the United States is yielding the role of Middle East peacemaker to others²²².

²²² MJ Rosenberg, Al Jazeera, 24 de Septiembre de 2011

Goldstone Report

On 3 April 2009, the President of the Human Rights Council established an international independent Fact Finding Mission 'to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after'²²³.

The Mission was headed by Justice Richard Goldstone. Goldstone served as Justice of the Constitutional Court of South Africa and is a member of many human rights organizations including Human Rights Watch. He was the Chief Prosecutor of the International Criminal Tribunals for Rwanda, Yugoslavia and chaired the Independent Inquiry on Kosovo. He has received numerous awards for his work²²⁴. The other mission members were Professor Christine Chinkin, Ms. Hina Jilani and Colonel Desmond Travers.

The Mission was required to place the civilian population of the region at the center of its concerns regarding the violations of international law. The methods of work of the mission included meetings, field investigations, *notes verbales*, information and documentation collection, public hearings in Gaza and Geneva. Israel did not cooperate with the Mission despite its attempts.

The Mission investigated:

- The blockade
Israel continues to be duty-bound under the Fourth Geneva Convention and to the full extent of the means available to it to ensure the supply of foodstuff, medical and hospital items and other goods to meet the humanitarian needs of the population of the Gaza Strip without qualification
- Overview of Israel's military operations in the Gaza Strip and casualties
- Attacks by Israeli forces on government buildings and persons of the Gaza authorities, including police

²²³ Office of the High Commissioner for Human Rights

²²⁴ International Bar Association

'There is no evidence that the Legislative Council building and the Gaza main prison made an effective contribution to military action (Statements by Israeli Government and armed forces representatives justified the attacks arguing that political and administrative institutions in Gaza are part of the ' Hamas terrorist infrastructure') the attacks on these buildings constituted deliberate attacks on civilian objects in violation of the rule of customary international humanitarian law whereby attacks must be strictly limited to military objectives' ²²⁵

- Obligation on Palestinian armed groups in Gaza to take feasible precautions to protect the civilian population and civilian objects

'The Mission found no evidence, however, to suggest that Palestinian armed groups either directed civilians to areas where attacks were being launched or that they forced civilians to remain within the vicinity of the attacks' ²²⁶,

'The Mission excludes that Palestinian armed groups engaged in combat activities from United Nations facilities that were used as shelters during the military operations. The Mission cannot, however, discount the possibility that Palestinian armed groups were active in the vicinity of such United Nations facilities and hospitals' ²²⁷

- Obligation on Israel to take feasible precautions to protect the civilian population and civilian objects in Gaza

'The Mission acknowledges the significant efforts made by Israel to issue warnings through telephone calls, leaflets and radio broadcasts (...) this technique is not effective as a warning and constitutes a form of attack against the civilians inhabiting the building (...) The Mission concludes that the Israeli armed forces violated the requirement under customary international law to take all feasible precautions in the choice of means and method of attack with a view to avoiding and in any event minimizing incidental loss of civilian life, injury to civilians and damage to civilian objects' ²²⁸,

- Indiscriminate attacks by Israeli forces resulting in the loss of life and injury to civilians

²²⁵ Office of the High Commissioner for Human Rights

²²⁶ *ibidem*

²²⁷ *ibidem*

²²⁸ *ibidem*

- Deliberate attacks against the civilian population

'In the majority of these incidents, the consequences of the Israeli attacks against civilians were aggravated by their subsequent refusal to allow the evacuation of the wounded or to permit access to ambulances'

'The Mission finds that the conduct of the Israeli armed forces constitutes grave breaches of the Fourth Geneva Convention in respect of wilful killings and wilfully causing great suffering to protected persons and, as such, give rise to individual criminal responsibility'²²⁹
- The use of certain weapons
- Attacks on the foundations of civilian life in Gaza: destruction of industrial infrastructure, food production, water installations, sewage treatment plants and housing

'Unlawful and wanton destruction which is not justified by military necessity amounts to a war crime'

'the Mission concludes that, in addition to the extensive destruction of housing for so-called operational necessity during their advance, the Israeli armed forces engaged in another wave of systematic destruction of civilian buildings during the last three days of their presence in Gaza'
- The use of Palestinian civilians as human shields
- Deprivation of liberty: Gazans detained during the Israeli military operations of 27 December 2008 to 18 January 2009
- Objectives and strategy of Israel's military operations in Gaza

'The Mission finds that the incidents and patterns of events considered in the report are the result of deliberate planning and policy decisions'²³⁰,

'what was prescribed as the best strategy appears to have been precisely what was put into practice'²³¹
- The impact of the military operations and of the blockade on the people of Gaza and their human rights

'The conditions of life in Gaza, resulting from deliberate actions of the Israeli armed forces and the declared policies of the Government of Israel – as they were presented by its authorized and legitimate

²²⁹ibidem

²³⁰ibidem

²³¹ibidem

representatives – with regard to the Gaza Strip before, during and after the military operation, cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip in violation of international humanitarian law'

- The continuing detention of Israeli soldier Gilad Shalit
 - Internal violence and targeting of Fatah affiliates by security services under the control of the Gaza authorities
- 'organized violence directed mainly against Fatah affiliates and supporters'

After the report was published, Israeli Foreign Ministry spokesman, Yossi Levy, said 'the report a shameful chapter in the history of international law regarding the right of nations to defend themselves'. Israel's UN Ambassador Gabriela Shalev said 'Its mandate was clearly one-sided and ignored thousands of Hamas missile attacks on civilians in southern Israel that made the Gaza operation necessary'²³².

On 1 April 2011, Goldstone retracted his claim that it was Israeli government policy to deliberately target citizens²³³.

²³²B'nai Brith Argentina

²³³DemocracyNow

The Israeli attack to the Freedom Flotilla

On May 2010 a group of over 700 passengers, international activists, sailed from Istanbul aiming to break Israel's siege of the Gaza Strip carrying 10,000 tons of humanitarian supplies. The group of vessels was called the 'Freedom flotilla'. The ships came from Turkey, Greece, the UK and Ireland and carried medical equipment, construction materials and prefabricated homes.

The stated aims of the Flotilla were threefold: to draw international public attention to the situation in the Gaza Strip and the effect of the blockade; to break the blockade; and to deliver humanitarian assistance and supplies to Gaza. The primary objective was political, as indeed demonstrated by the decision reject a proposal that the cargo to be allowed through Ashdod intact²³⁴.

Table No. 2

Composition of the Flotilla

Composition of the Flotilla			
Name	Flag State	No. of Passengers and Crew	Type
Challenger I	US	17	Pleasure Boat
Challenger II	US	20	Pleasure Boat
Defne	Kiribati	20	Cargo Boat
Eleftheri Mesogios / Sofia	Greece	30	Cargo Boat
Gazze I	Turkey	18	Cargo Boat
Mavi Marmara	Comoros	575	Passenger Ship
Rachel Corrie	Cambodia	19	Cargo Ship
Sfendoni / Boat 8000	Togo	43	Passenger Boat
Total Passengers		742	

From: Office of the High Commissioner for Human Rights.

²³⁴ Office of the High Commissioner for Human Rights

The night of May 31st each vessel was contacted by the Israeli navy and requested to switch to an alternative channel warning they were approaching an area of hostilities which is under a naval blockade. A representative of the Free Gaza Movement spoke to the Israelis on behalf of the whole flotilla, reiterating that the passengers were unarmed civilians delivering humanitarian aid and that none of the ships that should be considered as any form of threat to Israel²³⁵.

It was logical to think the IDF would reluctantly let them in, because they could not claim the flotilla posed a security threat to Israel. Nonetheless, just as Gaza's population, they would pay the price for their support for democracy and for the sovereignty of the Palestinian people: accepting the legitimacy of Hamas government. The attack of the IDF was illogical but predictable because of Israeli disregard of international law.

The Israeli navy stormed the ships. Passengers of the *Mavi Marmara* engaged in efforts to repel the attempted boarding. The Israeli Forces opened fire and the commandos descended. In exercising their legitimate right to self-defense, some activists used any kind of makeshift weapons so that they could not harm anyone. Alex Harrison, a British activist who was on the Challenger yacht, manifests: *"You must remember that these are unarmed civilians on their own boat in the middle of the Mediterranean. People picked up what they could to defend themselves against armed, masked commandos who were shooting"*²³⁶.

The IDF released a video that shows activists attacked troops. The Israeli accounts were inconsistent and contradictory with regard to evidence. Israeli government made a thorough effort to confiscate all footage taken during the attack; the commandos seized all electronic devices (including cameras, computers, cell phones and memory cards). Why would they seize evidence if they were attacked first? There was also a video published on the Cultures of Resistance Channel in YouTube. It is an hour of raw footage from the moments leading up to the assault²³⁷. In the video, activists were using their laptops,

²³⁵ Ibidem.

²³⁶ Booth, Robert, Sherwood, Harriet, Vela, Justin, Gaza flotilla attack: Autopsies reveal intensity of Israeli military force, The Guardian, 4 de junio del 2010.

²³⁷ Lee, Lara, Israeli Attack on the Mavi Marmara // Raw Footage, Cultures of Resistance, 11 de junio del 2010.

sleeping, praying... no attempt of aggression. As a result of the attack, nine victims were dead. Most of them were shot more than once²³⁸.

Chomsky explains that for decades Israel has been hijacking boats in international waters²³⁹. As the US-Israeli 2008 assault on Gaza began, a small boat, the *Dignity*, was on its way from Cyprus to Gaza. The doctors and human rights activists aboard intended to violate Israel's criminal blockade and to bring medical supplies to the trapped population. The ship was intercepted in international waters by Israeli naval vessels, though it managed to limp to Lebanon²⁴⁰.

Norman Filkenstein is a political scientist specialist in the conflict between Israel and Palestine. He argues that if one grants for argument's sake that Israel had a right to stop the humanitarian convoy, it could have disabled the propeller or the rudder and towed the ship to port. Or it could have boarded the vessel in broad daylight²⁴¹.

The international community immediately condemned the attack. Fernández-Taranco on behalf of the United Nations, endorsed by Ban Ki-moon. Also representatives of the Quartet and UNRWA, The European Union through a statement and through Ashton, the Arab League, Erdogan on behalf of Turkey, Abbas and Fayyad on behalf of Palestine, al-Sharif on behalf of Jordan, the emir of Qatar, the Egyptian foreign minister, Hariri on behalf of Lebanon, and even organizations such as Amnesty International²⁴². Speaking at the funeral of the youngest activist, Erdogan accused Israel of betraying its religion.

Israel said its commandos were attacked by activists wielding knives, grenades, clubs and pistols²⁴³. Turkey's Prime Minister said that the boats that left from

²³⁸ Booth, Robert, Sherwood, Harriet, Vela, Justin, Gaza flotilla attack: Autopsies reveal intensity of Israeli military force, *The Guardian*, 4 de juniodel 2010.

²³⁹ Chomsky, Noam, "Sheer Criminal Agression, with no Credible Pretext", *The Noam Chomsky Website*, 2 de juniodel 2010.

²⁴⁰ Chomsky, Noam, Chomsky on Gaza, *MIT World*, 13 de junio de 2009.

²⁴¹ WazwazFedwa, Flotilla Attack: Interview with Norman Filkenstein, *Star Tribune*, 24 de junio del 2010.

²⁴² Carlstrom, Gregg, Live coverage: Israel's flotilla raid, *Al Jazeera Blogs*, 31 de mayo del 2010.

²⁴³ Israeli Defense Forces, Footage of soldiers being attacked by Mavi Marmara passengers, 31 de mayo del 2010.

Turkey and other countries were checked in a strict way... The organizers made sure they did not carry -what Israel considers- dual-use products.

The global outcry over the attack expected the Obama administration to react. Obama disappointed the world when he did not condemn the attack. The White House regretted the loss of life and called for a full investigation. Even though Obama is characteristically moderate, there was hope for a change of policy towards Israeli crimes. United States policy toward Israel is still the same.

Avnery, in his signature style, stated on his column that only a crazy government that has lost all restraint and all connection to reality could consider ships carrying humanitarian aid and peace activists from around the world as an enemy and send massive military force to international waters to attack them, shoot and kill²⁴⁴. He also called it Chapter 2 of 'Cast Lead' because world public opinion turned against Israel.

Israel proved it doesn't care about the opinion of the international community. Israel will do and say whatever it wants. Pappé asserts:

*"As long as the international community is complacent, the Arab world impotent and Gaza contained, Israel can still have a thriving economy and an electorate that regards the dominance of the army in its life, the continued conflict and the oppression of the Palestinians as the exclusive past, the present and future reality of life in Israel"*²⁴⁵.

In response to the attack the Human Rights Council dispatched a fact-finding mission. The mission concluded that the conduct of the Israeli military was disproportionate and demonstrated levels of unnecessary violence. It argues the Israeli military committed willful killing, torture or inhuman treatment and willfully causing great suffering which are crimes within the terms of the Fourth Geneva Convention. The Mission lists violations of Israel's obligations under international human rights law:

- Right to life
- Torture and other cruel, inhuman or degrading treatment or punishment

²⁴⁴Avnery, Uri, A government of pyromaniacs sets fire to the region, Gush-Shalom.

²⁴⁵Pappé, Ilan, The deadly closing of the Israeli mind, The Independent, 6 de juniodel 2010.

- Right to liberty and security of the person and freedom from arbitrary arrest or detention
- Right of detainees to be treated with humanity and respect for the inherent dignity of the human person
- Freedom of expression²⁴⁶.

Unfortunately, there is little hope for governments to make changes. Civil society initiatives can force Israel to recognize the rights of the Palestinian people. Freedom Flotilla set a precedent to demonstrate the Palestinians have a voice in the international community, a voice with the power to expose the cruelty of the Israeli government.

²⁴⁶ Office of the High Commissioner for Human Rights

Negotiations between Israel and Palestine

In more than sixty years of conflict, there have been several peace initiatives for Israelis and Palestinians. Unfortunately, all of them have been unsuccessful. The United States, Israel's biggest ally, has or been involved in every major effort to broker peace between these sides. The aim of negotiations has been that Palestine gives in to Israeli requirements. One of the most important reasons for the failure of the process is that the same people have sat at the negotiating table for years.

Negotiations:

- Madrid Peace Conference (1991)
- Tripartite Agreement (1992)
- Oslo I Accord (1993)
- Oslo II Accords (1994) / Taba Summit
- Hebron Agreement (1997)
- Wye River Memorandum (1998)
- Tripartite Summit at Camp David (2000)
- Taba Talks (2001)
- Annapolis Conference (2007)
- Direct Negotiations (2010)

Madrid Peace Conference (1991)

The United Nations General Assembly had been calling for the convening of an International Peace Conference for years; Israel and the US were not interested. However, Bush was committed to the Arab States that supported the US-led coalition against Iraq during the Gulf War²⁴⁷.

The United States and the Soviet Union co-sponsored the Middle East Peace Conference which was held in Madrid. The Israeli government refused to talk with PLO representatives.

²⁴⁷MacLiman

Tripartite Agreement (1992)

The Madrid Peace Conference laid the groundwork for bilateral and multilateral peace talks between Israel, Jordan and the Palestinian Authority. Optimism over the negotiations quickly faded due to the inflexibility of the parties and Israeli rejection of Palestinian proposals

When the Labour Party came to power in 1992, the law that prohibited Israeli from meeting PLO members was repealed. Facing escalated violence the Israeli military was replaced by a civil administration²⁴⁸. The PLO settled in Jericho. Despite their situation, they focused significant efforts on building infrastructure for a future Palestinian state which were overshadowed by the Oslo Accords.

Oslo I Accord (1993)

Norway hosted Israel and the PLO secret negotiations. The PLO represented, in the main, the Palestinian refugee constituency. Israeli Foreign Minister Shimon Peres and Mahmoud Abbas conducted secret negotiations.

An initial draft of the Declaration of Principles (See Annex 5) was published. The US took the lead and the Declaration of Principles was signed in Washington on September 13th. The Declaration of Principles included a redeployment of Israeli military forces from the Gaza Strip and Jericho and a transfer of authority from the Israeli Civil Administration to a Palestinian Authority.

Illogically, instead of looking for a solution for the problem, the main issues were considered 'remaining issues' and were postponed until after the implementation of an interim agreement:

'These negotiations will deal with the remaining issues to be resolved, including Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with neighboring countries'²⁴⁹.

²⁴⁸ibidem

²⁴⁹ Israeli Ministry of Foreign Affairs

Either way, the document was a success for the PLO who was granted Israeli recognition and assumed control of the OPT. The problem was that it considered the 1967 war as the starting point of the conflict, but it was the only opportunity for Palestinians. Much Palestinian factions denounced the Oslo Agreement, including Hamas.

For the Israeli administration the Oslo agreement was actually the realization of the Allon Plan. The Allon Plan consisted in securing strategic control over the West Bank. The difference was that they were put under control of the PLO²⁵⁰. 'The paving of highways, the digging of tunnels and the cantonization of the West Bank were 'the Oslo process'²⁵¹.

The Oslo Accord was the basis for subsequent negotiations.

Cairo Agreement (1994)

As part of the Oslo process, the Cairo Agreement guaranteed unfettered freedom of movement between Gaza and Jericho; and the structure of Palestinian bodies that would assume control of the autonomous area.

Oslo II Accords (1994) / Taba Summit

The Taba Summit grants the Palestinian Authority some limited powers and responsibilities. But they needed approval of Israel which had the right to veto them. It was a government in form but not substance.

Hebron Agreement (1997)

The Hebron Agreement established an international temporary presence in the city. It was signed on May 9, 1996 and implemented in an 80% in 1997.

²⁵⁰ Chomsky. Perilous Power

²⁵¹ Pappé, Ilan, A History of Modern Palestine: One Land, Two Peoples, p..

Wye River Memorandum (1998)

The Wye River Memorandum was signed by Israel and the PLO on October 23, 1998 in Maryland, committing each side to implement previous agreements.

Tripartite Summit at Camp David (2000)

In July 2000, Clinton invited Israeli Prime Minister Ehud Barak and Yasser Arafat for a summit at Camp David with the intention of reaching an Israeli-Palestinian agreement on final status issues. The Summit ended without success.

At the end of two weeks, Clinton made a statement saying that both sides accepted the parameters and both sides expressed reservations ²⁵². To overcome the post-Camp David deadlock, the US proposed Israeli withdrawal from 90% of the West Bank. Based on these ideas, Israelis and Palestinians conducted talks in Taba²⁵³.

Taba Talks (2001)

Taba talks were conducted based on Washington's proposals. Chomsky argues the Taba agreements made considerable progress and might have led to a settlement. It was the only break in 30 years of U.S.-Israeli rejectionism, they recognized the historical injustice that was done to Palestinians and agreed there should be some symbolic return of Palestinian refugees.

At the final press conference the negotiators said they had never been that close to an agreement. The negotiations were cancelled by the Israeli government. The process terminated when Sharon defeated Barak and Bush entered the White House.

²⁵² Chomsky, Noam, Achcar, Gilbert. *Perilous Power*.

²⁵³ The Palestinian Academic Society for the Study of International Affairs (PASSIA)

Annapolis Conference (2007)

In November 2007, under American mediation, Mahmoud Abbas and Ehud Olmert met to make plans for future negotiations. The meeting was attended by representatives of over 30 nations, the UNSC and the Quartet²⁵⁴. It resulted in a draft resolution being presented by the US to the UNSC, which was, however, immediately withdrawn after Israeli objections.

Direct Negotiations (2010)

Obama created high expectations regarding the Israeli-Palestinian conflict, especially after his speech at Cairo. His peace envoy, George Mitchell, was unable to reach an agreement because Israel had refused to agree to a new settlement freeze.

US Secretary of State Hillary Clinton headed to the Middle East to meet different leaders. Controversy was impressive when direct negotiations started. Some hoped for her mediation, some knew direct talks were destined for failure.

When Netanyahu made clear that Israel's settlement moratorium would not continue; all hope faded.

Israel, supported by the US, refuses to negotiate with Hamas. Hamas is the legitimate government of Palestine. It should have a seat at the negotiating table in order to reach a final agreement.

Mahmoud Abbas, representing the Palestinian Authority, is pursuing a new strategy for achieving statehood. UNESCO granted full membership to the Palestinians. More achievements are expected in the future.

²⁵⁴ibidem

Conclusions

After Operation Cast Lead it was expected that the international community would take action on the resolution of the conflict, aware that its status quo is a peril for the peoples involved.

Obama entered office. The UN adopted the Goldstone Report. No change of reality on the ground was evidenced. Obama has maintained a course of unconditional support for Israel without any hope for change in American foreign policy. The United Nations has been limited to speeches and unsuccessful resolutions.

It has been civil society organizations who have shown greater responsibility and a stronger commitment to finding a solution to the conflict. More initiatives -such as the Freedom Flotilla- have been carried out. These initiatives are invaluable as the use of peaceful power that every world citizen has to help the Palestinian people.

CONCLUSIONS

The founding of Zionist ideology is logical in its *raison d'être*. However, it is unjustifiable to use a political ideology in order to carry out an ethnic cleansing. Colonizing state policies should not be so today.

In order to curb the expansionist spirit of Israel, the international community needs to have power over the parties. United Nations has been irrelevant regarding a change in Israeli policy. Its scope of action is limited to humanitarian assistance to the Palestinian people.

Operation Cast Lead is the clearest evidence of which the actual management and interest in the conflict is, Palestinians are dehumanized. The international community does not have the power to change the status quo of the situation and the US and Israel do not intend to.

Hence, responsibility falls on civil society to make the occupation and the siege visible through pacific actions that compel Israel to respect international law.

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ANNEXES

Annex 1. Balfour Declaration

Foreign Office,
November 2nd, 1917

Dear Lord Rothschild:

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

Arthur James Balfour

Annex 2. UN General Assembly Resolution 181

Resolution 181 (II). Future government of Palestine

A

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

Having constituted a [Special Committee](#) and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

Having received and examined the report of the Special Committee ([document A/364](#)) ^{1/} including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this

plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking action which might hamper or delay the carrying out of these recommendations, and

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B ^{2/}

The General Assembly

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

*Hundred and twenty-eighth plenary meeting
29 November 1947*

*[At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution [181 A], elected the following members of the United Nations Commission on Palestine: **Bolivia, Czechoslovakia, Denmark, Panama and Philippines.**]*

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future constitution and government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its

intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A [Commission](#) shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The [Commission](#), after consultation with the democratic parties and other public organizations of The Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity of political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider

necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render [periodic monthly progress reports](#), or more frequently if desirable, to the Security Council.

15. The Commission shall make its [final report](#) to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

General Provision

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Chapter 1

Holy Places, religious buildings and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either

discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

Chapter 2

Religious and Minority Rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.^{3/}

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab

State)^{4/} shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

Chapter 3

Citizenship, international conventions and financial obligations

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. International conventions. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. Financial obligations. (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the

latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

Chapter 4

Miscellaneous provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to economic union and transit. This undertaking shall be drafted by the commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

(a) A customs union;

(b) A joint currency system providing for a single foreign exchange rate;

(c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and port and airports involved in international trade and commerce;

(d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;

(e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that--to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources--each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

(a) The expenses of the customs service and of the operation of the joint services;

(b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's export fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security

considerations; provided that each state and the City shall control residence within its borders.

Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the international Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

Boundaries ^{5/}

A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of `Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of `Ilut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan'. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it

follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Ara, and thence proceeding south-south-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramle village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezim to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary lines run north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Es Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds

along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrifa. From there it joins Wadi El Zaiyatin just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this Wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lassan to the point where Wadi Lassan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Miqve Israel lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern) Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish Section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan,

elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. *Government machinery; special objectives.* The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of a special town units consisting respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the

protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. *Administration of justice.* The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. *Economic union and economic regime.* The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decision of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. *Freedom of transit and visit; control of residents.* Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. *Relations with the Arab and Jewish States.* Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. *Official languages.* Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship.* All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. *Freedoms of Citizens.* (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site

which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. *Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine.* (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

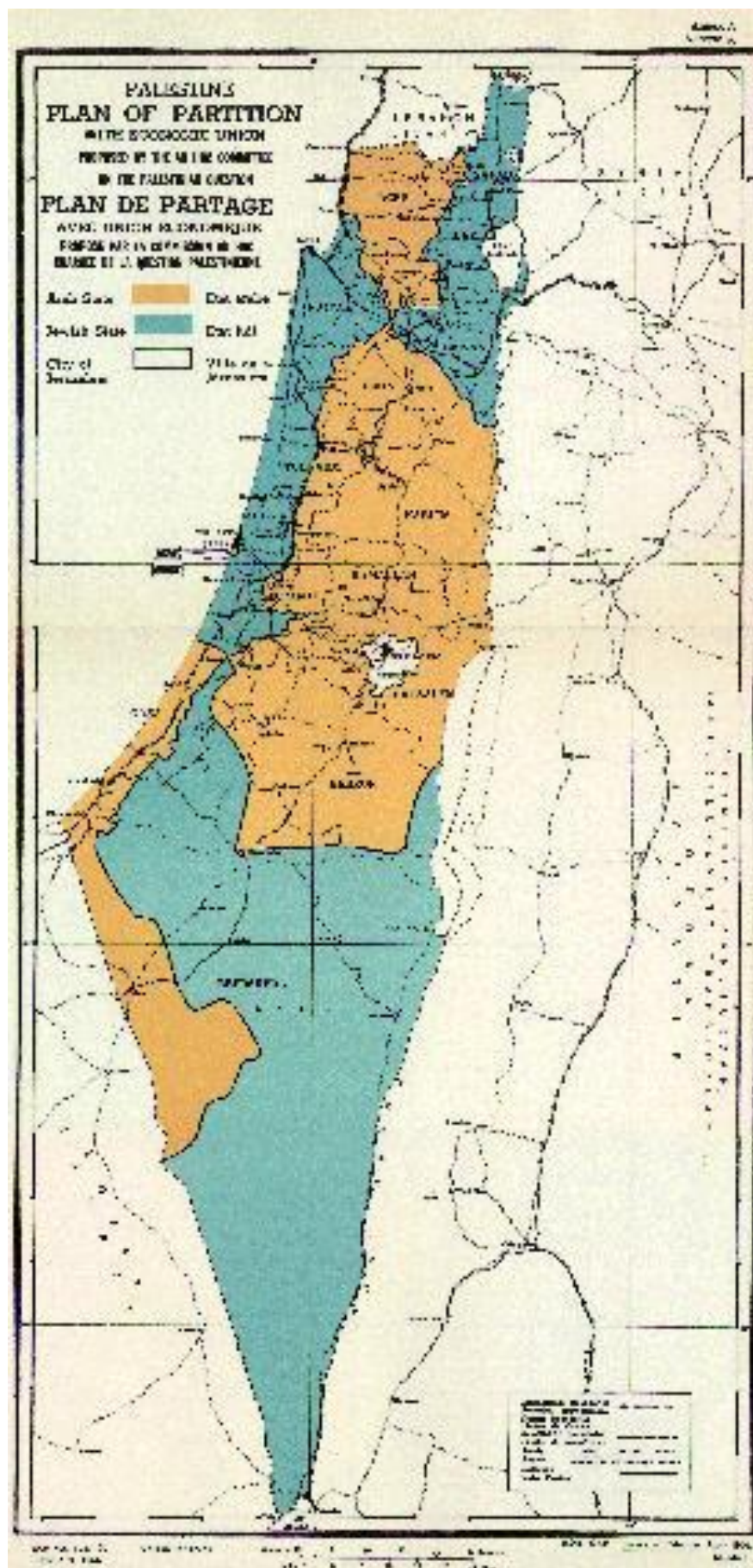
D. DURATION OF THE SPECIAL REGIME

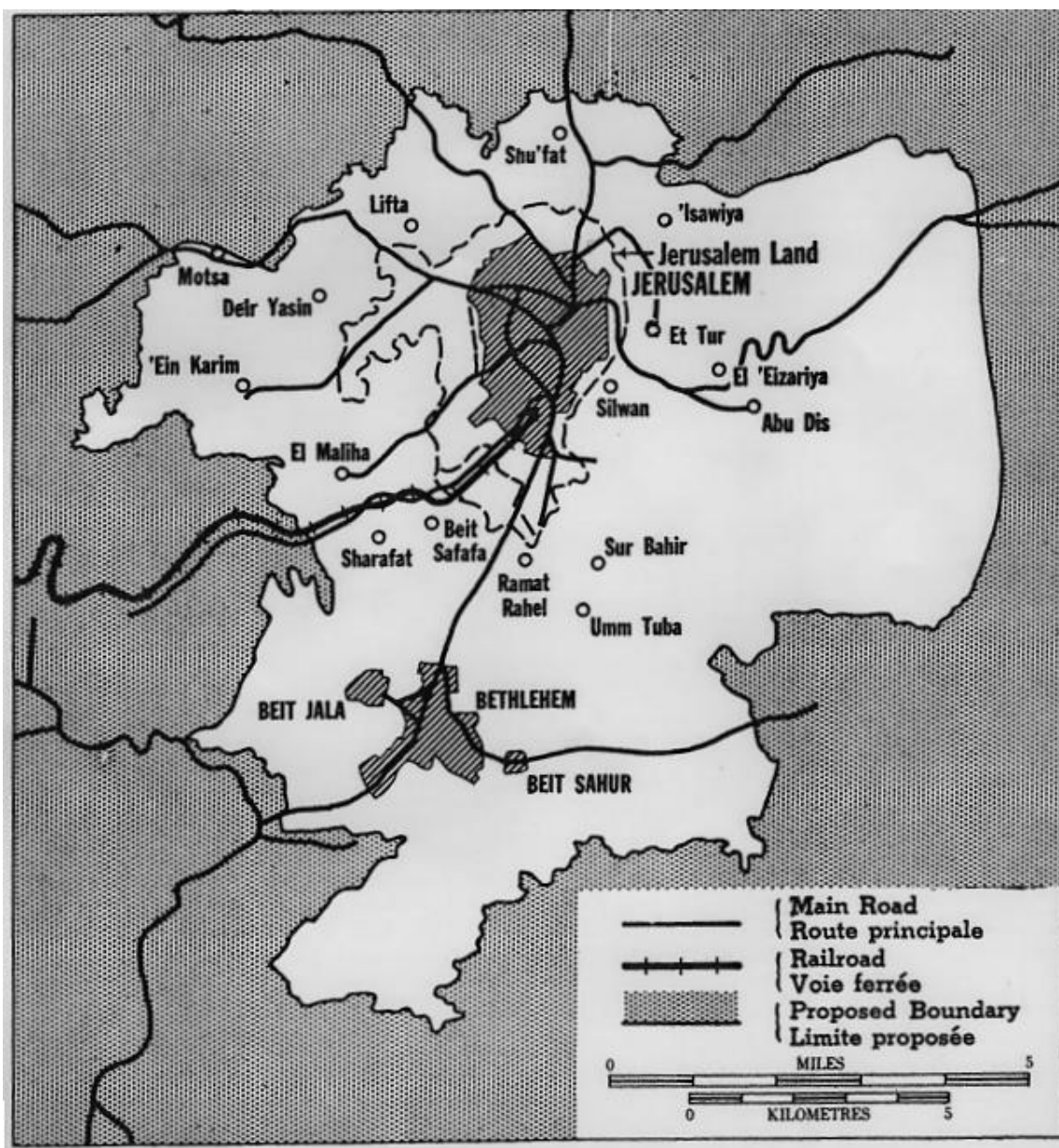
The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

PART IV

CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.





Annex 3. Palestine Declaration of Independence

In the name of God, the Compassionate, the Merciful.

Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed, and excelled. The Palestinian people was never separated from or diminished in its integral bonds with Palestine. Thus the Palestinian Arab people ensured for itself an everlasting union between itself, its land, and its history.

Resolute throughout that history, the Palestinian Arab people forged its national identity, rising even to unimagined levels in its defense as invasion, the design of others, and the appeal special to Palestine's ancient and luminous place on that eminence where powers and civilizations are joined All this intervened thereby to deprive the people of its political independence. Yet the undying connection between Palestine and its people secured for the land its character and for the people its national genius.

Nourished by an unfolding series of civilizations and cultures, inspired by a heritage rich in variety and kind, the Palestinian Arab people added to its stature by consolidating a union between itself and its patrimonial land. The call went out from temple, church, and mosque to praise the Creator, to celebrate compassion, and peace was indeed the message of Palestine. And in generation after generation, the Palestinian Arab people gave of itself unsparingly in the valiant battle for liberation and homeland. For what has been the unbroken chain of our people's rebellions but the heroic embodiment of our will for national independence ? And so the people were sustained in the struggle to stay and to prevail.

When in the course of modern times a new order of values was declared with norms and values fair for all, it was the Palestinian Arab people that had been excluded from the destiny of all other peoples by a hostile array of local and foreign powers. Yet again had unaided justice been revealed as insufficient to its history along its preferred course.

And it was the Palestinian people, already wounded in its body, that was submitted to yet another type of occupation over which floated the falsehood that "Palestine was a land without people." This notion was foisted upon some in the world, whereas in Article 22 of the Covenant of the League of Nations (1919) and in the Treaty of Lausanne (1923), the community of nations had recognized that all the Arab territories, including Palestine, of the formerly Ottoman provinces were to have granted to them their freedom as provisionally independent nations.

Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination, following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty and national independence.

By stages, the occupation of Palestine and parts of other Arab territories by Israeli forces, the willed dispossession and expulsion from their ancestral homes of the majority of Palestine's civilian inhabitants was achieved by organized terror; those

Palestinians who remained, as a vestige subjugated in its homeland, were persecuted and forced to endure the destruction of their national life.

Thus were principles of international legitimacy violated. Thus were the Charter of the United Nations and its resolutions disfigured, for they had recognized the Palestinian Arab people's national rights, including the Right of Return, the Right to Independence, the Right to Sovereignty over territory and homeland.

In Palestine and on its perimeters, in exile distant and near, the Palestinian Arab people never faltered and never abandoned its conviction in its rights of return and independence. Occupation, massacres, and dispersion achieved no gain in the unabated Palestinian consciousness of self and political identity, as Palestinians went forward with their destiny, undeterred and unbowed. And from out of the long years of trial in evermounting struggle, the Palestinian political identity emerged further consolidated and confirmed. And the collective Palestinian national will forged itself in a political embodiment, the Palestine Liberation Organization, its sole, legitimate representative, recognized by the world community as a whole, as well as by related regional and international institutions. Standing on the very rock, of conviction in the Palestinian people's inalienable rights, and on the ground of Arab national consensus, and of international legitimacy, the PLO led the campaigns of its great people, molded into unity and powerful resolve, one and indivisible in the triumphs, even as it suffered massacres and confinement within and without its home. And so Palestinian resistance was clarified and raised into the forefront of Arab and world awareness, as the struggle of the Palestinian Arab people achieved unique prominence among the world's liberation movements in the modern era.

The massive national uprising, the Intifadah, now intensifying in cumulative scope and power on occupied Palestinian territories, as well as the unflinching resistance of the refugee camps outside the homeland, have elevated consciousness of the Palestinian truth and right into still higher realms of comprehension and actuality. Now at last the curtain has been dropped around a whole epoch of prevarication and negation. The Intifadah has set siege to the mind of official Israel, which has for too long relied exclusively upon myth and terror to deny Palestinian existence altogether. Because of the Intifadah and its revolutionary irreversible impulse, the history of Palestine has therefore arrived at a decisive juncture.

Whereas the Palestinian people reaffirms most definitely its inalienable rights in the land of its patrimony:

Now by virtue of natural, historical, and legal rights and the sacrifices of successive generations who gave of themselves in defense of the freedom and independence of their homeland;

In pursuance of resolutions adopted by Arab summit conferences and relying on the authority bestowed by international legitimacy as embodied in the resolutions of the United Nations Organization since 1947;

And in exercise by the Palestinian Arab people of its rights to self-determination, political independence, and sovereignty over its territory;

The Palestine National Council, in the name of God, and in the name of Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).

The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and nondiscrimination in public rights on grounds of race, religion, color, or sex under the aegis of a constitution which ensures the role of law and on independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious co-existence.

The State of Palestine is an Arab state, an integral and indivisible part of the Arab nation, at one with that nation in heritage and civilization, with it also in its aspiration for liberation, progress, democracy, and unity. The State of Palestine affirms its obligation to abide by the Charter of the League of Arab States, whereby the coordination of the Arab states with each other shall be strengthened. It calls upon Arab compatriots to consolidate and enhance the emergence in reality of our State, to mobilize potential, and to intensify efforts whose goal is to end Israeli occupation.

The State of Palestine proclaims its commitment to the principles and purposes of the United Nations, and to the Universal Declaration of Human Rights. It proclaims its commitment as well to the principles and policies of the Non-Aligned Movement.

It further announces itself to be a peace-loving state, in adherence to the principles of peaceful co-existence. It will join with all states and peoples in order to assure a permanent peace based upon justice and the respect of rights so that humanity's potential for well-being may be assured, an earnest competition for excellence be maintained, and in which confidence in the future will eliminate fear for those who are just and for whom justice is the only recourse.

In the context of its struggle for peace in the land of love and peace, the State Of Palestine calls upon the United Nations to bear special responsibility for the Palestinian Arab people and its homeland. It calls upon all peace- and freedom-loving peoples and states to assist it in the attainment of its objectives, to provide it with security, to alleviate the tragedy of its people, and to help to terminate Israel's occupation of the Palestinian territories.

The State of Palestine herewith declares that it believes in the settlement of regional and international disputes by peaceful means, in accordance with the UN Charter and resolutions. Without prejudice to its natural right to defend its territorial integrity and independence, it therefore rejects the threat or use of force, violence, and terrorism against its territorial integrity, or political independence, as it also rejects their use against the territorial integrity of other states.

Therefore, on this day unlike all others, 15 November, 1988, as we stand at the threshold of a new dawn, in all honor and modesty we humbly bow to the sacred spirits of our fallen ones, Palestinian and Arab, by the purity of whose sacrifice for the homeland our sky has been illuminated and our land given life. Our hearts are lifted up and irradiated by the light emanating from the much blessed intifadah, from those who have endured and have fought the fight of the camps, of dispersion, of exile, from those who have borne the standard of freedom, our children, our aged, our youth, our prisoners, detainees, and wounded, all those whose ties to our sacred soil are confirmed in camp, village, and town. We render special tribute to that brave Palestinian woman, guardian of sustenance and life, keeper of our people's perennial flame. To the souls of our sainted martyrs, to the whole of our Palestinian Arab people, to all free and honorable peoples everywhere, we pledge that our struggle shall be continued until the occupation ends, and the foundation of our sovereignty and independence shall be fortified accordingly.

Therefore, we call upon our great people to rally to the banner of Palestine, to cherish and defend it, so that it may forever be the symbol of our freedom and dignity in that homeland, which is a homeland for the free, now and always.

In the name of God, the Compassionate, the Merciful.

"Say: 'O God, Master of the Kingdom, Thou givest the Kingdom to whom Thou wilt, and seizest the Kingdom from whom Thou wilt. Thou exaltest whom Thou wilt, and Thou abasest whom Thou wilt; in Thy hand is the good ; Thou art powerful over everything.

November 15, 1988

Annex 4. UN Security Council Resolution 242

Resolution 242 (1967) of 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the [Charter](#),

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from [territories](#) occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a [Special Representative](#) to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting

Annex 5. Roadmap

**A PERFORMANCE-BASED ROADMAP
TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT**

The following is a performance-based and goal-driven roadmap, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet. The destination is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, as presented in President Bush's speech of 24 June, and welcomed by the EU, Russia and the UN in the 16 July and 17 September Quartet Ministerial statements.

A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty, and through Israel's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement as described below. The Quartet will assist and facilitate implementation of the plan, starting in Phase I, including direct discussions between the parties as required. The plan establishes a realistic timeline for implementation. However, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below. Should the parties perform their obligations rapidly, progress within and through the phases may come sooner than indicated in the plan. Non-compliance with obligations will impede progress.

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors. The settlement will resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah – endorsed by the Beirut Arab League Summit – calling for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet will meet regularly at senior levels to evaluate the parties' performance on implementation of the plan. In each phase, the parties are expected to perform their obligations in parallel, unless otherwise indicated.

**PHASE I:
ENDING TERROR AND VIOLENCE, NORMALIZING PALESTINIAN LIFE,
AND BUILDING PALESTINIAN INSTITUTIONS
PRESENT TO MAY 2003**

In Phase I, the Palestinians immediately undertake an unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinians undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

At the outset of Phase I:

- Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
- Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.

SECURITY

- Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere.
- Rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
- GOI takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive

measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan.

- Relying on existing mechanisms and on-the-ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
- Implementation, as previously agreed, of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (U.S.–Egypt–Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
 - All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
 - Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.
- Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

PALESTINIAN INSTITUTION-BUILDING

- Immediate action on credible process to produce draft constitution for Palestinian statehood. As rapidly as possible, constitutional committee circulates draft Palestinian constitution, based on strong parliamentary democracy and cabinet with empowered prime minister, for public comment/debate. Constitutional committee proposes draft document for submission after elections for approval by appropriate Palestinian institutions.
- Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.
- GOI fully facilitates travel of Palestinian officials for PLC and Cabinet sessions, internationally supervised security retraining, electoral and other reform activity, and other supportive measures related to the reform efforts.

- Continued appointment of Palestinian ministers empowered to undertake fundamental reform. Completion of further steps to achieve genuine separation of powers, including any necessary Palestinian legal reforms for this purpose.
- Establishment of independent Palestinian election commission. PLC reviews and revises election law.
- Palestinian performance on judicial, administrative, and economic benchmarks, as established by the International Task Force on Palestinian Reform.
- As early as possible, and based upon the above measures and in the context of open debate and transparent candidate selection/electoral campaign based on a free, multi-party process, Palestinians hold free, open, and fair elections.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.
- GOI reopens Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem based on a commitment that these institutions operate strictly in accordance with prior agreements between the parties.

HUMANITARIAN RESPONSE

- Israel takes measures to improve the humanitarian situation. Israel and Palestinians implement in full all recommendations of the Bertini report to improve humanitarian conditions, lifting curfews and easing restrictions on movement of persons and goods, and allowing full, safe, and unfettered access of international and humanitarian personnel.
- AHLIC reviews the humanitarian situation and prospects for economic development in the West Bank and Gaza and launches a major donor assistance effort, including to the reform effort.
- GOI and PA continue revenue clearance process and transfer of funds, including arrears, in accordance with agreed, transparent monitoring mechanism.

CIVIL SOCIETY

- Continued donor support, including increased funding through PVOs/NGOs, for people to people programs, private sector development and civil society initiatives.

SETTLEMENTS

- GOI immediately dismantles settlement outposts erected since March 2001.
- Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).

PHASE II: TRANSITION
JUNE 2003-DECEMBER 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable, state.

Progress into Phase II will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties. Furthering and sustaining efforts to normalize Palestinian lives and build Palestinian institutions, Phase II starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003. Its primary goals are continued comprehensive security performance and effective security cooperation, continued normalization of Palestinian life and institution-building, further building on and sustaining of the goals outlined in Phase I, ratification of a democratic Palestinian constitution, formal establishment of office of prime minister, consolidation of political reform, and the creation of a Palestinian state with provisional borders.

- **INTERNATIONAL CONFERENCE:** Convened by the Quartet, in consultation with the parties, immediately after the successful conclusion of Palestinian elections, to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian state with provisional borders.
 - Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.
 - Arab states restore pre-intifada links to Israel (trade offices, etc.).
 - Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.
- New constitution for democratic, independent Palestinian state is finalized and approved by appropriate Palestinian institutions. Further elections, if required, should follow approval of the new constitution.

- Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
- Continued comprehensive security performance, including effective security cooperation on the bases laid out in Phase I.
- Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement, launched by the international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements in conjunction with establishment of a Palestinian state with provisional borders.
- Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
- Quartet members promote international recognition of Palestinian state, including possible UN membership.

**PHASE III:
PERMANENT STATUS AGREEMENT
AND END OF THE ISRAELI-PALESTINIAN CONFLICT
2004 – 2005**

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilization of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

- **SECOND INTERNATIONAL CONFERENCE:** Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible.
- Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
- Continued sustained and effective security performance, and sustained, effective security cooperation on the bases laid out in Phase I.
- International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economy, in preparation for final status agreement.

- Parties reach final and comprehensive permanent status agreement that ends the Israel-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide, and fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.
- Arab state acceptance of full normal relations with Israel and security for all the states of the region in the context of a comprehensive Arab-Israeli peace.