Measures to Prevent Another Israeli Attack on Palestinian Civilians

by Ryan Nixon
Graduate Program in International Studies, Old Dominion University

Background

According to the Office for the Coordination of Humanitarian Affairs (OCHA), Palestinian residents in the Occupied Palestinian Territories (OPT) continue to suffer from attacks by Israel and its occupying forces. In 2015, the last year for complete data, 140 Palestinian civilians were killed in the West Bank, Gaza Strip and East Jerusalem.[1]

This follows several international incidents showcasing Israel's disregard for international law and human rights. Most spectacularly, Israeli attacks include the two most recent invasions of Gaza, in December 2008 – January 2009, killing 1,400 and injuring over 5,00 innocent Palestinians, and in July-August 2014, killing 2,300 and injuring 10,000 Palestinians in Gaza, according to Gaza authorities.

Smaller attacks occur routinely, in contravention of international law and international humanitarian law, the mandates of the United Nations and the Arab League. Prior to the 2014 invasion of Gaza, Israel's non-adherence to international norms was showcased in the 2010 attack on the Gaza Freedom Flotilla, in which an unarmed privately charter boat tried to bring supplied to occurred Gaza, culminating in the killing of nine civilians by Israeli paratroopers. In 2015 and 2016 the killings

have continued with little international scrutiny.

Scene in the temporary Palestinian capital of Ramallah after an IDF raid, June 2014.

Since the formation of the state of Israel in 1948, the Palestinians people have suffered through wars, dislocation, occupation, and economic starvation. The Palestinian people and the Arab League support a two-state solution, but roadblocks have prevented this from happening. Meanwhile, Palestine perpetually exists in a state of occupation. As an occupying force, Israel, therefore, is subject to the provisions set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War (GCIV), which grants protected status to civilians and other non-combatants in times of war or occupation.[2]

---

[1] United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, "Fragmented Lives: Humanitarian Overview 2014," March 2015, https://www.ochaopt.org/documents/annual

humanitarian_overview_2014_english_final pdf, p. 6.

[2] "Convention (IV) Relative to the Protection of Civilian Persons in Time of War." *Convention (IV) Relative to the Protection of*

Measures to Prevent Another Israeli Attack on Palestinian Civilians
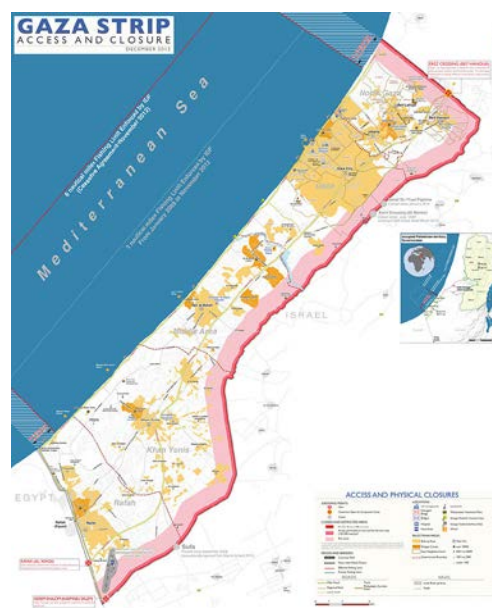
Developing a common position is a key responsibility for the member states of the Arab League, with careful attention to measures that can be implemented without support from much of the international community, especially the inability of the UN Security Council to act effectively, due to continuous vetoes by the United States to protect Israeli war crimes. But the Arab League also must overcome its own internal divisions, between leaders to the Palestinian cause, and other member states trying to develop their own relations with Israel, or who believe recourses and energy should be focused on other issues, like wars in Iraq, Libya, Syria and Yemen, or social problems like lack of water and mass unemployment of Arab youth.

The Kaware' family home in Gaza, where eight people, including six minors, were killed, and from the Hamad family home where six members of that family, including one girl – a minor – were killed by Israeli bombing in July 2014.

Arab League Positions

The Arab League's position on Israeli violence against Palestinian civilians is rooted in two United Nations Security Council resolutions (S/RES). S/RES/242 (1967) demands Israel withdraw its armed forces from territories it conquered, including Palestinian occupied territories. S/RES/338 (1973) reinforced S/RES/242's demand that Israel withdraw from occupied territories, including from the 1967 Palestinian borders.

The United Nation's Humanitarian Country Team (HCT) and the Non-Governmental Organizations (NGO) within the OCHA oPt laid out the priorities in ensuring humanitarian rights: Accountability; Life, Liberty & Security; Forced Displacement; Movement & Access; and Humanitarian Space.[3] It further insisted Israel must 1) ensure Palestinian civilian physical and

---

Civilian Persons in Time of War (2 January 2009), p. 1.

[3] "Fragmented Lives," Forward.

structural security as an occupying force, 2) adhere to international law when engaged in armed conflict, and 3) respect humanitarian law and human rights.

Map of the Palestinian Authority showing the area currently under Palestinian administration in red. White areas are controlled by Israel.

The 2002 Arab Peace Initiative (API) in Beirut, and its 2007 re-adoption in Riyadh, has multilateral support between the Arab League and US President Barack Obama, as well as tentative support from Israeli Prime Minister Benjamin Netanyahu. The API strives for a "just and comprehensive peace" in the Middle East.[4] To achieve this goal API calls for three steps Israel must take: 1) acknowledge that peace is a strategic solution; 2) withdraw from Palestinian territories to 1967 national boundaries, ensure Palestinian refugee safety, and recognize the sovereign State of Palestine; and 3) agree to no further bloodshed.

Citing the 2014 attacks on Palestinian civilians and extrajudicial killings[5] by the Israeli Occupation Forces, Amnesty International has called on Israel to "immediately take steps to protect Palestinian civilians from attacks by Israeli settlers in the occupied West Bank and ensure effective investigation of all attacks."[6] This position by an international NGO widens the scope of Israel's responsibilities. Israel not only must ensure it does not violate international law and human rights; it must ensure its own people do not violate the human rights and dignities of Palestinians abroad. To do this Amnesty International outlines twelve steps Israel must take[7]:

---

[4] "2002 Arab Peace Initiative," http://israelipalestinian.procon.org/view.background-resource.php?resourceID=1012
[5] Amnesty International, "Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings," 27 October 2015, https://www.amnesty.org/en/latest/news/2015/10/israeli-forces-must-end-pattern-of-unlawful-killings-in-west-bank/
[6] Amnesty International, "Israel/OPT: Israeli authorities must protect Palestinian civilians

in wake of settler attacks in Hebron," 30 October 2015, https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/
[7] Amnesty International, "ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES 2015/2016, https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-

1. ensure the freedom of movement of Palestinian civilians, end the Gaza blockade, and lift restrictions in the West Bank;
2. end illegal and arbitrary arrests and detentions;
3. cease illegal torture of detainees;
4. cease unlawful killings and extrajudicial executions of Palestinian civilians;
5. refrain from excessive use of force;
6. ensure freedom of expression, association, and assembly;
7. cease forced evictions and demolitions in the West Bank, including East Jerusalem;
8. crackdown on violence by illegal Israeli settlers;
9. comply with international laws governing impunity and accountability;
10. ensure the safety of Palestinian women and girls in Israel;
11. comply with international law, ensuring the rights of refugees and asylum-seekers; and
12. cease the imprisonment of Israeli conscientious objectors to the Israeli occupation of Palestine.

The Arab League supports Amnesty International's outline.

Role of the UN

Protecting human rights and civilian security are important responsibilities for the Arab League, the United Nations General Assembly, the Security Council, and the Human Rights Council. Protecting the most vulnerable populations is in the interest of each member state's national sovereignty because any state can find itself embroiled in an international dispute using force or the victim of occupation. The welfare of civilian populations caught up in disputes or occupations is a universal concern and therefore falls under the jurisdiction of international bodies.

Israeli treatment of Palestinian civilians under occupation has precedence in UN resolutions. Previous resolutions have condemned Israeli human rights violations against Palestinians,[8] called for investigations into Israeli human rights practices,[9] and criticized Israel's occupation for deterioration of Palestinian living conditions as a direct result of the Israeli occupation.[10] The Security Council has condemned Israel in 131 resolutions; the Human Rights Council has issued 45 resolutions against Israel; and the General Assembly has criticized Israel in numerous resolutions.

The UN member states can issue resolutions that call upon the international community to protect the people of Palestine against

---

occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/

[8] "UN General Assembly Resolutions: Resolution 2546," 11 December 1969, http://www.jewishvirtuallibrary.org/jsource/UN/unga2546.html

[9] "UN General Assembly Resolutions: Resolution 2851, 20 December 1971,

https://www.jewishvirtuallibrary.org/jsource/UN/unga2851.html

[10] "UN General Assembly Resolutions: Resolution 42/190," 11 December 1987, http://www.jewishvirtuallibrary.org/jsource/UN/unga42_190.html

outside aggression, humiliation, and human rights violations. The UN and the Arab League can target Israel's economy and trade agreements with carrot and stick approaches outlined in the next section.

Proposals

The Arab League's recognition of the state of Israel and its support for free trade with Israel are contingent upon the Jewish state's adherence to international norms governing human rights, armed conflict, and international law. There are several moves the Arab League can take to compel Israel to abide by international norms; however, these are considered last-ditch solutions.

First, the Arab League can demonstrate its unity and clout by seeking upgraded status in the United Nations General Assembly. It is the position of the Arab League that Israeli aggressions against Palestinian civilians will sway public opinion among the governing body to support such a move.

Second, the Arab League's boycott of Israeli trade can be renewed. A multilateral and universal boycott against Israel would demonstrate the resolve of the Arab World to stand in solidarity with Palestinian civilians under attack from Israel, despite the potential for economic harm to our own economies.

Furthermore, the Arab League can take more immediate steps. First, the Arab League embraces the ideals of pan-Arabism, the foundation on which the League was built. A strong showing of Arab unity in the face of Israeli aggression against Palestinian civilians will strengthen the clout the League has in voicing its opposition to Israeli methods.

Second, the killings of Palestinian civilians is a concern of such urgency that a unilateral move to take issue before the United Nations Human Rights Council, on which several Arab League states currently serve.

Finally, on the other hand the Arab League is a proponent of free trade within the region. As a test of faith, the Arab League proposes strengthening its economic interdependence with Israel. If the two sides can cooperate on matters of trade, they can cooperate on matters of human rights.

Country and Bloc Positions

China: The People's Republic of China is committed to ensuring peace on both sides of the Israel-Palestine conflict. The PRC has furthermore condemned Israel for civilian casualties in 2012 and 2014. Most significant, the PRC voted in favor or upgrading Palestine to a non-member observer state in the UN General Assembly in 2012.

European Union: The EU recognizes Palestine along 1967 borders and rejects Israeli expansionism into Palestinian territory. The EU has further criticized Israel for its level of violence carried out against Palestinians and Lebanese peoples, as well as its blockade against the Gaza Strip.

Lebanon: Lebanon is a member of the Arab League; however, special consideration to Lebanon's position must be included in this document. Lebanon has a Palestinian diaspora size of about 10% of its total population. It also has the largest Palestinian refugee camp. The immense population of Palestinians is a heavy burden that threatens the confessional makeup and stability of the

Lebanese government. Therefore, Lebanon has direct interest in seeing peace brokered between Israel and Palestine. But Lebanon has also suffered through the same acts of aggression against civilians as Palestine. During the 2006 war Israel targeted Lebanese civilians directly. Because of Lebanon's experiences, its position is that peace between Palestine and Israel cannot be achieved until Israel demonstrates its commitment to peace.

Non-Aligned Movement: Palestine is a member of the Non-Aligned Movement (NAM), attending its 16th Summit in 2012. The NAM rejects all forms of occupation and specifically condemned Israel's occupation of Palestine.

Russia: Russia has historically taken a moderate position on Israel and Palestine; however, it believes the onus of responsibility for peace between the two states sits with Israel. In 2008 and 2009, for example, Russia was highly critical of Israel's use of force against Palestinian civilians.

United States: US relations in the Middle East have usually been Israel biased. With the election of President Barack Obama, however, relations with Palestine have improved. Obama supports the creation of the legal State of Palestine. On the other hand, following the Palestinian statehood resolution in 2012, several American leaders called on Obama's administration to close the former Palestinian mission, recently-upgraded to the PLO General Delegation to the United States. Future support, particularly with an upcoming administration change, is tenuous at best.

Arab League

Measures to Prevent Another Israeli Attack on Palestinian Civilians

Bibliography

"2002 Arab Peace Initiative," http://israelipalestinian.procon.org/view.background-resource.php?resourceID=1012

Amnesty International, "Israel/OPT: Israeli authorities must protect Palestinian civilians in wake of settler attacks in Hebron," 30 October 2015, https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/

Amnesty International, "ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES 2015/2016, https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/

Amnesty International, "Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings," 27 October 2015, https://www.amnesty.org/en/latest/news/2015/10/israeli-forces-must-end-pattern-of-unlawful-killings-in-west-bank/

"Convention (IV) Relative to the Protection of Civilian Persons in Time of War." *Convention (IV) Relative To The Protection Of Civilian Persons In Time Of War* (January 2, 2009)

"UN General Assembly Resolutions: Resolution 2546," 11 December 1969, http://www.jewishvirtuallibrary.org/jsource/UN/unga2546.html

"UN General Assembly Resolutions: Resolution 2851, 20 December 1971, https://www.jewishvirtuallibrary.org/jsource/UN/unga2851.html

"UN General Assembly Resolutions: Resolution 42/190," 11 December 1987, http://www.jewishvirtuallibrary.org/jsource/UN/unga42_190.html

United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, "Fragmented Lives: Humanitarian Overview 2014," March 2015, https://www.ochaopt.org/documents/annual_humanitarian_overview_2014_english_final.pdf