



# National and International Civilian Protection Strategies in the Israeli-Palestinian Conflict

Timea Spitka

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*I dedicate this book to my four children: Amir, Ariel, Yannay and Yasmin*

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# Contents

<b>1</b>	<b>Introduction: The Myth of Protection</b>	<b>1</b>
<b>2</b>	<b>Israeli National Protection Strategies and Realities</b>	<b>29</b>
<b>3</b>	<b>Palestinian National Protection Strategies and Realities</b>	<b>71</b>
<b>4</b>	<b>Children as Victims and Activists in the Israeli/Palestinian Conflict</b>	<b>107</b>
<b>5</b>	<b>IC in Israel/Palestine: Normative Influence and Ice Cream Soldiers</b>	<b>137</b>
<b>6</b>	<b>Inclusive Protection: Gender and Resilience</b>	<b>167</b>
<b>7</b>	<b>Conclusion: Path Towards Change</b>	<b>193</b>
	<b>Index</b>	<b>199</b>





# 1

## Introduction: The Myth of Protection

Traditional notions of security have focused on the protection of civilians by the state. Although the state is perceived as and is expected to be the primary provider of protection, governing authorities in a violent conflict may not necessarily feel obligated to provide protection for all of the population living within its territory. Apartheid, settler colonialism, ethnic cleansing, war atrocities and genocide can all be perpetuated by a state or governing authority against the civilians it's supposed to protect. What are the gaps between international norms and realities in national protection of civilians, and what is the potential roadmap towards bridging them? Who is the protector, who are the protected and who lacks protection? To what extent does national or group security provide protection for all civilians? Protection is commonly in the hands of a small national elite with the military and private companies under its control, while the vulnerable population can remain unprotected and at times exploited. This is especially the case within violent civil conflict, where responsible authorities generally blame the opposing group for the lack of civilian protection and can feed off public insecurities to justify their own positions. Thus, for hard-line leadership, public insecurities may be beneficial, even necessary to maintain political control and power.

Protection can be provided by the state, a group, a non-governmental organization, or a local, regional or an international entity. Each entity can be attempting to provide protection for a group, specific segments of the population or all of the population within its territory or under its jurisdiction. In recent years, much of protection has fallen into private hands. In a context of conflict, a weak state can also appeal for protection to an external intervener. Civilian protection can range from being *effective, selective, ineffective, belligerent and exploitative*. This manuscript will explore the differences between the provision of individual, group and national protection. It will examine the challenges in national security and protection of civilians related to; power dynamics, dependency and expected loyalty to the protector and the potential for violations and exploitation.

Absence and abuse by national or state protection have brought international global actors to the forefront of altruistic attempts to enhance civilian protection. International protection norms, namely *Responsibility to Protect (R2P)*, have normatively given diplomatic precedence to human security and civilian protection over state sovereignty. Although R2P and human security are part of today's discourse and have evolved into an international norm, it has failed to become operationalized. Although there is an international agreement on its principles, within divided conflicts regional and international bodies are commonly paralysed and have little impact on protection of civilians in the midst of a divisive context.

As noted by Canadian PM Justin Trudeau, 'The number one job of any government is to keep their citizens safe' (Trudeau 2017). However, states in violent conflict commonly engage in a myth of protection where security measures designed to 'protect' further expose the most vulnerable, rather than provide for their security. Indeed, traditional notions of national security commonly fall victim to the myth of protection where national authorities and the military, ostensibly used to protect the vulnerable population, not only fail to protect but also to exploit their superior position to remain in power. Amending international security approaches from state to individual human security suggests the use of non-lethal tools and a deeper emphasis on inclusion and resilience

(Chandler 2012). Although security and protection regimes that emphasize human security and resilience have shifted international protection norms, these have been applied seldomly and selectively.

Absence of civilian protection is a key public policy issue and concern studied by gender scholars, security specialists and conflict resolution experts in many contexts and conflicts including within the Middle East. Feminist scholars looked to human security as one way to include gender in the security discourse (Hagen 2016, p. 316). Human security is a term introduced by 1994 UNDP human development report essentially focused on 'people centered security' (Hagen 2016). Human security places individual security ahead of that of the group and the state, which can make some individuals or groups expendable. A key challenge in national security is the relationship between protector and protected, which is by definition asymmetric, since one has access to legitimate force, while the other is dependent on its delivery. This creates a dependency that can be problematic since it does not necessarily provide incentives to the protector to deliver worry-free protection. There is an implicit bargain between the protected who submit to a security order and the protector, who in return expects obedience and loyalty (Young 2003). The dependency can open up potential space for abuse of power as well as lack of accountability. In addition, national protection can be based on a membership of a group and which encompasses protection for only a certain proportion of the population. Thus, the most vulnerable part of the civilian population is commonly not part of the national group and has access to least protection.

This manuscript has selected to examine protection in a single conflict-ridden contested space to illuminate on some of the gaps of national and international security and protection strategies. Although highly complex due to the various national and international authorities and entities, the Israeli/Palestinian case provides a wide array of experiences of protecting and protection. Within the same case, it is possible to examine protection by a strong state, a weak or a failed state, national groups, private organizations and various international interveners. Differentiating between the different areas within Israel, the West Bank and Gaza, it's also possible to distinguish between *instances of: effective, selective, ineffective, belligerent and exploitative protection*. Violence

and protection or its absence is closely monitored and reported on within the Israeli/Palestinian conflict, providing rich data for analysis. This research is based on years of analysis of documentation, surveys and dozens of interviews with Israeli, Palestinian and international actors monitoring or responsible for aspects of civilian protection.

Examining security and protection within the Israeli/Palestinian conflict, this study will analyse national and international security strategies as they apply to the protection of Israeli and Palestinian civilians. Although security has been on the top of the Israeli agenda, how does this translate into protection for all civilians? 'It's a national security issue' is the code for civilians and outsiders to unquestionably accept protection strategies from national authorities. How secure is the population with the current strategies of protection? Actions in the name of security have justified severe security measures but have they had a positive or an inverse effect on not only Palestinian but also the protection of Israeli civilians? What can be revealed about the effectiveness of Palestinian national protection strategies by Hamas in Gaza and Palestinian Authority (PA) in areas of the Occupied West Bank? UN, EU and other external programmes and missions have poured funding and assistance to Palestinians living in the West Bank and Gaza; however, how effective has this been in contributing to the protection of Palestinian population?

Various labels and terminology have been associated with realities of the Israeli/Palestinian conflict and Israel's actions in the Occupied Territories including: intractable conflict, ethnic conflict, ethnocracy, settler colonialism, apartheid, ethnic cleansing, war atrocities, war crimes and genocide. The conflict is divisive and the terminology, though commonly contested, is relevant to different aspects of the realities within the conflict. The state of Israel has commonly been described as an *ethnocracy* (Yiftachel 2006). As noted by Yiftachel, the term not only means the dominance of a specific ethnic group but also denotes the prominence of ethnicity, most notably religion, in all aspects of communal life (Yiftachel 2006, p. 295).

Increasingly, Israel has also been described as an *apartheid* state, especially by INGOs and Israeli NGOs monitoring the politics and human rights within the state and the Occupied Territories. The crime

of apartheid is perpetrated when particular serious human rights violations are committed with the ‘purpose of establishing and maintaining a system of domination by one racial group over another and systematically oppressing them’ (UN Apartheid Convention 1973). According to a 2021 Human Rights Watch Report, Israeli authorities are ‘committing crimes against humanity of apartheid and persecution’ against Palestinians living in the occupied territory including East Jerusalem (Human Rights Watch 2021). Many critical Israeli NGOs have also begun to use the term apartheid referring to policies within Israel, East Jerusalem and the Occupied Territories. In 2021, B’TSelem ‘reached the conclusion that the bar for defining the Israeli regime as an apartheid regime has been met after considering the accumulation of policies and laws that Israel devised to entrench its control over Palestinians’ (B’TSelem 2021). Amnesty International’s 2022 report, ‘Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity’, noted that Israeli authorities must be held accountable for committing the crime of apartheid against Palestinians (Amnesty 2022). Israel reacted strongly against all the accusations, labelling the reports and organizations as antisemitic. However, thirteen key Israeli human rights organizations publicly defended Amnesty’s report, noting that ‘the debate around the crime of apartheid of which Israel is accused ... is not only legitimate, but absolutely necessary’ (Human Rights 2022).

*Ethnic cleansing* has been used to describe systematic and commonly violent Israeli eviction practices in East Jerusalem and the West Bank. Richard Falk, the UN Special Rapporteur on the Occupied Palestinian Territories, noted that: “The continued pattern of settlement expansion in East Jerusalem combined with forcible eviction of long residing Palestinians are creating an intolerable situation that can only be described, in its cumulative impact, as a form of ethnic cleansing” (Falk 2021). *War atrocities and war crimes* have been used to label Hamas or other Palestinian militant groups targeting Israeli civilians, as well as Israel’s indiscriminate targeting of Gaza with rockets or shooting of unarmed Palestinian civilians. Subsequent to the latest round of bombardment of Gaza during May 2021, the UN launched an investigation, condemning Israel and Hamas for indiscriminate firing and killing of civilians. As noted by UN High Commissioner for Human Rights Michelle Bachelet

who called for the investigation, 'If found to be indiscriminate and disproportionate in their impact on civilians and civilian objects, such attacks may constitute war crimes' (Hughes 2021).

Some observers have even gone as far as to label Israeli policies in Gaza as attempts at *genocide*. Israeli historian Ilan Pappé defined the Israeli policy towards the Gaza Strip as an incremental genocide (Pappé 2014). According to the 1948 Genocide Convention, genocide means any of the following acts: committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as killing members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part (UN Genocide 1948). Examining different realities within Israel, the West Bank and Gaza, this manuscript will discuss ethnocracy, apartheid and ongoing incidents of ethnic cleansing and other war atrocities. The evidence gathered in this book does not support reasoning for the term genocide. Although Israel is deliberately inflicting on a Palestinian's conditions of life to bring about its partial destruction, the manuscript refrains from referring to Israel's policies as genocide, even an incremental one. First, the label of genocide was created in the context of the Holocaust which may diminish the significance of the brutal killing of over 6 million Jews. The label of genocide was also given in the context of Rwanda where a million people were killed and Bosnia and Herzegovina, where Serbia and paramilitary groups not only killed and displaced the Muslim Bosnian population but also systematically erased any evidence of their history and culture including levelling and destroying all Mosques and cultural artefacts (Spitka 2014). Although many red lines have been crossed, Israel has still tended to, for the most part, respect the cultural and religious rights of the Palestinian population. The terminology above including apartheid, ethnic cleansing and war atrocities is severe enough, without bringing in the most severe accusation of genocide. Although there is much debate on the subject, using appropriate terminology is important not only because of the associated meaning behind the terminology but also because of its implication and relevance within the international arena.

Much of the scholarly literature and practitioners' debates have tended to reflect the divisions in the Israeli /Palestinian conflict by placing the

blame either on Israel or Palestinian Authority and Hamas. Focusing on national protection, the bulk of the studies focus on national security and fail to address gaps in strategies and practices that have an adverse effect to providing protection to all civilians. This research unravels some of the complexities and contradictions in traditional national and security studies and focuses on the promises, the delivery and the gaps in protection of civilians. Examining security and civilian protection strategies in a single case study, this manuscript reveals some of the realities and myths about national and international protection. *To what extent do national security strategies prioritize the protection of all civilians? To what extent are international norms and international presence including: humanitarian missions, monitoring missions, international police and military observers' contributing to civilian protection?* The subsequent sections will introduce the nature and responsibility for protection, national protection strategies, international protection norms and practice before delving into examining protection of civilians under the umbrella of Israeli, Palestinian and international authorities within the Israeli/Palestinian conflict.

## **What is Protection and Who is Responsible?**

Protection of the individual is the most basic human need and the most fundamental responsibility for a state. The primary entity responsible for protection of its population is the state. Max Weber defined state as an entity which has a 'monopoly on the use of physical force within a given territory' (Weber 1972). Robert Rotberg noted that the ability to provide human security is the central political good for a state (Rotberg 2003). State protection of a population can come from numerous sources including the police, the military, rule of law and the judiciary. However, the state does not necessarily provide protection for all who reside on its territory. The state may provide protection for only a portion of its population, be failing in providing protection, may privatize protection or rely on external protection. In a violent conflict context, international protection is commonly requested, offered or at times imposed

and can come from numerous types of protection-focused operations including: humanitarian aid, state-building, monitoring missions, peace-keeping, police training or restructuring or military missions. The state remains the main entity responsible for the allowance to realize basic human needs and the well-being of a person.

The first challenge in protection is defining it. Protection can be defined as simply the safety and security of an individual or may be based on a wider definition focused on the well-being of a person including their freedom of movement, freedom of speech and other liberties. Definition of protection by humanitarian and human rights actors goes beyond physical protection and includes all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law (UN DPKO 2009). This study understands protection to be connected to human security and the realization of basic human needs. *Human security* is based on the normative claim that the ultimate referent for security ought to be the human individual, not the state or some other collective (Bellamy 2016). At the basis for human security are basic human needs. Johan Galtung has identified four *basic human needs*: freedom, identity, survival and well-being (Galtung 2005), of which all are non-negotiable and necessary for the well-being of a person. In this research, I define protection as an aim to enhance human security of a person in line with the attainment of basic human needs.

## State Protection

States commonly attempt to have a monopoly on protection tools within their borders including the army, police, border guards, intelligence and the judiciary. Elites at the helm of the state may have differing interests on protection as they are related to other priorities, such as economic security, managing diversity, military engagement or build-up or re-election that can work in tandem or clash with security and protection of the country's civilians. One of the fundamental questions in analysing security versus protection is who does the state protect and who does it not protect? Populations left out of protection, particularly in conflictual



contexts, can include: civilians perceived as belonging to the enemy, non-citizens, minorities or groups regarded as hostile, divergent populations, such as political opponents and activists, gender minorities and women.

Power dynamics between the protector and the protected become more pronounced when the protectors are made up of different ethno-national groups than the protected. Who makes up the military and who is represented in the police force has a major impact on the perceptions of legitimacy and effectiveness of protection. In Northern Ireland, few Catholics in the police force prior to the Good Friday Agreement made the police less legitimate and effective in providing protection to all residents. Restructuring the Northern Ireland police involved a 50/50 recruiting quota, so that half of new officers came from Catholic backgrounds. By 2011, up to 30 percent of the force was Catholic, from just around 8 percent prior to the peace agreement. With current levels still hovering around 30%, the debates over the makeup of the police force continue to be at the top of the political agenda (Moriarty 2019). In Bosnia, the military and the police were engaged in war efforts and were all ethnically divided at the time of the signing of the Dayton peace agreement. The creation of a single unified military was a fundamental step towards state security and protection. The creation of a mixed Bosnian police force has been a 20-year-long UN and EU effort, which is yet to be completed in Republika Srpska. Proportional ethno-national and gender representation within security forces, as will be discussed in subsequent chapters, can be one of the fundamental elements of effective policing.

State protection varies in its effectiveness and selectivity. In many states, protection is not necessarily made available equally for all civilians, most notably the vulnerable segment of the society that includes visible and invisible minorities. State protection can be effective in protecting certain groups, while ineffective, malignant or exploitative towards other groups. State and politicians at its helm can feed on insecurities of the population that feel vulnerable and dependent. For nationalistic leadership, providing the assurances of full protection might undermine their position as the needed protector. While the population is dependent on the state for its protection, the state is in a position to demand loyalty

in return for its services. States often justify their expectations of obedience and loyalty by appealing to their role as the protector of the citizens (Young 2003).

Vulnerable populations commonly include those which are not part of the majority, populations that were vulnerable before the conflict, and populations that lie on the fringe of society. These may include ethnic or visible minorities, migrants, dissidents, women, gender minorities (LGBTQ+), disabled, elderly, children and teens. Children and teens are not only vulnerable in situations of violent conflict; they are also susceptible to exploitation and recruitment by extremists or the state. Indeed, as discussed in Chapter 4, children and teens living within a violent conflict are easy targets for exploitation by militants or by the military establishment of the state. Social media has made it easier to reach and recruit pre-teens and teens. The relative ease in the recruitment of teens compared to older adults makes them also a prime target for detentions and strong security measures.

In current conflict contexts, civilians are commonly intertwined with the perpetrators of the conflict. As noted by critical security scholars, in modern times, the borders of war are blurred in both time and space, and it is difficult to pinpoint when and where the war starts and ends (Harel-Shalev 2018; Gregory 2018). New technologies including lighter weapons, smart weapons, remote battlefields, surveillance and social media are changing the perpetrators and victims in conflict. It is questionable whether the tools of protection have caught up with the new realities. Even under altruistic intention to protect, effectiveness of protection regime can be difficult in complex, contested settings and runs the risk of unintended effects.

Protection is clearly problematic when it comes at the cost to freedom and civil liberties. The practice of surveillance, intimidation, detention and repression of criticism and dissent cuts into civil liberties, yet have all been justified as part of the costs incurred as a benefit of protection. Much has been written about the post-9/11 curtailment of civil liberties that were cut at the expense of increased security which questionably increased the protection of US civilians. National protection, however, does not take place in a vacuum but rather is integrated within a regional and an international context that can contribute to,

or alternatively may jeopardize, civilian protection. When a state fails to provide protection, it can also request assistance or members of the international community can propose and offer some type of external intervention. However, as can be witnessed in many ongoing conflicts, such as the Israeli/Palestinian or the current occupation by Russia of Ukraine, international protection is limited.

## International Protection

International intervention that attempts to contribute to protection can come in many forms including: humanitarian assistance, policing missions, military monitoring or other forms of diplomatic, economic and military intervention. Even under the umbrella of altruistic intervention, external intervention is challenging since it requires consensus and pushes the boundaries of sovereignty. Agreed to by the largest gathering of the heads of states in 2005, Responsibility to Protect (R2P) provides the latest and arguably a crucial roadmap towards international intervention focused on protection. According to supporters of the norm, R2P may be the most significant normative development of our time, since it has managed to finesse the tensions between sovereignty and protection from atrocity crimes (Thakur and Weiss 2009). Sceptics, however, rightly point to R2P as being applied selectively and only when the interests of the great powers align (Mamdani 2010). While R2P has become integrated into the formal international normative agenda, the operationalization of the norm has been difficult especially when the interests of the great powers do not align. R2P is also only relevant in cases when a state or groups are engaged in atrocity crimes, notably: ethnic cleansing, war crimes, genocide and crimes against humanity. While R2P has failed to prevent atrocities in some of the most volatile and divisive conflicts, the concept that civilians have a right to protection within any internal boundary has received widespread international support (Western and Goldstein 2013).

The Responsibility to Protect (R2P) norm was created to prevent the failure of non-intervention in cases of war atrocities in conflicts such as Rwanda and Bosnia (BiH). In both conflicts, gangs of armed thugs,

supported by a state and leadership of ethnic groups, systematically pillaged, raped and killed civilians, while the international community failed to reach a consensus on minimal measures to end the atrocities. R2P stands on three pillars and acts as a normative framework for intervention to prevent war atrocities. Under Pillar I, the state is primarily responsible for protecting the population from war atrocities, and Pillar II encompasses the responsibility of the international community to assist states to meet this obligation. Under Pillar III, it is the responsibility of the international community to take timely and decisive collective action when a state is 'manifestly' failing in meeting this obligation. Activation of Pillar III, triggered by the failure of national authorities to fulfil their protection responsibilities, has been the source of most contention due to fears of abuse and the potential for unintended effects. Implementation is also selective and challenging given the divisions within the United Nations Security Council (UNSC).

The shift from a normative discourse on prioritizing protection of individuals vulnerable to atrocity crimes, to operationalization of R2P in the most difficult conflicts, has been problematic. There are currently many cases of violent conflict and internal atrocities such as in the Ukraine, Syria, Yemen, Darfur as well as in Israel/Palestine, where Pillar III of R2P may be applicable, however, the international community has been challenged to reach a consensus on appropriate tools that prioritize protection for those vulnerable to war atrocities. Effective operationalization of protection under R2P is dependent on a common international consensus on the realities of the conflict, common agreement on the culpability for atrocity crimes and a construction of a collective framework for a protection regime. Although the international community is more commonly able to reach a consensus on providing humanitarian aid, such as the creation of a humanitarian corridor or sending investigators or observers, military or policing missions that prioritize protection are far more difficult to establish.

The full potential of protection tools is directly linked to consensus among interveners. Whether it's a military intervention, policing mission, boycott or sanctions, none are effective if intervention is divided, especially if key powers are working on opposing sides. The veto rights of the five permanent members of the UN Security Council,

US, China, Russia, France and UK, have been obstructive in advancing protection in the most volatile conflicts including the Ukraine, Syria and Israel/Palestine. Sixty-three states as well as the EU have called for reform of the Security Council outlining restraint on the use of veto in mass atrocity situations (Adams 2015). France proposed that the Security Council develop a conduct where the permanent members agree to refrain from using a veto when it comes to mass atrocities (Adams 2015). These measures, however, are far from the realities of the current divisive international context. The subsequent sections will outline relevant international law and protection strategies under the different types of authorities operating in the Israeli/Palestinian conflict, namely Israeli, Palestinian Authority (PA), Hamas and international, in order to examine the challenges of effectiveness and expose some of the gaps and myths in protection.

## Israeli/Palestinian Conflict and International Law

The current Israeli/Palestinian conflict rose out of the ashes of the Holocaust against the Jews and the subsequent Nakba [catastrophe]—the violent expulsion of Palestinian civilians. The extermination of more than 6 million Jews in European concentration camps created circumstances sympathetic to Jewish suffering and the creation of the Jewish state of Israel. The Jews killed represented around one-third of world Jewry and about two-thirds of European Jewry (Holocaust Encyclopedia 2018). Even prior to the Holocaust, due to antisemitism and violent persecution, the creation of a Jewish Homeland gained some sympathy internationally with Britain noting: ‘His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people’ (Balfour Declaration 2017). “A land without a people for a people without a land” became a widely cited phrase associated with the Zionist settlement movement to establish a Jewish homeland in Palestine. The British controlled Palestine oversaw an influx of Jewish settlement and a succession of protests and revolts between the Jewish and the Palestinian Arab communities. After a quarter of a century

under the British Mandate, Great Britain washed its hands of the issue and submitted what had become “the Palestine problem” to the United Nations on the ground that the Mandatory Power “was faced with conflicting obligations that had proved irreconcilable” (UN Question 2022).

In 1947, the newly created UN General Assembly adopted Resolution 181, recommending a plan to partition Palestine into an Arab and a Jewish state, with Jerusalem as a separate entity to be governed by a special international regime. Subsequent resolutions of the General Assembly recognizing Palestinians as a people with national rights and their right of return have been consistent with the basic conception of partition and two States in Palestine (Mallison and Mallison 1979). Resolution 181 contributed to an intensification of fighting between the local Jewish and Palestinian population, and six months later, Israel’s unilateral declaration of independence sparked regional invasion and the first Arab–Israeli War. Israel defeated the Arab incursion, expelling not only the foreign armies but also more than 750,000 Palestinian civilians living within Palestine. The territory was divided into three parts: the State of Israel, the West Bank under the control of Jordan and the Gaza Strip under the control of Egypt.

However, in the 1967 Six-Day war, Israel gained military control over the territory of the West Bank, the Gaza Strip, the Old City of Jerusalem and the Golan Heights. The territory under Israeli military occupation is the area with greatest vulnerabilities for civilian populations and ongoing infringements of international law. A key area of concern is the illegal Jewish settlement, which is a source of violence and escalations. Article four of the Geneva Convention prohibits individual or mass forcible transfers or deportations of persons living in Occupied Territories. “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” (Geneva Convention 1949). There have been many subsequent objections and resolutions that have condemned ongoing infringements of international law. The 1988 UN Resolution S/19443 called on Israel ‘to abide immediately and scrupulously’ by the Geneva Convention relative to the Protection

of Civilian Persons in time of war and to abstain from policies and practices that are in violation of the convention (UN Secretary General 1988). Israeli violations of the Fourth Geneva Convention have been frequently also noted in NGO and INGO reports including of the International Committee of the Red Cross (ICRC). As noted by the ICRC, the violations have included attempts to alter the status of Jerusalem, the establishment of Israeli settlements in the Occupied Territories, deportations of Palestinian civilians from the Occupied Territories, collective punishments and destruction of homes (UN Secretary General 1988).

Acts of terrorism by Palestinian armed groups including Hamas have also been condemned for breaches of international law including: indiscriminate targeting, the use of human shields and exploitation of civilians including youth for violence and terrorism, which are considered war crimes. Hamas has also violated the Geneva Conventions including: conflicting parties must “distinguish between the civilian population and combatants”; prohibition of indiscriminate attacks where the “method or means of combat cannot be directed at a specific military objective”; and parties must “avoid locating military objectives within or near densely populated areas” (Geneva Convention 1949). As noted by the head of the UN High Commissioner for Human Rights Michelle Bachelet, heavy rocket barrage towards Israel by Hamas and other armed groups also constitute “a clear violation of international humanitarian law” (UN News 2021).

The 1990 UNSC Resolution 681 created the scope to discuss international protection to Palestinians in the OPT, under the aegis of UNRWA (UNSCR 681 1990). The resolution urged the Government of Israel to accept the de jure applicability of the Geneva Convention ‘relative to the Protection of Civilian Persons in Time of War’ (UNSCR 681 1990). Resolutions also condemned incitement and the construction of the barrier. In 2000, the Security Council deplored the provocation carried out at Al-Haram Al-Sharif in Jerusalem and the subsequent violence that resulted in more than 80 Palestinian deaths. The 2003 General Assembly Resolution (ES-10/13) noted that the barrier was “in contradiction to international law” and demanded that Israel “stop and reverse” its construction (UN General Assembly 2003). Israel called the resolution a “farce”. In 2004, the United Nations passed the issue to

the International Court of Justice which ruled that the portions of the Israeli West Bank barrier that are located within Occupied Palestinian Territories are illegal under international law (International Court 2004).

Commissions of UN inquiries examining the legality of Israel's military occupation have led to condemnation, but with no effect. On 27 May 2021, the UN Human Rights Council held a special session on "the Grave Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem" and adopted a resolution "Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel" (UNGA 2021). The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, was given the mandate to investigate all alleged violations of international humanitarian law and abuses of international human rights law leading up to and since 13 April 2021 (UN Inquiry 2021).

The Commission of Inquiry Report concluded that 'some of the policies and actions carried out by the Government of Israel that are leading to permanent occupation and therefore to de facto annexation may constitute elements of crimes under international criminal law' (International Commission 2022, p. 26). The Commission Chair, Navi Pillay, noted that "By ignoring international law in establishing or facilitating the establishment of settlements, and directly or indirectly transferring Israeli civilians into these settlements, successive Israel governments have set facts on the ground to ensure permanent Israeli control in the West Bank" (UN News 2022).

The report also noted that since the occupation began, Israel has used military justifications to issue permanent and temporary closure orders for vast areas in the West Bank (International Commission 2022). In practice, much of the land has not been used for military purposes but for the construction of settlements. Israel has declared approximately 18 percent of the West Bank closed military zones, including in Area C. Over half of Area C (1.765 million dunams) has been officially designated as closed military zones. Israeli settlers have cultivated over 14,000 dunams of land in closed military areas, some of which is on private Palestinian land. UN Secretary-General also noted that measures such as the closure of Palestinian towns and villages following attacks against



Israelis “may amount to collective punishment” (UNSG 2017). Security Council Resolution 242 emphasized “the inadmissibility of the acquisition of territory by war”, referring to the legal status of areas captured by Israel in 1948 and 1967.

The Palestinian population living in the Occupied Palestinian Territory is protected by international humanitarian law. As noted by the UN Human Rights Council, ‘as the occupying power, Israel has the duty to protect the population of the Occupied Palestinian Territory and to uphold public order and safety’ (UN Human Rights 2017, p. 4). Israel’s military occupation and control over Palestinian civilians, illegal Jewish settlements and Palestinian displacements and deportations, permanent and military checkpoints, violent incursions and daily discrimination, hardship and violence have deprived the Palestinian population of basic human rights (Amnesty 2022). In 2022, an UN-appointed Commission of Inquiry stated that “Israel’s occupation of Palestinian territory is unlawful under international law due to its permanence and the Israeli government’s de facto annexation policies” (UNGA A/77/328 2022). As noted by the Inquiry, to date 14 settlements have been established in East Jerusalem with a total population of more than 229,000 persons. Restrictive planning and zoning regimes in East Jerusalem have obstructed adequate housing, infrastructure and livelihoods for Palestinians, contributing to shrinking space for Palestinians (UNGA A/77/328 2022). Israel has consistently taken the position that it does not formally accept the applicability of the Fourth Geneva Convention but that it has decided since 1967 to act in accordance with “the humanitarian provisions” of that Convention.

When it comes to what it perceives as a threat to its own security, Israel has not abided by international law. Sympathy, guilt and ongoing accusations of antisemitism have prevented a tougher stance against the violation of international laws by Israel and side-lined united international action. Lack of accountability and violent actions with impunity have become a source of international condemnation. UN’s Human Rights Council noted; “the failure to ensure accountability creates an environment of impunity where victims and families have little or no redress, which may encourage further abuses on all sides... Accountability for violations committed by all parties would be key to breaking

the cycle of violence” (UN Human Rights 2017). Systematic discrimination against Palestinians has also become institutionalized. Apartheid is an increasingly frequently utilized label used to describe the current state of Israel. Apartheid is ‘considered a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security’ (UN Apartheid Convention 1973). As genocide, piracy, enslavement, torture and wars of aggression, apartheid is considered a preemptory norm of international law, which means that no state may withdraw from its obligation.

## **Protection of Civilians Under Israeli and Palestinian Authorities**

Since the birth of Israel, security and protection of the civilian population has been the stated priority of the state. Under Israeli authority, protection is very selective with the highest degree of protection for Jewish Israelis, and ineffective or malignant protection for minorities, most notably Palestinians living within Israel or under its military occupation. As will be discussed in the subsequent chapters, malignant protection is most evident for residents of East Jerusalem, Area C of the West Bank and Gaza. The key question is to what extent are Israeli security strategies and measures designed to protect the civilian population? Wars and cycles of violence have been the reality for the population residing within Israel as well as the Palestinian population living under the military occupation. Israeli civilians are impacted by terrorism and rocket attacks that indiscriminately target along border areas and increasingly beyond, and in Israeli eyes serve to justify the Israeli military crackdown on the Palestinian population. Although the number of Israeli civilian casualties compared to that of the Palestinian population is very low, rocket fire and terrorism aimed at civilians and civilian infrastructure create anxiety and infringe on human security.

Palestinian security infringement by extreme groups has been utilized to justify a system of apartheid, which discriminates against and collectively punishes the Palestinian population. Collective punishment of the Palestinian population living under the occupation, ethnic cleansing, executions, destruction of Palestinian homes and the failure to distinguish between civilians and combatants are some of the violations of the Geneva Convention (UN 2020).

Escalations and cycles of violence have resulted in Israel using draconian security measures that impact on the security of individuals, particularly Palestinians living in Occupied Territories or those who are already part of vulnerable groups. Within Israel, weapons are carried by police, border guards, members of IDF (Israeli Defence Forces), members of private security companies, many settler groups as well as private individuals. Thirteen percent of Israeli households have some sort of weapon, and since 2005, Israel is the country to have the most significant global increase (57%) in the proportion of homicides committed by firearms (Aharoni, Lewin & Saar, TBP 2019). Many Israelis express personal security fears at the hands of their state institutions. In a 2016 survey conducted by the Israeli Knesset on the Status of Women, more than 59 percent of women and 54 percent of men polled were concerned about being harmed by state institutions (Survey 2016). Most concerned were Palestinian/Arab women, of whom 74 percent worried about damaging behaviour by state agencies that would negatively affect their personal security (Survey 2016).

Critical politicians, such as MK Dov Khenin from the Joint List, have noted that Israeli society lives in fear and ‘unfortunately, there are those who build their politics on fear’ (Knesset Press Release 2016). Within the state of Israel, protection is selectively effective for Jewish Israelis and ineffective for minorities and vulnerable populations and malignant for Palestinians living within the contested spaces such as East Jerusalem. Political incitement, influence of social media and vigilantism have all contributed to the lack of security that has been particularly hard on teens. Children, especially teens, have been on the front lines of this conflict, subject to harsh realities, political manipulation, extrajudicial killings, detentions and other severe security conditions (Spitka 2018). Several members of the Israeli government praised extrajudicial killings

by police, private security guards and vigilante civilians. MK Yair Lapid declared that “you have to shoot to kill anyone who pulls out a knife or screwdriver”. Most Jewish Israelis support the harsh security measures and select leadership who are perceived to provide the greatest sense of security.

Palestinians (Israeli-Arabs) are particularly vulnerable in East Jerusalem where the inadequate security is compounded by lack of final status agreement, institutional isolation, non-citizenship and lack of police or security force considered legitimate by the population. Lack of access to institutional protection has left Palestinian residents of Jerusalem vulnerable to harsh collective security measures, institutional and domestic violence, expulsions, abuse by Jewish settlers and private and public security personnel. This gap in protection has been felt particularly deeply by vulnerable minorities, teenagers and women. Jerusalem Women’s Coalition, which includes NGOs and East Jerusalem Feminists, in October 2015 issued an urgent request for international protection. “We ...call upon the international community to protect our families, community, and children. We are calling for the protection of our bodily safety and security when in our homes, walking in our neighbourhood, reaching schools, clinics, work places, and worships venues” (Woman’s Coalition 2015). Despite some progress in Area A in the West Bank, the Palestinian Authority has been building a security apparatus that has been used to squash dissent and abuse journalists and protestors. The Hamas authority has used civilians as human shields and encouraged children to participate in violent activities. In Gaza, children, minorities and women are particularly vulnerable since they are susceptible to exploitation and have no one to turn to for protection.

Under international law, specifically the Geneva Convention, International Human Rights Law and International Humanitarian Law, Israel is responsible for the protection of the population in the Occupied Palestinian Territories, which includes East Jerusalem (GA/PAL/1186, 8 March 2011). Measures that were designed to be temporary and transitional under the Oslo Agreement, including the divisions of West Bank into Areas A (under Palestinian Authority), Area B (Joint Israeli/Palestinian Control) & Area C (under Israeli Military Authority),

have become a permanent reality contributing to the complicated protection arrangement. In Areas 'A' of the West Bank, it is the Palestinian Authority, Palestinian security and police, who are responsible for providing protection. Lack of security is most evident in Area C, where Palestinian civilians live under Israeli military rule without access to Palestinian police or any form of national or international protection. Serious gaps in protection also exist in East Jerusalem where Palestinian residents are not Israeli citizens, do not trust the Israeli police or other Israeli public and private security organizations, whose general tasks are not to provide for their protection but rather to quell dissent (Volinz 2018).

The protection of the civilian population is the most problematic for those residing in Gaza where none of the responsible authorities, Israel, Hamas or the PA can be said to be providing protection. The 2014 hostilities including the massive bombardment of Gaza, which was a response to rocket fire and a terrorist incident against an Israeli youth, destroyed residential buildings and schools, resulting in many civilian deaths, destruction of infrastructure and a displacement of close to a third of the population of Gaza. An investigation by the United Nations Human Rights Council (UNHRC) found serious violations of international humanitarian and human rights law by both Israel and Palestinian militants that are being investigated as war crimes (UNHRC 2015). The UN report noted that of the 2251 people killed in Gaza, 1462 were civilians. Non-governmental organizations have estimated that 241 women and 370 children were killed while inside their own homes (UNHRC 2015). The International Criminal Court's chief prosecutor has opened a formal investigation into alleged war crimes in the Palestinian territories.

Israeli justification for the military campaign was the ongoing rocket fire launched by armed groups from Gaza. Between July and August 2014, Palestinian militants indiscriminately fired 4881 rockets and 1753 mortars towards Israel, killing 6 civilians (UNHRC 2015). Alarms and safe rooms prevented loss of more Israeli lives. The protection of the civilian population was essentially non-existent for residents of Gaza. Israeli Defence Forces (IDF) claimed that measures such as leaflets recommending evacuation, automated telephone calls and small blasts on the roof served as warnings for people to evacuate buildings targeted

for destruction. The IDF warnings were confusing and were contradicted by Hamas which recommended to its population to ignore the warnings. IDF in turn considered anyone who ignored its warnings and remained in areas or buildings a voluntary shield. In addition, many civilians had nowhere to flee; no location in Gaza was considered safe, and those areas that were designated as “safe”, such as UN schools, were also targeted.

Protection measures have also been malignant for Palestinian demonstrators, most notably in Gaza. The widespread Palestinian demonstrations in Gaza since May 2018 have resulted in more than 130 deaths and 3000 injuries from shots fired by IDF snipers. The lethal use of force against unarmed Palestinian civilians has been condemned by most countries and human rights groups, however justified within Israel. Human Rights Watch (HRW) noted that lethal force against demonstrators who posed no imminent threat to life may amount to war crimes (Human Rights Watch 2018). In addition, according to HRW, Palestinians in Gaza are entitled to protection under the Geneva Conventions as an occupied people and any wilful killing of them would constitute a war crime. In May 2018, Kuwait circulated a draft Security Council Resolution condemning Israel’s use of force against Palestinian civilians, calling for the establishment of a UN protection mission in Gaza. The resolution was, however, vetoed by the US.

Although the international community is widely involved in protection issues within the Israeli/Palestinian conflict, the engagement is mostly in humanitarian assistance, monitoring, investigating, naming and shaming and diplomatic attempts to prevent further escalation. Individual states also contribute military arsenal to opposing sides which escalates the conflict. Divisions within the international community have prevented robust initiatives that may have strengthened protection of civilians. The United Nations, the Quartet, the EU, the Arab league as well as individual states have all faced divisions within the organizations as well as between them that have weakened an international response and made interventions beyond humanitarian aid and monitoring implausible or ineffective. Since 2000, the US has used its veto rights in the UN Security Council to block almost every UNSC resolution including: sending unarmed monitors to West Bank and Gaza, Condemning Israel for acts of terror against civilians in the Occupied

Territories (2001), cessation of Israeli settlement activities (2011) and condemning Israel for its massive violations of international law in Gaza and the West Bank (2015). The resolutions that did pass were largely ignored.

## Conclusion

As will be discussed in subsequent chapters, there exists a wide gap between international norms and principles of protection, national and international strategies and the realities of civilian protection. In today's conflict settings where much of the conflict takes place in urban areas and perpetrators of violence can be the state or actors who hide among the population, the tools of protection are not designed to provide protection for civilians. Even under the best intentions, the military, particularly foreign military, does not have the capacity, the tools nor the training to deal with civilian populations. As noted by some practitioners, emergencies that do not warrant international military intervention may benefit from a less intrusive and more effective police-keeping strategy (Day and Freeman 2005). Although the police have more effective training and tools than the military, without the support and engagement of local communities, the police can also be a part of the problem. State security institutions, including the police, may also not be providing protection for all civilians. Indeed, the state may be deliberately targeting the civilian population, and in some cases, may stand to politically benefit from fostering insecurities.

Top-down security, such as those from the national governments or international organizations, often does not address the security needs of those from 'below' (Hoogensen and Stuvoy 2006). Civil society and human rights organizations are commonly on the front lines in the protection of civilian population. However, there is a growing trend towards the criminalization and targeting of humanitarian and human rights work. With a focus on the individual, human security encourages the integration of non-state and bottom-up perspectives to security (Hoogensen and Stuvoy 2006). Inclusive participation, including

domestic institutions, civil society, the community policing and independent judiciary, is fundamental towards constructing an effective protection regime. Participation in peacemaking, disarmament, demobilization, the security sector and judicial reform can work towards reparations and non-recurrence (Day and Freeman 2005). In recent years, scholars and practitioners have also recommended that protection should switch from the paradigm of liberal interventionism to the paradigm of resilience (Chandler 2012). As noted by Chandler, “the resilience paradigm clearly puts the agency of those most need of assistance at the centre, stressing a programme of empowerment and capacity-building” (Chandler 2012, p. 216). Far more effort, however, must be made to support and protect human rights defenders.

Ineffective intervention in the Israeli/Palestinian conflict goes beyond the lack of domestic willingness and poor application of effective tools and is linked to the lack of international willingness to stand up against Israeli transgressions. Settler colonialism, apartheid, ethnic cleansing and war atrocities are all ignored by Israeli allies who have turned a blind eye to ongoing breaches in international law and violent actions with impunity. Although international protection and intervention are also limited in other conflicts, such as the ongoing occupation by Russia of Ukraine, there is far more international unity, fierce condemnation and strong sanctions against Russia. Despite the urgent need to change the current reality, there is also little attempt to bring about a political solution. However, as will be discussed, a focus on protection of civilians could create a working roadmap towards a resolution of the conflict. Inclusive protection tools and participation can also make solutions far more feasible.

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# 2

## Israeli National Protection Strategies and Realities

Security and protection of Israelis has officially been the largest priority for Israel and its leadership. *However, to what extent do Israeli national security strategies and practices protect the civilian population under its authority? Who is deemed worthy of national protection and who doesn't fall under the umbrella of state protection?* This chapter will examine the *principles, the practices, and the perceptions of Israeli protection*. Who are the protectors and how effective is the protection of civilians? Unpacking strategies of the protectors, the realities of the unprotected and the perceptions and legitimization of non-protection, this chapter examines and analyses the current strategies and gaps in the Israeli protection regime and the justifications of their absence.

It is worth noting that some of the principles behind Israel's security strategies were already established when the state was founded. Zeev Jabotinsky's "Iron Wall," written in 1923, provides some of the underlying guiding principles still valid today. According to Jabotinsky, it is 'utterly impossible to obtain the voluntary consent of the Palestine Arabs for converting "Palestine" from an Arab country into a country with a Jewish majority' (Jabotinsky 1923). Since Palestinians will not accept Jewish colonialism, 'the only way to reach an agreement in the future is to

abandon all idea of seeking an agreement at present' (Jabotinsky 1923). As noted by Jabotinsky, Zionist colonialism can proceed and develop only under the protection of a strong power behind an iron wall, which the native population cannot breach.

The founder of the state of Israel and the first Prime Minister David Ben-Gurion outlined two fundamental principles for Israel's security; first, shifting combat onto enemy soil and, second; achieving military decision in the shortest possible time (Eisenkot and Siboni 2019, p. 30). Both principles have also remained in place—the first through Israel maintaining an impenetrable border with fierce retributions on attempts at breach; The second, achieving as much as possible in the least amount of time. As noted by Eisenkot and Siboni, rapidly shifting the fighting onto enemy soil and achieving victory as quickly as possible, applies today as much as ever (Washington Institute 2019). The so-called Gaza wars are a good example of this. The time element is crucial because of the social and economic difficulty of a reserve force in extended combat and the difficulty of preserving legitimacy within the international community for the use of force over time.

According to Washington Institute, Israel's security strategy has officially focused on the four D's—Deterrence, Detection, Defence and (Military) Decision-making (Washington Institute 2019, p. 34). Israel considers itself to be an anomaly in a predominantly hostile region. The country's security narrative is commonly focused on regional threats, stemming from challenges from Iran's nuclear military capability and its regional engagement with neighbouring Syria, Lebanon, and Iran. With Israel's vast military superiority over its neighbours and unconditional support from the world's military superpower the US, the threat has been exaggerated. One can differentiate between real threats, perceived threats and hyped-up existential threats. *Existential threat*, or a perceived fear of the potential annihilation of existence of Israel and its people, is frequently publicly elicited and is intended to heighten fear and rally support for a policy or a national leader. Several members of the Israeli military establishment noted that it's often money and politics, rather than security, that push the fear of an imminent attack or hyped-up existential threat against Israel. Although much of the narrative is focused

on regional threats, the daily tasks of the Israeli military establishment are focused on management of the Palestinian civilian population living under its military occupation.

Fearmongering, or relying on hyped-up threats that impact the civilian population has in recent years been a common way for Israeli national leadership to remain in power. Former Defence Minister Moshe Yaalon referred to Benjamin Netanyahu as a fearmonger. As noted by Yaalon, Netanyahu and his top ministers stoked ethnic and religious hatreds, exaggerated the security threats to cling to office and distract people from real challenges (Booth 2016). The former Director-General of Israel's Atomic Energy Commission also noted that the defence establishment commonly sent out false alarms in order to grab a bigger budget (Halpern 2010). Critical scholars have pointed to common Israeli policies of promotion of fear and insecurity among Israeli and Palestinian civilians (Shalhoub-Kevorkian 2015). Although some of the fearmongering rhetoric had been slightly toned down when Netanyahu was out of power, the 2022 Israeli elections brought to the forefront even more radical and conflictual elements. In order to come back to power and prevent being persecuted for corruption, Netanyahu aligned himself with the what has been described as 'the most extreme right-wing, racist, homophobic and theocratic coalition in Israel's history' (Haaretz 2022). With an increase in hard-line rhetoric, rise of incitement and severe security measures against Palestinian demonstrators and insurgents, and little chance of a political solution, the realities subsequent to the 2022 elections are predicted to become even more violent and volatile.

Israeli emphasis on security has been studied and discussed extensively (Freilich 2018; Peters and Pinfold 2018; Cohen and Klieman 2018). Known globally as a security specialist, Israel's sale of military knowledge, expertise, cyber and military equipment provides the country with a significant proportion of its income (Freilich 2018). There are over 150 active defence companies based in Israel with combined annual revenues of more than 3.5 billion USD (AICE 2021). During 2020, Israel's military exports hit \$8.3 billion USD, the second highest-ever total (*Times of Israel* 2021). European military imports from Israel, focused on terrorism, borders and cyber security, have also been on an

all-time high (*Times of Israel* 2021). In recent years, Israeli military expertise has shifted from hardware required in fighting wars against armies, to tools utilized to monitor opposition and civilian populations. Particularly sought after though increasingly controversial has been the software Pegasus, spyware developed by the Israeli cyber-arms firm NSO Group. Pegasus has been used with increased frequency around the world to monitor government officials, opposition, critical NGOs and activists.

Although Israel's military industry and its security expertise have been a source of ample revenue, its security measures, especially the treatment of the Palestinian population under military occupation, have been a source of much condemnation. Human Rights Watch noted that security has been abused to justify ethnic cleansing and a system of apartheid. Many policies, such as: 'the denial of building permits in Area C, East Jerusalem, and the Negev in Israel, residency revocations for Jerusalemites, or expropriation of privately owned land and discriminatory allocation of state lands, have no legitimate security justification. Others, including the Citizenship and Entry into Israel Law and freeze of the OPT population registry, use security as a pretext to advance demographic objectives' (Human Rights Watch 2021). Israeli protection strategies have been designed to partially shield Israeli society from the effects of the occupation while maintaining control over the Palestinian population and hindering change. As will be discussed, political change has been viewed with hostility within Israel, as the potential cost of political change or a peace agreement is perceived as an unnecessary risk and a greater threat than the status quo (Sheizaf 2014).

Scholars, observers, diplomats and practitioners have been increasingly critical of Israel's harsh security measures related to its military occupation and increasing numbers of injuries and fatalities of Palestinian civilians (Thrall 2017). Even ardent supporters of Israel have become critical of draconian security and anti democratic measures put in place by Netanyahu's coalition government elected in 2022 (Bloomberg, 2023). Recent studies examining fatalities within the Israeli/Palestinian conflict have pointed to evidence of risk transfer, where Israel transferred risk from its soldiers to Palestinian civilians (Levy 2017). Although Israel blames the Palestinian Authority and terrorist organizations for



placing Palestinian non-combatants in harm's way, what are Israeli principles and practices regarding the protection of non-combatants? To what extent do Israeli security institutions distinguish between combatants and non-combatants? Are the growing number of civilian casualties linked to shifting principles and policies? This chapter will outline the role of protectors, the protected and those in need of protection, examining the principles, practice and perception of protection under Israeli authority. The final section will examine the justifications for the lack of protection.

## The Protected

The population under varying degrees of the Israeli protection regime can be differentiated most significantly between those living within current Israeli borders and Palestinians living under Israeli military occupation beyond the green line. The green line is the demarcation line or the pre-1967 line separating Israeli territory from its neighbours and the territory occupied by Israel (see Map 2.1). The civilians living under Israeli protection within the green line comprise of: Jewish Israelis including Ethiopians and Russians, Muslim Palestinian Israelis (Israeli-Arabs), Christian Palestinians, Druze, Bedouins and other minority groups. Refugees and others who are living within Israel temporarily or permanently but without citizenship, also fall under Israeli civil authority including the civilian police. Outside of the green line are included Christian and Muslim Palestinians living under Israeli military authority and Jewish Israelis living in guarded settlements under Israeli civil authority. East Jerusalem residents, who for the most part do not hold Israeli citizenship but have access to Israel's social services including healthcare, fall in a distinct category. The degree of protection offered and the perception of the protection varies widely between the different ethno-religious groups, and particularly between the populations living inside or outside of the green line.

The most dramatic differentiation in protection can be made between the protection of Jewish civilians living under Israeli authority within Israel, and Palestinian civilians living under Israel's military occupation



**Map 2.1** Israel & occupied Palestinian territory (Source UNISPAL—The United Nations Information System on the Question of Palestine [2022] UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, <https://www.un.org/unispal/data-collection/>)

outside of the green line. Although the distinctions have been fundamental to how the Israeli government and security establishment perceive and justify their policing tools, the distinction in the perception of many Palestinians is not as significant. In the eyes of many Palestinians, whether living within or outside of the green line, Israeli protection is perceived as a contradiction of terms.

Distinctions in protection can also be made among specific vulnerable populations including visible minorities, persons with disability and youth. The vulnerability of youth and children, particularly Palestinian children, will be discussed in Chapter 4. In recent years, vulnerability has also been exacerbated for vocal state critics of the Israeli regime, including human rights activists, who have been publicly declared to be enemies of the state (Gordon 2014). Human Rights organizations have been increasingly monitored and targeted with offices ransacked, the heads of critical organizations threatened, arrested and/or deported. Members of the newly elected 2022 Israeli government made a vow to target those who do not support the state. Religious Zionism head Bezalel Smotrich said that human rights organizations are “an existential threat to Israel” and the incoming government must deal with them by “seizing their funds” and acting against them with all legal and security measures (Shpigel 2022).

However, the least protected population are Palestinian civilians living beyond the green line under the Israeli military occupation who are a target of aggression and in some areas do not fall under the umbrella of any protection. The following sections will outline those in need of protection under Israel’s de facto authority including East Jerusalem and beyond the green line in areas B and C in Occupied West Bank and within Gaza.

## East Jerusalem

Jerusalem is the disputed capital of Israel and Palestine and remains largely divided between West Jerusalem, integrated within the Israeli protection sphere, and East Jerusalem, the home to mostly Palestinian residents, the majority of whom are stateless and do not fall under any

protection regime. Israel's unilateral annexation of East Jerusalem (and the surrounding West Bank territory) in 1967 has not been recognized by the international community (IC) but is a de-facto reality. UN and other international and regional bodies consider East Jerusalem an integral part of the occupied Palestinian territory and its Palestinian residents as persons protected by international humanitarian law (OCHA 2014). Israel considers East Jerusalem under its own authority but its treatment of East Jerusalem is far from equal and protection for East Jerusalem residents runs from poor to non-existent. The majority of Palestinian residents of East Jerusalem lack Israeli citizenship and do not trust or rely on Israeli authority and protectors including the police. There are no Palestinian police forces operating in East Jerusalem and, in most neighbourhoods, the residents prefer to approach traditional Muslim elders for disputes on issues. Border police are sent into East Jerusalem to deal with security concerns for Israel but not as protectors for the local population.

The degree of animosity between East Jerusalem residents and Israeli police varies between the different Palestinian neighbourhoods. Wealthier neighbourhoods such as Beit Hanina have fewer security issues and some residents have limited trust in Israeli police. Poorer neighbourhoods, particularly those with ongoing evictions of Palestinian residents and growing presence of extreme Jewish settlers such as in Sheikh Jarrah, have daily or weekly skirmishes and a very troubled relationship with Israeli security. Moves to evict Palestinian families in Sheikh Jarrah had been one of the key issues in the 2021 escalation of violence culminating in 2021 May's Gaza war. Since 2019, Issawiah has also been a focal point of ongoing demonstrations and violent clashes between its Palestinian residents and the Israeli police.

## Occupied West Bank

Beyond the green line, the territories of the West Bank are under Israeli military control and, with the exception of the Jewish settlements, have not been incorporated into Israel's political and civilian administrative system. Since the 1990s Oslo Peace Accords, the West Bank has been divided into Areas A, B and C (see Map 2.1). Contested spaces notably

Area C (and East Jerusalem) offer the least protection for civilians. Area A, constituting 18% of the West Bank, is the most populated region and includes the main cities of Ramallah, Jericho, Bethlehem, Tulkarem, Nablus, Qalqilya and Jenin. Area A is under Palestinian administrative control with Palestinian military and police forces and thus will be discussed in more detail in the subsequent chapter. Israeli citizens are officially forbidden from entering Area A, however, Israeli forces conduct regular incursions. Although incursions into Area A have been officially coordinated with the Palestinian Authority, cooperation in security has been suspended since 2020, and is generally ignored in times of tension.

Area B, composing of 21 percent of the West Bank, is under Israeli military control, while the PA retains some control in education, health and the economy. Area C comprises of about 60 percent of the Palestinian territory and is completely under Israeli military control. Thus, all protection in Area C, including policing and judiciary, is under Israeli military authority, which leaves the Palestinian residents living in Area C completely devoid of protection. Israel controls and monitors all movement between the different areas including economic trade. Area C also contains the highest number of forced evictions of Palestinian residents. During 2020, the demolition of homes resulted in the displacement of 570 people (OCHA 2021).

## Gaza

Cycles of violence, including Israeli bombardment campaigns and incursions into Gaza, have directly affected the majority of the Gaza population that has nowhere to flee. Rockets fired into Israel have been the justifications for the incursions and bombardment campaigns. Hamas has also adopted new tools such as use of kites and balloons to deliver incendiary and explosive devices. Economic blockades, severe fuel and water shortages, and Israeli restrictions on many items including basic construction materials have left much of the population vulnerable to not only violence but also natural elements. Controlled and governed by Hamas with Israel controlling land and sea borders, Gaza is the home of the least protected population in the world. This is especially

the case since the 2006 election of Hamas, a terrorist organization that maintains *belligerent* control of the population. Israeli security, in turn, has been focused on creating an impenetrable border, containment of the population within Gaza, firing at demonstrations who approach the border and bombardments from above, subjecting all Gaza residents to collective punishment for electing Hamas. Since Israel treats the civilian population as an enemy or collateral damage, the distinction between combatants and non-combatants in Gaza is negligible. In Gaza, Palestinian and international NGO's efforts have also been hindered by Hamas, especially assisting women and LGBTQ given their limited rights and protection under Sharia law.

## The Protectors

To begin with, who are the protectors, who is and who is not being protected under the umbrella of the various Israeli protectors and why? Including the areas under Israel's military occupation, the official protectors can be said to consist of: the state leadership, Israeli Defence Forces (IDF), the police, the courts, border guards, and private security companies, Israeli intelligence agencies including the Shin Bet and Mossad and non-government organizations (NGO's). Each of these entities perceive protection and who is to be included and excluded under the umbrella of Israeli protection differently. Israeli security forces and police are officially charged with protection all civilians; however, security becomes progressively more militaristic in Palestinian/Arab-dominated areas within Israel and takes on a malignant rather than a protective role in the Occupied Palestinian Territories. Lethal force without just cause is utilized almost exclusively against Israeli minorities and Palestinians and a majority of the cases of abuse by the police are never investigated (Halbfinger and Rasgon 2020). While Israeli police are focused on security problems within Israel, border guards and private security companies have in recent years gained increased importance operating within Palestinian Occupied Territories.

*The Government.* Although Israel's leadership has the responsibility for the protection of all civilians under its territory, this protection generally

does not apply to the Palestinian population. Standards on protection of civilians are widely different depending on the identity of the civilian and their location. The Palestinian population living within the green line inside of Israel is commonly considered the fifth wheel, an undesired population that is commonly publicly threatened with eviction. Former Israeli Prime Minister Benjamin Netanyahu noted that Israel is “the national state, not of all its citizens, but only of the Jewish people” (NPR 2019). For the Palestinian population living under the Israeli occupation, particularly in Gaza, there is little to no distinction between a civilian and terrorist. Lack of protection of Palestinians, within or outside of the green line, is generally blamed on the Palestinian leadership. All violence is blamed on incitement of the Palestinian leaders.

In general, incidents involving security guards, the IDF or border guards where Palestinian civilians are killed are commonly not investigated and politically justified. As an example, when discussing heightened violence within Israel, listing all attacks against Israelis while ignoring attacks against Palestinians, the Israeli Ministry for Foreign Affairs noted that ‘the series of attacks against Israelis is the direct result of incitement by radical Islamist and terrorist elements, calling on Palestinian youth to murder Jews’ (Ministry of Foreign Affairs 2021). In 2015, the Mayor of on Palestinian youth to murder Jews’ (Ministry of Foreign Affairs 2021). In 2015, the Mayor of Jerusalem asked those with guns to wear them and—“shoot to kill anyone carrying knife or screwdriver” (Hasson 2015). More recently, Israeli Prime Minister Naftali Bennett also asked those who have a licence to carry a weapon ‘should do it now’ (Breiner and Kubovich 2022).

## Intelligence

The Israeli intelligence is made up of Mossad (overseas operations) AMAN (military intelligence) and Shabak (internal intelligence). Although Israeli intelligence is challenging to pin down because documents are seldomly declassified, it plays a significant role in protection. Israeli leadership have used intelligence for targeted assassinations regionally and within Gaza. The 2004 assassination of Sheikh Ahmed Yassin,

was one among many Hamas leaders to be targeted and killed in Israeli operations. Avraham Shalom, the Head of Shin Bet between 1980 and—1986, noted: “In a war against terror, forget about morality, find morals in terrorists first” (Gatekeepers 2013). The majority of intelligence today is gathered remotely, mainly by hacking computers and cellphones. The shift from *Humint* to *Sigint* intelligence has affected both the ability of spy agencies to gather information as well as protection of individuals. Humint—human intelligence—is the collection of information from human sources such as clandestine operations. *Sigint* intelligence refers to intelligence that is gathered by interception of signals. The multiplicity of security cameras backed by facial recognition technology and biometric passports has made it harder for intelligence agents to move around, infiltrate or travel undercover (Harrel 2022c).

Traditionally, Israeli intelligence units have been highly valued for providing exact intel on potential local and regional terrorists. Part of the strength of relatively effective Israeli intelligence has been the successful recruitment of Israel’s Palestinian Arab population including the Drews. The recent death of Mahmoud Kheir el-Din, who was killed in friendly fire in an intelligence gathering Gaza operation, spelled another step towards the end of risky secret operations (Harrel 2022a, 2022b, 2022c). Intelligence has also been used to monitor and expose vulnerable populations, such as LGBTQ, women and men engaged in socially unacceptable behaviours. Homosexuality in Gaza remains illegal and is punishable by death. The gathering of details on civilians’ sex lives for use in blackmail operations has heightened vulnerability that has been exploited by Israel. In 2014, forty-three former members of the elite IDF intelligence Unit 8200, including officers, wrote an open letter to Prime Minister Benjamin Netanyahu saying they would refuse to do reserve service because of Israel’s “political persecution’ of the Palestinians. The unit noted that the information that is gathered and stored in the army’s systems “harms innocent people. It is used for political persecution and to create divisions within Palestinian society by recruiting collaborators and driving parts of Palestinian society against itself” (Cohen 2014).

*Israeli Police Force* The Israeli police force operates throughout Israel, Occupied East Jerusalem, Area C of the West Bank and the Golan



Heights. Within Israel, the police are commonly criticized for mistreatment and discrimination against visible minorities. Waves of demonstrations by young Ethiopian Israelis during 2015 and 2019 that followed racialized incidents have led to a push for internal investigations and police reforms. For Israelis of Ethiopian descent, institutional racism and troublesome policing are a major impediment to their sense of equality and full citizenship (Abu and Ben Porat 2021). Israeli police have also come under fire from women's rights groups for failing to address the rising number of cases of violence against women. Minority women face the double bind of "gendered racism" and "racialized sexism" from the communities and police. For example, according to studies, Israeli police have been noted to more readily accept Arab men's excuses for violent outbursts or turned a blind eye to battering incidents (Adelman et al. 2003).

Israeli police also operate in East Jerusalem and beyond the green line within Palestinian areas under Israel's military occupation; however, they usually deal with security breaches and not protection of Palestinian civilians and the police generally used are special militaristic units such as the border police.

*Border Police:* Border police, whose main tasks are maintaining public order and fighting terrorism, currently constitute about 22% of the operational forces in the Israel Police. The border police are made up of special police forces from the IDF and recruited volunteers. According to the Ministry of Public Security, there are 68 diverse units including operational battalions, units responsible for maintaining routine security, the YAMAM special counter-terrorism unit, the undercover YAMAS unit, units for the security of essential facilities, the 101 units, an anti-riot unit and a k-9 unit (Ministry of Public Security 2014). They do not necessarily wear a uniform and operate mostly in Occupied Palestinian territories as well as along the border areas. They receive counter terrorism and combat training and tend to have a very poor reputation for protection of civilians or accountability. The border police operate more as soldiers and are known for being quick to use lethal force against suspected terrorists including youth and unarmed civilians. Incidents between the police and Palestinian civilians outside the green line are

commonly not reported or investigated. Palestinian civilians, including minors, are also commonly arrested and held without being charged.

The border police are the most prominent public security actor in East Jerusalem, however, generally their role is not to protect the local Palestinian population. According to police reports, there have been many incidents where Israeli Border policemen initiated “friction” with residents of East Jerusalem to provoke a violent response (Hasson 2016). Israeli border police operating in East Jerusalem have also been known to instigate rather than prevent violence. In an infamous incident in Issawiah, an Israeli police officer planted a M16 rifle in an East Jerusalem resident’s house for a Docudrama. The discovery was staged by policemen in the Jerusalem District, with the purpose of promoting themselves and presenting Isawiyah residents as a security risk (Hasson 2019). Although the police issued an apology, this incident and others like it did not result in any disciplinary actions.

International and national NGO’s have reported widespread violence and abuse against Palestinian civilians by border police units. Despite having a track record of abusive policing, border police have been strongly supported by the government. In 2021, Netanyahu exclaimed that the Israeli border police should not be afraid of investigations. “We hear talk of apprehension over [future] commissions of inquiry, investigations, inspections – we will give you all the tools to protect yourself and the citizens of Israel,” adding, “You have our full backing, do not be afraid” (Human Rights Watch 2021). As noted by NGO observers, the lack of accountability has contributed to their behaviour to act with impunity.

*Israeli Defence Force—(IDF):* It has been said that rather than a state with a military, Israel is military that has a state, attributing to the power of the military. All Jewish, Christian and Drew male and female Israelis are drafted into the IDF at the age of 18. For Jewish Israelis, the IDF is the most respected and trusted institution within Israel (Democracy Index 2019). Ninety percent of Israeli Jews and 41% of Israeli-Arabs (which includes Drews and Christians) trust the army. In comparison, trust in the Israeli parliament—the Knesset—is 30% among Jews and 24% among Israeli-Arabs. For the Palestinians living under the military occupation, the IDF is the key tool of the occupation controlling daily

movement and life. While all armed forces value the lives of their soldiers, Israel considers its soldier's lives to be more valuable than the lives of enemy civilians (Erakat 2019). Israel's aversion to soldier casualties leads it to liberally apply force such as airstrikes and massive indiscriminate fire in order to guarantee force protection (Erakat 2019, p. 198).

There are hundreds of different units within the IDF including paratroopers, engineering, infantry, intelligence, military police and special forces, many utilizing different tools and rules of engagement. Some units, such as the Duvdevan, often wear civilian clothing to disguise themselves among the local Arab populace. They operate independently and engage in special operations including targeted killings. Targeted killings have commonly been under the auspices of Mossad and Shin Beit; however, the IDF has increasingly been tasked or given the green light for targeted assassinations (Bergman 2018). The 2022 killing of prominent Palestinian Al Jazeera journalist Shireen Abu Akleh by the Duvdevan unit has drawn international condemnation and investigation by the international criminal court.

## Security Guards

Armed security guards work at all entrances of buildings whether malls, transportations, businesses, education or entertainment facilities within Israel. According to estimates, there are about 135,000 security guards in Israel, approximately 50,000 of whom bear arms (Who Profits Research Centre 2016, p. 27). Considered a very basic job requiring little or no training, half of all security guards are new or old immigrants from the former USSR, who are paid minimum wage. Checkpoints along the green lines, however, are generally run by selected private security companies.

Private Security Companies (PSC) Private security companies have become increasingly important particularly in the West Bank and East Jerusalem, controlling the Palestinian population, manning checkpoints and protecting Jewish settlers on Occupied Palestinian land. Critics have noted that Israel has employed non-state actors to do the 'dirty work' required to ethnically cleanse the Palestinian population and build and

maintain the settlements (Volinz 2019). The privatization of checkpoints along the seamlines between Israel and the military occupied territory and within the territories began in 2006. Every year, additional checkpoints have been transferred to PSC (Who Profits Research Centre 2016). At least 14 checkpoints have been privatized and transferred to PSC including: 12 checkpoints in the West Bank and 2 checkpoints between Gaza and Israel (Erez and Kerem Shalom) (Who Profits Research Centre 2016). More are being privatized.

The outsourcing of security to private companies has made the Israeli state less accountable towards the protection of civilians. As noted by a local Jerusalem politician: 'to recruit private security companies instead of relying on the police force can save us a lot of headaches. It means that the authorities don't take full responsibility [...] it means that accountability is scattered into so many different bodies so that in the end no one takes charge. [...] it allows us to be bold in our projects, in our ambitions. I can see it growing' (Volinz 2019).

## Judiciary Within Israel

Traditionally Israeli civilians, including Palestinians, had turned to Israeli courts for protection. Israeli courts including the Supreme Court have had significant rulings on evictions, location of the separation wall, human rights and shootings of unarmed demonstrators. Increasingly, due to political appointments under the Netanyahu administration, the Supreme Court has been less inclined to rule in favour of Palestinians. In 2002, Israeli Supreme Court justices rejected an appeal filed by 104 residents of the East Jerusalem area of Silwan to overturn a decision by the Custodian of Absentee Property to "free" the land on which they have lived for decades (B'Tselem 2018). The land was taken from Palestinian residents by a group affiliated with Ateret Cohanim, a settler association that works to Judaize East Jerusalem. In 2006, the Supreme Court of Israel ruled that targeted killing is a legitimate form of self-defence against terrorists, and outlined several conditions for its use. The Court of Justice adjudicated on the issue of targeted killing deciding that 'a civilian who has joined a terrorist organization ...commits a chain of

hostilities, with short periods of rest between them, loses his immunity from attacks “for such time” as he is committing the chain of acts” (Erakat 2019, p. 201). Shooting live ammunition at unarmed demonstrators was another court case which was filed by human rights groups. However, in May 2018, the Israeli Supreme Court rejected two petitions filed by human rights groups and fully adopted the Israeli military’s position, giving a green light to its continued use of snipers and live fire against Palestinian protesters in the Gaza Strip.

### **Israeli Military Courts (Occupied Territories)**

Palestinians living in any of the areas within the Occupied Territories and accused of security incidents are tried in Israeli military courts. The military courts have jurisdiction over two types of offences; security offences and threat to public order such as traffic violations and criminal offences. Thousands of Palestinians, including minors as young as 12, are brought before military courts on various charges including: entering Israel without a permit, stone-throwing and membership in an illegal association. While the courts offer an illusion of proper judicial conduct, they mask one of the most injurious apparatuses of the occupation (B’Tselem 2017). In the military courts, the judges and prosecutors are Israeli soldiers and Palestinians do not have legal representation. The Palestinian defendants are convicted in 99 percent of the cases thus defendants commonly enter a guilty plea to avoid a lengthy trial during which time they are forced to remain in custody. As such, the military courts are neither impartial nor neutral.

### **Militias and New National Guard**

There are several Jewish militias linked to far-right settlement groups that operate inside Israel and the West Bank. The escalating violence and terrorist attacks have served as a justification for the rising number of militias. The militias commonly cooperate with Israeli police or IDF units, gain funding from private organizations, local councils or the government and operate with little supervision or consequences. During

the unrest in May 2021, Israeli authorities made use of Jewish militias to target Palestinian citizens in coastal cities, including Lod, Jaffa, Ramla, Haifa and Akka (Wated 2022). Armed militia called “the Guardians of Lod” have been supporting extremist Jewish settlements and ethnically cleansing Palestinians from the city of Lod (Wated 2022). Made up of volunteers and right-wing activists linked to extremist leadership, the militias have been able to take violent actions against Palestinian civilians living within Israel without legal consequences. International and Israeli observers have voiced concerns that Israel is losing control of the private militias (Wated 2022).

In May 2022, subsequent to a string of terrorist attacks against Israeli civilians, Prime Minister Naftali Bennett announced the creation of a new “civilian national guard” to fight terrorism (Breiner and Kubovich 2022). The national guard, according to the currently discussed plans, would be the body that would have a key role in dealing with disturbances in mixed cities. According to Bennett; “The urgent need to strengthen the personal security of the citizens of Israel was born a year ago during the events of Operation Guardian of the Walls, mainly in the mixed cities, and it is more urgent than ever in the current wave of terrorism” (Keinon 2022). The use of militias, as with private security, can also absolve the state from responsibility for its actions.

## Principles of Security and Protection

The new way of waging war in recent years has been commonly characterized by transfer of risk from soldiers to enemy civilians with limited discrimination between combatants and civilians (Levy 2017). This is a consequence of the type of conflict, the challenge of recruitment of soldiers and militants hiding among civilians. Indeed, in recent years, the Israeli state has adopted new measures and tools to minimize risk to Israeli soldiers. Some of these have included increasing use of heavy aerial bombardments, unmanned drones and vehicles and moving through Palestinian homes, conducting violent operations in Gaza and the West Bank which do not risk the safety of soldiers. Security measures have tended to prioritize protection of Israeli settlements and Israeli soldiers,

with little emphasis on the protection of vulnerable civilians. The distinction between civilian and combatant is to be established on the basis of whether the person is directly engaged in hostilities. The Geneva Convention expressly prohibits inhumane treatment of protected persons including: individual or mass forcible transfers or deportations of civilians, the destruction of property unless as an absolute military necessity (Darcy 2003).

The ongoing military occupation of Palestinian areas is focused on intimidation, control and severe military measures that made little distinction between combatants and civilians. The protection of lives of soldiers not only comes at the cost of Palestinian civilians but also ahead of lives of Israeli civilians. Rating the death hierarchy, Levy notes that due to lack of choice and political consequences of exposure to death, the reservist soldiers are the most protected segment of the population. This is because the Israeli army is dependent on the reservists during escalations such as Gaza wars. According to Levy, order of hierarchy for protection is: (1) Reservists; (2) Citizens from privileged groups; (3) Middle-class conscripts; (4) Conscripts from peripheral groups; (5) Peripheral citizens; and (6) Enemy civilians (Levy 2010, p. 352).

Since Israeli Defence Forces (IDF) rely on recruitment of 18-year old's straight out of high school and reservists, willing to leave their families to serve, their safety is of primary concern. According to Levy, the declining motivation among privileged groups to serve in the military is the key to how soldiers' lives have become more valued than civilians (Levy 2010, p. 346). The 2003 IDF ethical code of conduct noted that 'where the state does not have effective control of the vicinity, it does not have to shoulder responsibility ... that persons who are involved in terror operate in the vicinity of persons who are not...jeopardizing combatants rather than bystanders during a military act against a terrorist would mean shouldering responsibility for the mixed nature of the vicinity for no reason at all' (Kasher and Yadlin 2005, p. 18). In other words, protecting the lives of IDF soldiers is more important than the lives of innocent bystanders.

On the lowest scale of value of a civilian life, the hierarchy can be broken down further into territory where the person is residing. As noted by the 2022 UN Report of the Independent International Commission

of Inquiry on the Occupied Palestinian Territory, there are stark differences between the legal systems in Israel and the West Bank, in particular with regard to criminal law, with significant implications for the rights of Palestinians (UN Commission Report 2022). For example, if a Palestinian living under the military occupation is shot and killed by Israeli security forces, there is little chance of investigation or repercussions, even if the victim is a child. Daily military incursions, house demolitions, targeting of civilians and even shooting of unarmed civilians can all be justified in the name of security. As an example, “Under military law, holding and waving Palestinian flags during demonstrations and assemblies of Palestinians is regarded as a security threat, so that Palestinians’ freedom of expression and freedoms of peaceful assembly and association are severely restricted” (UN Report 2014). Forcible removal of Palestinian flags has recently resulted in a pushback by Israeli police who have publicly taken a stance noting that it’s not good use of police time, and the removal of Palestinian flags usually results in escalation and not de-escalation (Police 2022). Shortly after taking office, Israel’s new National Security Minister Itamar Ben-Gvir has ordered Israeli police to ban Palestine flags from public places in the latest crackdown by the country’s new hard-line government, calling the Palestinian national symbol an act of “terrorism” (Aljazeera 2023).

Israel considers the territories of the West Bank and Gaza under belligerent occupation where the state exercises military and legal control, but fails to take the responsibility to protect the civilian population. As noted in a 2005 Israeli Supreme Court ruling, “This court has ruled in a long list of judgments that Judea, Samaria and the Gaza Strip are under belligerent occupation of the state [of Israel]. They are not part of the State of Israel” (Adalah 2020). Considered the most dangerous and hostile territory under Israeli occupation, civilians living in Gaza are offered no protection by Israel. Israeli case law declared Gaza to be an ‘enemy entity’, and designated its population as ‘enemy aliens’ (Adalah 2020). In 2007, Israel’s security cabinet voted to declare the Gaza Strip an enemy entity, a move that gave Israel the power to cut off all vital supplies including water and electricity (Jerusalem Post 2007). Collective punishment of the population of Gaza has become an accepted national strategy.



The guiding principle of minimum risk to the soldiers at the cost of harming innocent civilians has been integrated into IDF practice (Levy 2017). Hannibal Directive is one example in which if an Israeli soldier(s) is under threat of kidnapping, IDF have a policy of indiscriminate firing to prevent an abduction. The directive was used most recently during the 2014 war in Gaza as soldiers were given leeway in Rafah, Shujaija to shoot at any target to prevent a potential kidnapping of a soldier. In Rafah, where two Israeli soldiers were killed and one was suspected of being kidnapped, every person and moving vehicle became a potential target (Human Rights Council 2015). The directive was officially cancelled by the military in 2016 following heavy criticism. The criticism was not because of the deaths of Palestinian civilians, which numbered in the hundreds, but due to the criticism of a policy of shooting one's own soldier, preferring a dead rather than an abducted soldier.

The shooting and killing of Palestinian protestors along the Gaza border has been the subject of investigations and much debate on the rules of engagement. According to the IDF, ' Hamas has used the violent riots as another means for carrying out military attacks against Israel using the cover of the Gazan population' (IDF Document 2019). The United Nations Commission of Inquiry into the protests found that the use of live ammunition by IDF against demonstrators was unlawful, as the protestors did not pose any threat to the lives of Israeli soldiers or civilians (UN Inquiry 2019). In its 2019 investigation, the commission found reasonable grounds to believe that Israeli forces intentionally used lethal force against civilians, including children, medical personnel, journalists, and persons with disabilities (UN Inquiry 2019). However, Israeli politicians, IDF and the Supreme Court all justified the actions. A February 2019 IDF document reiterated that soldiers may open fire with live ammunition on "key instigators" or "key rioters" even when they are at no longer participating in the protest or are resting (Adalah 2019). This policy is applicable in Gaza and the West Bank.

The rise of violence in 2022 has also resulted in acceptance of more lethal tools. Subsequent to the 2022 killing of an IDF soldier in Jenin, the Israeli military proposed to revamp the West Bank defensive strategy by using helicopters and drones to secure ground troops through the use of 'deterrent fire' (Kubovich 2022a). In September, the chief of

staff gave officers of IDF Central Command “a green light to carry out targeted assassinations” in the West Bank (Harrel, September 22, 2022c). For the first time, in case of operational need, IDF is also allowing the use of drones to kill wanted Palestinians by long-range fire (Harrel 2022a, 2022b, 2022c). In 2022, Israel’s army also introduced artificial intelligence-powered robotic guns on top of a guard tower overlooking the crowded al-Aroub refugee camp in the occupied West Bank (Min 2022). The robotic guns are faster than humans once they lock on a target and currently can fire tear gas, stun grenades and sponge-tipped bullets. All of these new measures have been sharply criticized by international organizations and human right groups and will likely result in more deaths of civilians.

## Practice of Protection

For Palestinians living under the occupation, there are few boundaries between the conflict and people’s lives which can be shattered at a moment’s notice. “Imagine it - you’re sitting in your living room, which you know so well; this is the room where the family watches television together after the evening meal . . . . And, suddenly, that wall disappears with a deafening roar, the room fills with dust and debris, and through the wall pours one soldier after the other, screaming orders. You have no idea if they’re after you, if they’ve come to take over your home, or if your house just lies on their route to somewhere else. The children are screaming, panicking. . . Is it possible to even begin to imagine the horror experienced by a five-year-old child as four, six, eight, twelve soldiers, their faces painted black, submachine guns pointed everywhere, antennas protruding from their backpacks, making them look like giant alien bugs, blast their way through that wall” (Weizman, 2006). The story is not a unique one describing the realities of the movement of soldiers through people’s homes even when those individuals are not the target. The soldiers blasted their way into the residence above and continued through the family’s home to blast into the neighbour’s house. Officially referred to as a military strategy of “swarming” or “infestation”, moving through walls was designed to protect the lives of soldiers.

Described by a commanding officer as: I ordered my troops: ...If until now you were used to moving along roads and sidewalks, forget it! From now on we all walk through walls! ...We were thus moving from the interior of homes to their exterior in a surprising manner and in places we were not expected, arriving from behind and hitting the enemy that awaited us behind a corner' (Weizman, 2007). Eyal Weizman 'Lethal Theory' Anyone No. 7 (Winter/Spring 2006), pp. 53–77.

This section will examine the practices of civilian protection outlining instances of *effective, selective, ineffective, belligerent and exploitative protection*. Within Israel, the protection can be categorized as selective as it is very dependent of the national group and their location. Vulnerability extends to women, visible minorities, youth and people with disabilities. Beyond the green line in the West Bank and Gaza, Israeli protection of the Palestinian population is belligerent. Israeli security forces are responsible for the majority of injuries and fatalities. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has noted that since 2008 there have been more than 6036 Palestinian fatalities, the majority of which have been killed by air-launched explosives (Gaza) or live ammunition (OCHA 2023). During the same period, there have been more than 138,040 injuries among Palestinians, mostly from tear gas inhalation, rubber bullets and live ammunition. Among Israelis within the same time period, there have been 124 fatalities and 5913 injuries (OCHA 2023).

Despite billions of dollars of expenses on security including police and military, there are few instances of effective security for even the Jewish population within Israel. Most vulnerable are visible minorities, persons with disabilities, gender minorities and youth. Persons with disabilities are killed by Israeli forces, mostly because they do not hear or understand instructions, including those with hearing and sight impairment or are individuals with mental disabilities. Palestinian women with head scarfs express the deepest security concerns within Israel, doubtless because the militaristic society has not given many a sense of security. The Israeli industry of fear targets not only Palestinian anti-occupation and anti-violence protesters, but also Israeli dissidents, anti-war protesters, human rights activists and other political activists (Shalhoub-Kevorkian 2015, p. 8).

Israeli occupation measures have also included targeted assassinations, collective punishment, administrative detentions, house demolitions, deportations, checkpoints, closures and the construction of a security wall. Within the West Bank and East Jerusalem, children and youth participating in actions, such as demonstrations, throwing stones or attempted assaults, have been subject to maiming, arrests, detention and extrajudicial killings. Subsequent to the 2014 Gaza war, angry Palestinian youth within Israel incited by social media sought to take vengeance on Israeli civilians by attacking them with household objects including knives, scissors and screw drivers. The so-called 'knife' or 'children's' intifada led to approximately 166 stabbing attacks and 89 attempted stabbings and resulted in 38 Israelis and 235 Palestinians being killed and 7,955 detained (Shabak 2015). A majority of the attacks (60%) took place in Area C and from those that took place inside Israel, 72% took place in Jerusalem (Weissbrod 2018, p. 33). Some of the attacks were conducted by Palestinian youth as young as 12 years old. A political directive to kill the perpetrator on the spot led to outrage by human rights groups. Israeli NGO Adalah noted that 'Politicians and senior police officers have not only failed to act to calm the public climate of incitement, but on the contrary have openly called for the extrajudicial killing of suspects' (Adalah 2015).

In the West Bank and East Jerusalem, key protection concerns have been linked to settler violence. Israeli settler violence refers to acts of violence committed by illegal Jewish settlers against Palestinian civilians with the intention to threaten and intimidate. Condemned widely by the international community, settlement violence has been on the rise. Settlements are illegal under international humanitarian law as they violate Article 49 of the Fourth Geneva Convention, which prohibits the transfer of the occupying power's civilian population into occupied territory. Settler violence includes harassment, intimidation, physical violence and property damage to homes, religious buildings, commerce and agriculture. The number of yearly incidents ranges in the thousands with between 30 to over one hundred Palestinians dying each year. At times, Jewish settler violence as well as Palestinian violence against settlers is part of a cycle of violence where one incident sparks retribution or a 'price tag'.

Beyond the cycle of violence, the most significant issue is the immunity and lack of accountability for the Jewish settlers, protected by Israeli state institutions including the IDF. OCHA noted that between 2005 and 2016, over 90% of the investigation files on settler attacks against Palestinians and their property filed with the Israeli Police were closed without an indictment of a suspect (OCHA 2017). Civilian security forces are appointed by the settlements' regional and local councils and they represent their interests. The civilian security coordinators (CSCs) and the civilian guards that operate in the Israeli settlements on the West Bank are among the most problematic. The CSCs are agents of the army, in that they are subject to the Military Justice Law and hold policing powers, but they are appointed by the settlements and see themselves as representing the settlements' interests (Hareuveni 2014). They are permitted to conduct searches, detain suspects and to use force. Although the military order grants the settlement guards substantial policing powers, it does not require them to wear a name tag, as required of Israel Police personnel (including Border Police) and other Israeli officials who hold policing rights (Hareuveni 2014). Thus, not only is there illegal confiscation of Palestinian land by Jewish settlers, there is 'the transfer of law enforcement and policing powers in the settlements to a quasi-military civilian force, including the possibility to use injurious means, exercise force, deprive liberty, restrict movement, and search and seize property' (Hareuveni 2014, p. 48).

The intimate connections between the illegal Jewish settlements, the police, the army and the government are very clear. Brig. Gen Roi Zweig, commander of the Israeli army's Samaria brigade, noted: "It has often been said that the army and the settlements work together. I disagree with that, I think the army and the settlement enterprise are one and the same" (Shezaf 2022). The cooperation takes place not only in the occupied territories but also within Israel. For example, in Israel's mixed city of Lod, the mayor Yair Revivo is leading the fight against the Palestinian presence in Lod through harassment and intimidation. The actions include the policy of encirclement of Palestinians in all public spaces, with the aim of forcing them to leave under duress (Wated 2022). Proliferation of militias, such as Sayeret Barel, in the Negev, known to Palestinians as Naqab, has increased fears that the Israeli authorities and

police are losing control over the rise of the fascist right (Wated 2022). One of the Palestinian members of the Lod municipality, Fida Shehadeh, noted that the far-right has become a kind of “state within a state” (Wated 2022). With the 2022 election of right-wing leadership coming from Israeli settlements, the strength of the militias and the special relationship between the army, settlers and the government are likely to only grow stronger.

Targeting of human rights activists and journalists has been another area of concern. Palestinian journalists have been accidentally or purposefully targeted by Israeli soldiers. According to the Committee to Protect (CPJ), at least 19 Palestinian journalists have been killed since 2000 (CPJ 2022). On 11 May 11th, 2022, a veteran Palestinian-American journalist Shereen Abu Aqleh who was working for Al Jazeera was shot in the neck and killed while reporting on an IDF incursion into Jenin. Every indication seems to be that she and other journalists, who were all wearing well-marked press bullet proof vests and helmets, were directly targeted by Israeli soldiers, who repeatedly fired at them and prevented their escape or medical attention. IDF commando unit Duvdevan (unit 217) was conducting a ‘sweep and arrest’ operation in close to Jenin refugee camp. The initial investigation into the shooting led by Col. Meni Liberty, the head of the Commando Brigade (to which Duvdevan is subordinate), found six instances of IDF gunfire near Abu Akleh and additional journalists. In one of them, a Duvdevan fighter returned fire from inside an armoured jeep while the jeep was about 190 meters from the reporter. It is during this incident that the army fears Abu Akleh may have been shot (Harel, May 18, 2022a). Duvdevan is responsible for undercover operations in urban areas, during which the operators commonly wear civilian clothing and disguise themselves among the local Arab populace (Duvdevan Unit 2021). The unit can operate independently and performs high-risk and complicated operations, including targeted killings.

Israeli army police stated, however, that they are not going to investigate the killing because it would become a criminal investigation, which would be unpopular with the Israeli public (Harel, May 18, 2022a). Ammar Himazi, Assistant Foreign Affairs for the Palestinian Authority (PA), noted that the refusal to investigate is no surprise. Palestinians

do not trust the system which is meant to subjugate and punish them. Palestinians have decided to conduct their own investigation which they intend to forward to the International Criminal Court. A member of the Israeli ruling coalition resigned which, at the time of writing, resulted in the collapse of the current government. Israel refuses to cooperate with any independent mission. The NGO Yesh Din (There is Law) said the decision not to authorize the military police to investigate the incident showed that “the army law enforcement mechanisms no longer even bother to give the appearance of investigating. Eighty percent of the complaints that are submitted are dismissed without a criminal investigation” (Harrel [2022a](#), [2022b](#), [2022c](#)).

The protection of civilian population under Israeli authority in Gaza is essentially belligerent. The most recent Gaza wars of 2008/2009, 2014 and 2021 have resulted in heavy loss of civilian Palestinian residents. Israeli justification for the military campaign in Gaza was the ongoing rocket fire launched by armed groups from Gaza. Between July and August 2014, Palestinian militants indiscriminately fired 4,881 rockets and 1,753 mortars towards Israel, killing 6 civilians (UN News [2015](#)). Aggressive fire policy allowed for a ground operation by reducing the exposure of IDF soldiers to risk. However, the severe bombardment came at the expense of heavy losses to Gazan civilians. Israeli Defense Forces (IDF) claimed that measures such as leaflets recommending evacuation and a small blast on the roof served as warnings for people to evacuate buildings targeted for destruction. The warnings were confusing, while Hamas recommended to civilians to ignore IDF warnings and Israeli security considered anyone who remained a voluntary shield. Also, many civilians had nowhere to flee; no location in Gaza was considered safe, and those areas that were designated as ‘safe’ such as UN schools were targeted. According to interviews with IDF soldiers who took part in the operation, the rules of engagement in 2014 were quite lax. The Hannibal Directive, which gives leeway to Israeli soldiers for shooting at all targets in order to prevent the abduction of soldiers, was reportedly activated in Rafah and Shujaija (Breaking the Silence [2018](#)). In Rafah, where two Israeli soldiers were killed and one was suspected of being kidnapped, every person and moving vehicle became a potential target.

Beyond the periodic bombardments that cause significant deaths, injuries and destruction, borderline areas between Israel and Gaza have also become an area of ongoing demonstrations. The widespread Palestinian demonstrations began in March 2018 have resulted in more than 200 deaths and 3000 injuries from shots fired by IDF snipers. The vast majority of the persons killed or injured were unarmed and posed no threat to the soldiers on the other side of the fence. A UN Commission of Inquiry, which examined the shooting of the Gaza demonstrators, concluded in 2019 that in the tens of cases it had examined, none of the protestors were armed or posed an imminent threat to life or limb, and thus the use of force was unjustified (UN Inquiry 2019). The UN Commission also found ‘reasonable grounds to believe that Israeli snipers shot at journalists, health workers, children and persons with disabilities, knowing they were clearly recognizable as such’, (UN Inquiry 2019). However, Israel justified and whitewashed the investigation. Israeli officials noted that the open-fire regulations would allow the use of lethal fire against instigators or anyone who tried to damage the fence or even approach it (B’Tselem 2018). As noted by B’Tselem, ‘Israel conducted “investigations” into certain specific cases of shooting by snipers. But no one investigated – and no one in Israel will – the rules of engagement themselves’ (El-Ad 2022).

The practice of protection is also affected by the politics of the day. The months just prior to Israeli elections tend to be more volatile as the government commonly flexes its muscles. Intensive military confrontation in the West Bank, with a rising Palestinian death toll, is also liable to bring down the voting rate among the Arabs in Israel, increasing the proportion of voters from the Israeli right. As noted by Harrel, ‘That’s a fact known to everyone who follows the developments in Israel and the territories – from Hamas and the PA to Likud, Yesh Atid and the National Unity Party’ (Harrel 2022a, 2022b, 2022c). Israeli police have also noted that recent election campaigns have been accompanied by unprecedented radicalisation in social media discourse (Harrel 2022a, 2022b, 2022c). Thus, violence in the Occupied Territories tends to benefit the right-wing parties both because Israeli votes shift to the right and fewer than 48 percent of Palestinians or Palestinian Israelis bother to vote in the elections.



## Perceptions of Security and Justifications of Lack of Protection

There is a wide differentiation between the realities of protection for civilians and the sentiment of safety. Safety and perception of safety are directly related to national identities. Minorities also perceive their status within Israel and beyond the green line based on their own safety. As noted by Guy Ben Porat, minorities evaluate their status in the state's citizenship regime through their interactions with the police, thereby emphasizing the 'heavy symbolic load' policing carries in shaping communal and collective identities (Abu and Ben Porat 2021). In East Jerusalem and Palestinian or mixed areas within Israel and in occupied territories, this would be also based on their interaction with border police, private militias and the IDF. Anger and threat tend to increase hawkish predispositions, such as ethnocentrism, intergroup animosity and militarism and are more likely among those that experienced violence first-hand (Yakter 2022).

In the escalation of violence subsequent to 2014 Gaza War, most Israeli civilians expressed fear of personal security at the hands of state institutions. In a 2016 survey conducted by the Israeli Knesset, more than 59 percent of women and 54 percent of men polled were concerned about being harmed by state institutions. Most concerned were Palestinian/Arab women of whom 74 percent worried about damaging behaviour by state agencies that would negatively affect their personal security (Survey, Knesset, 2016).

In a 2018 survey of Jerusalem residents, safety and protection was the primary concern for Palestinian respondents while only a minor concern for Jewish respondents (Jerusalem Survey 2018). In the survey, 73 percent of the Palestinian residents living in East Jerusalem said that they witnessed violence between security forces and local residents in the past 6 months. On the other hand, 15% of Jewish residents of West Jerusalem had heard of or witnessed violence between security forces and local residents in the past 6 months (Jerusalem Survey 2018). After the 2022 string of terror attacks, a poll found a bleak security outlook with 83% of Arab Israelis and 64% of Jewish Israelis feeling no personal security (Democracy Institute 2022). Only 16% of Arab Israelis and 33% of

Jewish Israelis said they felt a very large or fairly large degree of personal security (Democracy Institute 2022).

As noted in Chapter 1, Jonathan Leader Maynard identified six different recurring justifications of atrocities: dehumanization, guilt attribution, threat construction, deagentification, virtue talk and future bias. Dehumanization, guilt attribution and threat construction are very common within the conflict as well as within leadership. The Israeli public tends to be very supportive of harsh security measures against terrorism. During the children's intifada, the public directive to kill the perpetrator on the spot had wide public support among the Jewish population. In a poll done by the Israel Democracy Institute, the majority of Jewish Israelis (53%) said they agreed with the statement that "any Palestinian who has perpetrated a terror attack against Jews should be killed on the spot, even if he has been apprehended and no longer poses a threat" (Ynet 2015). For the Israeli Ministry of Foreign Affairs (MFA), a key focus of justification for killing Palestinians is terrorism and radical Islam. The MFA refers to the timeframe between 13 Palestinians is terrorism and radical Islam. The MFA refers to the timeframe between 13 September 2015 to the present as the '60 months of terror', placing 100 percent blame of all incidents on Palestinian youth. The MFA website notes: "the recent series of attacks against Israelis is the direct result of incitement by radical Islamist and terrorist elements, calling on Palestinian youth to murder Jews" (MFA 2015).

Whether for the IDF, border police or private security, rules of engagement have served to justify shooting of Palestinian civilians. Israeli politicians have been forceful in defending Israeli security and preventing investigations that may shed light on wrongdoing. Netanyahu publicly supported soldiers who assassinated captured Palestinians and emphasized that the border police or soldiers should not be afraid of any investigation. As noted by Eric Goldstein, acting Middle East director at Human Rights Watch; "Netanyahu's statement that the Israeli Border Police, ... should 'not be afraid' of investigations effectively invites them to use excessive force" (Human Rights Watch 2021). Shootings of unarmed demonstrators have also been officially justified by the IDF and Israeli courts because those killed were deemed key instigators. As stated in 2019 IDF document: 'Specifically, where the threat from the

violent riot reaches the level of a real and imminent threat to the life or bodily integrity of Israeli civilians or IDF forces, and all relevant non-lethal means have been exhausted, IDF forces may employ precise and measured fire against a “key instigator” or “key rioter”, in order to remove the real and imminent danger posed by the riot’ (IDF Document 2019).

Many Israeli NGO’s have given up trying to achieve accountability and justice within Israel. The executive director of B’Tselem, Hagai El-Ad noted; ‘over the years, we have made hundreds of applications to relevant authorities for cases of Palestinians killed by Israeli security forces to be investigated, but meaningful accountability was never realized. Six years ago, we concluded that what we were dealing with is not merely a dysfunctional investigation mechanism but an organized, systemic whitewash operation. As a result, we made the decision to continue our work on such killings— – but without ever engaging in Israel’s so-called “investigations”’ (El-Ad 2022). Although there has been little reflection by Israeli military officers while holding high positions, reflections are common after they are out of service. Ami Ayalon, a former director of the Israeli security service Shin Bet, noted that while carrying out anti-terrorist operations, he gained empathy for “the enemy” (Ayalon and David 2020). As Ayalon observes, if Israel wanted to end terrorism, “we couldn’t continue regarding them as eternal enemies, and we needed to stop dehumanizing them as animals on the prowl. They are people who desire, and deserve, the same national rights we have” (Ayalon and David 2020).

The 2022 elections of the extreme right have also put the military on a direct collision course with the newly elected politicians. The new government has pledged to legalize settlements, take steps towards annexation of most of the West Bank, legislate anti-LGBTQ laws, implement administrative measures that deepen religious monopoly over life, normalize corruption by preventing trials against politicians and espouse aggressive belligerency towards the Palestinians (Pinkas 2022). The shifting of the border police and security of the West Bank under the new leadership of Ben-Gvir is not only likely to lead to more violent escalations but has also created ripples between the IDF and the government. Former and current IDF leadership has been publicly warning against the increase in political incitement and taken a strong stance

against the newly elected extreme politicians. In response to new leadership and policies, former IDF West Bank Chief said, 'I Expect More and More Violence' (Sokol 2023). General Nitzan Alon, the former head of the IDF's Central Command from 2012 to 2015, publicly noted that Israel is "playing with matches" in light of the PA's weakness and "lack of legitimacy" among Palestinians (Sokol 2023).

Back- and -forth insults and threats between the IDF and the new Israeli leadership have escalated tensions within Israel. Just days after being elected, Itamar Ben-Gvir publicly challenged a military investigation and a 10-day jail sentence handed down to an Israeli soldier who threatened left-wing Jewish activists in Hebron. In a widely seen video, the Jewish activist was seen being choke held and beaten by Israeli soldiers in Hebron. The soldier was caught on video telling the left-wing activists that "Ben-Gvir is going to bring order, you've had it" (Kubovich 2022a, 2022b). When the Israeli activist asked if he was doing anything against the law, the soldier responded "you do everything against the law. I decide what the law is and you are acting against the law" (Joffre 2022). The Israeli soldier was wearing a badge with a skull reading: "One shot. One kill. No remorse. I decide" (Joffre 2022). Another video from Hebron during the same week showed a soldier pushing an Israeli journalist and shouting "I don't like leftists. Get out of here. I'll mess you up." The punishment of the soldiers by the IDF landed the IDF chief in a heated public dispute with Ben-Gvir. Ben-Gvir noted that the IDF chief of staff and the army leadership need to think twice about this type of punishment, and that "It can't be that anarchists come, curse, spit, and attack our heroic soldiers" (Kubovich 2022a, 2022b). Israeli military chief, Aviv Kochavi, publicly responded that "We'll allow no politician, neither from the right nor from the left, to interfere in command decisions" (Kubovich 2022a, 2022b). Ben-Gvir responded to the chief of staff's comments, saying he "would expect from the Chief of Staff that just as he demanded a soldier not to make political statements, he himself should also refrain from political statements," adding that while he has "has no intention of interfering with the punishment, the policy must change" (Kubovich 2022a, 2022b). The public war of words between the more cautious Israeli military against political incitement of the newly elected extremist leadership is not the first to take place in Israel, though

given the popularity of the IDF, it's unclear which institution will come out on top, whether the newly elected politicians will replace the top brass of the Israeli military or the public will stand behind the military, the most trusted institution in Israel and force a reining in of the new politicians.

## Conclusion

The protracted nature and gridlock of the Israeli–Palestinian conflict has helped to sustain the dissociation between principles and practices (Yakter 2022). Israeli security measures have had an inverse effect on the well-being of Palestinians as well as Israeli civilians. A majority of both Israeli and Palestinian civilians feel a strong sense of insecurity. It's questionable to what extent any Israeli institution, including the police, can be perceived as protecting the Palestinian population living within or outside of the green line. There is a far greater emphasis on protection of Israeli soldiers than of civilians. Indeed, a soldier's life is valued beyond that of a civilian and their actions are beyond recrimination. Problematic incidents are not a matter of individual incidents or 'collateral damage' but rather rules of engagement and systematic oppression. Current policies and actions can be described as ethnic cleansing in East Jerusalem and Area C of the West Bank, apartheid policies within Israel and ongoing war atrocities within West Bank and Gaza. Separation, collective punishment and economic and political rewards are also utilized to maintain control and prevent Palestinian unity. However, much of the younger generation of Palestinians are connected via social media where borders and green lines have little meaning.

Key Israeli strategies in the Occupied Palestinian territories focus on: bombardments, economic purchasing of elites, intimidation and ethnic cleansing. Bombing Gazans into submission, buying West Bank Palestinians that can be bought and intimidating or ethnically cleansing Palestinians living in East Jerusalem have become justifiable tools for security. For Palestinian civilians, especially those living in Gaza, there is no distinction between combatants and non-combatants. In 2014, members of the prestigious IDF unit 8200 of refuseniks called for

the need to establish a clear distinction between intelligence gathering against Israel's enemies—hostile states and terror organizations—and ordinary Palestinian citizens. As will be discussed in more detail in Chapter 4, children and youth are notably vulnerable.

Civilian protection, however, can also be utilized to bridge divisions and create a consensus on a roadmap towards change. Political discussions can also be fostered by deeper and more impartial international engagement and inclusivity. Discussions led by the USnited States have excluded the opposition, women and civil society. Both Israeli and Palestinian NGO's and civil society are on the front lines of the conflict and should participate in any negotiations. Their participation, as will be discussed later chapters, can improve the potential for an agreement.

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# 3

## Palestinian National Protection Strategies and Realities

The civilian population of Palestine, whether living directly or indirectly under Israel's military occupation in the West Bank and Gaza, is one of the least protected populations in the world. The lack of protection is not only due to Israeli military occupation and the years of economic blockade, but also due to the selective or ineffective protection by the Palestinian Authority (PA) and the belligerent protection under Hamas. The lack of a peace process and the simultaneous encouragement of resistance and its repression by the Palestinian representatives have also placed an increasing number of Palestinian and Israeli civilians at risk. *To what extent does or can Palestinian national security institutions protect the civilian population under their authority? What are the principles, practices and perceptions of protection under the Palestinian Authority?* Protection of civilians under Palestinian Authority needs to be distinguished between protection under Hamas authority in Gaza and the varying degrees of autonomous rule by the Fatah-run Palestinian Authority in the West Bank. Israel's military occupation, the divisions of the West Bank into Areas A, B & C, as well the differing realities in Gaza versus the West Bank, has made the analysis of protection and responsibility for violence and accountability complex.

Examination of the behaviour of the Palestinian government and security apparatus cannot be taken out of the context of Israel's military occupation and systematic discrimination which has increasingly commonly been labelled as apartheid. As noted in a 2022 report by Amnesty International: 'Israel's system of institutionalized segregation and discrimination against Palestinians, as a racial group, in all areas under its control amounts to a system of apartheid, and a serious violation of Israel's human rights obligations. Almost all of Israel's civilian administration and military authorities, as well as governmental and quasi-governmental institutions, are involved in the enforcement of a system of apartheid against Palestinians across Israel and the OPT...the intention to maintain this system has been explicitly declared by successive Israeli political leaders, emphasizing the overarching objective of maintaining Jewish Israeli domination by excluding, segregating and expelling Palestinians' (Amnesty 2022, p. 267). The findings are echoed within investigations by other national and international organizations.

Beyond the system of apartheid, Israel monitors and controls all aspects of Palestinian life including free movement of civilians, officials, basic goods, trade and communication, making Palestinians completely dependent on Israel and foreign aid for their survival and well-being. Finally, separation and segregation are systematically maintained, which limits cooperation and accountability. Given the Israeli control of Areas B & C, the Jewish settlements, Israel's land appropriated for agriculture, nature reserves and military training camps, Palestinians currently control about 18 percent of the territory of the West Bank, and even this is not fully. Area C covers 60% of the West Bank territory and is home to an estimated 180,000–300,000 Palestinians and to a Jewish settler population of at least 325,500 living in 125 settlements and approximately 100 illegal outposts (B'Tselem 2022). As noted by B'Tselem 'Israel retains control of security and land-management in Area C and views the area as there to serve its own needs, such as military training, economic interests and settlement development' (B'Tselem 2022). Ignoring Palestinian needs, Israel has banned Palestinian construction and development and encourages the development of Israeli settlements, turning a blind eye to settler build-up and violence. Under these conditions, Palestinian management and accountability are also severely limited.



The current realities, which offer little hope for better future, make resistance expected and popular, especially among the youth. Most current resistance is non-violent including demonstrations and strikes. Much of the violent resistance comes in the form of rockets, kites or attempted tunnel attacks from Gaza and lone-wolf terrorist attacks from the West Bank. The rise in the number of terrorist attacks in 2022 has increased a sense of insecurity within Israel. During April a Palestinian gunman entered Israel through a gap in the barrier and shot dead three people in Tel Aviv. A week earlier, a Palestinian also crossed through the barrier illegally and shot and killed five people in Bnei Brak. On May 5 in Elad, two Palestinians entered Israel illegally and killed three people in an axe attack. The last attack took place after Hamas leader Yahya Sinwar called out in a speech before Palestinian dignitaries and elites in Gaza for Palestinians to carry out operations inside Israel using every possible weapon. “Our people under occupation inside [Israel] in the Negev, the Triangle region, the Galilee, Haifa, Jaffa, Acre, and Lod — whoever has a gun should prepare it, and whoever does not have a gun should prepare his cleaver, axe or knife. If they want there to be a religious war, they will be shattering all the red lines, and we should be on standby” (Memry TV 2022). Israel responded by plans to build a higher wall to replace fencing and threatened to kill Sinwar.

Protection of the Palestinian population is widely different across the Occupied territories depending on the location, violent escalations between Israel and armed groups, specific or ongoing incidents and operations, proximity to settlements and the politics of the moment. Despite significant domestic and international investment in the Palestinian security sector, there are fundamental incongruities in civilian protection under the Palestinian Authority (PA). With over 83,000 security personnel in the West Bank and Gaza combined, the PA contains one of the highest ratios of security personnel to civilians in the world, which accounts for more than one-third of its budget (ECFR 2022). Their specific mandates and serious discords between the Palestinian Authority’s security forces and the Palestinian resistance movement undermine effective protection (Tartir 2015). There is also an ongoing generational friction between young Palestinians thirsty for

change and part of the older generation profiteering, or perceived as profiteering from the system. The generational clashes have led to deadly confrontations which are discussed in the subsequent chapter focused on children.

In recent years, the PA has been criticized for its human rights practices including lack of tolerance of opposition and difference. As noted by the European Council of Foreign Relations (ECFR), [Palestinian] security forces continue to perpetrate human rights violations including arbitrary detention, torture and the use of excessive force (ECFR 2022). According to Human Rights Watch, the Fatah-led Palestinian Authority in the West Bank and Hamas authorities in Gaza routinely arrest and torture peaceful critics and opponents (Human Rights, 2018). Other international observers including Amnesty International noted that Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip repressed dissent, resorting to arbitrary detention, torture and other ill-treatment, and the use of excessive force against protesters (Amnesty 2018). As in Israel, dissidents, critics, journalists and human rights activists have all been targeted.

Cycles of violence, political incitement and abuses by the IDF, border police and private security forces have all contributed to terrorist attacks. The majority of terrorist attacks emanating from within the West Bank against Israelis have in recent years been conducted by Hamas or lone-wolf attackers, unaffiliated with any factions. 1990's Oslo peace process managed to reign in the majority of the Palestinian terrorist groups operating inside the West Bank. Unified National Command, which was one of the contributing factors to Oslo, was comprised of individuals from militant groups, including the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), al-Fatah (the militant wing of the PLO) and Hamas (Jackson 2007). However, Hamas and PIJ rejected the Oslo Accords (Jackson 2007). Unified National Command's primary purpose was to organize protests and not to conduct terrorist activities. The failure of the 2000 Camp David Summit to reach final agreement and Ariel Sharon's provocative visit to the Temple Mount triggered a second intifada. Israel engaged in gunfire, targeted killings, tank and air attacks, while the Palestinians engaged in suicide bombings, rock throwing, gunfire and

rocket attacks, resulting in high numbers of civilian casualties. The West Bank security barrier, or the separation wall, was built to thwart terrorist attacks coming into Israel subsequent to the second intifada, as Israel fought waves of suicide bombings and other terrorist attacks.

In the aftermath of the 2007 takeover of Gaza by Hamas, the Palestinian security sector was split into the Hamas-controlled security in Gaza, and the security sector under the control of Fatah in the West Bank. Hamas, a Sunni-Islamic fundamentalist militant group, violently suppressed opposition, established an armed resistance wing and set up a state-like security apparatus. Hamas has progressed far beyond a terrorist group to become a social movement (Robinson 2003). An offshoot of the Muslim Brotherhood, Hamas benefited from Israeli assistance in their drive to undermine the Palestine Liberation Organization (PLO). Israel supported the Islamist group, believing it could use the Islamists as a counterweight to the PLO, which was viewed as the greater threat to Israeli interests and security (Robinson 2003, p. 124). As noted by the Hamas representative Muhammad Nazzal, "The Israeli mentality is security first, before politics and everything else. It thought its security was enhanced by allowing us to grow, without thinking what might happen down the road" (Robinson 2003, p. 124). Since coming to power, Hamas built not only mosques, but also schools, kindergartens, clinics, hospitals, charitable associations, sports clubs and other institutions. Connecting religion, social activities and social services, it has become a powerful and popular social movement (Robinson 2003).

Although in recent years some of the leadership of Hamas has at times toned down its hard-line uncompromising militant narrative, the organization continues to support terrorist acts and is investigated for war atrocities. Hamas seeks and maintains a complicated role as a state-like security provider and a resistance movement, which creates contradictions. In May 16, 2018, Sinwar stated that Hamas would pursue "peaceful, popular resistance". A week earlier he had encouraged Gazans to breach the Israeli siege, saying "We would rather die as martyrs than die out of oppression and humiliation", Hamas seeks and maintains a complicated role as a state-like security provider, social and a resistance movement which creates contradictions. As noted by Berti;

‘the tensions inherent within Hamas’s quest to be an effective security provider and a “resistance movement” reflect the broader struggle between governance and rebellion and between the competing needs of political accommodation and military struggle faced by non-state armed providers of governance’ (Berti 2016, p. 1070). The PA and international organizations have condemned protection strategies and practices under Hamas. UN Special Coordinator for the Middle East Peace Process Tor Wennesland noted that there is ‘no justification’ for terrorism or violence against civilians and ‘the indiscriminate launching of rockets towards Israeli population centres violates international law and must stop...’ (UN News, 2022). Hamas’s success in carrying out attacks in the West Bank, has been aimed at provoking the IDF and to humiliate the PA and undermine its status.

In the West Bank, the PA under President Mahmoud Abbas and Prime Minister Salam Fayyad have focused on gaining the monopoly on power and the use of violence. The security reform aimed to transform the Palestinian security sector has, however, not increased the level of protection for civilians and led to a deepening of authoritarianism in the OPT. The emphasis of security under the PA in recent years has been working in collaboration with Israel to weaken opposition, most notably Hamas. For Israel, this has indeed been beneficial. Israeli army officials estimate that the Palestinian security forces are responsible for thwarting 30–40% of attacks conducted in the West Bank (Lisiecka 2017). The label of ‘terrorist’ has become politicized as Israel has labelled Palestinian children, non-violent BDS (Boycott, Disinvestment, Sanctions) supporters and prominent human rights NGO’s as ‘terrorist’. During 2021, Israel classified 6 Palestinian human rights NGOs as terrorist organizations, including those focusing on women’s and children’s rights. Most international observers and Palestinians believe that the main Israeli motivation behind the labelling of six Palestinian NGOs as terrorist organizations is to weaken the ability of these organizations to document Israeli violations of human rights and to weaken the PA efforts to take Israelis to the International Criminal Court (PSR 2021).

The collaboration with Israel’s security forces has cost the PA much popularity among its population, especially the youth. With ongoing escalations with Israel, targeted IDF attacks against Palestinians, and

settler violence, the Palestinian public feels no tangible effects of the cooperation with Israel (Lisiecka 2017). As noted by one critic: 'the PA security forces largely protect the security of the occupier and not that of the occupied' (Tartir 2017, p. 3). The Palestinian population has become increasingly vulnerable using non-violent means of resistance such as demonstrations. Lack of negotiations and political progress also do not bode well for democracy or hope for non-violence especially among the younger population. Although in recent years neither Hamas nor Fatah have conducted national elections, results of surveys show that Hamas is currently more popular than Fatah, and if elections were to be held, Ismail Haniyeh, political leader of Hamas, would likely win against both President Abbas and Prime Minister Mohammad Shtayyeh (PSR 2021). However, Marwan Barghouti, also from Fatah but serving in Israeli prison since 2002, is far more popular than Haniyeh, with the support from two-thirds of the Palestinian population. Opinion polls also show that three-quarters of the Palestinian public are unsatisfied with the current leadership and demand the resignation of President Abbas. Subsequent to May 2021 war between Hamas and Israel, the popularity gap jumped up to 39% in favour of Hamas (PSR 2021).

## The Protected

The protected civilian populations include those under PA immediate authority, those under the authority of Hamas as well as other civilians directly affected by the violence or incitement of violence. Thus, Israeli civilians, whether Jewish or Palestinian, are also directly affected by Palestinian strategies and policies whether as victims of rocket or terrorist attacks. There is a wide degree of differentiation between the protection of civilian populations living in Israel, under the PA within different areas of the West Bank and Gaza. The level of protection in the West Bank ranges from relatively effective within the largest urban centres most notably Ramallah, to non-effective in areas under mixed Israeli/Palestinian control such as Area B, and among the population living close to Israeli settlements, to belligerent protection within Gaza.

It's impossible to examine protection under PA while ignoring Israel's military occupation which impacts the daily lives of Palestinians. Within the first six months of 2021, 60 Palestinians were killed, almost double the number of 2021. According to the UN, there were 78 Palestinian fatalities at the hands of Israeli security forces for all of 2021, and 24 such fatalities in 2020 (UN Report [2022](#)). Close to half of the Palestinian male population has experienced imprisonment in Israeli military prisons (Nafstad, [2018](#)). The majority of Palestinians, including children, have experienced or at least witnessed violence and have trauma. Many terrorist (or attempted) attacks against Israelis are made by individuals whose family or friends were hurt by Israeli soldiers.

The lack of protection is compounded by the complexities of simultaneous resistance to the Israeli occupation, which is permitted and encouraged by the PA, and opposition to the Palestinian governing authority, which is not tolerated and commonly crushed. Both the PA and Hamas have worked to rein in and intimidate their political opposition through harassment, arrests of protestors and violence. The lack of tolerance of opposition has made Palestinian youth especially vulnerable given their desire for change. While Hamas has refused to renounce violence, the document of its principles and policies states that: 'managing resistance, in terms of escalation and de-escalation, or in terms of diversifying the means and methods, is an integral part of the process of managing the conflict' (Kear [2022](#), p. 14).

## West Bank

Under the Oslo accords, the West Bank was separated into Area A, under Palestinian control, Area B under mixed authority and Area C, the majority of the land of the West Bank where the Israeli military holds exclusive military and administrative control. Protection of civilians under the PA is generally more feasible and effective within Area 'A' of the West Bank, where Palestinian police are responsible for providing protection. As discussed in Chapter 2, the protection issues of most concern are in areas under joint or Israeli authority, namely in Area C, where Palestinian civilians live under Israeli military rule without access

to social and security services, including the Palestinian police. Protection is more effective during periods where Israeli and Palestinian protection authorities cooperate rather than in periods and locations where their efforts are in opposition to the other. In recent years, most discussions between Israeli and Palestinian leadership have focused on security “coordination” (Al-Omari 2016). Coordination between Israeli and PA authority has, however, not prevented Israel from acting unilaterally. Forceful Israeli incursions into Area A, among other unilateral acts, have undermined coordination and the PA’s ability to maintain control over its population. Most of the deadly violence in the West Bank is at the hands of the Israeli military or Jewish settlers and takes place during Israeli incursions into Area A or within Area C, without the engagement of Palestinian security. Since settlers work with the military and are supported by the government, the violence against Palestinians occurs without investigation and accountability. Israeli NGO B’Tselem records daily incidents of settler violence including cutting down olive trees, killing of herds, theft and injuries.

While protests against Israel and its occupation are welcome, criticism of the Palestinian Authority is not. In recent years, Palestinian President Mahmoud Abbas has banned protests against his own government and imposed particularly harsh security measures against any opposition. Critical political activists, journalists, students and demonstrators have been beaten and detained. In June 2021, Nizar Banat, an outspoken Palestinian critic, who was planning to run in elections, was beaten, arrested and died in custody. Banat was a prominent Palestinian political activist, an advocate of free speech and was known for his outspoken criticism of the PA for its corruption and its security coordination with the Israel (Sneineh 2021). His death sparked protests among the Palestinian population. Although fourteen officers from the Palestinian security services have been charged over the death of Banat, the trial has been hampered. Family and critics have noted that the PA has been attempting to delay and disrupt the trial (Memo 2022).

Although, as discussed below, there is no shortage of protection agencies, the main problems are linked to the occupation, divisions between the West Bank and Gaza and the limited authority and the jurisdiction of the PA. Protection of minorities, women, children and teens have also

been particularly problematic under Hamas as well as the PA. In Gaza, Hamas runs schools, clubs and military day camps for kids and youth. In the West Bank, Palestinian children and teens have been encouraged to take part in protests in order to educate them about the reality of the occupation and strengthen the moral strength of non-violent resistance. As noted by one international observer, there is a general sentiment that “as a parent you protect the children more by exposing them rather than shielding them from the violence” (Red Cross Interview 11, 2019). However, as will be discussed in greater detail in Chapter 4, participation of youth, including children in violent and non-violent demonstrations, has placed Palestinian teenagers in a high-risk category.

## The Protectors—West Bank

The government and security under the PLO and the PA have been closely aligned. Arafat’s establishment of security-driven political structures nourished authoritarianism and blocked accountability (Tartir 2017). Under late Palestinian President Yasser Arafat, corruption was high, and security for Palestinians was low, which has not changed significantly. The current security sector in the West Bank consists of several official key players including the PA Government, the Palestinian Civil Police, Preventive Security Service (PSS), Palestinian National Security Forces (PSF), Presidential Guard (PG) and the judiciary.

**PA Government:** The Palestinian security sector employs around half of all the civil servants, accounts for nearly \$1 billion of the PA budget, and receives around 30% of the total international aid disbursed to the Palestinians (Tartir 2017). The security sector consumes more of the PA’s budget than the education, health and agriculture sectors combined. However, the PA is unpopular and considered to be very weak, and collaboration with Israel to curtail resistance and terrorism while also repressing opposition has only boosted its unpopularity. President Abbas has threatened at least 58 times to end the security cooperation with Israel due to Israel’s ongoing occupation, but has never done so. In 2014, President Abbas noted that cooperation with Israel is sacred (Middle East Monitor 2014). Since most of the funding is external and the PA would



not survive without it, it's unclear to what extent PA is able to change this policy without losing the support of the IC, including the US. As noted by an NGO: 'they [PA] need funding from the EU and the US, but the US and the EU are not willing to fund the Palestinian security forces unless the Palestinian security forces cooperate with Israel to maintain Israel's security' (Nafstad 2018).

### **Palestinian Civil Police (PCP)**

The Palestinian civil police are the PA's main law-enforcement agency in Area A of the West Bank. PCP handles ordinary police functions such as combating crime and upholding public order, and is in charge of the PA's prisons. The civil police have various sub-branches including: criminal investigation, drug enforcement, public order, traffic, emergency response and a women's police force (ECFR 2022). The Palestinian police are also responsible for curbing Palestinian protestors within Area A or along its borders. Area A is broken up into enclaves between which there is limited freedom of movement. Palestinian police are also restricted in moving personnel, vehicles or arms between different PA autonomy areas without prior Israeli permission (Sayigh 2011). Out of a total of 8,000 police officers, only 300 are women, which is very low and far below the international average.

Since 2007, the PCP has received training from the EU's Police Mission for the Palestinian Territories, focused on security and justice reforms (EUPOL COPPS 2023). Some aspects of protection under the PA have improved in the West Bank, in particular for women. In 2008, Palestinian civilian police established a Family Protection Unit through EU support and gender training for the police. The protection unit opened branches in 10 districts within the West Bank and aspired to build more effective protection from violence against women and children. The police also supported the establishment of a unified service centre to provide a coordinated response among service providers to provide victims of domestic violence protection with accountability (Palestinian Police 2017). Where PCP has actively tackled violence against women with investigations and accountability, the number of

femicides and domestic violence cases have dropped. Palestinian women make up only 3 percent of the police force, however, more than 30 percent of lawyers are women and Palestinian women are beginning to play a more active role in the justice system within Area A. Still, violence against Palestinian women and girls remains a serious issue. In general, Palestinians are most satisfied with the work of the police. In a 2015 survey conducted by the UN and EUCOPPS, Palestinian respondents agree by a significant majority (71.6%) that the PCP does an excellent job in responding their needs of their communities (UNDP/PAPP/EUCOPPS 2015).

***Preventive Security Service (PSS):*** PSS is a prestigious security branch in the PA whose main responsibilities include maintaining internal security within the West Bank and uncovering criminal, security or political offences (Levy 2016). The PSS was established by Fatah operatives who came to prominence in the territories prior to the Oslo Accords. It reports directly to the Palestinian President and has grown to become one of the most powerful security forces (ECFR Mapping 2022). Its missions are almost identical to those of the Palestinian General Intelligence Service and work closely with the CIA and Israeli security agencies. Similar to GIS personnel, PSS officers operate in civilian attire, and they carry out both clandestine and public operations. PSS monitors and impedes the activities of Hamas and Islamic Jihad in an effort to weaken these organizations' influence in the West Bank (Levy 2016). PSS also monitors and tracks critics of the Palestinian Authority. It was the PSS that arrested and severely beat one of the most prominent critics of the PA Nizar Banat, who died in their custody.

***Palestinian National Security Forces (PSF):*** The PSF is essentially the Palestinian army and constitutes the largest branch of Palestinian security forces. A rough estimate of the total strength in 2007 was 42,000 troops. The numbers were reduced under restructuring, and currently, it has approximately 10,500 personnel, who receive training and support from Jordan and the US through its United States Security Coordinator (USSC) (ECFR 2022). PSF conducts large-scale operations and arrests in the Palestinian territories against Palestinian terrorist cells. Palestinian security forces have been known to release arrested terrorists and then

quietly tip off Israeli forces in order to mitigate internal public criticism against handing Palestinians to Israel (Bob 2014).

**Presidential Guard (PG):** The Presidential Guard (PG) is an elite force, comprised of around 2,300 personnel, with a mandate that includes personal protection to the president, counter-insurgency and rapid intervention tasks. The PG also receives training and support from Jordan and the US through the United States Security Coordinator (USSC). The US was highly involved with the training of officers, coordinated by Lt. Gen. Keith Dayton. The PG has been accused of being an arm of the Israeli occupation and an extension of Abbas' efforts to crush political dissent in the Occupied Palestinian Territories. Palestine papers<sup>1</sup> confirmed, among other things, that Palestinian Authority forces supported by the US engaged in torture (Perry 2011).

**Palestinian Judiciary:** The PA court system is composed of Sharia courts, military courts, the Court of First Instance, Court of Conciliation, the Courts of Appeal, the High Court of Justice, Constitutional Court and Electoral Court. Israeli military courts also try Palestinian residents in security cases and over time have extended their jurisdiction to penal, civil, commercial and traffic cases. Also, many disputes between Palestinians are settled outside of the formal court system within the tribal justice system. The tribal justice system derives its provisions from tribal traditions and cultural heritage, but it may undermine the rule of law and can be detrimental to women's rights. Critics have noted that the executive authority in Palestine has also exploited social traditions and invested in the tribal system in an effort to consolidate their influence, at the expense of establishing the rule of law (Dodeen 2019). The Palestinian President has exercised legislative and regulatory powers outside the framework of the constitution to give himself greater powers to manage the affairs of the country and to interfere with the work of the constitutional institutions of the PA (Dodeen 2019). In September 2018, the Palestinian Judges Association announced that 14 (out of 27) justices of the Supreme [High] Court had submitted their resignations

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<sup>1</sup> A collection of 1,700 confidential documents about the Israeli-Palestinian peace process leaked to Al Jazeera in 2011.

in protest against legal amendments proposed by the Judiciary Development Committee “undermining the independence of the judiciary” (ECFR 2022). Although Palestinian women make up 30% of all active lawyers in Palestine, the judiciary system in Palestine is also far from representative. Until recently, Articles 98 and 340 of the Penal Code granted a mitigating circumstance in the punishment for murdering a woman, if the murderer had been angry because of an act committed by the woman and classified as a violation of family honour (Dodeen 2019).

## The Protectors—Gaza

*Civil Police Force:* In Gaza, the civil police force was first developed after the 2007 takeover of Gaza by Hamas. In 2007, the security forces on PA’s payroll were ordered not to report to work, which led to an immediate collapse of the security sector (Berti 2016). The new force was rapidly made up of members of the armed wings of Hamas and the Popular Resistance Committees (PRCs), as well as members of smaller armed factions in Gaza. It was subsequently rebuilt after the 2009 Israeli Operation Cast Lead, which heavily targeted the civil police and its infrastructure. During Cast Lead, the police commissioner, Tawfik Jaber, was killed along with many others including cadets in an attack that took place during the police academy’s graduation ceremony. Said Siam, Hamas’ Minister of Interior, was also killed by a Cast Lead attack on his brother’s home. According to Israeli secret service Shabak, no distinction was drawn between the military wing operatives incorporated into the police force and their activity as terror agents against Israel (Shabak 2015). The UN outlined that the mere fact of being a member of Hamas is not sufficient to render a person a legitimate military target.

Hamas invested in establishing a police collage and training and administrative development department in partnership with local and international NGOs (Berti 2016). Beyond crime prevention, drug and crowd control, policing also focused on ‘social control’ and ‘moral policing’, for example, by monitoring women’s attire or by regulating behaviour deemed as inappropriate (Berti 2016). LGBTQ rights and

freedom in Gaza are strictly and violently prohibited, with a possible death penalty for those suspected of straying from heterosexual norms.

*Izz ad-Din al-Qassam Brigades:* The military wing of Hamas operates as an army with numerous units including: elite unit, artillery unit, tunnel unit, snipers unit and infantry. Qassam Brigades has invested in weapon production as well as acquisition of rockets, mortars as well as on anti-tank weapons, and target-designed explosives as part of the group's effort to prepare for direct engagement with the IDF (Berti 2016). Hamas's military wing has also relied on underground tunnels to smuggle in goods, boost profits and to bolster its military apparatus for defensive as well as offensive operations against Israel (Berti 2016). Although other militant groups operate within Gaza, any direct threat to the authority of Hamas is met with armed force.

Hamas has launched tens of thousands of rockets into Israel. Although many rockets explode in the immediate cities of Sderod, Ashkelon and Ashdod and within Gaza, some of the rockets launched today can reach up to 250 kilometres hitting more distant towns including Tel Aviv and the outskirts of Jerusalem. Approximately 90% of the rockets have been successfully intercepted by the Iron Dome (Frantzman 2021). Since 2011, the Iron Dome intercepted more than 2,500 rockets. The number of rockets launched has, however, been on the rise. During one week in the 2021 conflict in the midst of a violent escalation, the Iron Dome intercepted 1,200 rockets (Frantzman 2021). Hamas justifies its continuation of violent resistance and the targeting of Israeli civilians to the ongoing realities including continuing military occupation and its own lack of sophisticated weapons.

*Judiciary:* Subsequent to its takeover of Gaza, Hamas appointed members and supporters of its movement to main leadership positions within legislative, executive and judicial branches of its government. Hamas decided not to completely dispense with the penal code and to instead gradually replace it with Sharia law. 'In place of the Penal Codes punishments of imprisonment and fines, it proscribed the *hudud* [Quranic limits of capital and corporal punishment] and *qasas* – the Shari'a principle of equitable retaliation: he who kills with an axe should die by an axe' (Pelham 2010a, b). The Shariah courts have been especially problematic for women's rights, which have continued to be denigrated.

In February 2021, the Sharia Judicial Council decided that an unmarried woman may not travel without the permission of her “guardian”, which would usually refer to her father or another older male relative and married women would not be able to travel without the permission of her husband (Akram 2021). Although the ruling was partially overturned following demonstrations, women continue to experience harassment when attempting to exit Gaza.

## Principles

The PA under President Abbas has made a solid shift to non-violent resistance against the Israeli occupation, however, without the backing of Hamas and with no progress in peace talks or change in daily realities under Israeli occupation, has faced disillusionment from much of the Palestinian public. Hamas, which rules unopposed in Gaza, appears to still favour violent resistance and fails to make a distinction between civilian and combatant, which is supposed to be established on the basis of whether the person is directly engaged in hostilities. Although the State of Palestine has become recognized by 138 nations and since 2012 is a non-member UN observer state, it lacks control over its territory. The Palestinian Authority (PA) has limited control in Areas A and B and has not held national elections since 2006. The principal solution supported by the international community continues to be the establishment of the Palestinian state beside the state of Israel. As noted in the EU/Palestinian Authority Action Plan; ‘Achieving Palestinian statehood requires full implementation of the Quartet Roadmap and an end to violence in order to reach a fair and lasting peace in the Middle East, on the basis of the relevant UN Security Council Resolutions, and allowing for the establishment of an independent, viable, sovereign and contiguous Palestinian state, living side by side with the state of Israel in peace and security’ (PA Action Plan 2005). However, with no political talks and progress, the focus has been humanitarian aid, technical assistance and de facto freezing of the status quo.

The status quo, however, is unbearable for Palestinian civilians and unworkable for effective local policing. Area A of the West Bank is

broken into 7 urban enclaves, surrounded by Areas B and C, in which the Palestinian police have no mandate. A significant hindrance for the Palestinian police is not being able to operate outside of Area A, leaving Palestinian civilians without any police. The Israeli soldiers, not speaking the local language and having the reputation of a brutal enemy, even under best intentions, do not have the mandate, training or the capacity to deal with Palestinian civilians. As already discussed, a system of apartheid has become institutionalized where Israeli citizens including those who are living illegally in Jewish settlements on occupied land have access to all services including policing, while Palestinian civilians have no right to services or protection.

Some areas under dual authority are even more problematic. Although most cities in the West Bank are in Area A under PA, the city of Hebron has been split into two sectors: H1 is controlled by the Palestinian Authority and H2—which includes the Old City of Hebron—has remained under the military control of Israel. In the area of H2, settler violence and the failure to enforce the law against those who have committed violence have been regarded as the major reason for the departure of an estimated 43 percent of Palestinians residents of Hebron's old city (More 2008). Migration of the population of an occupied territory as a result of threatened or real violence can be equated to 'a slow process of ethnic cleansing or population transfer which is prohibited by International law' (More 2008).

As noted by Lieutenant Colonel Jan Kristensen: 'The activity of the settlers and the army in the H-2 area of Hebron is creating an irreversible situation. In a sense, cleansing is being carried out. In other words, if the situation continues for another few years, the result will be that no Palestinians will remain there. It is a miracle they have managed to remain there until now' (More 2008, p. 49). There is very little that can be accomplished by the West Bank Palestinian police or security forces, which are not allowed to operate in the Israeli-controlled areas. Ramadan Awad, chief of the Palestinian police in Hebron, noted that: "We have succeeded in some areas but being prevented from working in the (Israeli-controlled) area has been a major obstacle" (Daraghmeh

2015). Hebron is a microcosm of a composite reality of two populations that are only nominally separated, and as such, is a model that arouses concern (Baruch 2019).

Under international guidance and funding, the PA has become technically more professionalized but its principles and priorities have not been focused on the protection of the Palestinian civilian population. Disarmament and security campaigns were conducted to enforce law and order, collect illegal arms, rebuild the security sector's physical infrastructure and draft strategic plans for the sector (Tartir 2015, p. 12). The technical solutions have not impacted the daily realities of the Palestinians. Under the military occupation which is ruled by discriminatory rules under the state of emergency. "The constant state of emergency within Israel and the security legislation in the West Bank are the sources of authority that permit the production of exceptions within the law" (Berda 2018, p. 113). Military decrees declare threats, create closed military zones and launch security actions and restrictions which affect Palestinian lives daily. As noted by Yael Berda; 'the entire permit regime is predicated on the justification that monitoring movement is the key to preventing terrorist attacks in Israel' (Berda 2018, p. 45).

The principles of security and protection of civilians are not any less complicated in Gaza. The current notion is that responsibility to protect civilians in Gaza is shared between Israel as the occupying power, Palestinian Authority (PA), and Hamas, which runs the de facto government. The triangle of authority means that while the different authorities point fingers at opposing sides for infringements on human rights and war crimes, no national authority can be seen as protecting the most vulnerable population. In its 2017 Document of General Principles and Policies, Hamas notes that 'it is a Palestinian Islamic national liberation and resistance movement. Its goal is to liberate Palestine and confront the Zionist project. Its frame of reference is Islam, which determines its principles, objectives and means' (Hamas 2017). Hamas 'considers the Balfour Declaration, the British Mandate Document, the UN Palestine Partition Resolution', and whatever resolutions and measures that derive from them, 'null and void' (Hamas 2017). Hamas continues to support violent as well as non-violent resistance. However, its more recent principles outline 'managing resistance' and 'diversifying the means and



methods'. Hamas affirmed that its 'conflict is with the Zionist project not with the Jews because of their religion. Hamas does not wage a struggle against the Jews because they are Jewish but wages a struggle against the Zionists who occupy Palestine' (Hamas 2017).

Hamas leadership has shifted some of its rhetoric towards making a distinction between Israeli combatants and non-combatants, and claims it does not target civilians but its weapons and tools are not sophisticated enough to target soldiers. In Gaza, policing goes hand in hand with religion. 'From the perspective of the Hanieh government, its promotion of professional policing, on the one hand, and Hamas's use of the security sector to spearhead the Islamization of society, on the other, reflect distinct but complementary notions of the relationship between policing and the social order, rather than defining a harsh dichotomy between them' (Sayigh 2011, p. 27).

The IDF targeting of officials affiliated to Hamas in Gaza has been part of international investigation. The commission that investigated the 2014 conflict underlined that the mere fact of being a member of the political wing of Hamas or any other organization in Gaza is not sufficient in and of itself to render a person a legitimate military target. 'While the IDF indicated that it did not target Hamas lawmakers, politicians or law-enforcement officials because of their affiliation with Hamas, but only individuals who directly participate in hostilities or are members of organized armed groups, under international humanitarian law, a member of an armed group has to have a continuous combat function to constitute a legitimate military target' (HRC Report 2015).

In 2019, the International Commission for Human Rights (ICHR) pointed to lack of accountability for serious violations by security forces in West Bank and Gaza. In 2017, the ICHR received 2656 complaints, 1551 from the West Bank and 1105 from Gaza, 72% of which pertained to the security services (Human Rights Council 2019, p. 220). In the West Bank, the Office of the Military Prosecution is responsible for investigating and prosecuting crimes committed by members of the security forces. A 2018 judicial backing was given to the Palestinian authorities to consider the police in the West Bank as a military institution rather than a civilian one. As a consequence, police officers accused

of violations can only be tried in military courts, making it more difficult for alleged victims of police abuse to access justice (Human Rights Council 2019). Playing a similar role in Gaza, the Military Prosecution there told the ICHR that in all of 2016 not a single security force member had been held criminally accountable (Human Rights Council 2019).

## Practice

Although physically separated by walls and fences, violent incidents and demonstrations and other events in Gaza, West Bank and within Israel impact on each other and can escalate the conflict. The May 2021 escalation is a good example of the way in which events in the West Bank impacted on the violence in Gaza and vice versa. The crisis was triggered over Israel's Supreme Court's decision on the eviction of six Palestinian families in the East Jerusalem neighbourhood of Sheikh Jarrah, and Israeli police storming of the compound of the al-Aqsa Mosque, which led to widespread protests. On May 10th, Hamas gave Israel an ultimatum to withdraw its security forces from both the Temple Mount complex and Sheikh Jarrah. When the ultimatum expired without a response, both Hamas and Palestinian Islamic Jihad movement PIJ launched rockets from the Gaza Strip into Israel, which resulted in Israeli retaliation. The May 2022 Israeli bombardment of the Gaza Strip that lasted 11 days killed at least 257 Palestinians, including 66 children (OCHA 2021). Thirteen people were killed in Israel, including two children. The Israeli bombardment also destroyed 1,148 housing and commercial units in Gaza and partially damaged 15,000 others, leaving more than 100,000 civilians displaced in UN-run schools and other hosting communities (OCHA 2021). The bombing campaign in Gaza triggered an unprecedented wave of unrest of exceptional intensity in Israel most notably within the mixed Jewish–Arab cities.

Ongoing policies of apartheid, ethnic cleansing in East Jerusalem and desecration of holy sites in Jerusalem and the West Bank have resulted in threatening reaction from Hamas from Gaza, whereas shootings or

bombardments of civilians in Gaza have led to civilian uproars and lone-wolf incidents in the West Bank and within Israel. As noted by Kershner ‘not even during the intifadas, the mass Palestinian uprisings of the past, did Israel experience such a surge of both Arab and Jewish mob violence’ (Kershner 2021). While Palestinians do experience such violence on a regular basis, this type of violence, which included Molotov cocktails, lynching and shootings by Arab and Jewish extreme groups, is new for the mixed cities within Israel (Kershner 2021). For Palestinians, there are severe repercussions for non-violent resistance that can be as high as for violent resistance. This could entail harassment, prison, loss of one’s employment, freedom of movement, demolition of home, intimidation or death. Security officials in the West Bank generally remain silent or are sent to put down Palestinian protests as they are under tight control of the PA, which is dependent on external funding. As noted by critics, the Palestinian security forces ‘remained, in essence, an externally-controlled process, driven by the national security interests of Israel and the United States, and characterised by very limited ownership on the part of Palestinian society’ (Tartir 2015, p. 9).

Violence from Jewish Settlements is another area of daily problems. The term ‘price tag’ is meant to threaten Palestinians with violence or harassment as the price extracted from Palestinians from actions that are perceived as harming settlers or the settlement enterprise. ‘Price tag attacks have included vandalism of property, arson, uprooting of olive trees, and physical violence towards Palestinians, which is often accompanied by Hebrew graffiti with the words: "Price tag"' (Just Vision, 2022). Palestinian police are far removed from Jewish settlements as they are not allowed to function outside of Area A, and settlers do not enter Area A. Several areas, including Palestinian suburbs of Jerusalem, are cut off from Area A and have functioned without any policing. Abu Dis, Azariyeh, Ram and Biddou and other suburbs of Jerusalem fall outside the jurisdiction of the Israeli and Palestinian police, ‘leaving a vacuum that drew car thieves and drug dealers’ (Daraghmeh 2015). In 2015, Palestinian armed police were brought back as unruly violence, commonly linked to drugs, was beginning to spill into Israel. “We want people to get used to seeing the police uniform first, and then we will start cleaning up troubles,” police spokesman Loay Irzekat said. “We will start with drugs because

it's the most urgent problem" (Daraghmeh 2015). Palestinian police have managed to calm situations when they have been permitted to police as opposed to the use of Israeli military, which commonly escalates the situation.

A similar situation has been occurring within Area C, which has had no Palestinian police presence, such that when Palestinian residents face criminal or other problems they report them to the Palestinian police in Areas A or B, who require special permission from the Israeli military to enter Area C. In 2018, a first Palestinian mobile police station began to operate in Area C towns during the day "to receive citizens' complaints and resolve disputes between them" (Jalal 2018). Palestinian officers with the mobile police station can handle all kinds of incidents including family disputes, violent crimes and drug trafficking (Jalal 2018).

Monitoring the situation in Hebron, the Temporary International Presence in Hebron (TIPH) issued a confidential report covering their 20 years of operation. The report, based in part on over 40,000 incident reports, found that Israel routinely violates international law in Hebron and that it is in "severe and regular breach" of the rights to non-discrimination laid out in the International Covenant on Civil and Political Rights over the lack of freedom to movement for the Palestinian residents of Hebron (UNDP/PAPP/EUCOPPS 2015). Although the TIPH would not perform any military or police functions and would not interfere in incidents, they did contribute towards a feeling of security among Palestinians in Hebron.

PA security also commonly targets opposition. The Euro-Mediterranean Human Rights Monitor documented 1,274 arbitrary detentions in the West Bank in 2015 and 1,089 summonses by PA's Palestinian Security Services. The human rights violations targeted mostly individuals affiliated with Hamas or who opposed PA policies, including about 35 journalists and human rights activists, 476 university students, and 67 teachers/professors (Euro-Med 2016).

The ongoing escalations between Israel and Palestinian militant groups, most notably Hamas in Gaza, have led to the highest number of civilian casualties among the Palestinian population living in Gaza. Rocket attacks from Gaza, breaches of militants through tunnels, kite firebombs and attacks against Israeli civilians have been used to justify

hard military responses by Israeli forces including devastating bombardment campaigns. With a population of 1.8 million, Gaza is one of the most densely populated areas of the world, with limited law and order, cut off from the outside world and almost entirely dependent on foreign aid. Whether Gaza is perceived as an occupied territory or as part of an independent state of Palestine, no national authority is currently providing protection for the population of Gaza. Cycles of violence, including Israeli bombardment campaigns and incursions into Gaza, have affected the majority of the population that has nowhere to flee. Economic blockades, severe fuel and water shortages, and Israeli restrictions on many items including basic construction materials have left much of the population vulnerable to not only violence but also natural elements.

Israel and Hamas have fought four severely violent escalations in 2008, 2012, 2014 and 2021, which are commonly in Israel referred to as mowing the grass. Beyond targeting senior Hamas leadership and military infrastructure, the range of targets have included mosques, schools, hospitals, civilian infrastructure, houses, factories, administrative buildings, farmland, water wells, fishing boats, greenhouses, water and sanitation infrastructure and international press agencies. As noted by Kear 'these wars are delicate balancing acts whereby Israel seeks to repress Hamas by degrading and/or destroying its military, economic, and political infrastructure, while remaining careful not to crush Hamas completely thereby creating an unstable power vacuum' (Kear 2022).

Civilians living in Gaza not only endure indiscriminate bombardment campaigns and ongoing human rights abuses by both Hamas and Israel, but also live without basic needs, including fuel and water. The United Nations Special Rapporteur on human rights in the Palestinian Territories noted that with the economy in free fall, 70 percent youth unemployment, widely contaminated drinking water and a collapsed health care system, Gaza has become "unliveable", 'insisting that all parties — particularly Israel — bring an end to "this disaster"' (UN Special Rapporteur, 2018). Hamas authority has contributed to the lack of security and protection. During the 2014 Gaza war, armed groups including Hamas fired from built-up areas and prevented civilians from evacuating (HRC Report 2015).

For Hamas and Islamic Jihad, the recruitment of youth including children in Gaza, within the West Bank and inside Israel is an ongoing phenomenon. Inside Gaza, Hamas runs mosques, schools, orphanages, summer camps, sports leagues, student unions and cultural activities that are used to socialize young children and youth (Hewitt 2004). Other radical Islamic groups have been linked to NGOs and schools and pictures of martyrs are commonly displayed in schools and other public areas. The Gaza Strip has one of the highest birth rates in the world with almost three-quarters of the population under 30. The majority have never left Gaza and are unable to leave without special permission, which is rarely given.

Another vulnerable segment of Palestinian society is women where there has been limited progress within Area A of the West Bank. Within Israel, the 48—Palestinian women suffer the double burden of discrimination from Israel and from within their own Arab society. A couple of months before being killed by a car explosive, the 28-year-old Johara Khanifs said that she didn't feel safe (Amun, 2022). "There is no one to protect us exposed women, because there is no suitable framework for us within Arab society", said Khanifs. "The government discriminates against us regarding everything connected to the police and the feeling of security. They don't do enough to protect people. There's also discrimination in the budgets for suitable programs" (Arab 48, 2022). Although the situation of women will be elaborated in more detail in Chapter 6, the realities of Palestinian women are far worse in the Occupied Territories, especially within Gaza.

Security and protection is precarious for opposition, minorities, for women and gender minorities and youth. Unlike in the West Bank, there is little attempt to address women's rights or well-being, and the dire situation is compounded by a lack of training of police or the judiciary. International organizations including UN Women do not work with institutions of the de facto Gaza authorities. In Gaza, Palestinian and international NGO's efforts have been limited to offering women legal consultation and assistance under Sharia law, which offers limited protection. Gaza has one of the highest incidents of violence against women in the world (Survey 2011). Homosexuality in Gaza remains illegal and is punishable by death. The police do not act, domestic violence is not

criminalized and the only institutions providing protection on gender issues are civil society organizations, which are also vulnerable to attack (UN Women interview 2016).

## Perceptions and Justifications on Lack of Protection

There are wide differences between the perceptions of the Palestinian population of their own safety and security depending on their location and the various security providers. Within the West Bank, Palestinian residents in isolated Jerusalem neighbourhoods and H2 (Hebron) feel least secure, followed by residents of Area C and Area B. In December 2016, perception of insecurity was 86 percent in isolated Jerusalem neighbourhoods with only 13 percent feeling secure, while in the H2 areas of Hebron 81% of the population felt insecure and unsafe. Feeling most secure were Palestinian residents in Area A where 64 percent of the population felt secure and Area B where 52 percent felt safe and secure. In Area C, 63 percent of the Palestinian residents did not feel secure noting that the majority of the security threats were related to the occupation. Indeed, in Area A only 21 percent of the security threats were related to the occupation while outside of Area A 55 percent of security threats were not related to the occupation.

For Palestinians living in Area A of the West Bank, it is the Palestinian Civil Police (PCP) who most contribute to their sense of safety'. 'On average, 64% of service users are satisfied with all aspects of service provision explored, with the clear exception of the ability of the PCP to access Area C and communities behind the wall' (UNDP/PAPP/EUCOPPS 2015, p. 6). The 2014 survey of 4,209 Palestinian households found that the Israeli occupation is considered by nine out of ten members of the public as the most important challenge facing the PCP, while the lack of resources, inadequate training and lack of clarity surrounding the division of responsibilities between the PCP and other security services and within the PCP itself are seen as lower-level problems (UNDP/PAPP/EUCOPPS 2015). As noted in the survey of the West Bank residents, 'For almost all Palestinians, the PCP is clearly seen as the

legitimate address for issues of public safety and security, with 91.6% of Palestinians saying that they would contact the PCP if they feel in danger, suggesting that for most people, the PCP plays a very significant role in providing their sense of security and safety' (UNDP/PAPP/EUCOPPS 2015, p. 7).

Confidence in the Palestinian security services outside of the police is very low. In 2007, confidence in preventive security stood at 33%, general intelligence 34%, executive force 35%, presidential guard 37% and the national security forces 48% (PSR 2007). Palestinian armed groups had higher or similar rates of confidence, with Qassam Brigades at 45% and the al-Aqsa Brigades with 50% confidence ratings (PSR 2007). At the time, the Palestinian Police had the highest positive rating at 58% (PSR 2007). Although the ratings of the Palestinian police have improved in the past ten years, frustrations remain in areas outside of Area A. The majority of Palestinians surveyed indicate that they have confidence in various aspects of Palestinian police work. For example, 75% think it is professional; 74% think it is qualified to do its work; 75% think it implements court decisions; 65% think it responds to complaints within a reasonable time; and 61% think it has the capacity to enforce law and order in their place of residence. Confidence stands at 70% in Area B, but it declines to 47% in Area C and to 25% in the isolated Jerusalem neighbourhoods and 21% in H2 in Hebron (PSR 2017). The majority of Palestinians in the West Bank and Gaza Strip also oppose security coordination with Israel. Indeed, the majority of Palestinians view the security cooperation with Israel as something negative and two-thirds (64%) would like the PA to end it (Lisiecka 2017).

Perception of safety is harder to gauge in Gaza. Although the Palestinian Centre for Policy and Survey Research (PSR) surveyed the perception of safety and security in the Gaza Strip at 79%, it is difficult to say to what extent all residents feel safe to respond truthfully (PSR 2021). Still, the same survey noted the response of the evaluation of 'conditions in the Gaza Strip' is at 5%, which implies that the perception of security under Hamas policing is many times higher than the perception of other conditions within Gaza. Also, the provision of security has for Hamas been a core strategic priority. As noted by Berti, Hamas 'used the provision of security as a key tool to boost both its power and its political legitimacy



(Berti 2016). However, this brings back the question of whose security as opposition, minorities as well as women have been intimidated, harassed and attacked. The survey above also did not note the number of female respondents and clearly anyone who is LGBTQ would also not feel safe given that in Gaza being gay is a death sentence. In both Gaza and the West Bank, Palestinian authorities have routinely failed to hold security forces accountable for carrying out arbitrary arrests, using excessive force or torture against detainees (Human Rights 2018).

The double standards for Jews and Palestinians can be found within Israel as well as in Occupied Palestinian Territories. Israeli Joint List chief Ayman Odeh remarked: “Fight criminals, not democracy. The sole responsibility for law enforcement among civilians is the police, not intelligence agencies and the military... The last thing we need is more of the same attitude: police for Jews and Shin Bet for Arabs” (Spiro, 2022). Former Palestinian information minister Mustafa Barghouti pointed to contradictions by the international community including sanctions and the international criminal court. “We have been providing information for the past 13 years but investigation has not been started yet. And in less than two months the ICC has sent 42 investigators to Ukraine” (Al Jazeera Staff 2022). Barghouti noted that ‘Palestinians will never accept to be the slaves of the system of apartheid’ (Aljazeera interview, May 2022). Frustrated by lack of political progress and accountability, the majority of Palestinians believe armed struggle is more effective than negotiations in ending the Israeli occupation (PSR 2021).

## Conclusion

The limited public trust in national institutions including the Palestinian security sector has made the Palestinian population even more vulnerable. Some Palestinian policy advisors have called for defunding of the Palestinian police and security forces. As noted by Shabaka’s senior analyst, Yara Hawari, ‘it is clear that across colonized Palestine, both the Israeli and Palestinian policing and state justice institutions are damaging Palestinian communities, despite their claims to the contrary. By increasing surveillance and reinforcing existing harmful structures,

they have confirmed that these institutional and colonial spaces cannot offer accountability and justice' (Hawari 2021). Hawari recommends that Palestinian CSOs and civil society 'should advocate for and support policies that shrink the police and carceral systems across colonized Palestine, including calling for defunding police and security forces and "EUPOL COPPS should end its collaboration with Palestinian security forces and prioritize funding alternative and transformative justice initiatives' (Hawari 2021).

Subsequent to the recent *Black Lives Matter* movement, removing funds from police departments and reallocating them to non-policing forms of public safety including community and social services, youth services, housing, education, healthcare and other community services has become a popular international demand. Although seemingly radical at first glance, community policing has become a more welcome and effective system of public safety. It's also unrealistic to expect people not to resist, at the very least not to demonstrate, if they are living under a system of institutional discrimination that can only be described as apartheid. Extrajudicial killings, disproportionate military engagement, collective punishment, ethnic cleansing and war atrocities have all served to highlight the importance of resistance and popularize the extremists. Other than economic incentives to cooperating Palestinians inside the West Bank that have only encouraged corruption, Israel has done little to contribute towards the protection of Palestinian civilians. Its strong crackdown on non-violent demonstrations and BDS supporters has also for some youth narrowed the difference between the consequences of violent versus non-violent resistance.

Outside of the performance of the Palestinian police within Area A of the West Bank, the current security regime under the Palestinian Authority is contradictory and problematic, adding to the number of Palestinian civilians at risk. Though intended to weaken Hamas, PA cooperation with Israel on security matters has only undermined PA authority and boosted the popularity of Hamas. The cooperation has come at the detriment of the safety of Palestinian civilians and violent means have been used against political opposition. Corruption and opportunism have come at the expense of security and the well-being of Palestinian civilians, in particularly the youth. Hamas has managed

to consolidate its control over the Gaza Strip, launch terrorist attacks in the West Bank and Israel and retain its popularity. Ongoing escalations between Israel and Palestinian militant groups, most notably Hamas in Gaza, have led to highest number of civilian casualties among the Palestinian population as well as within Israel since the second intifada. Incidents in Jerusalem or Gaza have led to incidents within West Bank and Israel and vice versa. Given today's technology and tools, the borders, walls and fences do not prevent either communication or terrorist attacks. The only solution to security and safety is political negotiation and a final settlement, which without serious international intervention, is far into the future. The formation of Palestinian unity would also be the most powerful factor that would have an impact on the potential for transformation.

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# 4

## Children as Victims and Activists in the Israeli/Palestinian Conflict

Children, in particular Palestinian children, have been on the front lines of the Palestinian/Israeli conflict, subject to shootings, bombings, recruitment for terrorism, detentions and other severe security measures. Under the Israeli military occupation, Palestinian children living in the West Bank and Gaza have experienced cycles of violence, exploitation, targeted shootings and collective punishment. Within West Bank and East Jerusalem, Palestinian children and youth participating in actions such as demonstrations, throwing stones or attempted assaults have been subject to maiming, detention and extrajudicial killings. Jewish children and youth living within Israel have experienced rocket attacks, targeted terrorist attacks and cycles of violence which, in turn, serve as the justification for security measures that infringe on the protection of Palestinians, including children. For Palestinian youth living in better living conditions within Israel, recent political action has involved greater solidarity and cross-border joint action with Palestinian youth in the Occupied Territories in the West Bank and Gaza. Increasing numbers of Palestinian youth have become engaged in both non-violent activism and violent actions. Although worlds and territories apart, social media has deepened connections between youth where borders and walls are

meaningless. Right wing Zionists and Jewish settlement youth have also become more engaged through Israeli flag marches through Palestinian neighbourhoods and harassment of Palestinians. Thus, violent and non-violent activism has become more popular among youth even by those not directly affected by the conflict.

From kindergarten, Palestinian and Israeli children are most commonly raised to become either soldiers or freedom fighters. Indeed, studies demonstrate that conflict-supporting collective narratives of the ethos of conflict and collective memory are already transmitted in Jewish kindergartens, especially through national ceremonies and celebrations of holidays (Nasie et al. 2015). Although children have different experiences depending on their parents and schools, participation in boy scouts, military camps for Jewish kids or Zionist flag events such as on Jerusalem day, many state and private activities work to socialize Israeli children. Beginning in most Israeli kindergartens and public schools, militancy is glorified and group actions and goals are justified.

Stories about Jewish holidays that glorify wars, military victories and military heroes as well as traumatic events are being told already in kindergartens (Nasie et al. 2015). By 16 and a half, Israeli children are officially the property of the Israeli army and begin their recruitment, capacity tests and socialization into the military.

Palestinian youth, on the other hand, commonly become engaged in activism at an early age. Increasing numbers of Palestinian children living under the occupation do not feel like they have a childhood and are willing, fearing or expecting to die. Communal violence, harassment, settlement attacks, passing daily through military checkpoints, shootings, house evictions and demolitions have a continuous disruptive impact on the lives of Palestinian children (Defence for Children International 2023). Increasing engagement of Palestinian youth in violent and non-violent activism has made them a target for the Israeli military forces. For security personnel and much of the leadership, children of the 'other' are commonly considered to belong to the enemy, making the difference between adults and minors almost irrelevant (Reenen 2006). The Office for the Special Representative for Children and Armed Conflict (SRSGCAC) has expressed many concerns to both Israel and the relevant Palestinian authorities regarding violence and killing of

children by Israeli Defence Forces (IDF), exploitation of children by Islamic extremist groups and overall lack of security for children in the Israeli/Palestinian conflict (UN Children Report 2016). This chapter will highlight Palestinian and Israeli principles and practice, focusing on safety and protection of children or those under the age of 18. The final part of the chapter will examine perceptions and justifications for the lack of protection for kids and offer recommendations for the future.

## Principles

As discussed in previous chapters, the Israeli/Palestinian conflict is a context that is particularly problematic for vulnerable populations. The principles discussed in Chapters 2 and 3 hold true for children as when it comes to protection, the distinction between children and adults is currently negligible, especially for those living under the military occupation. Children, however, should be afforded additional protection as they are more vulnerable to attacks and exploitation. Children living within a violent conflict, including within the Israeli/Palestinian conflict, are easy targets for exploitation by militants or the state. Social media has also made it easier to reach and recruit pre-teens and teens. Children and youth are not without agency, and many Palestinian youth choose to participate in violent and non-violent resistance. Militancy can be attractive to children because it can provide meaning, group membership support and options that civilian life does not afford (Spitka 2018). As will be discussed, Palestinian perpetrators have also commonly witnessed traumatic events within their homes and community.

The UN Convention on the Rights of the Child (CRC) highlighted four key principles: protection rights, survival and development, non-discrimination and child participation (The Alliance for Child Protection in Humanitarian Action 2019). Israel ratified the Convention in 1991 but has been criticized for not upholding its principles. UNICEF criticized Israel for its failure to create a government-appointed commission on children's rights or adopt a national children's rights strategy or programme (UNICEF 2015). Israel claims that the Convention does not apply in the West Bank and does not define Palestinians under the age

of 16 in the Occupied territories as children, even though Israeli law defines a child as being under 18, in line with the Convention. The lack of protection, in particular for Palestinian children living under the occupation, has raised many alarms. The current age of responsibility for Palestinian children living under Israeli occupation is 12. However, Palestinian children under 12 have also been taken into custody by Israeli military without their parents' knowledge, and as young as 12 have been jailed without charges, adequate trial or representation. According to UNICEF, in no other country are children systematically tried by juvenile military courts, which fall short of providing the necessary guarantees to ensure respect for their rights (UNICEF 2013). The Committee on the Rights of the Child expressed 'its deepest concern about the reported practice of torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the military and the police' (UNICEF 2015). The detentions of Palestinian children have taken place primarily within the occupied territory, however, in 2015 the Israeli Knesset approved a new bill that allowed a child "terrorist" as young as 12 to be also jailed within Israel.

Another sphere that is of significant concern both in principle and in practice is the shooting and killing of child demonstrators and suspected perpetrators who do not pose a serious threat. As with adult victims of shootings, the acts are conducted with impunity, are justified by perpetrators and politicians and seldom investigated. Israel treats Palestinian suspects of terrorism who are minors in the same way as adults. Palestinian armed groups equally make little distinction between a minor and an adult, particularly if they live in a Jewish settlement.

## Practice

The realities and general safety and protection are dramatically different for Israeli and Palestinian children. While Jewish children living in Israel are seldom directly targeted, Palestinian children living under the military occupation in the West Bank and Gaza are commonly injured and killed during demonstrations, violent escalations or in indiscriminate

shootings. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), between 2008 and the end of 2021, 333 Palestinian boys and 20 girls were killed (OCHA 2023). The majority were killed in Gaza with launched explosives or live bullets. During the same time period, 27,471 Palestinian boys and 2,527 girls were also injured. A majority of the injuries were from tear gas inhalation, rubber bullets and live ammunition. Palestinian minors made up almost one quarter of all Palestinian injuries and many of the injuries create permanent disabilities. The incidents listed involve only direct confrontations and do not include death or injuries from other conflict-related sources including access to medical treatment, injuries from unexploded ordnances and collapse of tunnels.

In order to examine the well-being of children living inside Israel, it's pertinent to distinguish between Jewish and Palestinian (Israeli Arab) kids living within Israel, and Palestinian kids living in East Jerusalem without Israeli citizenship and under occupation in West Bank and Gaza. Although the number of injuries of children and youth within Israel are marginal compared to areas under military occupation, the violence and terrorist attacks are related to events in Occupied Territories. Cycles of escalation also impact on Israeli kids living in Jewish settlements and draconian security measures against Palestinian teens. According to OCHA, between 2008 and the end of 2021, 10 Israeli boys and 4 girls were killed in conflict-related incidents between Palestinians and Israelis (OCHA 2023). Most of those were living within Israeli settlements and were killed in clashes or in terrorist attacks. In addition, 482 Israeli kids were injured (OCHA 2023).

In the last decade, there has also been a substantial growth in youth activism within Arab-Palestinian society in Israel on political and social issues (Massalha et al. 2017). Children are dramatically impacted by different legal statuses and realities. Although both Jewish and Palestinian children have been targeted in incidents within Israel, most of the conflict-related deaths and injuries of children, including during demonstrations or escalations, involved Palestinian (Arab-Israeli) children, mostly living in Jerusalem (ACRI 2020). The parents of children injured or killed within Israel have access to legal representation and the

Israeli legal justice system. While Israeli children have legal rights, Palestinian children living under the Occupation in Gaza and West Bank are subject to military rule and military courts, where the current age of responsibility is 12 years. Palestinian Islamic groups such as Hamas as well as Israeli military authorities in the Occupied Territories officially consider Palestinian children over 16 as adults.

Palestinian youth have not only been victims but also been acclaimed as heroes domestically and internationally. Palestinian 15-year-old teen protester Ahed Tamimi gained worldwide attention after being jailed for slapping an Israeli soldier. She became a household name and a resistance icon not only among Palestinians but also among some leftist Israeli youth who would attempt to look like her. Indeed, in Jerusalem in order to look cool and tough, some Israeli teens began dressing to look like Palestinian teens, commonly attracting the attention of Israeli security. Subsequent sections will conduct an overview of current protection of children focused on (a) activism, shootings and killings, (b) children's intifada, (c) arrests and detentions, (d) recruitment for terrorism and (e) children inside Gaza.

## **Shooting and Maiming of Palestinian Children—East Jerusalem, West Bank and Gaza**

Shooting and maiming of Palestinian children have been a focus of much external criticism and little internal investigation. Shooting rubber bullets and live ammunition at Palestinian youth while they are demonstrating has resulted in many serious injuries and deaths in the West Bank, East Jerusalem and Gaza. More than 217 boys and 14 girls have been killed by live ammunition since 2000 (Defence for Children International 2023). Numerous incidents have been related to recent Gaza protests that began on 30 March 2018. The non-violent demonstrations that took place close to the separation fence between Gaza and Israel drew tens of thousands of unarmed protesters including children. The shooting of the demonstrators resulted in hundreds of deaths including

of at least 72 children. Israeli forces positioned snipers on the other side of the fence and the rules of engagement permitted live fire at demonstrators who approached within 100 metres of the fence. A UN investigating commission into the fatalities and injuries noted that ‘members of the Israeli security forces, in the course of their response to the demonstrations, killed and gravely injured civilians who were neither directly participating in hostilities nor posing an imminent threat’. It noted that intentionally killing a civilian not directly participating in hostilities is a war crime (UN Human Rights Council 2019).

Within Israel, the majority of the conflict-related deaths and injuries of children, including during demonstrations or escalations, involved Palestinian (Arab–Israeli) children in Jerusalem (ACRI 2020). There is seldom an investigation into the shooting of demonstrators even though many of the injuries resulted in death or permanent disabilities. Israel justifies its harsh responses against Palestinian children and youth by accusing Palestinians of not caring about the welfare of the kids and using their children as terrorists or as human shields. Subsequent to the 2014 Gaza war, dozens of children have been killed in the West Bank and Jerusalem while participating in demonstrations, crossing checkpoints or when involved or suspected of being involved in attacks against Israelis. The 2014 Gaza war and its unedited coverage in social media had a strong impact on the young population in West Bank, East Jerusalem and within the Israeli-Arab community in Israel and served to ignite the ‘children’s intifada’.

### **‘Children’s Intifada’**

The wave of youth violence during 2015 and 2017, commonly labelled as the ‘knife’ or ‘children’s intifada’, refers to the attacks by mostly young Palestinians living in Israel and Occupied East Jerusalem and the West Bank against Israeli civilians and security personnel. According to the Israeli Ministry of Foreign Affairs during the height of the attacks between October 2015 and October 2016, there were at least 166 stabbing attacks and 89 attempted stabbings attacks mostly conducted by Palestinian youth (Israel Ministry of Foreign Affairs 2022). According to



the Ministry, 31 Israeli civilians were killed in the attacks, which also includes car ramming but does not include the perpetrators. The attacks took place after the 2014 Gaza war and subsequent clashes and involved mostly youth including children as young as 12. Tensions ran high across the Occupied West Bank and East Jerusalem and included widespread demonstrations and daily clashes. Dozens of Palestinians, including youth and children, were also killed in the West Bank and East Jerusalem while participating in demonstrations and crossing checkpoints.

The children's intifada was not organized or directed and although tensions were high, it came as a surprise to all authorities. Most of the stabbing incidents were linked to lone-wolf attacks—individuals not influenced by or working for a particular terrorist organization or a national group. IDF Chief of Staff Lt.-Gen. Gadi Eisenkot noted that there is no early warning when it comes to random knife attacks. “We have had 101 such attacks over the past three months,” he said, “and have not been able to provide a warning in a single place” (Goodman 2016). Many of the youths who attacked Israelis also went out of their way to distance themselves from their Palestinian leadership who they considered corrupt. At the funerals of the young martyrs, the bodies of the boys or girls were not draped in Hamas or Fatah flags but rather the Palestinian flag linking the events to the Palestinian national movement. In most cases, the youths appeared to be enraged by events of the Gaza war or other violent events against Palestinian civilians, which they witnessed personally or on social or public media and acted in revenge. Interviews of some perpetrators with the media, NGO's and Israeli intelligence services confirmed these as being primary motivations.

For example, on October 12, 2015, two cousins Hassan, aged 15, and Ahmed, aged 13, took knives from their Jerusalem homes and attacked and injured civilians in a Jewish settlement of Pisgat Ze'ev. They stabbed and injured two Israelis including a 13-year-old Jewish boy and were shot. Hassan was killed by the police, while Ahmed survived being hit by a club and a car. As he lay bleeding on the road, a mob gathered around with one-person videotaped yelling ‘die, you son of a whore’ (Brooks 2017). Apparently, the East Jerusalem Palestinian boys decided to attack Jewish civilians in a settlement without knowledge from anyone, agreeing beforehand that they would only target army aged men and not women

or children. According to Ahmed, his cousin had said ‘Let’s go scare them as they scare us’ (Brooks 2017). In an interview, their uncle who still could not believe what the boys had done said: “Our children don’t have normal childhoods...from the minute they open their eyes they wake up into a reality of checkpoints, soldiers, settlers insulting their mom. They see the news from Gaza, children like them, bombed and homeless. They hear about a boy their age, burned alive by Israelis. They are sad and afraid. It’s not a healthy environment” (Brooks 2017).

Young attackers were commonly impacted by news and social media. A Shabak press release of a well-known case where a 15-year-old stabbed and killed a mother of six inside a settlement, noted that the youth admitted to making a decision to attack an Israeli after to watching Palestinian television portraying Israel as ‘killing Palestinian young people’ (Goodman 2016). The youth involved in acts of terrorism would typically have an awareness that death was a likely outcome of an attack against an Israeli, and in some cases, this was also a goal. Although the two cases above received much attention in Israeli media because Israelis were killed or injured, in most cases, the lightly armed teens aiming to hurt Israelis were not successful in causing any injuries and were commonly killed in the process. Some attacks by Palestinian youth have been attributed to suicide attempts by teens lacking opportunities or having personal or social problems, knowing they will likely be swiftly killed if they take out a knife or scissors in front of an Israeli soldiers or a security guard (Levi 2016). For example, thirteen-year-old Bara’a Ramadan Owaisi from Qalqilya had approached guards at a checkpoint in the northern West Bank without a weapon but was not adhering to orders to stop. She was shot in the leg and told the guards she ‘came to die’ (*Times of Israel* 2018). Confronting Israeli soldiers at checkpoint has been a common way for Palestinian young teens to commit suicide. Youth have also been shot or killed for looking or acting suspicious, which has been deadly for people including children with mental disabilities. Even without a weapon, Palestinian youth may be shot and killed if they do not follow careful instructions, especially those with other impairments such as hearing loss.

Israeli security had dealt with the rise of incidents by Palestinian youth in several different ways including monitoring social media, arresting

individuals and armed confrontation with the youth including injuring and killing. Teens found to be holding knives or scissors as young as 14 were killed on the spot by Israeli security or vigilante civilians. General escalation in violence, political incitement, influence of social media and vigilantism has all contributed to the killing of the teens. During 2015, 30 Palestinian children (25 boys and 5 girls) were killed and at least 1,735 injured (1,687 boys and 48 girls) in the West Bank and East Jerusalem (UN Children Report 2016). The Israeli Defence Forces (IDF) were responsible for the killing of most of the children in the West Bank. Human rights organizations noted that police officers and soldiers were quick to shoot to kill instead of acting in a manner appropriate to the nature of each incident and have criticized political and public support for extrajudicial killings (Adalah 2015).

## Arrests and Detentions of Palestinian Minors

The realities of the military occupation, teenager activism and fear of recruitment of Palestinian teens by radical groups have made minors one of the primary targets for arrest and detentions by Israel. According to UNICEF, approximately 7,000 Palestinian children have been detained, interrogated, prosecuted and/or imprisoned within the Israeli Military Justice System in the past 10 years (UNICEF 2013). This is an average of 700 kids per year or 2 children per day and rising. The majority of children on trial in Israeli military courts have been charged with throwing stones. In 2016, the Israeli Knesset (Parliament) passed amendments to the penal code increasing the maximum sentence for throwing stones to 20 years. While a child between the age of 12 and 13 can receive a maximum sentence of 6 months, a teen between the ages of 14 to 15 charged with throwing stones can receive a maximum penalty of 20 years (Alyan and Russo 2016).

Many arrests have taken place at night and Palestinian children report being blindfolded, painfully hand-tied, strip searched and subject to physical violence. UNICEF has identified practices “that amount to cruel, inhuman or degrading treatment or punishment according to the Convention on the Rights of the Child and the Convention against

Torture” (UNICEF 2013, p. 9). Palestinian children under 12 have also been taken into custody without their parents’ knowledge, and as young as 12 have been jailed without charges, adequate trial or representation. In 416 out of 429 cases (97% cases) of arrest of Palestinian children during 2016, the children were denied access to legal counsel prior to and during interrogation and did not have a family member present during questioning (Defence for Children International 2016, p. 11). The Committee on the Rights of the Child expressed “its deepest concern about the reported practice of torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the military and the police” (UNICEF 2015, p. 4).

## **Exploitation and Recruitment for Terrorism**

For Hamas and Islamic Jihad, the recruitment of children particularly in Gaza but also within West Bank and inside Israel is an ongoing phenomenon. Palestinian children and youth are also vulnerable to being exploited by members of their families, the community, in schools, and manipulated through cultural activities and social networks by paramilitary organizations. Inside the Palestinian territories, Hamas runs mosques, schools, orphanages, summer camps, sports leagues, student unions and cultural activities, which are used to socialize young children and youth (Levitt 2004). Photos of so-called martyrs are commonly displayed in schools and other public areas. In 2015, the Izz el-Deen al-Qassam Brigades ran a military camp for 25,000 children and young people between 15 and 21 years of age in Gaza (UN Children Report 2016, p. 14). The Popular Front for the Liberation of Palestine reportedly held a graduation ceremony during a camp for girls, which included training in weapons (UN Children Report 2016).

## **Military Camps for Israeli Children and Youth**

Military training camps for Jewish teens have become increasingly popular in Israel. Camps provide basic training, military-style obstacle courses and teaching children how to fire semi-automatic (paintball)

weapons (Memo 2019). Some camps focus on urban warfare, cyber warfare and attract Israeli kids wishing to become accepted into elite IDF units. One of the most sought-after military units is the infamous Unit 8200, the Israeli army's NSA equivalent known to secure its veterans lucrative careers in the Israeli tech sector. Tech-learning kids can now use their summer vacations to train in thwarting cyberattacks and other skills that could help them secure a place at Unit 8200 and other top cyberwarfare units when they reach enlistment age (Bahur-Nir 2019). Some camps offer daily activities in a special set designed for urban warfare: densely-built houses, burned vehicles, and sniper posts (Bahur-Nir 2019). Although the camps are meant to empower, teach skills and train kids for the army, they are run by former military commanders and tend to glorify militancy. Justifications for what the children may end up doing while being soldiers are already disseminated at these summer camps for the teens and pre-teens who attend.

## Children in Gaza Wars

Children are most vulnerable in Gaza, where they make up close to 40% of the 1.8 million people living under cycles of violence including bombardment, harsh conditions of the occupation and a Hamas led militant regime. Since 2007, the Gaza Strip has been under a tightly controlled land, sea and air blockade. The 2008/9, 2012 and 2014 Gaza wars resulted in many civilian deaths, destruction of homes, schools and hospitals. Since Gaza is closed and there are few shelters or safe areas, children are exposed to violence during escalations, as well as within schools and their homes. During the 2008 Operation Cast Lead, Israel launched massive airstrikes killing 1,400 people, including up to 431 children (Amnesty 2009). The attack was a response to the increasing number of Qassam rockets launched from Gaza targeting southern Israeli towns and killing or maiming dozens of Israeli civilians. The subsequent UN inquiry documented many atrocities including the killing of children, the launching of attacks from within civilian areas, the use of white phosphorus and using children as human shields (UN Human Rights Council 2009).

The 2014 Gaza war resulted in more civilian deaths, external investigations and accusations of war crimes and once again little accountability or repercussions for perpetrators. During July and August, Palestinian militants indiscriminately fired 4,881 rockets and 1,753 mortars towards Israel, killing 6 civilians (UN Human Rights Council 2015). Alarms, safe rooms and the air defence system (Iron Dome) prevented the loss of more Israeli lives; however, many civilians were under the threat of bombardment and unable to move freely. Studies have shown that children, especially younger children exposed to missile attacks, suffer from post-traumatic stress symptoms (Miller-Graff and Cummings 2017).

Israeli justification for the military campaign was the kidnapping and murder of 3 Israeli teens and the ongoing rocket fire launched by armed groups from Gaza. In the 2-month escalation leading up to the Gaza war, Israeli forces fatally shot two 15 and one 17-year-old unarmed Palestinian teens, Palestinian men killed three Israeli settler teens (16, 16 & 19), and Israeli settlers kidnapped and burned alive a 15-year-old Palestinian teen (Defence for Children International 2020). All of the teens were victims of indiscriminate targeting or revenge attacks. The killings of the teens sparked public outrage and led to massive Israeli retributions.

Israeli bombardment of Gaza destroyed residential buildings, hospitals, schools, much of the infrastructure and displaced close to a third of the population (OCHA 2015). The war resulted in the death of 551 Palestinian children and 1 Israeli child. At least 2,955 Palestinian children were injured in Gaza with up to one-third (1000) disabled permanently (UN Children Report 2015). An investigation by the United Nations Human Rights Council found serious violations of international humanitarian and human rights law by both Israel and Palestinian militants that were investigated as potential war crimes (Inquiry 2015). Defence for Children International reported that at least 7 cases of Palestinian children, aged 9 to 17, were used as human shields by the IDF during the 2014 Gaza Conflict (Defence for Children International 2015a). The kids were forced at gunpoint to search buildings, tunnels, and held in captivity for days in dire conditions without the knowledge of their families (Defence for Children International 2015a, 2015b).

Schools were used as shelters for internally displaced women and children; however, many were directly hit by missiles or artillery. A UNWRA

school in Beit Hanoun was struck by several missiles, which killed 11 people, including 7 children. A school in Jabalia was also struck by artillery killing 15, including 4 children (OCHA 2015, p. 20). The targeting of schools was blamed on Israel as well as Hamas. The UN found evidence that Hamas deliberately used Gaza's civilian population, including children, to shield military assets (UN Human Rights Council 2015). UNRWA announced the discovery of approximately 20 rockets hidden in one of its vacant schools (UNWRA 2014).

Israeli Defence Forces (IDF) claimed that measures such as leaflets recommending evacuation and a small blast on the roof were intended as warning for people to evacuate residential buildings targeted for bombardment. However, civilians had nowhere to flee and in densely populated areas, the 'small blasts' created confusion as individuals did not realize their building was targeted, or were hurt or killed while escaping the building (UN Children Report 2015).<sup>1</sup> The 2014 Gaza war had an unprecedented effect on children's sense of well-being and security. UNICEF had estimated that about 373,000 children in Gaza Strip required specialized psychosocial support (OCHA 2023). The psychological impact on children subsequent to the war include: excessive nervousness, difficulty in concentrating, sleep disturbances, eating problems, fear, withdrawal and violent behaviour (Miller-Graff and Cummings 2017).

Beyond the deadly escalations, life for Palestinian children and teens living in Gaza offers little hope. Children and youth are not given opportunities to escape Gaza for education elsewhere. The situation is worse for girls and LGBTQ. Girls are married off at a young age due to poverty and lack of opportunities. The strict social codes of segregation imply that women and girls are confined to the private sphere and are commonly reliant on male family members for their livelihoods as well as access to critical information about the security situation, humanitarian assistance and other services (UN Women/UN OCHA 2016). Gaza has one of the highest incidents of violence against women and girls in the world (Palestinian Stats 2011). Sawa, a Palestinian NGO that runs a helpline for women and kids, noted a dramatic increase of cases of violence

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<sup>1</sup> UN Report, A/HRC/29/CRP.4, p. 65.

against women and children during conflict escalations (Otero 2012). Rapes and abuses against girls are seldom investigated and commonly girls are punished, killed or forced to marry their abusers. Coming out as an LGBTQ person in Gaza under Hamas is a death sentence. The police do not act, domestic violence is not criminalized and the only institutions providing protection for women and children are civil society organizations, which are also vulnerable to attacks (Spitka 2019).

## Perceptions & Justifications

Israeli leadership has justified its harsh security responses against Palestinian kids and youth by accusing Hamas, and Palestinians in general, of using their own children as human shields. A common argument is that Palestinians do not love their children and send them out of neglect, or sacrifice them to make Israel look bad. To explore justification of violence against children, I utilize Maynard's typology of six recurring justification mechanisms: (a) dehumanization, (b) guilt attribution, (c) threat construction, (d) de-agentification (militarily necessary), (e) virtue talk and (f) future bias (Maynard 2014, p. 829). As noted by Maynard, the first three are about the victims, portraying them as subhuman, guilty or threatening, which can justify their exclusion from protection. The last three are about the perpetrators, framing the violence as a military necessity, glorifying the perpetrators or portraying the violence as essential for the future well-being of the group or the state. This can justify the perpetrators from repercussions for the action.

*Dehumanization* of victims has been the focus of much attention by theorists as well as practitioners monitoring incidents of dehumanization within the media in potential or ongoing conflicts. Most cases of genocide have been attributed to high levels of dehumanization frequently manufactured by extremist leadership (Adelman 2005). Groups under threat of genocide have commonly been categorized by enemies as low life such as bugs, vermin or a virus. Dehumanization has also been used



to justify violence against children. Nazis began to discuss killing of children even prior to the 1940s. In 1929, Hitler said at the Nazi Party Conference in Nuremberg, the ‘annual removal of 700,000–800,000 of the weakest of a million babies meant an increase in the power of the nation and not a weakening’ (Burleigh 1990).

*Guilt attribution* focuses on ascribing guilt to a collective by portraying the whole group as guilty of a crime (Maynard 2014, p. 380). Portraying all Palestinians guilty of collective terrorism or a crime is quite common. Collective punishment is frequently linked to Gaza, West Bank and East Jerusalem neighbourhoods. When a whole family, a village, a neighbourhood, a city, territory is labelled as guilty, this serves to justify collective punishment. Thus, violence against individuals in the ethno/national group can be justified as legitimate. Another important element of justification of violence against victims is *threat-construction*, where the victim is portrayed as a threat. Individuals are assigned a threatening status because of their connection to the threatening collective. As noted by Maynard, “threat construction has three central effects: establishing a clear motivation for killing victims, framing them as legitimate targets and reframing perpetrators of legitimately acting in self-defence” (Maynard 2014, p. 831). Palestinians, even Palestinian youth, are commonly perceived as threatening by Jewish Israeli population.

The remaining justifications are related to the perpetrator. *De-agentification* refers to the portrayal of the perpetrators as lacking agency or choice in the prevention of violence or atrocity (Maynard 2014, p. 831). Violence, including killing, is portrayed as unavoidable or a military necessity for the protection of a group or nation. *Virtuetalk* refers to positive representation of the perpetrator. As will be discussed in the next section, Palestinian attackers are commonly referred to as Martyrs, attaching a positive sense of purpose to the violence they have perpetrated. Finally, *future-bias* refers to justification of violence and atrocities for the benefit of the future of the group or the nation.

There are several additional factors that can contribute to the justification of harming or killing of children. First, adultification or the portrayal of children as adults. Many cases of exoneration have been due to the apparent inability of the perpetrator to distinguish between an adult and a child. Second, labelling children as terrorists, without

investigation into the details of the incident. Lastly, blaming the parents for incitement, such as their failure to make sure the child is kept at home/school or out of harm's way. The following section examines public speeches of religious, military and political Palestinian and Israeli leadership. It moves beyond the typology to include other justifications of violence against Israeli and Palestinian children.

## Israeli Leadership Justification of Violence Against Palestinian Children

Many speeches by Israeli leadership about welfare of Palestinian children are focused on blaming the Palestinians for the death of their own children. Former Israeli Prime Minister Golda Meir famously said: "We can forgive the Arabs for killing our children. We cannot forgive them for forcing us to kill their children. We will only have peace with the Arabs when they love their children more than they hate us" (Meir 1972).

Dehumanization has been discussed extensively in the literature and has been quite relevant to the Israeli/Palestinian conflict. According to Maoz, dehumanization of the Palestinians facilitates aggressive activities by the Israelis (Maoz and McCauley 2008). Kane noted that the circumstances of Israel's birth required that the indigenous population be rendered into a form where their humanity could be compromised and their rights accordingly disregarded and that the need to defend against the guilt engendered by this requires their continued demonization (Kane 2005).

Israel has justified its attacks against Palestinian civilians by accusing Hamas, and Palestinians in general, of using their children as human shields. This suggests that the Palestinians have no problem sending their sons and daughters to the front lines (Gordon and Perugini 2018).

In one of many Benjamin Netanyahu video clips on this topic, the Israeli Prime Minister notes:

A Palestinian father holds up his 4-year-old son. He pleads with Israeli border police to kill his own child. He shouts: shoot this little boy. His boy. ...Encouraging someone to murder a child let alone your child is

probably the most inhumane thing a person can do...If parents don't respect their own children's lives how will they respect the lives of their neighbours? (Netanyahu 2016)

Guilt attribution is also quite common, portraying all Palestinians or certain territorial areas such as Gaza as guilty of collective terrorism or a crime. When a whole family, a village, a neighbourhood, a city, territory or a nation is targeted guilty, this can help to justify collective punishment. Danny Danon, Israel's ambassador to the United Nations (UN) called on the Security Council to condemn the Hamas for its use of children as human shields.

During these protests, expected to escalate as part of the 'Days of Rage' declared by the Palestinian leadership, Hamas, the internationally recognized terrorist organization, plans to exploit innocent Palestinian children as human shields and place them directly in harm's way. (Danon 2018)

Threat construction is prevalent within the Israeli ideological narrative as all Palestinians are commonly labelled as threatening. Children and teenagers are not exempt from this categorization. During the 2015 escalation subsequent to the Gaza war, Palestinian youth attempted to stab Israelis, resulting in harsh security response. The Knesset also approved a new bill that allowed a child "terrorist" as young as 12 to be jailed within Israel. The justification for the new legislation noted:

The seriousness that we attach to terror and acts of terror that cause bodily injury and property damage, and the fact that these acts of terror are being carried out by minors, demands a more aggressive approach including toward minors who are convicted. (Dearden 2016)

Anat Berko, a member of Benjamin Netanyahu's Likud party, said that the law is borne of necessity,

A society is allowed to protect itself. To those who are murdered with a knife in the heart it does not matter if the child is 12 or 15. (Dearden 2016)

Many of the teenagers armed with scissors or knives were killed on the spot. Several members of the Israeli government praised the extrajudicial killings by police, private security guards and vigilante civilians. Interior Security Minister Gilad Arden stated that “every terrorist should know that he will not survive the attack he is about to commit”. MK Yair Lapid declared that you have to shoot to kill anyone who pulls out a knife or screwdriver. “Don’t hesitate. Even at the start of an attack, shooting to kill is correct. If someone is brandishing a knife, shoot him. It’s part of Israel’s deterrence” (Lapid 2016).

Senior IDF officers took a more moderate tone to the politicians. IDF Chief of Staff Lt.-Gen. Gadi Eisenkot emphasized that “I don’t want to see a soldier empty a magazine [to shoot] a young girl with scissors” (Amir and Hashavua 2016).

Netanyahu:

But I think President Abbas has to stop this incitement. You just saw examples of him lying, barefaced lies. “An innocent child executed by Israelis.” No. He’s not innocent and he wasn’t executed. He tried to murder innocent people, almost succeeded. ...That violence has picked up, by Palestinian youngsters, and they go out and murder Jews. And they murder peace, of course. (Netanyahu 2015)

The Israeli military claims that civilian casualties are unavoidable in Gaza’s dense neighbourhoods, where militants often fire rockets from residential areas. In addition, Hamas is considered a cruel enemy that makes a tough response necessary including the death of civilians:

Hamas has violated every ceasefire proposal. We face a cruel enemy whose brutality is directed not only against us, against our civilians, but is also directed against his own civilians. It exploits their civilians in order for there to be more and more victims even as they send fire and death toward us. (Netanyahu 2014)

IDF shooting of unarmed demonstrations has been framed as a military necessity in order to show force and achieve victory. Former Southern Command IDF commander Brigadier-General Zvika Fogel noted “They [Hamas] have patience and the only way to kill that patience is to bring

it to their homes and not wait for a tunnel, kite, or rocket. We need to give them a bullet in the head and ensure quiet” (Cohen 2018). The Israeli general has confirmed that when snipers stationed along Israel’s boundary with Gaza shoot at children, they are doing so deliberately, under clear and specific orders though not necessarily with orders to kill.

I know how these orders are given. I know how a sniper does the shooting. I know how many authorizations he needs before he receives an authorization to open fire. It is not the whim of one or the other sniper who identifies the small body of a child now and decides he’ll shoot. Someone marks the target for him very well and tells him exactly why one has to shoot and what the threat is from that individual. And to my great sorrow, sometimes when you shoot at a small body and you intended to hit his arm or shoulder, it goes even higher. (Fogel 2018)

Institutional discrimination plays a fundamental role not only in justification of the incident but prevention of compensation. In the 2015 Duma village arson attack, members of a Jewish terrorist organization *Revolt* burned homes, killing sleeping members of the Dawabsheh family, including an infant. Subsequent to public pressure including a petition, two individuals were persecuted for the murder. The only survivor of the attack was 4-year-old Ahmed Dawabsheh, who was orphaned and left with permanent disabilities. Former Minister of Defence Avigdor Lieberman noted that Ahmed would not receive compensation. According to Lieberman, Israel cannot recognize the child—Dawabsheh—as a victim of terrorism as long as he does not have Israeli citizenship or live in Israel (Woodliff 2017).

A common implication is that Palestinians do not love their children and send them out of neglect or sacrifice them to make Israel look bad. During the protest in 2018, IDF disseminated clips on social media of young children at protests. One short clip plays a lullaby interrupted by the sound of gunfire and rhetorically asks: “Where are the children of Gaza today?” Showing children amid the protesters, it then displays the word “here” (Gordon and Perugini 2018). Current PM Naftali Bennett went as far to argue in a government cabinet meeting that Palestinians are not preventing their children from committing stabbing attacks because

they know parents of slain assailants receive a grant and a stipend from the Palestinian Authority (Ravid 2016). Asked in 2018, if he would instruct the army to “shoot to kill” policy against children breaching the Gaza border, Naftali Bennett retorted: “They are not children — they are terrorists. We are fooling ourselves. I see the photos” (Staff, *Times of Israel* 2018). He also asserted that the army should shoot to kill anyone sending incendiary devices over the border. “If someone sends arson balloons from Gaza, we should shoot to kill...” (Staff, *Times of Israel* 2018). For Israeli top leadership, there is no apology, punishment, investigation or regret for the shooting or killing of Palestinian children, which is most commonly blamed on military necessity and Palestinian neglect.

## **Palestinian Leadership Justification of Violence Against Children**

Although a majority of Palestinian leadership speeches focus on blaming Israelis for the death of Palestinian children, there is an expectedly significant difference in the justifications of exploitation and killing of Israeli children between Hamas and the PLO. Still, Hamas has in recent years adopted a more moderate tone, distancing itself from terrorist organizations the likes of ISIS. However, it continues to justify exploitation of Palestinian children and killing of Israeli teens who live in the settlements. Seeking international support and empathy, the PLO leadership, under Mahmoud Abbas, has adopted an internationally sanctioned moderate position, making a strong stand against terrorism while promoting and justifying Palestinian children’s engagement only within the framework of non-violent resistance. Although children have remained in the spotlight and part of the Palestinian struggle, their roles, especially in the West Bank, have changed.

Virtue talk has traditionally been a common element in the justification of violence by Palestinian leadership. Perpetrators of violent terrorist acts, including teens, are publicly portrayed as martyrs. Arafat argued that Palestinian children are the heroes of the resistance against the Israeli occupation, justifying using children for resistance against the Israeli Jewish army. Arafat said that “Palestinian children are the freedom

fighters against the Occupation” (Wafa 2015). Although speeches and materials glorifying martyrdom, such as “death [of a teenager] as a Martyr is the path to excellence and greatness” (Wafa, 11 July 2016) are still common, the current leadership of Palestinian Authority (PA) has taken a far more moderate tone.

The June 2014 kidnapping and the murder of the three Israeli teenagers in the West Bank was a significant event for the Israeli public and leadership that was one of the sparks that escalated into the 2014 Gaza war. Although the official Hamas response was ambiguous and initially did not take responsibility for the attack, the leadership justified and praised the murder. The head of the political wing of Hamas, Khaled Mashal used “threat construction” when he labelled the two 16-year-old and the 19-year-old teens as “settlers and soldiers in the Israeli army” (Miller, 2014).

Blessed be the hands that captured them...This is a Palestinian duty, the responsibility of the Palestinian people. Our prisoners must be freed; not Hamas’s prisoners — the prisoners of the Palestinian people.

The three were not ‘youths’, as Israel calls them, but first and foremost settlers ... and not even regular settlers, but armed ones. (Miller, 2014)

Mashal also referred to the Palestinian men who murdered the Israeli teens as “martyrs”, and employed “guilt attribution” when he said “But Israel is killing our sons all the time” (Mashal, 21 October 2014). While at a conference in Turkey, senior Hamas official Salah Arouri boasted that the group’s military wing was behind the attack of the Israeli youth.

The al-Qassam’s mujahedeen were the ones to carry out [the abduction] in show of support for the prisoners’ hunger strike. (Khoury 2014)

Abbas denounced the kidnapping and called on Hamas and Israel to refrain from violence (*Haaretz* 2014). Hamas, under the leadership of Political leader Khaled Mashal, has attempted to claim that they do not wish to target civilians, distinguishing itself from terrorist organizations the likes of ISIS, but rather do it out of lack of military weapons and capacity.

We do not target civilians, and we try most of the time to aim at military targets and Israeli bases. But we admit that we have a problem. We do not have sophisticated weapons. We do not have the weapons available to our enemy so aiming is difficult. We do promise you, though, that we will try in the future and we will warn people. We have given warnings to Israeli civilians. We promise that if we get more precise weapons, we will only target military targets. (Mashal, 23 July 2014)

This language is a form of de-agentification. Mashal is blaming his lack of precision weapons for the killing of Israeli civilians including children, which is unavoidable unless Hamas is able to procure more sophisticated military equipment.

Abbas has argued for peaceful resistance for the Palestinians in Gaza and he says that the Palestinian children should not take part in the confrontation with Israel because he doesn't want the 'Palestinian nation to become a deformed nation'. Yet, at the same time, he has called the Palestinian teenager Ahed Tamimi "a model for the Palestinian struggle" (Rasgon, 29 July 2018).

The Palestinian girl Ahed Tamimi is a model for the Palestinian struggle for freedom, independence and the establishment of our independent Palestinian state. (Rasgon, 29 July 2018)

The then sixteen-year-old Ahed Tamimi became a symbol of Palestinian resistance after she slapped an Israel soldier. The slap cost the teenager a year in prison.

## Conclusion

Protection of children is a good yardstick by which one can measure the level of protection within a society. It is clear that there is virtually no protection of Palestinian children living under Israel's military occupation. Cycles of violence, detentions without due process and IDF soldiers shooting live bullets at children who do not pose a serious threat has become a common occurrence. António Guterres, Secretary-General of the United Nations, said "If there is a hell on earth, it is the



lives of children in Gaza” (Guterres 2021). The most troubling aspect is that these incidents are not investigated thus there is no accountability. Children are also not without agency. Indeed, Palestinian children have become public and active agents of change. Frustrated not only by the Israeli Occupation but also their own leadership which they consider corrupt and ineffective, the Palestinian youth have increasingly been acting independently of the older generation. While Palestinian politicians are divided territorially and between Hamas and Fatah, children and youth are more connected via social media and influence each other. Nonviolent youth demonstrations and resistance in Gaza not only influenced youth in the West Bank but also Hamas. The non-violent public protest along the Gaza border did not begin with Hamas but was accepted by the organization as an effective tool of resistance. Palestinian teen protester Ahed Tamimi was one of the many teens that gained national and worldwide attention for her non-violent activism. Although frequent victims of oppression and violence, Palestinian youth are on the front lines generating unity and hope for change. Protection of children can also be an area of common ground as even the most extreme groups are obligated to protect children to maintain their own support base.

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# 5

## IC in Israel/Palestine: Normative Influence and Ice Cream Soldiers

### Introduction

The Israeli/Palestinian conflict embodies a wide gap between international protection norms and the absence of national and international protection. Lack of international consensus on the conflict, particularly within the key international and regional bodies including the UN Security Council (UNSC), the European Union (EU) and the Quartet, has translated to humanitarian assistance, monitoring human rights abuses and limited Band-Aid solutions. Beyond reprimanding statements, there has been little consensus on protection, and the Palestinian population, particularly in Gaza, and Israeli Occupied parts of the West Bank and East Jerusalem, remains as some of the least protected civilians in the world. The international discourse today is polarized in Washington, Brussels and New York between two A-words: “apartheid versus anti-semitism” (Strömbom and Persson 2023). However, few political leaders utilize the word Apartheid for fear of being labelled antisemitic.

Currently, the international community is using protection tools that focus on humanitarian assistance and monitoring human rights breaches that contribute to understanding protection needs, but fails to address



them. As noted in previous chapters, the lack of protection is the most acute in Gaza, where local authority contributes to the lack of protection and no civilian can be considered safe. Since 2007, the population in Gaza has been almost entirely closed off with millions being collectively punished and suffer from the lack of basic human needs such as adequate drinking water. Cycles of violent escalations between Israel and Hamas, indiscriminate targeting and lack of adequate national or international protection tools or solutions have all contributed to ineffective, belligerent or exploitative protection. International protection measures, such as the creation of 'safe areas' inside schools, where many women and children were herded during deadly the 2014 Israeli airstrikes, were ineffective and distressing since many were erroneously or deliberately targeted by Israel.

Effective multilateral intervention is related to the degree of consensus among key interveners on a type of international intervention (Spitka 2017). Consensus on foreign policy and intervention in a conflict can be constructed along various spheres including international norms, a peace process, an agreement on a solution to the conflict, national security or human security. Divisions among states and within international and regional bodies on the Israeli/Palestinian conflict have made interventions minimal and largely ineffective. The Israeli/Palestinian conflict has generated the highest number of vetoes at the United Nations Security Council. Since 2000, the US has vetoed more than 18 United Nations Security Council resolutions including: sending unarmed monitors to the West Bank and Gaza (2001), condemning all acts of violence including extrajudicial executions and terror (2001), immediate cessation of Israeli settlement activities (2011) and condemning Israel for its massive violations of international law in Gaza and the West Bank (2015). Unconditional support of Israel by the US has meant that Israel has been able to ignore international condemnation. As noted by a UN officer working on Palestinian issues: 'Israel has the most powerful ally at its side, it's lucky and basically untouchable' (Interview 2021).

Over the past decades, various official peace agreements and peace processes have failed, leaving a sense of national and international disillusionment with any peace efforts. Oslo was performance based, with the first Oslo Accord signed in 1993. Initiated by Norway, it was the

only process that had initial results and engaged the public. Today, the Oslo framework maintains the divisions within the West Bank, as the measures, designed to be temporary, are used to justify a system of apartheid. The 2000 Camp David II official mediation towards a two-state solution failed and contributed to not only disillusionment but also violence, as the frustration became the catalyst for the second intifada. The 2003 Quartet's Road Map was a failed attempt at another performance-based peace process. With the exception of Oslo, most peace processes were US-led and none were inclusive, with no engagement of civil society, opposition or women's groups. Trump's latest Middle East peace process had not included any women and even excluded the Palestinians from the talks. The takeaways imply a fundamental need for international consensus, working within and not hypocritically against international norms and a need for non-biased interventions.

External intervention in the Israeli/Palestinian conflict has been concentrated on humanitarian solutions for Palestinians and state security for Israelis. Cycles of violence including the Gaza wars have drawn attention and international condemnation of the conflict but lack of consensus within the key international bodies including the UNSC, the EU and individual states have rendered diplomatic tools weak and ineffective. The divisions among states and within international and regional bodies towards the Israeli-Palestinian conflict have made interventions beyond humanitarian assistance marginal. As discussed in Chapter 2, Israeli security measures and tools have prioritized the protection of Israeli soldiers and civilians but at the expense of Palestinian civilians. Humanitarian solutions have avoided a complete collapse of the Palestinian Authority (PA) and Hamas-run Gaza and assured some basic human needs for survival, but failed in the protection of Palestinian civilians.

Since its creation, the US has been the principal supporter and funder of Israel. As noted by Carnegie Endowment for International Peace, through FY2020 the US provided Israel with \$146 billion in military, economic and missile defence funding (Ruebner et al. 2021). Indeed, Israel receives more US foreign military funding than all other countries in the world combined (2021). Although international norms have

been at the forefront of a framework for United Nations and European Union efforts, norms and conventions have been readily disputed and ignored by Israeli and US administrations, in particularly under President Donald Trump (Panke and Petersohn 2017). In 2017, President Trump formally recognized Jerusalem as the capital of Israel, and subsequently moved the US Embassy from Tel Aviv to Jerusalem. The move has been fiercely contested not only by Palestinians but by almost all states, and regional and international bodies including the UN, which voted to reject the unilateral resolution noting that the status of Jerusalem, claimed as a capital by both Israel and the Palestinians, can only be settled as an agreed final issue in a peace deal. By a vote of 128 in favour to 9 against (Guatemala, Honduras, Israel, Marshall Islands, Federated States of Micronesia, Nauru, Palau, Togo, US), with 35 abstentions, the Assembly adopted the resolution “Status of Jerusalem”, by which it declared “null and void” any actions intended to alter Jerusalem’s character, status or demographic composition (UN 2017). The resolution also called on all States to refrain from establishing embassies in the Holy City demanded states comply with all relevant Security Council resolutions and work to reverse the “negative trends” imperilling a two-State resolution of the Israeli-Palestinian conflict (UN 2017). The US Embassy in Jerusalem has become a new status quo, which is not being disputed by President John Biden’s administration and it, along with the policy which runs contra to international norms, remains in place.

As the largest donor to the Palestinian Authority and the largest trading partner with Israel, the European Union (EU) and its member states could play a significant role in the conflict. However, pronounced divisions have limited potential instruments within all European institutions, including the European Parliament, the European Council and the European Commission. The rise of populist regimes such as in Hungary has boosted support for Israel, blocking the European Union consensus (Kingsley 2019). Divisions can also be witnessed within the Middle East Quartet (made up of the US, European Union, Russia and United Nations). Created to coordinate a peace process, the Quartet has also in recent years been incapable of accomplishing more than funding humanitarian solutions and producing statements that go ignored. James

Wolfensohn, the first Special Envoy of the Quartet, resigned in frustration, complaining that his mandate was too weak and his work was undermined by the American administration. Under Tony Blair, the Quartet became even more depoliticized, shifting its focus from mediating between conflicting groups to managing the Palestinians (Elgindi 2015).

The US and the EU have made some contribution to the Palestinian security sector and provide support to the Palestinian police and the security forces of the Palestinian Authority (PA) in the West Bank. In 2005, the US set up the office of the US Security Coordinator (USSC), which coordinates with the Government of Israel and the Palestinian Authority to enhance security cooperation in the Occupied Territories. USSC advises the Palestinian Authority on security sector reform and contributes to the development of a self-sustaining Palestinian security sector (US State 2022). Most of the US funding and support, however, has been designed to boost Palestinian efforts to combat Hamas and prevent terrorist attacks against Israel. While the US in 2018 slashed funding for health and education services for Palestinians, including all its support for the United Nations Relief Works and Agency (UNRWA), it continued to fund Palestinian security forces, allocating US \$60 million in non-lethal assistance to the PA security forces (Congressional Report 2018). In 2005, the European Union established the Coordinating Office for Palestinian Police Support (EUPOL COPPS), however, its mandate has been limited to training of Palestinian police in Area A of the West Bank.

The lack of civilian protection any peace process and for Palestinians has led to increasingly frequent calls for more robust international intervention. This chapter will examine the current contribution of external interveners towards protection of civilians in Israel and the Occupied Palestinian Territories. First, it will discuss the principles of protection, second will examine some of the former and current protection international missions including: Norway's former Temporary International Presence in Hebron (TIPH), EU Bam Rafah, EU COPPS and the Protection Cluster. Finally, it will examine and analyse perceptions

of international protection, propaganda wars and justifications of non-protection. Examining some of the core assumptions on protection will shed light on the specific principles of practice and potential roadmap towards the future.

## International Principles on Protection

Agreeing to fundamental principles on the type of intervention is an essential step towards an effective international intervention. However, although there is a general agreement on some basic principles, such as the two-state solution as an end to the Israeli/Palestinian conflict, there is no roadmap, time table or the readiness to get there. When it comes to the Israeli/Palestinian conflict, there is also a lack of an agreement or the willingness to deal with non-compliance with international law and severe human rights abuses including apartheid, ethnic cleansing and ongoing war atrocities. Although non-compliance by Hamas and the PA is addressed with economic sanctions which have led to severe hardships among the general population, particularly in Gaza, there are no mechanisms in place for sanctions against Israel. Due to lack of consensus, most international interveners do not have the mandate to work with the Israeli side and only work in the Occupied Territories. In an effort to neutralize their own political involvement in a highly contentious field, the international bodies operating in Palestine have also depoliticized contentious issues into questions of technicalities. The majority of international mandates in Israel/Palestine are thus focused on humanitarian and technical assistance, leaving political work to NGO's. NGO's, however, have been attacked and marginalized by Israel and Hamas and have struggled to take on this burden. Despite the large efforts and billions of dollars in international investment, the gap between international norms and the practice of protection within the Israeli/Palestinian conflict has not narrowed.

There are many international tools that can potentially contribute towards civilian protection including: (1) observing, monitoring and reporting, (2) humanitarian aid, (3) training and advising, (4) diplomatic statements, manoeuvring and pressure, (5) naming and shaming,

(6) international judiciary, (7) policing, (8) trusteeship, (9) economic and political sanctions and (10) military deployment. The tools above range from the least invasive, to robust interventions such as trusteeship and the use of international military. Thus far, the international tools used within the Israeli/Palestinian conflict have been for the most part limited to observing, monitoring and training, far from being either invasive or robust.

International principles on protection of civilians in armed conflict are based on international humanitarian law including the Geneva Conventions. International humanitarian law does not regulate whether a state may actually use force but rather creates ground rules for the use of force to which all countries are signatories. International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict, protecting persons who are not participating in the hostilities and restricts the means and methods of warfare (ICRC 2004). The law protects those who do not take part in the fighting, such as medical and religious personnel and those who have ceased to take part, such as wounded and sick combatants and prisoners of war (ICRC 2004). In addition, international humanitarian law 'prohibits all means and methods of warfare which: fail to discriminate between those taking part in the fighting and those, such as civilians, who are not' (ICRC 2004).

Failure to protect civilian populations have led to international tribunals and new normative frameworks, most significantly the Global Responsibility to Protect (R2P). R2P norm gives responsibility to the international community to take timely and decisive action when a state or relevant authorities are manifestly failing to provide protection from atrocity crimes. Although R2P has gained much traction as an international protection norm, its operationalization, particularly under Pillar III, has encountered many hurdles. Under Pillar I, the state is primarily responsible for protecting the population from war atrocities and Pillar II encompasses the responsibility of international community to assist states to meet this obligation. Under Pillar III, it is the responsibility of the international community to take timely and decisive collective action when a state is 'manifestly' failing to meet this obligation (Bellamy 2015). Activation of Pillar III, triggered by the failure of

national authorities to fulfil their protection responsibilities, has been the source of most contention due to fears of abuse and the potential of unintended effects. Implementation is also selective and challenging given the divisions within the United Nations Security Council (UNSC). Although apprehension with Pillar III has been largely due to concerns over the use of the military, the range of potential tools it contains is vast and includes: diplomacy, mediation, advocacy, conciliation, arbitration, judicial settlement, economic, political and strategic inducements, peacebuilding and peacekeeping (Bellamy 2015).

However, the main effort in terms of protection for Palestinians has been humanitarian. Humanitarian NGO's typically stress three guiding principles in their work: neutrality, impartiality and independence. However, neutrality and independence can be a serious challenge in an asymmetric conflict or when the state or group is hostile to humanitarian and human rights work. Neutral intervention may also have little impact on powerful non-cooperative actors. The challenge with a neutral intervention is that in the case of a powerful, uncooperative group or a state, a neutral intervention may not be forceful enough to end serious atrocities and war crimes (Spitka 2017). As noted by scholars and practitioners, relying on a purely humanitarian response to civil war and genocide is an ineffective and potentially harmful placebo (Lischer 2007).

Many Western countries, in particularly the US and Canada have consistently expressed commitment to the security of Israelis, providing financial and military support for this purpose. The security of Palestinians has consisted of humanitarian efforts and ineffective criticism of parties' lack of efforts to provide protection. The underlying assumption is that the security of Palestinians will come as a result of a peace deal, whereas for Israelis a peace deal is conditional upon security (Hart and Forte 2010). The reality is that Israeli security comes at the expense of Palestinian security but international divisions have prevented the IC from taking robust actions. In March 2021, the Prosecutor of the International Criminal Court announced the opening of the investigation into the situation in the state of Palestine. Chamber found that the 'Court's territorial jurisdiction in the situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West

Bank, including East Jerusalem' (ICC 2022). The ICC trial is a very long process made even more cumbersome by a lack of international consensus and non-cooperation by Israel.

The international policing missions inside Palestine have been operating under the principle of neutrality with the approval of Israel and have limited mandates. EU COPPS mandate is limited to training and equipping and refrains from dealing with larger issues. As noted by an EU COPPS representative; 'That is not our mandate, as frustrating it is for people on the ground when they see the realities, we have no voice to discuss the political situation or the occupation, we highlight it as a problem for access to justice, but we are mandated to deal with what, you know, reality on the ground ... we don't have a mandate to work with the Israeli side' (Nafstad 2018, p. 115). Thus, the distance between international principles focused on protection whether humanitarian law, equality or R2P, is far removed from the practice of protection. Subsequent to the Rwanda genocide, 'R2P was the flavour of the decade, states signed on to it but did not implement it' (Unofficial UN Interview 2021).

## Practice

Despite the vast amount of monitoring and available information, the IC's engagement in the practice of protection is limited, frequently focused on escalations and dependent on the conflict's relative importance to other conflicts and the agendas of international institutions and states. The international missions operating in recent years and discussed below tend to focus on monitoring, training and investigations with some attempts at naming and shaming. There are also diplomatic pressures, boycott of settlement products against Israel, sanctions against Hamas and the initial stages of investigations by international judiciary of potential atrocities by Hamas and Israel. The tools used in the Israeli/Palestinian conflict are far removed from international trusteeship within conflicts as in Bosnia and Kosovo and massive economic sanctions against Russia and military support to Ukraine in the context of the 2022 Russian/Ukrainian conflict, which is currently on the top of the international agenda.



There are large number of organizations focused on humanitarian aid and protection in the West Bank and Gaza that employ thousands and costs billions of dollars' worth of aid. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) coordinates emergency response 'to save lives and protect people in humanitarian crises' (OCHA 2022a). OCHA coordinates several West Bank and Gaza humanitarian clusters including; food security, shelter and non-food items, health and nutrition, WASH (water, sanitation and hygiene), education and protection (OCHA 2022a). International interveners are engaged in additional clusters including: human rights and gender equality, which are also linked to the Protection Cluster. The clusters include all key international humanitarian agencies including: AIDA (Association of International Development Agencies), UNICEF, NCR (Norwegian Refugee Council), UN Women, WHO and OHCHR. The budget of around 30 million dollars per year comes mostly from European states (OCHA 2022b). The United States (US) plays and EU pays' is very much applicable as it's the European funding that buys Europeans a strategic seat at the table, though the US has remained, or at least attempted to remain, the most powerful intervener (Le Moore 2008). Beyond the humanitarian aid that keeps Palestinian civilians alive and the gathering of data which informs about the needs, little effort has been undertaken to fundamentally change the ongoing reality of Israel's military occupation and daily human rights abuses.

The Protection Cluster Working Group (PCWG) is comprised of United Nations humanitarian, human rights and development agencies and actors, as well as local and international non-governmental organizations in Gaza Strip and the West Bank. The PCWG works on several focus areas including: the protection of life and personal integrity, land and property, liberty and freedom of movement, child protection, preventing forced and unlawful displacement and protection of family unity. The Protection Cluster points to the most urgent protection issues and needs. The 2021 PCWG report focused on protection risk areas including: psychological distress among children and vulnerable groups in Gaza, specific risks facing women and girls, explosive Remnants of War and Deterioration in mental and physical well-being within West Bank including East Jerusalem (PCWG

2021). The 2022 programmatic interventions of the Protection Cluster is ‘to foster increased respect for IHL and IHRL and accountability for violations while ensuring that vulnerable Palestinians have access to protection’ (Protection Cluster 2022). The Protection Cluster ‘will achieve this aim by monitoring and documenting violations, particularly to increase accountability and inform advocacy to prevent further violations; rights-based advocacy with duty bearers, including third states; a protection presence for communities at risk of settler violence and displacement; legal aid services; inclusive multi-sectoral responses to gender-based violence (GBV) survivors, ... child protection services including individual case management; mental health and psychosocial services (MHPSS) for adults and youth...’ (Protection Cluster 2022).

Although most of the effort is focused on humanitarian and rights assistance, documenting violations and drawing attention to the lack of protection, some efforts are also engaged in advocacy and naming and shaming. The PCWG’s advocacy messages included ‘both Israeli and Palestinian authorities have a responsibility to calm the violence, both in words and actions’ and raised Israeli bombardment of the Gaza Strip, settler violence and forceful eviction among some of the serious human rights concerns (PCWG 2021, p. 9). The report also criticized the Israeli forces for increased use of live ammunition in response to Palestinian protests, and IDF’s statements indicating an intention to “target main rioters” raise significant concerns with regard to excessive use of force (PCWG 2021, p. 6). The report found particularly worrying ‘the ongoing harassment by [Israeli] police and authorities in Sheikh Jarrah against those most active in protests, including police arriving at night to their houses, and in some cases using violence, arresting family members or imposing movement restrictions. Harassment and arrests of human rights defenders have been reported, with at least 50 human rights defenders, including 7 women, arrested between mid-April to mid-May’ (PCWG 2021). A report on Gender Based Violence (GBV) in Gaza also pointed to some of the key challenges such as the prevalence of child marriages in Palestine, which is at 24% of all marriages (OCHA 2022a).

The United States Security Coordinator for Israel and the Palestinian Authority (USSC) and the EUPOL COPPS policing missions are the main organizations intended to transform Palestinian security.

USSC is the key channel for American-Palestinian security coordination mandated to retrain the Palestinian Authority Security Forces (PASF). USSC oversaw the PA-led counterinsurgency campaign against Palestinian armed militias and ensured the return of West Bank's Area A to PA control (Bhungalia et al. 2019). Funded by the US State Department Bureau, the USSC troops were trained by US troops and vetted by Israel, directed to fully cooperate with the Israeli security and intelligence establishments (Bhungalia et al. 2019). Although they have assisted in curbing attacks against Israeli civilians, there is little to indicate that the USSC has had a positive impact on the security of Palestinian civilians. Indeed, the forces have raised concerns among Palestinians for restricting civil liberties and many civilians express fears of being apprehended for their political leanings and lack of support for the current regime.

Established in 2006, EUPOL COPPS was designed to assist the PA in improving its law-enforcement capacity. As of 2022, the mission has 71 international staff from 27 EU member states as well as Norway, Canada and Turkey. EU COPPS is engaged in mentoring, training and advising Palestinian police in parts of West Bank that fall under the Palestinian Authority (PA). The mission is "a technical office" which attempts to stay clear of political problems with a mandate to 'separate the political from the technical' (Kristoff 2012). However, not dealing with 'political issues' such as the military occupation, and addressing Israel's security concerns while ignoring Palestinian security concerns, creates a dichotomy that is problematic. As noted by Kristoff, 'Israeli security concerns require cooperation between Palestinian security forces and Israeli authorities, using the Palestinian police to suppress security threats to Israel that emanate from Palestinian territory, in contradiction to the overriding Palestinian desire for their police to protect and serve their community' (Kristoff 2012, p. 24). The contradictions, including the inability to move Palestinian police officers and equipment across territory, are seldomly voiced publicly. Henrik Malmquist, the former Head of the EUPOL COPPS mission between 2010 and 2012 noted: 'We were and still are totally handicapped' (Bouris and İşleyen 2020, p. 442). 'Everything we do is done with the approval of the State of Israel. Any equipment we bring in has to be approved by the Coordinator of Government Activities in the Territories' (Bouris and İşleyen 2020, p. 442). As an example, 'a police

station can be 100 metres away from another police station in Area B. We need permission from the Israelis to go from one to another' (Bouris and İşleyen 2020, p. 443). Since the mission does not have an executive mandate, EU COPPS can only be present where the Palestinian police are permitted to operate by Israel and thus are required to abide by analogous constraints.

Critics have noted that although the Palestinian police force has perhaps become more skilled and equipped, they have also been easily co-opted by political leaders and do not contribute to a sense of security for Palestinians. 'From the perspective of ordinary Palestinians, the EU-supported reforms have led to the professionalization of authoritarian policing and added a new layer of human insecurity without bringing about either an independent or a democratic Palestinian state' (Tartir 2015, p. 159). Indeed, due to the limited technical nature of their intervention, both the USSC and the EUPOL COPPS have failed to support democratic governance and improve civil oversight and accountability (Tartir 2015).

The Temporary International Presence in Hebron (TIPH) began operating in Hebron after the 1994 massacre of 29 Palestinian worshipers at the Cave of the Patriarchs. Security Council Resolution 904 called for protection measures, including a temporary international presence, to guarantee the safety of Palestinian civilians. The monitors had a limited mandate that consisted of observing and reporting on breaches of violations of international humanitarian and human rights law. The monitors were also to contribute towards a feeling of security among Palestinians in Hebron, and to promote projects to enhance their well-being. The TIPH, however, would not perform any military or police functions and 'would not interfere in disputes, incidents, or activities of the Israeli security forces or of the Palestinian police' (Baruch and Zur 2019). It was because of this limited mandate that they were commonly referred to as Ice Cream Soldiers, since they wore white and had the reputation of melting at the first sign of trouble. After 22 years, the mission ended, as Israel did not renew its mandate. In January 2019, Prime Minister Benjamin Netanyahu contended that the force "operates against us" and announced his decision not to renew the mandate (Baruch and Zur 2019). The mission ended subsequent to the publication of a confidential

report leaked to the press, analysing 20 years of TIPH activities (OCHA 2019). The report recorded over 40,000 incidents, found that Hebron “is more divided than ever, due to the actions of the Israeli government and Israeli settlers”. It also found that Israel is in “severe and regular breach” of the right to non-discrimination and of the obligation to protect the population living under occupation from deportation, while “radical Israeli settlers” make life in the Israeli-controlled area difficult for its Palestinian residents (OCHA 2019). Subsequent to the termination of TIPH’s mandate, the Protection Cluster has observed an increase in the number of incidents of settler harassment and intimidation (OCHA 2019).

From its launch in 2005, the new EU mission **EU Bam Rafah** began as a ray of hope in a Gaza. The Rafah border was able to operate with the presence of the monitors whose task was to monitor, mentor and train Palestinian border police. It, initially, meant unprecedented freedom of movement for the tens of thousands of Palestinians who had been able to cross the border. The election of Hamas in 2006, however, subsequent sanctions and the string of threats and kidnappings of foreign nationals has placed the EU mission on a long-term freeze. Until the election of Hamas, the success of the EU BAM Rafah was high on the agenda for the EU. Javier Solana, the EU’s High Representative for Foreign and Security Policy called it “the most important internal security mission in the Middle East” that the EU has taken part in (Solana 2007). Public information officer Julio De La Guardia Rivera expressed hopes that with the success of this mission, EU would be asked to assist in other activities such as the monitoring of Gaza’s future Airport and sea port (Interview, 2007). Under its Mandate, the Mission tasks were to monitor, verify and evaluate the performance of the Palestinian Authority’s Border Police and Custom Services at the RCP and contribute to the confidence-building between the Government of Israel and the Palestinian Authority. The mission was also task to train in advanced border-control-related activities, the use of new/state-of-art technologies and on specialized skills. The Rafah crossing has been operated by Egypt since 2011 with frequent closures by Israel and Egypt.

The other key international bodies which are not humanitarian in nature are UNTSO and UNSCO. UNTSO, the United Truce Supervision Organization, is the oldest UN mission with military observers stationed regionally including in the Golan Heights. The unarmed mission has the mandate to ‘monitor ceasefires, supervise armistice agreements, prevent isolated incidents from escalating and assist other UN peacekeeping operations in the region to fulfil their respective mandates’ (UNTSO 2022). Officially, the office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO) has a formidable role, but has been paralyzed due to internal divisions. UNSCO represents the Secretary-General and leads the UN system in all political and diplomatic efforts related to the peace process, including in the Middle East Quartet. The Quartet designed to coordinate policies of the UN, EU, Russia and the US itself has become the reflection of the lack of effective multilateralism. As noted by one observer, ‘the Quartet was viewed as a convenient means to provide the impression of multilateral action, without the baggage of international law that comes with it’ (Tocci 2013). Alvaro de Soto’s, the former UNSG representative noted, “The Quartet has become a sideshow it is as much about managing transatlantic relations as anything else, it is only about the Middle East, it isn’t a very apt mechanism for solving the Israeli-Pale conflict” (Tocci 2013).

Currently, due to international divisions and lack of readiness to take action, none of the international organizations that operate in Israel/Palestine have a mandate to move far beyond observing, monitoring and training. In 2006, the Europeans and the Quartet cut off aid to Hamas until it renounces violence and terror, disarms and recognizes the state of Israel. Thus far, Hamas has refused to do so, though there have been some shifts in increasing use of non-violent tools such as demonstration and in its discourse. Although the security forces remain officially subordinate to President Mahmoud Abbas, the PA has limited ability to influence or control the violence of Hamas or of other extreme groups such as Al-Aqsa Brigades, a violent offshoot of the ruling Fatah. Palestinian population thus feels abandoned by the international community. Israeli actions beyond the reach of international norms and laws. During the 2014 Gaza war, UN called on Israel, Palestinian

Authority and Hamas to take immediate steps to safeguard the protection of the population. Human rights organizations that investigated the Gaza war found indiscriminate and not-proportionate targeting of civilians including at UN schools that were sheltering fleeing civilians. The UNHRC report noted, “impunity prevails across the board” and recommended an enquiry into war crimes by Israel and Hamas to the International Criminal Court (ICC) (Bellamy 2016). A 2016 report from the Middle East Quartet made several recommendations including for all sides to deescalate tensions, protect lives of civilians, cease incitement to violence, foster a climate of tolerance and invited resumption of meaningful negotiations (Report, 2016). Discussing the increasing number of children who have been killed and injured by live fire UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein noted that ‘These trends call into question to what extent the ISF’s rules of engagement, which are not public, are in line with international law, or at least to what degree the ISF abides by its own rules’ (OHCHR 2018). However, with no punishment for non-compliance, these statements are largely ignored.

Although there is much diplomatic shaming, with full US backing, no country stands up to Israel. The EU is divided and the UN, for Israel, is not considered important enough to be listened to. Israel, for example, declined to meet with the 2021 Commission to investigate ‘all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021’ (Human Rights Council 2022). In its resolution S-30/1, the Human Rights Council decided to urgently establish an ongoing independent, international commission of inquiry to investigate in the Occupied Palestinian Territory, including East Jerusalem. The Israeli Ministry of Foreign Affairs rejected Human Rights Council resolution S-30/1 and responded that: “Israel cannot and will not cooperate with such an investigation” (Human Rights Council 2022). The Commission noted that it ‘regrets the lack of cooperation by the Government of Israel, and its refusal to allow entry to Israel and to permit access to the Occupied Palestinian Territory, despite the desire of the State of Palestine to allow the Commission to visit. This refusal obstructed the

engagement of many Israeli and Palestinian victims, witnesses and other stakeholders with the Commission' (Human Rights Council 2022, p. 2).

Given the lack of international protection, much of the protection work falls on the lap of national NGO's that have been on the front lines protecting human rights, which are themselves subject to attack by Israel. In 2021, six Palestinian human rights organizations were labelled as terrorists by Israel including: Addameer, Al-Haq, Defence for Children International—Palestine, the Union of Agricultural Work Committees, the Bisan Center for Research and Development, and the Union of Palestinian Women Committees. The Association of International Development Agencies (AIDA), which represents more than eighty INGO member organizations, strongly denounced the Israeli Minister of Defence' designation of six leading Palestinian human rights organizations as 'terrorist organizations' (AIDA 2021). 'The designation of the six NGO's as terrorist organizations comes after years of misinformation campaigns aimed at discrediting and delegitimizing local civil society groups by the Government of Israel and a network of lobby groups. This includes targeted misinformation, constant harassment, reputational attacks, administrative restrictions, physical assaults, and the detention of staff and the seizure of assets' (AIDA 2021). The claims led to suspension of funding, later reversed as there was no evidence to justify the accusations.

While national protection ranges between selective, belligerent and exploitative, current international 'protection' is marginal and ineffective. Israel's security is narrow, selective group security for the Jewish population leaving vulnerable groups and Palestinians without protection. Divisions on the Israeli/Palestinian conflict run through key states and international institutions. Although perceptions and opinions on the conflict tend to strongly support Israel or Palestine, interventions are not invasive as countries and institutions have selected not to go against Israel or its sponsor, the US. The lack of progress has been noted by interveners. Tor Wennesland, the Special Coordinator for the Middle East Peace Process, underlined the need to avoid approaching the current situation incident by incident as stand-alone issues noting that: "We can no longer lurch from crisis to crisis" (UN Security Council 2021). However, there is no attempt to alter the current status quo of



observation of atrocities without any international action. The failure of the Camp David II summit has had dire long-term consequences since it tarnished the potential for other peace talks. Washington did not use its leverage on the Israelis and was unsuccessful in imposing a solution on the Palestinians. Israeli and Palestinian public disillusionment with the peace process, coupled with political incitement, led to an intifada and a spiral of violence and shelved the possibility of a negotiated settlement. September 11, Iraq and the war on terror resulted in a few more efforts at collaboration and the formation of the Quartet that was tasked to lead the peace process. Former Middle East envoy Dennis Ross summed up the reasoning behind the new strategy: “with the tactical need to gain support for or at least acquiescence in its Iraq policy, the administration agreed to work with the European Union (EU), the United Nations, and Russia in drafting a roadmap ...an unprecedented step in the US approach to Arab–Israeli issues” (Ross 2004, p. 788). Although the US created the Quartet and was its key member, Washington’s continual support for Israel trumped and undermined its functioning. James Wolfensohn, the first Special Envoy of the Quartet, resigned in frustration and under Tony Blair, the Quartet became even more depoliticized, shifting its focus from mediating between conflicting groups to managing the Palestinians. Trump Peace Plan was called by its proponents as “the deal of the century”, Palestinian President Mahmoud Abbas referred it as the “slap of the century”, chief Palestinian negotiator Saeb Erekat referred to it as “fraud of the century” and a Haaretz journalist referred to it as: “joke of the century” (Verter 2020).

## **Perceptions, Propaganda and Justifications Against Non-Intervention**

The Israeli/Palestinian conflict is the source of fierce ongoing divisions, propaganda war and diplomatic manipulations. Both Israel and Palestine have worked to portray themselves as victims and the other as the aggressors. Israel has been successful at creating and fostering allies, most specifically in Eastern Europe and Africa, offering aid and state-of-the-art security, know-how in water and irrigation, military arsenal, high

tech and digital security. Israel's close alliance with some East European countries such as Hungary and the Czech Republic has worked to weaken or block EU measures and criticism of Israeli digression from rule of law and foster opposition against BDS. In November 2019, Budapest blocked a joint EU statement condemning a US shift on settlements (Ahren 2019). In May 2019—Hungary and the Czech Republic prevented the EU from adopting an EU resolution that would have condemned the US for moving its embassy to Jerusalem. Subsequently, Hungary and the Czech Republic blocked EU statements criticizing President Donald Trump's recognition of Jerusalem as Israel's capital. Many states have bought Israel's military-grade spyware Pegasus produced by Israel-based NSO Group. Pegasus has been used to infiltrate the digital devices of a range of targets including opposition leaders, government-critical NGO's and journalists (Spike 2001).

Israel's propaganda machine spends hundreds of millions of dollars on international campaigns, with more than 350 official government social media accounts, with a full range of online platforms including Facebook, Twitter to Instagram, and operating in: Hebrew, Arabic and English (Bradshaw and Howard 2017). The government actively works with student volunteers from Jewish organizations and other pro-Israel groups around the world (Bradshaw and Howard 2017). The "Solomon's Sling" currently named "Concert", was designed to spearhead the Strategic Affairs Ministry campaign to change the global discourse on Israel (Benzaquen 2022). Solomon's Sling's mission was described as a struggle against "delegitimization" of the state through "mass consciousness activities". The use of covert propaganda and the transfer of money indirectly to foreign organizations has drawn harsh criticism especially from abroad. Israel has also utilized accusations of antisemitism to silence criticism and opposition especially with regard to boycott, de-investment and sanctions (BDS).

Palestinian authority likewise places blame on the Israel for any wrongdoings in an intense effort to win over foreign public opinion. Responsibility for acts of Palestinian terrorism is commonly addressed by means of dissociation and non-dispositional attribution, with the PA arguing that it 'exerted 100 percent effort ... to prevent terrorist operations', but was not free to operate due to Israeli closures, sanctions and violence (Mor

2007, p. 676). Israel's ties with the EU worsened significantly subsequent to the EU's November 2015 decision to label products from illegal settlements. The internationalization of the Palestinian struggle and its recourse to international institutions and international law has in many ways moved the Palestinian national narrative closer to the EU's peace-building narrative and Israel's further away (Müller 2019). Netanyahu frequently referred to the EU as 'hostile' and 'hypocritical' (*The Times of Israel* 2018). The media is commonly a source of blame for both Israeli and Palestinian authorities. The 2022 assassination of the popular Palestinian/American Aljazeera journalist Shireen Abu Akleh was followed by international statements of condemnation and requests for independent investigation of the incident. EU's head of mission to the West Bank and Gaza Strip Swen Kuhn von Burgdorff noted that: 'we need to call for a swift and an independent investigation so that the perpetrators of this terrible crime can be brought to justice' (Al Jazeera 2022).

Despite Israel's growing isolation, there is little evidence of change. Burgdorff, conveyed a sense of impotence noting: 'Journalists are the ones who hold the politicians accountable...What can we do [EU]? We cannot impose ourselves' (Al Jazeera 2022). We don't have the mandate is the most common justification for the lack of any progress on the Israeli-Palestinian conflict. There has been little to no accountability for any of the war atrocities committed. Close alliances with Israel and divisive perceptions on victim vs perpetrator within the Israeli/Palestinian conflict are increasingly dividing the international community, including the EU, and the US, and these divisions simply paralyze efforts to address the conflict. This can be juxtaposed against the unity on Russia's invasion of Ukraine, which resulted in swift and comprehensive actions. In a matter of weeks, the EU and the US imposed an unprecedented 6,000 plus national and industry sanctions on Russia. In addition, between February 22 and 13 July 2022, Australia, Canada, the European Union (EU), France, Japan, Switzerland, the United Kingdom (UK) and the US imposed restrictions on at least 7,271 Russian elites and oligarchs (Statista 2022). The Brookings Institute, which tracks sanctions, noted that 'the extent of the sanctions is staggering: It is the most comprehensive set of multilateral economic sanctions ever applied to a major global economy' (Eisen et al. 2022). The double standards in addressing 2021

Russia's Occupation of the Ukraine versus Israel's ongoing Occupation of Palestine have not been lost on observers. The 'West's blatant hypocrisy ... the speed with which all cultural, academic and political organizations, and sports, businesses and parliaments have imposed blanket boycotts and sweeping sanctions against Russia and even against ordinary Russians, only days after the invasion of Ukraine, sends a very clear, racist message ... that our lives and our rights as people of colour do not count in the eyes of the imperial, colonial West' (Middle East Monitor 2022).

The IC, however, has been supporting the PA, while the PA has been losing its own support among their own public, creating wider distances between existing realities, democracy and rule of law. The Palestine papers that were leaked to the press point to unconditional support for Abu Mazen. In a 2009, meeting between the then Secretary of State Hillary Clinton, Middle East envoy George Mitchell and Palestinian negotiator Saeb Erakat, Clinton noted: 'Abu Mazen not running in the election is not an option-there is no alternative to him' (Swisher 2011, p. 60). Assistant Secretary of State David Welsh noted that 'The new administration [of President Obama] expects to see the same Palestinian faces (Abu Mazen and Salaam Fayyad) if it is to continue funding the Palestinian Authority' (Swisher 2011, p. 60). The US administration for some time also pressured the Palestinians not to go to International Institutions on Israeli infringements. In conversations with US Senator George Mitchell, Erakat pleaded with the US not to remove the legitimate non-violent measures: 'They won't refrain from doing the illegal things that they do. If they refrain OK but they won't. This is my only weapon. We have actions by settlers, attacks, provocations, Al Aqsa, home demolitions, families thrown out of their homes. Either we retaliate in a civilized manner or through violence. Which one should we choose? On going to the UN we always coordinate with you. It's our only weapon. Don't take it away from us' (Swisher 2011, p. 297).

More recently, former US President Trump changed the facts on the ground via US recognition of Israeli sovereignty of the Golan Heights and support for an undivided Jerusalem as the Israeli capital. Those hoping for change from Joe Biden's first visit as the US President to Israel/Palestine in July, 2022, were disappointed. Noting 'You have an

ironclad commitment from the United States of America to Israel's security', the visit signalled little attempt at progress or solving even the smallest of issues between Israel and Palestine, reinforcing the long-held US view of Palestinians, not as occupied people but as a problem of terrorism and humanitarian assistance.

Beyond the current lack of protection strategies, discussion of more effective human security ought to be focused on prioritizing protection of all civilians, the use of alternative tools such as community policing and inclusive protection. Half of the population—women—have been almost completely left out of any formal discussions. This is not to imply that simply adding women to the mix would solve the conflict. As will be discussed in the subsequent chapter, research has noted that women are not necessarily any more peaceful than men, though changes in approach need to be focused on inclusion and the empowerment of the marginalized populations.

## Conclusion

Despite some effort, the gaps between principles and practice have not narrowed. The 2018 UNSG report on the protection of the Palestinian civilian population (A/ES-10/794) identified four possible types of protection: physical protection, legal protection, general assistance and protection by publicity (Protection, 2018). The main type of assistance for the Palestinian population has been humanitarian assistance, helping individuals cope with life under the occupation; and some naming and shaming, through publicity and attention. Physical protection, for example the deployment of armed forces, has not been possible beyond the monitoring of human rights violations. International protection of civilians within violent conflicts has been traditionally perceived as under the tasks of peacekeepers or an army. The military, however, have only been sent in to monitor and in any case do not generally have the training or the know-how to deal with civilians. International police have only been deployed to train or monitor Palestinians in Area A of the West Bank and do not have access to the areas with least protection

including Gaza and Area C of the West Bank. International legal protection, namely the ICC remains the one final hope of powerful sharp tool with the potential of transformation.

Despite the significant funds pouring into the conflict, when it comes to protection of civilians, the international community can be characterized by impotence and complacency, absolving their very clear responsibility of accountability. Indeed, examining the security sector, the international community has become complicit in the maintenance of the status quo in the Israeli-Palestinian conflict. Although there are periodic proposals for peace plans, key interveners have failed to agree on appropriate protection tools and the lack of diplomatic unity has contributed to normalizing rather than resolving the conflict, leaving civilians vulnerable to violence and ongoing war atrocities. The PA has been reined in to the point of losing legitimacy in the eyes of its own population, and the IC with no agreement on stronger tools is currently impotent to deal with either Hamas or Israel. Within Gaza, Area C of the West Bank and East Jerusalem, all civilians are at risk of becoming human shields. Thus far, the US has managed to shield Israel from any repercussions of crossing international red lines including ongoing policies of apartheid, ethnic cleansing and war atrocities. The blind support of Israel and lack of a peace process has only added fuel on the flame, leaving more Palestinians without hope of change and seeing violence as the only solution. Although the threat of ICC investigation and trial is looming, it does not appear to be impacting the behaviour on the ground. The ICC, however, is considered the only international institution with the capacity to reprimand, since much of the realities and attitudes from the IC are ones of divisions, exasperation and complacency. Mediation towards resolution remains the most effective tool for ending violent conflicts. With appropriate tools including incentives for cooperation and threats and sanctions in cases of non-compliance, inclusive mediation can be utilized in the most difficult and intractable conflicts. When mediators are united on the use of appropriate and inclusive process and tools, they can push the conflict towards a resolution.

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# 6

## Inclusive Protection: Gender and Resilience

Women and LGBTQ+ are commonly categorized as those in need of protection, yet their voices in the design of security measures are usually excluded by their so-called protectors. States also frequently use protection of women and vulnerable civilians to gain attention and justify or legitimize military intervention (Kandiyoti 2007). Indeed, states in violent conflict commonly engage in a narrative of the myth of protection, where the security measures designed to ‘protect’ expose the vulnerable to conflict rather than provide so-called protection. Examining protection through a gendered lens provides a critical mirror for which to examine internal and external policies of protection as well as a roadmap towards improvement.

Although much of this chapter focuses on women and women’s groups, gender is a term that is far wider and more inclusionary term. Gender refers to the socially constructed characteristics pertaining to masculinity and femininity, including social norms, cultural roles, sexual orientation, inequalities and rights. LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer) is commonly invisible, especially in Palestine, and remains one of the least protected groups and most vulnerable to

exploitation. More research into the lived realities of LGBTQ communities in Palestine is needed as the current research, including on 'pink washing' and vulnerabilities to exploitation, barely scratches the surface.

It should be noted that the focus on resilience and role of women NGO's does not imply that women are any more peaceful than men. Indeed, surveys have indicated very similar political views between women and men with Israeli women holding more right-wing attitudes than their male counterparts. Also, women play multiple roles as soldiers, terrorists and activists beyond the stereotypes of victims, peacemakers and NGO workers. Thus, the focus on gender and resilience is not intended to imply gender as a primary solution, as this would also place too much burden on women. Still a focus on gender from a women's perspective as well as youth opens up areas of needs and potential spheres of transformation, 'within the domain of protection', that break down traditional divisions and binaries within the Israeli/Palestinian conflict.

The emphasis on protection commonly makes women invisible or portrays them as vulnerable victims, incapable of participating in a protection regime. International and domestic appeals for donations tend to represent women as the primary civilians who are victims of slaughter and abuse and most in need of relief. The key challenge is the absence of participation of women and the exclusion of local civil society/NGO inclusion in any discussion on security issues. Issues prioritizing security of civilians whether focused on disarmament, demobilization, security measures and/or judicial reform, fall short and are without meaningful participation by women.

A key international advancement on gender inclusive intervention was the 2000 UN Security Council Resolution (SCR) 1325, which promoted the participation of women in all aspects of the peace process, involving peacemaking, peacekeeping and peacebuilding. The resolution reflected international recognition that in the context of armed conflict, women are more than victims in need of protection (Bond and Sherret 2012). Formed in 2000, the NGO Working Group on Women, Peace and Security (WPS) was mandated to address gender through SCR 1325 and other UN resolutions on issues related to peace, security, protection and exclusion. Given the overlapping agendas of protection and prevention, UN policymakers and feminist scholars have begun to create synergies

between R2P and WPS agendas (Davies and Teitt 2012). In parallel to the R2P norms, the three pillars of WPS focus on protection, prevention and participation. Although the synergies are evident on the normative level, they have failed to make advances on the operational level. Operationalizing protection in a divisive context has remained a challenge for both R2P and WPS.

Protection of a population should not entail disempowerment, dependence on the protector, exclusion or removal of rights and liberties. Traditional notions and tools in security commonly fall victim to the myth of protection, where the military is ostensibly used to protect the vulnerable population but instead fails to do so or exploits its superior position of power (Moyan 2013). Significant power imbalances between the protector and protected creates dependencies and opens up room for exploitation. As noted by Young, there is an implicit bargain in the masculinity protector role, the male protector confronts the outside aggressors, while those under his protection submit to his order (Young 2003). “States often justify their expectations of obedience and loyalty, as well as their establishment of surveillance, police, intimidation, detention, and the repression of criticism and dissent, by appeal to their role as protectors of citizens” (Young 2003, p. 7). This removes any sense of sovereignty of voice for vulnerable members.

The notion of sovereignty as responsibility under the framework of R2P has provided a fundamental shift in the narrative from a state-centric towards a human-centric approach to security. Human security “is an approach prefaced on the normative claim that the ultimate referent for security ought to be the human individual, not the state or some other collective” (Bellamy 2016). Amending international security approaches from state to individual human security suggest the use of non-lethal tools and a deeper emphasis on inclusion and resilience (Chandler 2012). This is a welcome step for gender scholars disputing traditional state-centric notions of national protection with its strong reliance on military tools and obedience. Issues related to gender and implementation of SCR 1325 tend to be sidelined under the dominant military security agenda. An examination of protection issues within the Israeli/Palestinian conflict, and Gaza in particular, provides a prime

case where R2P norms are applicable. However, the responsible authorities and the international community have not taken steps prioritizing human protection. While Israeli and Palestinian leadership rhetoric may address gender issues, however, it typically takes the form of accusations hurled at the other side without contributing to protection or inclusion of women and other gender stakeholders/members.

Given the Gaza wars, the exposure of civilians to potential war atrocities, lack of law and order and the humanitarian disaster and the sanctions, the population of Gaza is in dire need of protection. However, both R2P and WPS agendas are currently far removed from official discussions on protection and security in Gaza. Although women are engaged as fighters, soldiers, activists, practitioners and mid-range leaders, they are far removed from decisions related to security and protection. Both Israel and Hamas authorities, which run Gaza, engage in a 'myth of protection' where finite resources go towards military build-up, while protection of the most vulnerable is non-existent. In Gaza, widespread and systematic attacks perpetuated against the civilian population and a lack of security by any relevant local authorities manifests a failure of protection for a population that has nowhere to flee. This is an example of a case where R2P is applicable, however, the distance between the norm and its operationalization appears to be unbridgeable. It is also an example of a wide distance between the relationship between the rhetoric on the importance of SCR 1325 and the applied lack of inclusion and protection of women.

## Gender and the Principles of Protection

The relationship between the protector and protected is always asymmetric since one has access to legitimate force and the other is dependent (Stiehm 1982). The use of military carries with it many unintended effects including: increase in levels of violence, sex trade, trafficking, escalation of human rights abuses and heightened patriarchy (Enloe 2001). Emphasizing human security in line with prioritizing protection of population under the R2P agenda suggests a wider approach to security. As noted by Hoogensen and Stuvoy: "security must be linked to



empowerment of the individual: ‘victimization and agency are seen as two parts of a reality that should be addressed together rather than as opposites, as is usually the case’” (Hoogensen and Stuvoy 2006, p. 211). A human-centric approach to security is useful for reaching a consensus on a genuine protection of civilians in a difficult conflict context.

Implementation of SCR 1325 and priorities under a WPS agenda provide a roadmap towards a more inclusive intervention. Aspects of SCR 1325 relevant to protection include: attention to the impact of armed conflict on women and girls, inclusion of gender perspectives in peacekeeping, and participation in decision-making concerning peace-making and protection (Dharmapuri 2012). There is also recognition of the connection between gender inequality, gender-based violence and patterns of abuse that give rise to atrocity crimes (Teitt 2014).

A focus on protection, however, can be a thorny issue due to the common categorization between victims, such as Middle East women and the omnipotent international community as the potential protectors. Not only are there worrisome colonial undertones, the categorization of women as victims can exclude them from taking a role in the construction of a protection regime. Although women are as much part of a conflict today as men, their participation in discussions on security and peace efforts continues to be neglected (Hafner-Burton 2014). In addition, the degree of danger posed by a particular threat is usually defined by the protector whose interest could be to exaggerate the threat and whose exaggerations may also increase or provoke the threat (Stiehm 1982). Protection of the population implies the use of tools and actions that empower and not disempower the individual.

Though unintended effects of external protection are of considerable concern, not providing protection is no less problematic. Lack of effective police, state security, and a non-functioning judiciary, open opportunities for privatization of security which commonly results in the exploitation of vulnerable populations. The state and armed groups routinely let the vulnerable suffer during a conflict, while diverting resources to the military. A shift in emphasizing and prioritizing from the state to human security sets a moral standard for state behaviour

with respect to the whole population residing under its authority. R2P norms, which prioritize protection of individuals over states, imply not only when but also how to intervene.

Scholars and practitioners have also recommended that protection should switch from a paradigm of liberal interventionism to one of resilience. As noted by Chandler “the resilience paradigm clearly puts the agency of those most need of assistance at the center, stressing a program of empowerment and capacity-building” (Chandler 2012, p. 216). Though fundamental, a focus on prevention and resilience may not be sufficient in the most difficult conflicts. Effective international intervention is also unlikely to be developed with a top-down approach that implies the exclusion and marginalization of women. Top-down security, such as those from the national governments or international organizations, often do not address the security needs at a grassroots bottom-up level. With a focus on the individual, human security encourages the integration of non-state and bottom-up perspectives to security (Hoogensen and Stuvoy 2006). Inclusive participation, including of domestic institutions, civil society, the police and the judiciary, is fundamental towards constructing an effective protection regime.

In today’s conflict settings, where perpetrators of violence commonly hide among the civilians, civilian policing is a far more effective tool than the military. Participation in peacemaking, disarmament, demobilization, the security sector and judicial reform can work towards reparations and non-recurrence. Another aspect of concern is the common absence of consultations with women’s civil society. As noted by UN Women, “women’s groups often represent and voice women’s priorities and concerns, and indeed are more likely to do so than women within negotiating delegations, who are bound to their particular party’s interests” (UN Women 2012).

Distinguishing between the types of participation is fundamental towards an effective inclusion of women within a protection regime. Catherine O’Rourke pointed to key challenges in participation and distinguished between five types of gender participation: participation as the presence of role models, participation as representation, participation as deliberation, participation as inclusion and participation as

expertise (O'Rourke 2014). Participation as *role models* highlights inclusion of women in international peace and security which provides an example to other women and gives evidence that women can perform in high-level positions. Participation as *representation* is fundamental provided it is fully representative. O'Rourke suggests justice as the most convincing argument for representation noting that "the central claim of the 'justice' argument is that, for the diversity of women's interests to be represented, women must be present in their diversity" (O'Rourke 2014, p. 12). Participation as *deliberation* focuses on the importance of inclusion of women and women's groups in consultation in decision-making processes. Participation as inclusion points to efforts to secure women's role as beneficiaries to: humanitarian assistance, resettlement, reintegration and other programmatic responses. Finally, several UN resolutions have highlighted the importance of participation of gender experts, notably as external protection advisors and the strengthening of national gender expertise.

Despite UN Resolutions such as 1325, which promotes the inclusion of women in all aspects of peace process, international norms continue to be ignored. Women, for the most part, are not included in discussions on security or in peace talks either as mediators or as participants. UN Women found that from the 31 peace processes between 1992 and 2011, women only constituted four percent of signatories and 2% of mediators (UN Women 2012). Women's exclusion from peace talks has had significant consequences for the extent to which issues of concern to them are addressed. Still, there has been normative progress which has influenced policies and strategies related to gender. The next section will examine the practice of gender and protection in Israel/Palestine with a focus on some of the key challenges, notably in Jerusalem and Gaza.

## Gender and Protection Within the Israeli/Palestinian Conflict

The violent occupation, lack of political solutions and the militarization of Israeli and Palestinian societies have had a dire effect on gender. Resources go towards security measures that exclude women and fail

to address protection for the most vulnerable population. There is a deep interconnectedness between the occupation, economic sanctions, religious extremism, lack of law and order and the disproportionate impact of the conflict on women and visible and invisible minorities. For decades, Israeli soldiers and Palestinian armed groups have also been engaged in ongoing cycles of violence contributing to vulnerability to war crimes. Although many civilians in Israel are fearful for their security, the population most vulnerable to lack of protection and war atrocities are civilians living under the Israeli occupation, especially in Gaza. A 2017 report by UN Women stated that; “Palestinian women and girls are exposed to threats to life, liberty and security as a direct result of Israeli occupation policies on a regular basis, in clear violation of the rights to life, liberty and security” (UN Women 2017). UN Secretary General Antonio Guterres highlighted Gaza to be one of the ‘most dramatic humanitarian crises’ (UN News 2017) while the Office of the Quartet noted in 2016 that it is ‘imperative that immediate steps are taken to avoid the looming humanitarian catastrophe in Gaza’ (Quartet 2016).

The intergenerational conflict has led to militarization of Israeli and Palestinian societies, contributing to a culture of violence and glorification of the military. As noted by Galia Golan, ‘serving in the military carries with it not only the function of masculine identity formation but it also provides glorification as warrior/hero serving the collective, in what may be deemed the epitome of citizenship’ (Golan 2019, p. 222). Manipulation of public emotions including fear campaigns conducted by the Netanyahu government is ‘designed to heighten nationalism as a bond (or diversion) for a society torn by many social and economic rifts, thereby strengthening loyalty to the present government and support for whatever militarist policies it deems necessary – all of which add to the importance of security with all its incumbent gender aspects’ (Golan 2019, p. 229).

Women, however, play all roles within the conflict including as violent perpetrators. Israeli women serve in the army and Palestinian women have perpetuated many attacks as lone wolves or part of Palestinian armed factions. The conflict takes place in urban settings where the lines between civilians and combatants is not always clear. As noted by

Weizman, 'civilians become combatants, and combatants become civilians again; identity can be changed as quickly as gender can be feigned: the transformation of a woman into a fighting man can occur at the speed that it takes an undercover 'Arabized' Israeli soldier or a camouflaged Palestinian fighter to pull a machine gun out from under a dress' (Weizman 2006, p. 67).

International intervention in the Israeli/Palestinian conflict has been divided and for the most part ineffective in either moving forward with a peace process or strengthening the protection of civilians. The United Nations, the Quartet, the EU, the Arab League as well as individual states have all faced divisions within their respective organizations as well as between them weakening and making ineffective any international response aiming to intervene beyond humanitarian aid. Within Gaza, no local or external authority is currently able or willing to provide protection for the population, leaving a generation of women, children and other civilians vulnerable to war crimes. The state-centric focus of security has contributed to the justification of local security measures that prioritize the protection of some groups while infringing on the security of others.

The applicability of R2P in the Gaza context has been given little consideration due to the complex context and divisions on the fundamentals of the Israeli/Palestinian conflict. The debates on the status of Gaza and the Occupied Palestinian Territories have placed a question mark on the responsibility of protection for the three relevant authorities: Israel, the Palestinian Authority and Hamas. There is an additional lack of consensus on the severity of the violence and culpability for war crimes. Despite lack of protection and vulnerability to war crimes, R2P has not been on the agenda for any of the key interveners in the Israeli/Palestinian conflict, including the Quartet, Arab league, EU, US and the UN.

While international gender norms are on Israeli and Palestinian national agendas, implementation has not addressed the needs of protection for the most vulnerable within a conflict context. Israel used the introduction of women into peace negotiations and implementation of 1325 to gain international legitimacy. The engagement of women in peace negotiations such as Minister Tzipi Livni leading the negotiations

at Annapolis Conference was pointed out as evidence of implementation of SCR 1325. Israeli grassroots organizations worked on a National Action Plan (NAP); however, its focus was on areas of national consensus while strategic and military issues trumped proposals on gender, peace and security and the needs of the most vulnerable. As noted by Sarai Aharoni, Israeli '[w]omen's groups were using the newly introduced normative framework to gain support, legitimacy and resources; while the state was using the work done by women's NGO's as a means to foster a more positive image in the international arena' (Aharoni 2014, p. 17). The proposed plan only made one reference to Gaza, which suggested providing humanitarian aid to women and children (Action Plan 2013). Israel has yet to approve, hitherto implement, any national action plan.

Palestinian National Action Plan (NAP 2017–2019) developed its first action plan through a consultative process that was endorsed by the Palestinian Authority. The plan identified priority programmes, projects and activities and encouraged allocation of resources. The NAP is aimed at "protecting Palestinian women and girls from violations of the Israeli occupation, holding it accountable internationally while ensuring the participation of women without discrimination both locally and on the international stage" (NAP 2015). In Gaza, the NAP focuses on conducting a survey and data base on service providers, activation of a national referral system, the development of projects for women and girls and mainstreaming gender into the reconstruction process (NAP 2015). The Palestinian NAP has had little influence on the policies of Israel or Hamas and thus far has only been able to influence protection through civil society or policies of the international community.

Issues related to gender have largely remained invisible under the larger accusations of wrongdoing by Israel and Palestinian armed groups. Although the reality of women is visibly different for those living in Gaza, the West Bank, East Jerusalem and under Israeli versus Palestinian Authority, all civilians are vulnerable to purposeful attacks. Civilians are impacted by terrorism and rocket attacks that target indiscriminately and serve to justify the Israeli military crackdown on the Palestinian population. Rocket fire and terrorism aimed at civilians and civilian infrastructure infringes on human security and is considered a war crime.

It should be noted the relative low number of Israeli civilian casualties are linked to the alarms and safe rooms. Escalation of violence has also resulted in Israel using draconian security measures that impact on security of individuals, particularly those who are already members of vulnerable groups.

As one of the most divided and polarized cities in the world, Jerusalem's diplomatic and political status is controversial and unresolved. Since the 1967 Six-Day-War, when Israel occupied East Jerusalem and united the city under Israeli administration and control, the realities have been dramatically different for Palestinian residents living in East Jerusalem and Israeli residents living mostly in West Jerusalem. While the Israeli residents, comprising about 65% of the population, have full rights and access to all services, Palestinian residents, comprising of about 35% of the population, live mostly in less developed East Jerusalem, do not have Israeli citizenship and lack full socio/economic rights and access to equal services and rights including infrastructure, education, freedom of movement, political representation and policing. Checkpoints, lack of Palestinian police and general feelings of vulnerability affect mainly Palestinians women and youth. Palestinian women have also the highest levels of unemployment, with about one quarter of Palestinian women employed in Jerusalem.

The wide differences between the everyday realities of Palestinian and Israeli women and men touches every aspect of lives including education, housing, employment, environment, transportation, security and social services. Gender is one of the fundamental distinctive categories in Jerusalem including: national identity, religious affiliation (including the divisions between the secular and the religious) and socio-economic differences. Previous research focused on women in Jerusalem has noted that most women feel safe within 'their territory' or national neighbourhoods, but are fearful when entering areas of others (Raanan 2014). This is especially the case for religious Muslim women and religious Jewish women who tend to spend time in the secular neighbourhoods of Jerusalem and avoid each other's neighbourhoods. In addition, Palestinian women feel a deeper sense of insecurity than their Jewish counterparts and Palestinian men. This sentiment mirrors the sentiment of Muslim women in Israel.

Many Israeli civilians express personal security fears at the hands of state institutions. In a 2016 survey, conducted by the Israeli Knesset on the Status of Women, more than 59% of women and 54% of men polled were concerned about being harmed by state institutions (Knesset Survey 2016). Most concerned were Palestinian/Arab women of whom 74% worried about damaging behaviour by state agencies that would negatively affect their personal security (Knesset Survey 2016). As noted by MK Dov Khenin (Joint List), 'Israeli society lives in fear...Unfortunately, there are those who build their politics on fear. There are different aspects to the Israeli women's sense of lack of personal security – physical, sectorial, economic, social and more' (Knesset Survey 2016).

Within Israel, Palestinian women and girls are particularly vulnerable in East Jerusalem where the inadequate security is compounded by institutional isolation and lack of citizenship. Lack of Israeli citizenship for East Jerusalem residents and lack of connection to the Palestinian Authority has left the residents vulnerable to harsh collective security measures, expulsion and abuse by local security authorities. Jerusalem Women's Coalition, which includes women NGO's and East Jerusalem Feminists, in October 2015 issued an urgent request for international protection. "We ...call upon the international community to protect our families, community, and children. We are calling for the protection of our bodily safety and security when in our homes, walking in our neighborhood, reaching schools, clinics, work places, and worships venues" (Coalition 2015).

Palestinian women living in the West Bank and Gaza are impacted by additional factors that negatively affect their lives including the military occupation, external violence (military and settler), internal (domestic violence), sanctions, lack of freedom of movement, lack of adequate access to police and judicial bodies, poverty, evictions, collective punishment, house demolitions, among others. UN Resolution 2010/6 expressed deep concern regarding the "grave situation of Palestinian women in the Occupied Palestinian Territory, including East Jerusalem, resulting from the severe impact of the ongoing illegal Israeli occupation and all of its manifestations..." (UNESCO 2017). Gender issues such as trafficking of girls, forced prostitution, child marriages and femicide



(‘honor killings’) are all too common but kept out of the limelight (Institute of Justice 2016). The protection regime is especially problematic in East Jerusalem and Area C of West Bank where there is no Palestinian Authority and Palestinian residents do not trust Israeli police or the military (Spitka 2019). However, when it comes to vulnerability to war crimes and crimes against humanity and the potential application of Pillar III of R2P, Gaza is the most relevant context.

The most recent escalation in 2018 stemmed from mass non-violent protests along the security barrier between Gaza and Israel, resulting in the deaths of dozens of young Palestinian protesters and shooting injuries of more than 3000 people. Israel justified the shooting of live ammunition by IDF snipers as security measures against a potential breach into Israel, targeting any individual who came within 300-metre range of the security barrier, including well-marked journalists and medical staff. The shootings of the unarmed protesters prompted calls for a UN investigation and the creation of an international protection unit. However, once again due to lack of international unity and decisiveness, there has been no accountability and the results of the investigation have been ignored.

## Gaza, Gender and Protection Tools

With a population of 1.8 million, Gaza is one of the most densely populated areas of the world, with little law and order, cut off from the outside world and entirely dependent on Hamas and foreign aid. Cycles of violence, including Israeli bombardment campaigns and incursions into Gaza, have affected the majority of the civilian population that has nowhere to flee. Economic blockades, severe fuel and water shortages, and Israeli restrictions on many items including basic construction materials have left much of the population vulnerable to not only violence but also natural elements. The reality of women in Gaza lies under a layer of harshness of the occupation, militarism, chauvinism, exploitation, political recriminations and opportunism. The 9-year blockade of Gaza has had major implications for women, exacerbating pre-existing vulnerabilities and limiting access to basic services (UN Women 2016). The sensitivity of exposing the situation of women living under multi-layers

of oppression by Hamas, Israeli occupation and international blockade has left women and LGBTQ particularly vulnerable to atrocities. The current notion is that responsibility to protect in Gaza is shared between Israel as the occupying power, Palestinian Authority (PA) and Hamas, which runs the de facto government. Whether Gaza is perceived as an occupied territory or as part of an independent state of Palestine, no authority is currently providing protection for the civilian population of Gaza. The triangle of authority means that while the different authorities point fingers at opposing sides for human rights infringements and war atrocities, none provide adequate protect for the most vulnerable population.

The internal division between Palestinian groups Hamas and Fatah has led to fundamentally different realities for women in the West Bank and those in Gaza living under siege and the de facto Hamas authority (UN Women 2016). Gender-based crimes are compounded in areas with weakest legal authority without adequate policing where perpetrators can act without impunity. In Gaza, the strict social codes of segregation imply that women and girls are confined to the private sphere and are commonly reliant on male family members for their livelihoods as well as access to critical information about the security situation, humanitarian assistance and other services (UN Women/UN OCHA 2016). Gaza has one of the highest incidents of violence against women in the world with more than half of the women experiencing GBV (Statistics 2011). Sawa, a Palestinian NGO that runs a help-line for women and kids, note dramatic increases in cases of violence against women during conflict escalations (Otero 2012). Although gender-based violence is beyond the scope of this paper, there is interconnectedness between the hardship of the occupation, absence of rule of law and lack of security and protection for women and non-heterosexual minorities. The police do not act, domestic violence is not criminalized and the only institutions providing protection for women are civil society organizations, which are also vulnerable to attack (UN Women Interview 2017). Homosexuality in Gaza remains illegal and punishable by death and this vulnerability has been exploited by Israel. The ongoing blockade of Gaza and the lack of recognition of the Hamas authority implies that the international community has also been limited in strengthening protection.

The 2008 and 2014 Gaza wars caused many civilian deaths, accusations of war crimes, threats of sanctions and discussions about bringing those responsible to justice. However, a lack of consensus among the key interveners resulted in no intervention beyond investigations and humanitarian assistance. The 2014 hostilities, which were a response to rocket fire and a terrorist incident against Israeli youth, destroyed residential buildings and schools, resulting in many civilian deaths, destruction of infrastructure and a displacement of close to a third of the population of Gaza. The UN report noted that of the 2,251 people killed in Gaza, 1,462 were civilians. Non-governmental organizations have estimated that 241 women and 370 children were killed while inside their homes. The 2014 Gaza war was especially hard on women with a long-term impact. “This war was different from previous wars, especially for women. Civilians were attacked particularly in their homes. The home is the domain of the women...” (UN Human Rights Council 2009, p. 31). OCHA noted that women and girls in the Gaza Strip were disproportionately affected by the hostilities due to discrimination, lack of access to basic services, lack of inheritance and property rights and wide scale displacement, which in turn increased their exposure to gender-based violence (OCHA 2015).

Israeli justification for the military campaign was the ongoing rocket fire launched by armed groups from Gaza. Between July and August 2014, Palestinian militants indiscriminately fired 4,881 rockets and 1,753 mortars towards Israel, killing 6 civilians (UN Human Rights Council 2009). Alarms and safe rooms prevented loss of more Israeli lives. The protection of the civilian population was essentially non-existent in Gaza. Israeli Defence Forces (IDF) claimed that measures such as leaflets recommending evacuation and a small blast on the roof served as warnings for people to evacuate buildings targeted for destruction. The warnings were confusing, while Hamas recommended to civilians to ignore IDF warnings and IDF considered anyone who remained a voluntary shield. Also, many civilians had nowhere to flee; no location in Gaza was considered safe, and those areas that were designated as “safe” such as UN schools were targeted.

While Israel and Palestinian armed groups including Hamas have arguably crossed red lines and failed to provide adequate protection for

civilians in Gaza, the international community has remained divided over the use of tools and responses that go beyond humanitarian assistance. Humanitarian response without a political solution or a prioritization of protection has not contributed to creating or strengthening anyone's security in Gaza. Unlike in the West Bank, there is little attempt to address women's rights or well-being, and the dire situation is compounded by a lack of training of police and the judiciary. As noted by a representative from UN Women: "the missing practice is that we do not work with institutions of the de facto [Gaza] authorities. In other contexts, we would work with the courts, the judges, the prosecutors, the police, the social workers for women's rights but we do not do that in this case" (Interview UN Women 2017).

Although the larger political issues are ignored, some of the humanitarian projects that target women do contribute towards their protection. With about 14% of Khan Younis public spaces associated with high levels of harassment and crime, and 50% deemed unsafe by residents, the project was to assist in fostering a sense of security for women on a tiny strip of Gaza beach (UN Habitat 2021). In a recent UN Habitat project addressing the lack of safety for women and girls in public spaces in Gaza, a project built a new safe, inclusive, and accessible public space for women and children (UN Habitat 2021).

## Gender and Peace

The 2016 Allen Plan was a key proposal under Obama administration and an example of traditional military-centred solutions that define the discussions on protection in the Israeli/Palestinian conflict. The Allen plan was drafted by US and Israeli military officers; Ilan Goldenberg, Major General Gadi Shamni, Nimrod Novik and Colonel Kris Bauma, focusing solely on Israeli security needs and failing to conduct consultations with women or civil society (Tibon and Harel 2017). It made no reference to R2P or WPS and highlighted the most important steps as: establishment of a counterterrorism system, security at crossings, an airport in the Jordan Valley and Gaza, and the establishment of a broader regional security framework with the support of US military troops

(Goldenberg et al. 2016). The steps in the document made no proposals to address the protection of vulnerable civilians or ideas on security and protection arrangements for Gaza. It recommended that under the new plan, Israel would still have the right to defend itself in extreme situations and ‘would receive American diplomatic support in the aftermath’ (Goldenberg et al. 2016, p. 6). The Palestinian state was supposed to be de-militarized under this plan leaving Israel in charge of security if it was unhappy with Palestinian efforts to repress the population and prevent violence. Under Trump, Palestinians and all women and gender issues were completely ignored.

There has been little discussion let alone consensus on the appropriate protection tools for civilians most vulnerable to atrocity crimes. Divisive diplomatic intervention has been ineffective in contributing towards a protection regime. Humanitarian intervention has addressed some of the effects of the occupation and not addressed its impact or its source. Coercive tools including sanctions have been employed against Hamas with harsh impacts on the suffering of the civilian population but with little effect on the Hamas leadership in Gaza. Diplomatic or popular actions against Israel, including the populist led BDS movement (Boycotts, Disinvestment, Sanctions) have failed to gain an international consensus. Although Palestinians have joined the International Criminal Court (ICC) in hopes of prosecuting Israel for alleged war crimes and crimes against humanity during the Gaza war, it remains to be seen whether the court will be able to investigate the war atrocities, given the lack of support and cooperation from Israel and the US.

## **Perceptions, Justifications and a Road Map Towards a Protection Regime**

There is currently a substantial gap between the protection agenda fostered by local and international humanitarian organizations working on issues related to gender and protection, and national security priorities of state representatives within Israel and the Palestinian Authority. Participation of women is limited to those areas that do not threaten national or state agendas. Participation has yet to include equal representation in

deliberation and expertise. Examining the lack of Israeli women in formal peace processes, Aharoni noted that ‘the dominant framing of peace as a security-related issue and the centrality of militarized masculinity led to a strict identification of ideal-type negotiating skills with masculinity’ (Aharoni 2014, p. 381). In Gaza, there are also limited consultations between women’s civil society groups, women’s NGO’s that focus on protection and national and international protection agencies.

Women and gender issues have played a marginal role in official discussions on peace and security in the Israeli/Palestinian conflict. Final status discussions at Camp David (2005) had no senior female participants, and while the Madrid Conference (1991) included Hanan Ashrawi and the Annapolis conference (2007) had Tzipy Livni, their roles and influence were marginal. In Israel, two ‘gendering forces’ shaping Israeli society hinder the inclusion of women in dialogue on security: a strong Jewish familial tradition and ‘a militaristic culture that places national security concerns in the center of public and private life’ (Aharoni 2014, p. 7). However, the simple inclusion of women in peace negotiations is not sufficient. For gender inclusion to be effective, women need to be included in their full diversity in all aspects and all areas including or especially in security.

Women are commonly portrayed as the main victims and beneficiaries of aid and serve to assist fundraising to donors. However, the humanitarian assistance neither prevents violence nor addresses the issue of ongoing atrocities. Organizations such as UN WOMEN, OCHA, UNFPA, OHCHR as well as national NGO’s have been engaged in emergency responses attempting to address gaps in the distribution of humanitarian assistance (UN Women/UN OCHA 2016). Numerous local and international organizations, including UN Women, Oxfam and Sawa, provide gender training courses to women to inform them about their rights under 1325, but these make only marginal contributions to their level of protection in Gaza. In the West Bank, the Palestinian civilian police established a Family Protection Unit through EU support. The protection unit opened branches in 10 districts within Area A of the West Bank and aspires to build more effective protection from violence for women and children. There has been no attempt or plans to extend this effort into Area C or Gaza. In Gaza, Palestinian and international

NGO's efforts have been limited to offering women legal consultation and assistance under Sharia law.

The current international intervention in Gaza is focused on humanitarian assistance, ignoring the protection of women and LGBTQ. Protection measures such as the creation of 'safe areas', including schools where many women and children were herded during the 2014 airstrikes, are not appropriate since individuals were not safe as many were erroneously or deliberately targeted. Although Hamas and Israel prioritize security, measures are aimed at destruction of the other and not human protection. Women, girls and gender minorities living in Gaza are particularly vulnerable since they have no one to turn to for protection. Atrocities against sexual minorities are also common but not monitored or investigated due to fear of repercussions. Lack of protection against Israeli incursions affects all residents of Gaza.

In a densely populated setting such as Gaza, envisioning protection that uses traditional military tools is not an option if one prioritizes the protection of the most vulnerable. An international policing mission, training of female and gender sensitive police officers and judges are measures far more likely to enhance protection. As noted by gender scholars, the design of security must be part of empowerment and not disempowerment of individuals. Although local and international non-governmental organizations contain much gender and protection expertise, they are far removed from top-level discussions on security. From the five types of participation: the presence of role models, representation, deliberation, inclusion, and expertise, Israel and Palestine can mainly claim to have limited participation as role models due to the brief public participation of Hanan Ashrawi and Tzipi Livni.

The widespread Palestinian demonstrations in Gaza during May/June 2018 resulted in more than 130 deaths and 3000 injuries from shots fired by IDF snipers. The lethal use of force against unarmed Palestinian civilians was condemned by most countries and human rights groups. Human Rights Watch (HRW) noted that lethal force against demonstrators who posed no imminent threat to life may amount to war crimes (HRW 2018). In addition, according to HRW, Palestinians in Gaza are entitled to protection under the Geneva Conventions as an occupied people and any willful killing of them would constitute

a war crime (HRW 2018). Kuwait on 30 May 2018 circulated a draft SCR condemning Israel's use of force against the civilians, calling for the establishment of a UN protection mission in Gaza. The Kuwaiti-drafted resolution was vetoed by the US. There are thus fundamental challenges to the operationalization of protection. First, a proposed protection unit under the UN would have to pass the Security Council and it would be challenging to establish a unit with a strong enough mandate to influence the behavior of Israel or Hamas. The protection of civilians in Gaza is dependent on Israel refraining from military attacks on the territory and a complete overhaul of the current legal and national institutions within Gaza.

Currently, the international community is using protection tools that focus on humanitarian assistance and monitoring that contribute to understanding protection needs but fails to provide them. The shifting of the narrative from a state-centric to a human-centric approach to security can provide a potential normative framework for building a consensus prioritizing the protection of all civilians. However, the protection measures should be inclusive and part of larger peacemaking effort that ends collective punishment against civilians in Gaza and opens a roadmap prioritizing protection of the whole population. Currently, R2P is not on the agenda and the norm has had no impact on prioritizing protection of the population from war atrocities. The gap between international norms on R2P and WPS, and the operationalization of protection in a divisive context like Gaza remain very wide.

## Conclusion

While vulnerability of women and children is commonly used to hurl accusations at conflicting sides or gain the attention of donors, state-centric traditional security measures have remained in place and not contributed to enhancing protection. Indeed, a more common reality is a myth of protection, where the focus is ostensibly on the protection of women and other vulnerable groups, while efforts and resources go towards security measures that exclude women or humanitarian measures or handouts, that fail to address protection. Given the cycles



of violence and lack of protection by any authority, the population in Israel/Palestine, most notably in Gaza and Area C of the West Bank is vulnerable to ongoing war atrocities. There has been little effort on the part of the national actors or key interveners to prioritize and construct a consensus focused on protection. Likewise, there has been little discussion on R2P in Gaza, within the Security Council, the Quartet or among key interveners. The lack of focus on human security has contributed to a non-existent protection regime and little consultation with primary providers of protection. SCR 1325 and WPS agenda could provide a roadmap towards a more inclusive dialogue on effective protection. Considering the number and the longevity of NGO's working on issues of protection, the expertise on protection issues in the Israeli/Palestinian conflict is not in short supply. Human security and responsibility to protect the most vulnerable population, however, has not been a priority.

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# 7

## Conclusion: Path Towards Change

Back in 2003, a few years before Hamas took over Gaza, I was briefly working with the Rand Corporation that was doing a study of visioning the future of the Palestinian State. They hired a Los Angeles architect to look at Gaza and draw up a plan for liveable urban area with parks, a beachfront, a seaport, an airport and an industrial zone. We drove around with the municipal authorities and imagined what could be done with the political will and funding. If one thinks of Gaza as a mostly urban space, one can imagine a beautiful liveable area with high-rises, parks and a beachfront on the Mediterranean Sea situated next to Egypt and Israel. Half of the population of Gaza is under the age of 18 and hoping for a better life. Although I focused in this manuscript on some of the worst aspects of Gaza with the absence of protection, the youth, for example, tend to lean towards hope and optimism towards change. Having lived in Ashkelon under rocket attacks where I had to make a 15 second decision in the middle of the night on whether or not to wake up my kids and run for shelter, this is also no way to live.

The civilian population of Palestine, whether living directly or indirectly under Israel's military occupation in the West Bank and Gaza, is one of the least protected populations in the world. Currently, there is

no protection for the Palestinian population, particularly for those living under Israeli military occupation in Gaza, Area C of the West Bank and East Jerusalem. In the Occupied Palestinian territory, Israeli security forces control Palestinian movement, the economy, education, health, access to housing and almost every other aspect of daily existence. Lack of protection for Palestinians is not due to unfortunate isolated incidents but rather a system of repressive rules of the military occupation intended to control, subjugate and intimidate a population into submission. Alternative laws for Jewish and Palestinian residents and systematic discrimination have resulted in a system of apartheid that is a source of common international criticism and BDS but lacks international action. The 2022 conflict of Ukraine demonstrated the blatant double standards where Russia has been subjected to hundreds of tough sanctions, whereas Israel's atrocities and blatant disregard of international law have been largely ignored.

The current security regime under the Palestinian Authority has contradictory protection strategies, placing Palestinian civilians at risk. PA's violent crackdown against Hamas supporters and political opposition has come at the detriment of the safety of Palestinian civilians. As was discussed in Chapter 4, youth are particularly vulnerable due to their desire for change, heightened level of awareness of atrocities through social media and increased engagement in activism and resistance. Increasing numbers of Palestinians are prepared to risk their well-being, to resist the occupation and attempt to foster change.

Policies based on the concept; 'the enemy of my enemy is my friend' is likely to be one of the most disastrous strategies of foreign policy. Israel's initial support of Hamas in order to weaken the Palestine Liberation Organization (PLO) had and will continue to have long lasting devastating consequences for Israel. Hamas governs in accordance with the Sharia-based Palestinian Basic Law, including controlling how women and girls dress, enforcing gender segregation and violent repercussions for being LGBTQ+. However, non violent resistance against Israeli occupation is also becoming popular, especially among the youth and increasingly perceived as vital and legitimate by not only the Palestinian public but also Hamas. More recent ongoing PA collaboration with Israel and the US secret service against Hamas and its supporters has further undermined PA authority and boosted the popularity of Hamas.

Today, the young Palestinian population separated by borders, walls and fences is interconnected through social media, thus an event or an incident in Jerusalem impacts on the lives of people within Israel and the West Bank and vice versa. Also, with everyone having access to a smart phone, unedited versions of events anywhere can be instantly uploaded onto social media and seen by millions, affecting hearts and minds with the potential for rapid escalations. Thus, as was seen in the latest May 2021 conflict, the displacement of Palestinian families in East Jerusalem and a crackdown on religious worshipers in the Dome of the Rock resulted in rocket attacks from Hamas in Gaza, which resulted in a bombing campaign of Gaza by Israel, which sparked widespread demonstrations by Palestinians living in Israel. The string of events boosted the popularity of Hamas, perceived as organizing an effective resistance not only from within Gaza but also inciting Palestinians living within Israel to riot and engage in violent resistance. The Israeli reprisal strategy to dissuade attacks by Hamas with the promise of IDF's devastating capacity to strike back hard is counter productive, as any punishment in Gaza that causes death and suffering reverberates back into Israel. The 2014 bombardment of Gaza affected the young population within Israel and led to the 2015/2016 knife/children's intifada. The current status quo is unbearable for Palestinians living under the Israeli occupation especially within Gaza, close to Jewish settlements and Area C of the West Bank. Within Israel, systemic discrimination against non-Jews has institutionalized apartheid that is also unsustainable.

Without a peace process, conflict suppression strategies to avoid escalations, attempts to silence dissent and violently suppress Palestinian resistance only adds fuel to the fire. Violent security strategies used by Israeli authorities have made little effort to distinguish between Palestinian civilians and combatants. Similar security tools used against violent and non-violent resistance have blurred the lines between the consequences of violent versus non-violent action. Israel's targeted and violent repression of BDS supporters and NGO human rights activists has attacked and weakened those who support non-violent resistance. When non-violent resistance is not possible or not perceived at all effective there are few options left except to live with the status quo, which for most Palestinians does not include the basic human needs including



freedom and well-being or turn to violence. The lack of improvement or any peace process has made hope a rare commodity. The effectiveness of any tool is linked to a consensus among interveners. The veto rights of the five permanent members of the UN Security Council (US, China, Russia, France and UK) have obstructed any solution in Israel/Palestine. Sixty-three states as well as the EU have called for reform of the Security Council outlining restraint on the use of veto in mass atrocity situations. France proposed that the Security Council develop a conduct where the permanent members agree to refrain from using a veto with respect to mass atrocities. This, however, is far from the current reality.

Divisions between the main interveners—the US, UN, Russia, Middle Eastern states and the EU—have paralyzed the international intervention process in the Israeli/Palestinian conflict. The US role as the key mediator has been closely tied to its role as the main arms supplier and protector of Israel, shielding the Israeli government from sharp tools and international condemnation. The UN Security Council has been deadlocked and attempts to reach a consensus on accountability and sharp protection tools have been met by vetoes from Washington. US mediation in the Israeli/Palestinian conflict has been directed towards steering it in a direction favourable to Israel and denying the leading role to other powers including to other states, the United Nations or the European Union.

Despite the suffering on the ground, particularly for the population under the occupation, there has been little urgency to mediate an end to the Israeli/Palestinian conflict. Israel and Hamas leadership can be described as living under a *S5* reality (a soft, stable, self-serving stalemate). Israeli leadership finds the current conflict tolerable and preferable to the unknown consequences of a potential peace agreement. While the Palestinian civilian population living under the occupation suffers under strict security measures, and in the case of Gaza, harsh economic sanctions, due to much corruption hard line politicians benefit from the stalemate. Ongoing war atrocities, including those related to the Gaza war of 2014, could be used to operationalize the R2P norm towards high-power mediation process. However, once again the largest challenge lies in the external divisions and the lack of united vision and strategy in resolving the conflict.

National and international protection strategies have brought meagre protection to the civilians in the Israeli/Palestinian conflict. Although Hamas and Israel prioritize security, measures are aimed at destruction of the other and not on providing human protection. Despite or due to Israel's main focus of its efforts on providing security at the expense of the other, the Jewish population has also become increasingly insecure. Militarization of Israeli society has in particular increased the vulnerabilities of the youth, women and visible minorities. It is apparent that for much of the population, in particular the Palestinian population living in East Jerusalem, Area C of West Bank and Gaza, no state or entity is providing protection. Severe security measures are conducted by Israel with no accountability, full impunity and little internal or external pressure for change. While the international community spends much time and effort in providing humanitarian assistance and monitoring abuses by Israel, Palestinian Authority and Hamas, it has done little to reach a working consensus and contribute to the establishment of human protection for all civilians. Despite international responsibility under the R2P norm to take timely and decisive collective action when a state is 'manifestly' failing in providing protection, civilians remain completely unprotected. Huge efforts in humanitarian aid and billions of dollars ostensibly spent on security and protection by national and international authorities have done little more than create a myth of protection.

Solutions to the conflict are neither impossible nor complicated. A revival of a peace process ending Israel's military occupation of the Palestinian Territories and international recognition of the Palestinian state, needs to be the first priority. The ongoing disregard for international law, human rights violations, illegal Jewish settlements, institutional apartheid and ethnic cleansing in East Jerusalem and Area C of the West Bank are all fuelling the conflict. Whether it's a one, two or a three-state solution is less important than human security, democracy, legality and accountability for human rights abuses. Global Responsibility to Protect an unprotected population has to take precedent over any geopolitical schemes that have ignored apartheid and ongoing atrocities. It is in everyone's interest to support non violent resistance including BDS as when the roads to non violence are closed and people lack basic human needs, it is not surprising that some turn to violence. The international

community, namely the US, EU, and the UN, needs to formulate a peace plan and an inclusive road map that ends the Israeli occupation and prioritizes human security and protection of all of the civilian population living in Israel/Palestine. Strong pressure needs to be brought against Israel to turn to peace for security and large long-term investment in infrastructure and policing is required in the Occupied Territories, most significantly in Gaza towards political transformation, making it liveable for all its inhabitants. Human security is a fundamental right for every person and when no state or entity is providing for the protection of a civilian population, it is the international community's obligation to take all measures necessary to provide protection for the population.

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# Index

## A

Abbas, Mahmoud 76, 77, 79, 80, 83, 86, 127–129, 151  
Apartheid 1, 4–6, 18, 19, 24, 32, 61, 72, 87, 90, 97, 98, 137, 139, 142, 194, 195, 197  
Arafat, Yasser 80, 127

## B

Bedouins 33  
Boycott, Disinvestment, Sanctions (BDS) 98, 155, 183

## C

Checkpoints 17, 43, 44, 52, 108, 113–115, 177  
Christian (Arab) identity 33, 42

Citizenship 32, 33, 36, 41, 57, 111, 126, 174, 177, 178

## D

Democracy 42, 57, 58, 77, 97, 157, 197

## E

Ethnic cleansing 1, 4–6, 11, 19, 24, 32, 61, 87, 90, 98, 142, 197  
European Union (EU) 4, 9, 13, 22, 81, 86, 137, 139–141, 150, 152, 154–156, 175, 196, 198

## F

Feminism 20, 168, 178

G

Gaza 3–6, 14, 18, 20–23, 30, 35–40, 44–49, 51, 52, 55–57, 61, 71, 73–75, 77, 79, 84–86, 88–90, 92–94, 96, 99, 107, 110–115, 117–120, 122, 124–126, 128–130, 137–139, 142, 144, 146, 147, 150, 151, 156, 159, 169, 170, 173–176, 178–187, 193, 195–198

Gender 3, 9, 10, 51, 81, 94, 95, 146, 147, 167–178, 180, 183–185, 194

Global Responsibility to Protect (R2P) 2, 11, 12, 143, 145, 169, 170, 172, 175, 179, 182, 186, 187, 196, 197

H

Hamas 4, 5, 7, 13, 15, 20–22, 37, 38, 40, 55, 56, 71, 73–78, 80, 82, 84–86, 88–90, 92–94, 96, 98, 112, 114, 117, 118, 120, 121, 123–125, 127–129, 138, 139, 141, 142, 145, 150, 151, 159, 170, 175, 176, 179–181, 183, 185, 186, 193–197

Holocaust 6, 13

Human rights 4, 5, 8, 16–18, 20–24, 35, 44, 45, 50, 51, 54, 72, 74, 76, 88–90, 92, 93, 97, 113, 118–120, 137, 142, 144, 146, 147, 152, 153, 158, 170, 181, 197

I

Identity 8, 39, 57, 174, 175, 177

International Criminal Court (ICC) 21, 43, 55, 76, 97, 144, 152, 183

Israeli 4–6, 15, 16, 18, 19, 21, 23, 29, 31–33, 35–40, 42, 44–46, 48, 49, 51–56, 58–62, 71, 72, 75–79, 83, 84, 87, 90, 92, 93, 97, 107, 108, 110–113, 115, 116, 118, 119, 123, 124, 126, 129, 137, 139, 145, 148, 150, 152, 155, 168, 174–179, 181, 184, 194, 196, 197

Israeli occupation 39, 48, 52, 78, 83, 86, 95, 97, 110, 127, 174, 176, 178, 180, 194, 195, 198

M

Masculinity 167, 169, 184

Mazen, Abu 157

Militarism 57, 179

Militias 45, 46, 54, 57, 148

Mossad 38, 39, 43

N

Netanyahu, Benjamin 31, 39, 40, 42, 44, 58, 123–125, 149, 156, 174

O

Obama, Barack 157, 182

Occupation. *See* Israeli occupation

Oslo Accords 74, 78, 82, 138

P

Palestinian 4–7, 13–19, 21, 22, 29, 31–33, 35–45, 47, 48, 51, 52,

- 54, 56–58, 60, 61, 72, 73,  
76–83, 86–88, 90–92, 94–99,  
107–117, 119–125, 127–129,  
137, 138, 140, 141, 144,  
148–154, 156, 158, 170,  
174–178, 181, 185, 194, 195,  
197
- Palestinian Authority (PA) 4, 7, 13,  
20, 21, 37, 54, 60, 71, 73, 74,  
76–84, 86–88, 92, 98, 127,  
128, 139–141, 147, 148, 150,  
152, 157, 175, 176, 178–180,  
183, 194, 197
- Palestinian citizens of Israel 46, 62
- Palestinian Liberation Organization  
(PLO) 74, 75, 80, 127, 194
- Peace process 71, 74, 76, 83,  
138–141, 151, 153, 154, 168,  
173, 175, 184, 195
- S**
- Settlements 5, 13, 15–17, 23, 33,  
36, 44–46, 52, 53, 59, 72, 73,  
77, 87, 91, 99, 108, 110, 111,  
114, 115, 127, 138, 144, 145,  
154–156, 195, 197
- T**
- Trump, Donald J. 139, 140, 155,  
157
- Two-state solution 139, 142
- U**
- United Nations (UN) 4, 5, 8,  
14–19, 21, 22, 36, 49, 51, 55,  
56, 76, 78, 84, 88, 93, 95,  
111, 116, 117, 119, 120, 124,  
129, 138, 140, 145, 146, 151,  
152, 154, 157, 168, 172–175,  
179, 181, 182, 186, 196, 198
- United Nations Resolutions 14, 168,  
173, 178
- United States (US) 10, 13, 22, 30,  
81–83, 91, 138–141, 144,  
146, 148, 152–158, 175, 182,  
183, 186, 196, 198
- W**
- War atrocities 1, 4, 6, 11, 12, 24,  
61, 75, 98, 142, 143, 156,  
170, 174, 180, 183, 186, 187,  
196
- West Bank 3–6, 14, 16, 18, 20–23,  
35–37, 40, 43–45, 48–53, 56,  
59–61, 71–82, 86–92, 94–99,  
107, 109–117, 122, 127, 128,  
137–139, 141, 145, 146, 148,  
156, 176, 178–180, 182, 184,  
193, 195, 197
- Z**
- Zionism 35