Making the progressive case for peace in Palestine and Israel

Labour Party policies to support the rule of law and human rights
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On October 13th 2014, the UK Parliament voted overwhelmingly in favour of Palestinian State recognition, with 274 MPs voting in favour and only 12 against. Critics argued that the timing was not right, the language was not right or that the vote would undermine prospects for peace and a return to negotiations. It’s been 22 years since the signing of the Oslo agreement followed by successive failed peace initiatives, and today both sides are further from peace and security than ever before. Palestinians have endured many ‘peace processes’ but have not seen peace.

An entire generation of young Palestinians - the Oslo Generation - has grown up to witness a worsening situation on the ground, with the continued expansion of illegal settlements (the settler population has increased from 111,000 in 1995 to 600,000 in 2015), punitive restrictions on movement, economic decline, the construction of an illegal separation barrier and a humanitarian crisis in Gaza.

If not now, when is the time to stand up and take decisive action?

As Sarah Champion says in her article “Sixty-four per cent of Gaza’s population is under the age of 25 and any child born in the last seven years will have already lived through three conflicts. How can we convince the next generation of young Palestinians that things will change and that they should believe in the rule of law, justice and human rights?”

It is not constructive to frame these discussions or positions as pro-Israel or pro-Palestine; we should not fall in to this trap. UK policy should support the absolute rule of law and make principled policy decisions accordingly, which would serve the interests of achieving peace and security for both sides.

The articles in this policy pamphlet set out positions that may challenge prevailing attitudes and perspectives; they draw on lessons learnt from past failures and outline practical policy recommendations to help break the current impasse. The common thread among them is that of supporting the rule of law.

As Stephen Kinnock points out: “The UK and EU’s public position on settlements is clear and unambiguous, they are illegal under international law and constitute an obstacle to peace”.

How can we support trade sanctions on Crimea, but allow continued trade with illegal Israeli settlements? How can we accept that Israel applies two legal systems in the West Bank that discriminate on the basis of race and national identity? How can we accept that there over 50 laws that discriminate against citizens of Israel that are of Palestinian origin? How can we accept the collective punishment of 1.8 Palestinians trapped in Gaza that constitutes a war crime under the Fourth Geneva Convention.

“A peace-making framework must be holistic,” says former Labour cabinet minister Peter Hain. “Any negotiations must tackle human rights, equality, victims, and ending discrimination against Palestinians,” and “continuous not intermittent efforts towards reconciliation need to be made”.

The Fourth Geneva Convention was born out of a dark period in Europe’s history, and we should strive to honour the sacrifices that were made to achieve the principles enshrined in this treaty. The recommendations outlined in this pamphlet seek to do just that, to defend the basic principles our nation has fought for since World War Two – the respect for human dignity, a cohesive Europe, democracy and the rule of law.

A note of thanks

To everyone that contributed to this policy pamphlet; particular thanks to April Cumming, Madeline Jennings and Karl Hansen for their outstanding research and analysis. A huge thanks to friends in Palestine for sharing their insights and experiences: Dana, Tamara, Anan, Fadi and Gerard Horton. Thanks to Caabu and MAP and other partner organisations for the incredible work they do.

And of course a huge thank you to all the contributors who took time to share their personal experiences and reflections, for having the moral courage to question the status quo and put forward bold ideas to break the impasse. Whether you agree or disagree with what they say, the common thread that binds them is their commitment and support for international law and human rights.
In Memory of Del

Del Singh dedicated his life to fighting for justice and human rights in both his professional and personal life.

He channelled his passion in to every project he was involved with, from his international development work to supporting local projects closer to home…and then of course there was LFPME! His vision, moral courage and hard work helped LFPME grow in to an organisation that could champion the cause for justice for Palestine more effectively within the UK parliament.

“Del was a true champion of human rights; he was and remains a source of inspiration to many people, in his fight against injustice and apartheid. I will never forget Del, he will always have a special place in my heart and his spirit will live on to inspire all those who care about our cause”.

H.E the Palestinian Ambassador,
Manuel Hassassian

Del,
LFPME would not be what it is without you; there’s not a day or an event we don’t miss you. You remain close in our thoughts and our hearts.

Komal Adris,
LFPME Executive Committee, 2015
There is no substitute for seeing the situation in Israel and Palestine for yourself. By going there you “get it” more directly than you can in any other way – however many briefings or articles you read.

In the West Bank you just can’t escape experiencing the reality of occupation. Look around you and you see settlements dominating the hills linked by new road systems that speed up transport for settlers as effectively as the patchwork of road blocks, earth mounds and the Separation barrier make it difficult or impossible for Palestinians to move around. Sit in a Bedouin Village which is starved of mains water and which is under threat of demolition and catch a glimpse of why so many Palestinians feel that the words of foreign leaders about the “peace process” are a world away from their daily lives.

Cross the border from Israel into Gaza and you move from a prosperous first-world country to scenes of utter devastation, where the water and sewage systems don’t work, you see bombed out buildings all around you and you find poverty at levels similar to sub-Saharan Africa. And will see children everywhere. Talk to their parents and teachers and they will tell you how those children are traumatised by war. They will look you in the eye and ask you why their kids should not be entitled to the kind of childhood we take for granted for ours. Cross back over the border into Israel and you leave the poverty and devastation behind you. But parents in Sderot will tell you the same thing about impact of war on their own children. They too will look you in the eye when they ask you how you would feel if they were your kids.

All the contributors to this pamphlet have seen these things for themselves. The work of organisations such as LFPME, CAABU, MAP, Labour to Palestine and other NGOs working in the field are invaluable in giving policy makers the chance to gain real insights of the situation on the ground. Our responsibility when we return is to act on what we have seen and what we have learned.

Opinion in Parliament about the situation in Israel and Palestine has transformed in recent years. No longer are those who speak up for the rights of Palestinians seen as marginal. In no small measure that is down to the actions of Israel itself - from the brutality of its onslaughts on Gaza and Lebanon to its persistent refusal of international calls to cease settlement building on occupied land. It is not that Israel’s colonisation of the West Bank is any more illegal in now than it used to be; settlement building in the West Bank has been illegal for the last forty eight years. The difference is that policy makers in Europe and beyond are starting to see what the expansion of settlements means for the future. The settlements, the road blocks and the separation barrier are physically slicing up the West Bank in ways that remove the possibility of a viable Palestinian state. As the world looks on, the two state solution that has long been the cornerstone of international efforts to build peace and security for both Israelis and Palestinians is being destroyed.

Over the past year, more and more governments and legislatures have come to understand that a sustainable negotiated peace can only be achieved if Palestinian rights to self-determination are internationally acknowledged to be no less than those that Israel claims for itself. The UK Parliament’s vote in October 2014 to recognise of Palestine as a state was a powerful symbol of that understanding. Those symbols are important. In the meantime, though, the colonisation of the West Bank is continuing apace and the blockade continues to strangle Gaza. As this has gone on, however, the words of Israeli leaders on the international stage have often asked us to believe that it does not have to be like this. They have told us that the two state solution can still happen. The problem, they tell us, is that the Palestinians never seem to waste the opportunity to miss an opportunity. The facts on the ground have told a different story, for years. In the last year, statements from Prime Minister Netanyahu have all but ruled out any hope that his government will accept the creation of a sovereign Palestinian state, whatever agreements Israel may have signed up to in the past.

Faced with this it is not surprising that the EU has also been re-evaluating some of the ways in which it should respond, including moving towards a tougher position over European trade with illegal settlements in the West Bank and East Jerusalem. In the light
of Israel’s actions it is time for the EU to review the operation of its Association Agreement with Israel too. That agreement requires Israel to accept its obligations to respect human rights as well as giving it reciprocal trade preferences. In other words it is an agreement which contains responsibilities as well as rights. It is time to tell Israel that if it continues to flout its responsibilities, it can no longer expect the trade rights that go with them.

The contributors to this pamphlet paint a graphic picture of different aspects of life in Gaza and the West Bank. Some question long held assumptions about how the path to peace can be built. Others draw on the experience of conflicts elsewhere to both confront injustice and to promote reconciliation. Some of the conclusions they draw may be challenging. Agree or disagree with what they say, though, one thing is clear. Human rights international law, and the search for sustainable peace and security all require the International Community to face up the reality of what is happening. And they require us to act.

Palestine still matters

By Chris Doyle - Director, Council for Arab-British Understanding, @doylech

As all the crises in the Middle East unfold, multiply and sadly regress across the Middle East, a significant debate is required as to how Britain should handle such huge and dynamic challenges. The temptation is to focus on one to the detriment of others but this ignores the way in which they are all interlinked. The question remains does Britain have the resources and Ministerial time to cope.

The crises of the last four years have also encouraged those who argue Palestine no longer matters or that these crises show that it was never that important. There can be no question – statistically Syria has in the last four years far greater destruction and loss of life as has Yemen and Iraq. But the Palestinian crisis endures, decade upon decade; the occupation intensifies rather than eases.

Quantifying and comparing suffering is an odious task. Palestinians, Syrians, Iraqis, Libyans, Yemenis and Israelis have all suffered.

The reality is that all the crises should matter. No single crisis should be ignored or forgotten. Palestine should not be given disproportionate attention but neither should it, as some would like, just be dropped and forgotten. In fact, Palestinians are caught up in the refugee crisis, with 300,000 affected in Syria, under siege in Yarmouk camp and deteriorating horror conditions in the camps in Lebanon.

But the issue of Palestine does matter and does still resonate far beyond its borders. Understanding and appreciating the history is vital. In the small village of Wadi Fukin near Bethlehem the village elder assailed one delegation of MPs about “Balfour – he was responsible for all this” pointing up at the massive settlement of Beitar Illit that casts its shadow over their lands. Understanding why answers to a large extent why it serves as a rallying cry across the region, and even globally.

A hundred years ago, the British High Commissioner in Egypt, Sir Henry McMahon started an exchange of letters with Sharif Hussein of Mecca. The aim was to pry the leader of the religiously significant Hijaz province away from the Turkish orbit and to become the leader of what was to become in 1916 the Arab revolt. The prize was huge. Eventually more Turkish forces were engaged fighting the Arabs than the British in Palestine.

Yet historically for Arabs this was the first of a triple betrayal whose impact is being felt more acutely now than ever in the Middle East. The problem was that Britain never seriously entertained the idea of a powerful independent Arab state nor did France whose ravenous eyes were gazing on Syria. In 1916 as the Arab revolt tore into the soft Turkish southern frontiers, Britain and France were calmly but secretly dividing the Middle East spoils of war in what became known as the Sykes-Picot agreement. A year later came the last betrayal, the Balfour Declaration where Britain promised the Jewish people the land that was majority owned and populated by Arabs.

Britain and France drew lines in the sand. New states were created including Jordan, Lebanon,
Kuwait and ultimately Israel. None of these borders made historical, geographical, economic or political sense. Syria, Lebanon and Iraq are suffering these consequences. Lebanon was carved out of Syria for the benefit of the French backed Maronites but with lands that included so many other communities that it has become almost ungovernable. The Kurdish issue was buried despite huge communities in Turkey, Iraq, Syria and Iran. Palestinians understandably rejected a partition that was grotesquely unfair and undemocratic. The Jewish population even in 1948 was around 31% of the Palestinian population yet they were allocated 54% of the land.

Very few people in the region have ever been happy with the post-World War I or World War II settlements. The colonial era dragged on too long and even after the great powers formally withdrew, regimes have been toppled and propped up with little or no concern for the aspirations and rights of the local populations.

Palestine became the embodiment of this colonial arrangement. All the failings of western manipulation were displayed. Partition was imposed from the outside favouring the western-backed Zionist movement. Israel was armed, and France in particular assisted this nascent state in getting the nuclear bomb. When the rest of the region watches the whole Iranian negotiations saga, many think even whilst preferring a non-nuclear Iran, why is Israel uniquely allowed this arsenal of weapons?

Arabs and others ask why, regardless of its behaviour, Israel’s violations of international law, its never-ending occupation, Israel still gets its $3 billion of aid a year from the US? Israel has an economy that is a first-world powerhouse and yet Syria is destitute, and 80% of Yemen’s population urgently needs aid. Why does Israel require economic largesse when others are literally being starved to death? Why did the European Union treat the illegal Russian occupation and annexation of the Crimea differently to Palestine? Russia has been sanctioned; Israel has not.

The West’s handling of Israel and Palestine has become the litmus test of its intentions for the region. As long as Israel receives excessive latitude to behave as the regional hegemon, the rest of the peoples of the region will never ever believe western pretensions on disarmament, human rights and democracy. They will ring hollow. We will not be trusted. The 100 years of betrayal is for Arabs at least an ongoing process. Britain needs to address this crisis of inconsistency.

In the past it was leftist Arab nationalist movements that tapped into this anger and betrayal. Today it is the hardline Islamists. Many argue that hardline Jihadis do not actually care that much but whatever, they certainly use and abuse the issue for their own ends. Palestine and the “Zionist-crusader” appeared prominently in Osama Bin Laden’s first fatwa. ISIS has declared one of its goals to conquer Palestine and Israel (it has rejected Hamas rule in Gaza).

But the religious dimension does matter. Events in Jerusalem and even Hebron are followed closely across the Islamic world. Israeli efforts to further colonise the city and for example take over a Muslim cemetery only inflame Islamic sentiment.

Solving Palestine should be a priority to resolve a long running conflict and occupation, to address a major humanitarian crisis notably in Gaza, but perhaps most of all to lay the foundations for a new 21st century relationship with the region.
To handle this then Britain requires additional resources. There is still the same number of Foreign Office Ministers dealing with more crises. The addition of a Minister for refugees is unlikely to make a difference. Yet there is also a lack of language specialists in the Foreign Office, with Arabic skills sorely lacking.

Finally, given the intellectual nature of the policy challenges are greater than ever, consideration should be given to the balance of time and energy spent on policy development as opposed to management. All of these are frequent complaints both inside and outside the Foreign Office. If we aspire to a coherent and effective British Middle East policy those responsible must be given the tools to bring it about.

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Trading for Peace

By Stephen Kinnock MP

By applying the rule of international commercial law to all economic activity that takes place in the illegal settlements the EU can come to play a central role in tackling the issue that has become the key impediment to peace.

Introduction

The UK and EU’s public position on settlements is clear and unambiguous: Israeli settlements in the West Bank and East Jerusalem are “illegal under international law, constitute an obstacle to peace and threaten to make a two-state solution impossible”.

- **Article 49 of the Fourth Geneva Convention** states clearly that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.

- **UN Resolution 446** states: “the settlements have no legal validity” and that they “constitute a serious obstruction to achieve a comprehensive and lasting peace in the Middle East”.

Despite the overwhelming legal principles and rulings, the creation of illegal settlements in the West Bank has increased significantly since the signing of the Oslo Accords in 1993. In 1995 there were approximately 110,000 settlers and today there are over 600,000 Israeli’s living in illegal settlements in the West Bank.

The EU’s commitment to the rule of law and the centrality of its internal economic cohesion require that it implement policies that de-incentivise settlements and the settlement enterprise. By standing firm behind these two pillars of European unity, the EU can play a central role in neutralising the largest obstacle to peace.

Now is the optimal moment for action. In June 2014, the EU Council prohibited imports of goods from Crimea and Sevastopol as part of a commitment to non-recognition of Russia’s illegal annexation of those places. This sets a precedent for a UK and EU policy of non-recognition of illegal Israeli settlements and present a strong legal case to ban trade with illegal Israeli settlements in the West Bank.

Illegal settlements in the West Bank

The settler population is growing at around two-and-a-half times faster than the population inside Israel with a growth rate of 4.9 per cent, or 29,000 settlers each year. One reason for this elevated growth rate is that successive Israeli governments have provided economic incentives for Israeli citizens to move to the settlements.

In addition to these political and financial considerations, the influx of nearly 600,000 Israeli settlers into the West Bank and East Jerusalem significantly increases tension in the region and results in multiple human rights violations on a daily basis. These violations are well documented and include: violence perpetrated by and against settlers; freedom of movement restrictions placed on the Palestinian population by the Israeli military; the detention and prosecution of Palestinian adults and children in military courts; house demolitions; land expropriation; and restrictions on agricultural and other economic activity virtually guaranteeing perpetual dependency.
Whilst supporters of the illegal settlement enterprise argue that the fenced areas of the settlements cover approximately three per cent of the West Bank, in total 43 per cent of the territory is appropriated by the wider settlement infrastructure, which includes: settler-only roads, the illegal separation barrier and areas cordoned off as military zones and nature reserves.

This fact has led the UN to note that the establishment of the settlements has fragmented the West Bank placing at risk the possibility of a Palestinian State, and by implication, a viable two-state solution – stated policy goals of the UK, EU, US and UN into which nearly two billion Euros are invested annually.

In consequence of the establishment of Israeli settlements, the population in the West Bank is also governed by two separate legal systems. Those who possess Israeli citizenship – that is, in practice, the population of the settlements – are subject to Israeli civilian law. Those who do not – that is, for practical purposes, the Palestinian population – are subject to Israeli military law. This gives rise to a situation whereby Israel discriminates between those over whom it exercises penal jurisdiction based on race or national identity in violation of its international legal obligations and giving rise to negative historical comparisons which will increasingly damage its international standing.

**Settlements and the law**

We either support absolute rule of law or we do not. The transfer by an Occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the 1949 Fourth Geneva Convention and violates the 1998 Rome Statute of the International Criminal Court. Such acts are war crimes under international law. Furthermore, under the Hague Regulations which are binding on all nations in of the world, Israel is in violation of the following articles:

- **Article 55** that states Occupying powers cannot claim sovereignty on occupied land
- **Article 46**: Occupying powers cannot confiscate private land
- **Article 49**: exploitation of occupied land resources must be temporary and used for military needs proportionate to need.

The settlements are illegal because they contravene a number of articles in the Fourth Geneva Convention, specifically in reference to the treatment of civilians in occupied territories; the convention prohibits the forced transfer of populations, the transfer of the occupying population to the occupied territories, and causing even mild physical discomfort among civilians.

The establishment of Israeli settlements in the West Bank and East Jerusalem also violates a fundamental principle of international law enshrined in Article 2 of the UN Charter concerning the non-acquisition of territory through aggression, even in circumstances where a State purports to act in self-defence.

Finally, as of 1 April 2015, the Rome Statute of the International Criminal Court (Rome Statute) has entered into force in Palestine. Article 8 of the Statute classifies the transfer of Israel’s civilian population into the West Bank and East Jerusalem as a war crime in addition to being a “grave breach” of the Fourth Geneva Convention. The legal obligations contained within both treaties have been incorporated into UK domestic law.

**Trade with illegal settlements**

If we accept that settlements are “illegal under international law, constitute an obstacle to peace and threaten to make a two-state solution impossible”, by implication the settlements also threaten the billions of Euros already invested in the two-state solution. In practice however, some European policies are helping to sustain the settlements, such as:

1. **Europe continues to import settlement products valued at around £198m per year**;

2. **European owned companies continue to invest in the settlements and related infrastructure or provide services to them**; and

3. **The EU has failed to fully exclude settlements from the benefits of its cooperation programmes and bilateral agreements with Israel. In several cases, EU public funds for research and development have been used to directly support activities in settlements**.

Further, many of the products imported from the settlements have their origin designated as “Israel”, thus acquiescing to Israel’s extension of sovereignty over occupied territory whilst at the same time misleading consumers potentially in breach of EU consumer protection legislation.

Since 1967, the appropriation of Palestinian land and natural resources, have turned the illegal settlements in to a profitable enterprise for Israel. Continued and expanding trade with the UK and wider EU places no incentive or pressure on Israel to
abide by its obligations under international law and instead sends a message that it can continue without recourse. The EU-Israel preferential trade agreement enshrines human rights and political progress as basic conditions in return for trade benefits; Israel has reaped the rewards, but ignored the conditions.

The EU

The EU’s position on settlements is very clear, that they are “illegal and an obstacle to peace”. This contains both a principled position in line with International Law, and a practical political position that settlements are an obstacle to the achievement of peace (a stated objective of the EU and UN).

I am pleased that EU parliamentarians voted overwhelmingly just recently (September 2015) to support labelling of consumer goods produced in Israeli settlements and to ‘differentiate between Israel and its activities in the Occupied Palestinian territories’. EU-Wide guidelines on labelling are a welcome step but we can and must do more by enforcing a ban on all trade with the illegal Israeli settlements under Article 215 of the Treaty on the Functioning of the European Union.

In 2012 the EU Heads of Mission voiced a number of serious concerns in a report on East Jerusalem, in which they condemned settlement building and recommended that EU member states place economic sanctions on settlements. I fully agree.

We can start with the British organisations that are complicit in the illegal settlement enterprise. According to Richard Falk, the former UN special rapporteur, companies or institutions involved in the illegal settlement enterprise ‘may be held criminally accountable for their involvement with the illegal settlements’.

I would also call for review of organisations that enjoy tax exemptions under UK charitable status and are involved with the illegal settlement project. The Jewish National Fund (JNF) for example has close ties with the Government of Israel to the extent that in 2007 the Israeli Knesset approved a Jewish National Fund Bill to authorise the JNF’s practice of refusal to lease land to Arab citizens. The JNF has been actively complicit in the illegal enterprise for decades and its political activities are in clear breach of Charity Commission guidelines.

There is growing recognition in Europe, the US and beyond that we cannot allow business as usual to continue; below are just a few examples that illustrate the shifting sands:

- In 2012 the UK Cooperative Group took a decision to end trade with companies that export produce from illegal Israeli settlements. The Co-op clarified that this was not a boycott of Israel and continues to trade with companies in Israel.

- In January 2014 the Norwegian Ministry of Finance announced that it would exclude Israeli firms Africa Israel Investments and Danya Cebus from its Government Pension Fund Global, due to their involvement in illegal construction in East Jerusalem and what it called ‘serious violations of individual rights’.

- In February 2014, Denmark’s largest bank blacklisted Israel’s Hapoalim over its involvement in the funding of settlement construction. Danske Bank said that due to its corporate accountability rules and the fact that Hapoalim was ‘acting against the rules of international law’ it was added to the blacklist.

- In March, authorities in Argentina suspended a proposed contract worth $170 million with Israel’s largest water company Mekorot. Israel’s discriminatory practices in controlling and distributing water resources in the West Bank are also in breach of the fourth Geneva Convention and companies such as Mekorot are complicit in the illegal appropriation of Palestinian water and redirecting it to illegal settlements and towns inside Israel.
Though the history of the occupation is undoubtedly complex, the facts on the ground are relatively simple. As long as the settlements are expanding there can be no viable negotiations and as long as the settlements remain it is hard to see what a viable Palestinian state would look like. The presence of 600,000 Israeli settlers on land that has been internationally recognised as occupied is what drives this conflict.

Prime Minister Netanyahu made it clear during his recent election campaign that under his watch there would be no compromise over settlements. More pressure must be applied to render the settlement project no longer economically viable.

Unfortunately we will not find willing partners among the leadership of our sister party in Israel, Labour. Despite its official position, that they would be willing to swap occupied territory for a lasting peace, successive Labor aligned governments have entrenched the settlement problem and they have offered no real opposition on this matter to Netanyahu’s governments.

It is important to clarify that the positions outlined in this article differentiate between Israel and illegal settlements; I do not advocate the extension of sanctions to trade with Israel itself, ours is an anti-settlement policy, which I believe is in the best interests of peace and prosperity for both Israel and Palestine.

Policy recommendations

LFPME submits that it is unrealistic to expect a change in nearly 50 years of Israeli settlement policy in the absence of initiatives that impose consequences for illegal activity. It is important to note that LFPME is not recommending the imposition of sanctions on Israel, but a strong and targeted policy response towards what is widely acknowledged as the biggest impediment to peace - the settlements.

LFPME also submits that failure to take firm action in accordance with the UK’s international and domestic legal obligations will not only result in the failure to achieve our stated policy goal of a viable two-state solution, but is likely to have dire consequences for both Palestinians and Israelis alike, whilst potentially undermining the international legal order to the detriment of all.

Accordingly, LFPME recommends as follows:

1. Ban the importation of settlement products to the UK;
2. Ensure that settlements are excluded from all bilateral and multilateral arrangements between the UK and Israel;
3. Prevent financial transactions to settlements through restrictive measures, similar to the ban on trade against Crimea;
4. Publish and promote a stronger set of guidelines to business and banks to ensure they have no trading, financial or investment links with settlements;
5. Exclude from public procurement any company involved in settlements based on the procurement guidelines issued by the Scottish Government in 2014;
6. Continue to promote transparent labelling guidelines that complies with consumer protection legislation;
7. Prevent financial transactions to settlements through restrictive measures;
8. Introduce a visa ban for violent settlers seeking to enter the UK;
9. Call for a review of UK registered charities that are in breach of Charity Commission guidelines due to their involvement in criminal acts of land appropriation and discrimination.
Unlocking Gaza’s potential: beyond conflict and crisis

By Jo Cox MP

In 2012 the World Bank published a report which said that Gaza would be uninhabitable by 2020. Following three periods of heightened conflict in the last 6 years alone, some would argue that Gaza has already reached that point.

Today Gaza has become almost synonymous with conflict and destruction. Yet among the rubble and despair, if the international community redoubled its efforts to help stabilise the current ceasefire and unblock the diplomatic impasse, Gaza has immense potential for development and growth.

Take the geography and landscape of Gaza, with an eastern shore along the Mediterranean sea, the ancient borders of Egypt to the southwest and Israel to its North and East, the potential for tourism is immense. Fishing has always played an important role in the economy and culture of Gaza and the establishment of a sea port and restoring access for fishermen would create huge economic benefits. Restoring the freedom of movement for aid, trade and ordinary Palestinians would also be transformative - lifting Gaza from its crippling aid dependency.

1. Gaza Overview

Gaza is a tiny strip of land, just 139 square miles, home to 1.8 million Palestinians (1.2 million of whom are refugees) and is one of the most densely populated places in the world. In 2010 Prime Minister David Cameron referred to Gaza as an “open air prison” and called for an end to the blockade to allow a “free flow of humanitarian goods and people”. Five years later, under the stranglehold of what is now an eight year blockade, the situation in Gaza is precariously worse. Eighty percent of the population of Gaza are now aid dependant and sixty one percent are food insecure.

In order to understand the situation in Gaza and moreover identify practical solutions, it is important to understand the context in which the current situation has arisen, specifically the eight year blockade of the strip by Israel alongside the ongoing Occupation of the Palestinian territories, for the past forty eight years.

We cannot disconnect Gaza from the wider Palestinian story, as they remain inextricably linked and any meaningful future resolution must involve both Gaza and the West Bank. This meaningful future becomes less and less viable with every passing failure of the international community to change the status quo.

In the last six years, Gaza experienced three serious periods of heightened conflict; the most recent in 2014 claimed the lives of 2,205 Palestinians, including 556 children. 18,000 homes were destroyed, as well as schools, health facilities, water supplies, sewage disposal and electricity supplies.

Oxfam’s latest report on Gaza highlights the lack of reconstruction that has taken place since last year’s destruction. 100,000 people remain displaced and construction materials are not getting through. The UN estimates that it could take 20 years to rebuild all the homes that were destroyed and according to Oxfam, “76 years to build all the new homes that Gaza needs”.

The trauma of the conflict and the stress of living under the blockade, unable to leave Gaza, have left an estimated 300,000 young people in Gaza in need of psychosocial support (Oxfam, “One year on”, 2015). A 7 year old Palestinian child will have grown up under the constant fear and darkness of conflict. Under the fourth Geneva Convention, the “collective punishment” of a civilian population is a war crime and has been described as such by the EU and the UN. Furthermore the blockade is in contravention of Israel’s obligations under international humanitarian law (IHL).

2. Gaza’s economy

Gaza’s exports have virtually disappeared and the manufacturing sector has shrunk by as much as sixty percent. Without the lifting of the blockade and allowing access and movement the economy cannot survive according to World Bank County Director, Steen Lau Jorgensen.
Before the blockade was imposed there were six official crossings into Gaza: Erez, Karni, Nahal Oz, Kerem Shalom and Sufa with Israel and Rafah with Egypt, allowing an average of 70 truckloads of exports to leave Gaza each day, and 583 truckloads of goods and humanitarian supplies to enter. The majority of goods passed through Karni, in the North-East of the Gaza Strip where large-scale, high-security facilities for commercial trade are in place.

Neither Israel or Egypt currently permits free travel from Gaza as both borders are heavily militarily fortified. Egypt maintains a strict blockade on Gaza, and both countries are complicit in illegally undermining the fundamental human rights of citizens, and encouraging the decay of social and economic structures within Gaza.

According to UNOCHA (July 2015) the Egyptian-controlled crossing (Rafah) has been continuously closed, including for humanitarian assistance, since October 2014, except for 15 out of 219 days of partial openings. The overall impact of the blockade in reducing Gaza’s GDP by a huge 50% (World Bank, May 2015) and has meant the people of Gaza are powerless to grow their economy independently.

2. Gaza’s potential

In spite of the seemingly insurmountable obstacles faced by Gaza there is little mention of its potential or indeed its period of relative prosperity that existed before the blockade. Palestinians have always been a resourceful and capable people, with access to rich natural resources with high levels of educational attainment for both men and women. There is no recorded account of food insecurity prior to 1948 in Palestinian history.

However, a fragile macro-economy based on internal trade cannot form the backbone of a viable state. With its fertile land, coastline and able, young workforce, Gaza holds natural potential to become the economic powerhouse of the Palestinian territories. If Gaza’s economic productivity had continued to increase at the levels of the early 1990s, real GDP per capita across the entire OPT would be an estimated 88 percent higher than it is today. (Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory, UNCTAD 2011). Gaza’s GDP has decreased from $1,230 per capita in the early 1990s to $1,074 in 2013, while the West Bank’s GDP has grown by more than 40 percent during the same period. (“Charting a New Course: Overcoming the stalemate in Gaza”, Oxfam International 2015).

The population of Gaza have always relied on the abundance of the Mediterranean Sea to feed their families and trade in and around Gaza. Palestinian territorial waters off the coast of the Gaza Strip, as defined by the 1982 UN Convention on the Law of the Sea, should extend to 12 nautical miles. However the Israeli navy have gradually reduced this to three nautical miles, severely undermining the livelihoods of fishermen, their families and communities. According to UNOCHA approximately 1,400 metric tons of catch are lost each year due to the restrictions placed on fisherman, costing the economy $26m annually.

The removal of the maritime blockade to address the immediate food scarcity issue in Gaza is vital. “Inland fish farming could provide employment and a cheap source of protein in the medium term and would complement sea fishing. While ultimately large scale growth will be based on sectors other than agriculture, in the short term and under continued closure, fishing has the potential to bring a ready source of protein to the diets of Gazans.” (Gaza in 2020: A liveable place? UNCT, 2012).

Under optimal conditions Gaza could sell 200 truckloads of agricultural produce to the West Bank per month, which constitutes 30% of their agricultural produce. It is estimated that a profit of 7 million NIS per season could be earned from selling strawberries alone in the West Bank. (Gisha – ‘Made in Gaza’, March 2015).

Gaza also has a unique set of attributes that make the area an attractive prospect for tourists looking to enjoy the stunning 75 km stretch of beaches that borders the coastline. Tourism between Egypt and Gaza was active before the 1967 war, and Gaza hosted a number of successful hotel casinos and other attractions.

There is little discussion of the economic benefits that could be generated by the Gaza Marine offshore gas field, which has the potential to supply all the energy needs of Gaza, as well as to provide substantial resources for development though the sale of surplus gas (“Towards Economic Sustainability of a Future Palestinian State: Promoting Private Sector-Led Growth.” World Bank, April 2012.) Recent estimates have predicted substantial revenues of around $2.4 bn in royalties and taxes over its lifetime. It will also save $560m annually by eliminating the need to import electricity from Israel. Under international law, the area containing the gas field belongs to the Palestinians, but Israel - in violation of international maritime law - has been tendering contracts for gas exploration.
Policy recommendations:
The international community should prioritise efforts to stabilise and extend the current ceasefire, end the blockade to kickstart Gaza's economy and allow greater freedom of movement both into and from Gaza. Labour Party policy in relation to Gaza should include the following:

1. **Continue to press for an end to the blockade of Gaza;**
   - Encourage the Israeli Government to open up all crossings into and out of Gaza, and urgently allow free and unfettered access to Gaza for goods. Priority should be given to humanitarian aid and reconstruction materials; if required, with internationally supported and supervised customs operations to alleviate security concerns.
   - Encourage the Israeli Government to allow freedom of movement of Palestinians in line with their obligations as an occupying power.
   - Encourage the Israeli Government to lift the ban on Palestinian fishing, going back to the 20 nautical miles as agreed at the time of Oslo.
   - Support the creation of a new maritime corridor, with the offer international supervision.
   - Support efforts to strengthen connections between Gaza and the West Bank, including increased trade and travel.
   - Encourage the Egyptian Government to reopen the Rafah crossing alongside Israel's opening of all its Gaza crossings.
   - The UK should work within the Quartet to propose a time-bound plan to support an end to the blockade.

2. **Pledge to support a Palestinian national unity government, with Hamas and Fatah ministers, operating in both Gaza and the West Bank.**

3. **Support institutional capacity building in the West Bank and Gaza; working with the Palestinian Authority and Hamas as well as partners in the EU and in the region - for example the Gulf Cooperation Council.**

4. **Ensure the UK meets its aid commitments, and continues to support essential aid and reconstruction in Gaza.**

5. **Press for an end to rocket or mortar attacks into Israel.**

6. **Press for accountability for human rights abuses and violations of international law committed by all sides.**
2014 marked the 25th anniversary of the United Nations Convention on the Rights of the Child (CRC) which seeks to protect the civil, political, economic, social, health and cultural rights of children.

Currently 194 countries are party to the treaty; the CRC was ratified by Israel in 1991 and by Palestine in 2014, making both state parties bound by the obligations set out in the CRC. The CRC applies to Palestinian children in the occupied Palestinian territory (oPt), which comprise the West Bank, including East Jerusalem, and Gaza and as the occupying state,

The Rights of Children under Occupation

Israel has a responsibility under international conventions, including the CRC, for the safety, welfare and human rights protection of civilians living in the oPt.

The CRC recognises that a secure and healthy childhood is crucial to growth and development; negative experiences early in life have long-term negative implications that profoundly affect a child’s life chances, therefore protection during this vital time in a person’s life is crucial.

As I travelled through the West Bank on a recent delegation with CAABU and Medical Aid for Palestinians (MAP), I could not help but wonder how the safety, welfare or human rights of ordinary Palestinian children could be met under the conditions in which they lived. If these children are denied their most basic human rights and freedoms at such a tender, young age, what hope can they expect or can we offer them for a better future?

The Oslo Generation

Twenty-three years since the Oslo Accords were signed, an entire generation of young Palestinians and Israelis have grown up with a worsening situation on the ground, with more conflict, greater divides and increased mistrust. How can we expect a 21-year-old Palestinian who has grown up witnessing the expansion of illegal Israeli settlements, the establishment of an illegal separation barrier, punitive restrictions on movement, economic decline, and a humanitarian crisis in Gaza, to have hope or to believe in a better future?

How do we offer hope to a new generation of young Palestinians who have grown up trapped under the blockade of Gaza? Sixty-four per cent of Gaza’s population is under the age of 25 and any child born in the last seven years will have already lived through three conflicts. How can we convince the next generation of young Palestinians that things will change and that they should believe in the rule of law, justice and human rights?

Unequal before the law

Young Palestinians face a precarious existence, increasingly set apart from their Israeli counterparts. They face a different, more punitive legal system, divided by law as much as they are divided physically through partitioned land, segregated roads and transport.

In the Occupied Palestinian Territory of the West Bank, two different types of law are applied. Consider two 16-year-olds, one Israeli and one Palestinian. For the same offence, the rule of law will be applied differently. In the first instance, while the Israeli child will be treated as a minor under the law, the Palestinian child will be treated as an adult - although legally the child is a minor until the age of 18.

Secondly, while the Israeli child will be tried under civilian law in a civilian court, the Palestinian will be tried under Israeli military law in a military court.

The arrest, detention, interrogation, trial and sentencing of Palestinian children is in contravention of International Humanitarian Law, the CRC, the Fourth Geneva Convention and many more treaties. Approximately 500-700 Palestinian children are held captive in Israeli prisons every year, in violation of Article 76 of the Fourth Geneva Convention.

On the other hand, most cases of violent crimes against Palestinians go unpunished or are simply ignored by the authorities.
Education

Education is mandatory for children until they reach the age of 15. However, numerous military checkpoints impede the movement of all Palestinians, meaning that otherwise short journeys can take hours and result in missed classes or extra-curricular activities. In Gaza, the destruction of schools and shortages in donor aid money threaten children's ability to receive an education, which is often the only semblance of normalcy they experience - within the classroom.

Child Labour

The Human Rights Watch report: 'Ripe for Abuse: Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank' (2015) details how young children are exploited by the residents of ever-expanding settlements. The report documents abuses against Palestinian children as young as 11 years old, who earn a mere US $19 for each day's work on agricultural settlements. The children receive no medical support or social benefits, and are prone to regular illness from exposure to extreme heat and pesticides as well as shifts of up to 12 hours a day. They do this to help support their families at the expense of their education and their right to a childhood. They have no representation or rights, there is no work contract or any other documents linking the children directly to the settler-employer, as all business is conducted through a paid Palestinian middle-man.

Settlements

As settlements expand, life for the children of the West Bank becomes increasingly difficult. They live in the fear of incarceration by Israeli soldiers, and subjugation by settlers, intent on guarding illegally built properties that infringe on Palestinian citizens both physically and mentally.

Gaza

Save the Children's 2015 update on the situation in Gaza illustrates the impact of conflict on children and the scale of the challenge facing Gaza while the blockade remains. The restrictions on the movement of people and goods in and out of Gaza have a real and negative impact on children’s day-to-day lives.

The psychological impact of the blockade and successive periods of heightened conflict has created a generation that are trapped and traumatised. The conflict in 2014 claimed the lives of 551 children and injured 3,436, of whom 10 per cent suffered permanent disability as a result. In April and May 2015, Save the Children field teams completed an assessment of 413 children and 352 mothers and found unexpectedly high levels of continued severe emotional distress and trauma. Up to 89 per cent of parents reported that their children suffer consistent feelings of fear, while more than 70 per cent of children in the worst-hit areas worry about another war. Over 50 per cent of children in some areas do not want to go to school any more, or have poor attendance, explaining that they are afraid to leave their homes, others feel unsafe in school buildings, some of which were damaged or destroyed in the conflict.

Conclusion

As a third-party state, we also have an obligation to ensure that countries support and abide by International Humanitarian Law, the fourth Geneva Convention, Article 2 of the UN Charter and treaties such as the Convention on the Rights of the Child.

For the livelihood and rights of all children we call on an immediate lift of the blockade at this urgent juncture

The Palestinian Authority as official representatives of the Palestinian people must also meet their obligations to ensure that the rights and freedoms outlined in these treaties are met and upheld. Signing the CRC in 2014 was a positive step but must also be accompanied by reforms to Palestinian domestic laws. Currently, Palestinian domestic laws regarding children's rights fall short of international standards and Defence for Children International (DCI) highlights particular concern around the outdated Jordanian Juvenile Law of 1954, which provides the existing legal framework in the West Bank for dealing with children in conflict with the law. This legislation does not meet international juvenile justice standards and works against the best interests of the child.
Israel and the detention of Palestinian Children

By Mark McDonald - Human rights barrister and one of the founders of LFPME

“Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation” Nelson Mandela

The arrest, interrogation and detention of Palestinian children by the Israeli army has left a stain on Israel’s human rights record and although nearly every international human rights body has repeatedly called for reform these calls have fallen on deaf ears. There is now substantial evidence that children arrested and detained in Palestine are isolated, lonely and the abuse they receive while in custody is systematic and clearly amounts to torture and is in violation of international law.

Following the occupation of Palestine, Israel imposed military law, which established military courts. These were meant to be temporary but they have now become a permanent fixture. Since 1967, the Israeli army has issued over 1,700 orders affecting the lives of the 3 million Palestinians in the West Bank and East Jerusalem. In that time, around 850,000 Palestinian men, women and children have been detained and many prosecuted in these courts.

Since 2012, Israel has arrested and detained over 8,000 children. In 2013 alone over 1,000 Palestinian children from the West Bank were detained by the military. The ages of children arrested range from 12 – 17 but there have been many occasions when children under the age of 12 have been arrested, some as young as 7. Most are accused of throwing stones, an offence, which carries a maximum sentence of 20 years imprisonment.

There are two laws that exist in the West Bank, one for Palestinians and one for Israelis (namely the Israeli settler population). If we consider of two 16 year old children in the West Bank, one Israeli and one Palestine, both arrested for throwing stone throwing, their experiences are markedly different. To begin with the Israeli child will be treated as a minor under Israeli civil law (which is correct, until the age of 18), whereas the Palestinian child will be treated as an adult under Israeli military law.

The entire procedure of the arrest, treatment and detention of the Palestinian child are designed to scare, intimidate and force the Palestinians into complete submission. In 2008 the international human right’s organisation Defence for Children International (DCI), obtained sworn testimonies from 426 children detained by the Israeli army. Most of these children were arrested at night or in pre-dawn raids of which there are approximately 1,400 each year, over 65,000 since 1967. The soldiers arrive in force, bang loudly on the door, sometimes simply kicking the door in. Those inside are treated aggressively, on occasions assaulted, and generally verbally abused. The whole family is gathered in one room and their IDs are checked, while other soldiers ransack the house. Once the child is identified their hands are bound with plastic ties, which can cause extreme pain. The child is then hooded or blindfolded - they are not allowed to be accompanied by an adult - and put into the back of a military vehicle, where they sit on the metal floor surrounded by soldiers. The journey to the detention centre can sometimes last hours. Testimonies from children arrested consistently tell of abuse and beatings in the back of the vehicle. But this is just the start of their humiliating and degrading treatment.

In contravention of Article 49 of the Fourth Geneva Convention, the child is often taken outside Palestine to detention centres in Israel. The child is normally interrogated soon after arrival, their hands remain bound or shackled, they are denied a lawyer and denied their right against self-incrimination. Their parents or any other independent appropriate adult are not present. Indeed, the parents are rarely told
where their child is or what they have been charged with. According to a report produced by UNICEF in 2013 the child is often subject to threats and physical violence with the clear purpose of getting the child to confess. Children are often made to sign confessions in Hebrew, a language which they do not understand. Children report being threatened with death, solitary confinement and sexual assault either against themselves or a family member. The interrogation is not videoed and is generally done by men in uniform, sometimes soldiers, sometimes police offices and by the end the child often confesses, whether they are guilty or not.

The children have also reported being held in solitary confinement. This is often for two days but it can be much longer; the court has the power to extend the confinement to a month and then to further extend it up to a maximum of 90 days. The most notorious detention centre is Al Jalame prison run by G4S in Northern Israel and in particular Cell 36. Here they sleep on concrete beds or a thin mattress on the floor, which are often described as dirty and foul smelling. The walls are concrete gray and have rough protrusions making it difficult to lean against. Behind a low wall there is a squat toilet, with no windows, no ventilation so the stench from the toilet has no escape. The child has no visitors, is not allowed a lawyer and the only way they can tell the time of day is when the food arrives through a slit in the door. The only escape is to the interrogation room.

The Special Rapporteur on Torture considered the effects of solitary confinement on the child in a 2008 report to the General Assembly:

“The weight of accumulated evidence to date points to the serious and adverse health effects of the use of solitary confinement: from insomnia and confusion to hallucinations and mental illness. The key adverse factor of solitary confinement is that socially and psychologically meaningful contact is reduced to the absolute minimum, to a point that is insufficient for most detainees to remain mentally well-functioning. Moreover, the effects of solitary confinement on pre-trial detainees may be worse than for other detainees in isolation, given the perceived uncertainty of the length of detention and the potential for its use to extract information or confessions. Pre-trial detainees in solitary confinement have an increased rate of suicide and self-mutilation within the first two weeks of solitary confinement”.

In a further report in 2011 the Special Rapporteur echoed the Committee on the Rights of the Child who called for a complete prohibition of solitary confinement for children.

The night raids also have a profound impact on the family. In 2014 the Women’s Centre for Legal Aid and Counselling (WCLA) published a wide ranging study into the effects of these raids on women, taking 100 testimonies (which represent a fraction of the raids) they tell of a sense of fear and terror experienced by the women in the house. This terror is significantly increased when children are involved, with mothers telling how the children are left terrorised, sometimes wetting themselves in fear as soldiers, sometimes with dogs, storm through the house.

There is however no equality under the law for those who live in Palestine. In the last four decades, over 200 Israeli settlements have been established with approximately 600,000 Israelis living on occupied land and although technically the settlers are subject to the same military law, in practice Israeli civilian law is applied discriminatorily.

This has led to many within Israel to question fairness of the legal system. In 2009 a leading Judge in the Nazareth Youth Court, Yuval Shadmi said that there was widespread discrimination in the Israeli legal system’s treatment of Jewish and Arab minors, particularly in cases of what he called “ideologically motivated” offences, as he put it “common knowledge.” In a damming verdict of the military court system he said that “the state is not authorised to caress with one hand the Jewish ‘ideological’ felons, and flog with its other hand the Arab ‘ideological’ felons.”
In the last six months there has been much discussion as to whether the Secretary General Ban Ki-moon should include Israel on the UN list of States responsible for violating the right of children in armed conflict. This followed a recommendation by the UN special envoy for children Leila Zerrougui. In the end the Secretary General refused to put Israel on the list. It was widely reported that Ban Ki-moon had been subject to intense pressure from both the U.S and Israel. The New York Times reported that Israel’s ambassador to the UN, Ron Prosor met with Ms Zerrougui, only a month before the list was released and Benjamin Netanyahu was in communication with Mr. Ban Ki-moon. Israel has repeatedly ignored international human rights treaties and standard and it is clear that when it comes to the treatment of children in detention they have a two systems of justice, one for those who live in Palestine and one for Israelis. If the UK government has any respect for the rule of law and and importantly equality before the law then at a minimum they must demand the following:

- Children must not be arrested at night;
- Children must not be subjected to any form of physical violence;
- Children must have access to legal representation and parents prior to and during interrogations;
- Children should not be kept in solitary confinement;
- Children should not be blindfolded;
- Children should not shackled when interrogated;
- All interrogations of children must be audio-visually recorded.

In May 2013 the Foreign Secretary went with me to Khan al Ahmar, a Palestinian Bedouin village in the countryside near Jerusalem – one of 22 small communities dotted around the hills. We went because those communities and that bit of countryside are important. Simply called E1, the area is the only remaining land corridor between Jerusalem and the West Bank – the only link between the future Palestinian capital, East Jerusalem, and its natural hinterland.

East Jerusalem is all but surrounded by strategically placed Israeli illegal settlements. If Israel builds a settlement on E1, it’s curtains for the two state solution which has been British, EU and U.S. policy for decades, and still is.

Over a glass of tea, William Hague asked his hosts where they wanted to live. In truth, where they were living did not look great, more like shacks than proper houses with foundations. They had a meagre water and electricity supply. Their one storey primary school was built of old tyres and cement by an ingenious Italian NGO. This was, at best, subsistence living. Their first answer was romantic but impractical – the Negev desert, now in Israel, where their forebears had moved around, farming sheep and goats. The 1948 war left them on the West Bank side of the armistice line. Since Israel would not allow them back into Israel, their second answer was “We want to stay here”. No, they did not want to move to somewhere near Jericho, as the Israelis were pressing them to do. The land on which Khan Al Ahmar stands belongs to Palestinian villages which have given permission for the Bedouin to stay. Crucially, they want to stay – and international law says that is their right.

Today, in 2015, those people are still where they want to be – just. But they are under threat of forcible transfer by the Israeli Occupying Power, which makes their lives more difficult so that they will...
give in and move away. There are Israeli demolition orders against dwellings. The school has one storey and no foundations because otherwise it, too, would face demolition. It needs another classroom, but the community have been told that if they build one, the whole school will be knocked down.

This is not an isolated incident, a depressing one-off. Near Khan al Ahmar is the big, modern, all mod cons provided Israeli West Bank settlement of Maale Adumim, straggling over several hilltops – including land on which other Palestinian Bedouin communities once lived. They are now rehoused next to Jerusalem’s rubbish dump. They did not want to go there. Today, 46 Palestinian Bedouin communities across the West Bank are on an Israeli list for transfer. What they have in common is that they do not want to move. The Israeli authorities have the power, but absolutely no right, to move them against their will.

The Occupying Power has responsibilities under the 4th Geneva Convention, which Israel has ratified. Article 49 says “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory are prohibited, regardless of their motive”. The international community is of one mind: all Palestinian inhabitants of East Jerusalem, the West Bank and Gaza - the Palestinian Territories occupied by Israel in 1967 - are protected persons. The Convention considers two exceptional circumstances in which forcible transfer may be justified. The first is for the “security of the population”. The second is “imperative military reasons”. 48 years after the 1967 War, neither is applicable when Israel demolishes Palestinian homes in the West Bank and East Jerusalem.

In December 2013, Jack Straw visited the South Hebron hills in the West Bank. Writing in The Times on his return, under the headline “Israel must learn that cruelty does not pay”, he expressed shock on seeing the actions of the Israeli Occupying Power towards Palestinian shepherd families in those hills, around the village of Susiya. Instead of trashing Palestinian land, Israel should allow Palestinians to build on their own land, and connect them to the water and electricity grids. Jack concluded “Israel would do itself a favour, and start to regain the natural support it had in 1967, but which by its own gratuitous actions in recent years it has been so carelessly throwing away”. Since 2013, life for Palestinians in Susiya, plus Israeli-designated areas of archaeological interest, or national parks, and you begin to see another part of the plan. In those few areas of Palestinian countryside left where it is possible to be without entering the neighbouring state of Jordan.

These things do not happen by chance – there is a plan, executed with greater or less speed, depending on circumstance. But being executed, inexorably. There are 1.8 million Palestinians in Gaza, locked away, and 2.7 million Palestinians in the West Bank, mainly in 11 cities. But in the countryside, including the fertile Jordan Valley, there are now more settlers than Palestinians, and the growth rate of the settlers is higher. Demolition is not the only method used to accomplish the plan. In addition to stopping Palestinians from living where they have lived for generations, the plan entails preventing Palestinian construction in the countryside, so that economic development there is stifled and Palestinian parents see only a bleak future for their children.

Just 3% of the West Bank lies within the security perimeters of the illegal Israeli settlements – which leads apologists for the settlement enterprise to ask “So what’s the problem?”. The problem is that settlement municipal councils control 9% of the West Bank, where Palestinians are forbidden to enter. 42.7% of the West Bank is controlled by settlement regional councils, where Palestinians are forbidden to build. 9% of the West Bank is on the Israeli side of the Separation Barrier, judged illegal by the International Court of Justice in 2004 wherever it trespasses on Palestinian land. But it is still being built, regardless. Add in Israeli army “firing ranges”, one designated near the village of Susiya, plus Israeli-designated areas of archaeological interest, or national parks, and you begin to see another part of the plan. In those few areas of Palestinian countryside left where it is possible under Israeli law for Palestinians to build, an Israeli building permit is obligatory. Israeli settlers are free to object to Palestinian requests to build. How many Israeli building permits were issued to Palestinians to build in their own countryside in the whole of 2014? One. In the same period, 601 Palestinian structures were demolished by Israel, displacing 1,215 people. The pattern of unjustifiable demolition and permit refusal continues to this day.

What do we do about it?
It is important to make the facts known. To their great credit, several brave, reputable Israeli NGOs do just that. So the plan is not secret – anyone who wants to know, knows. Our own Government know, better than most. But there is a chasm between knowing and holding the Occupying Power to account for blatant breaches of international law.
The Palestinians in East Jerusalem and the West Bank protest as loudly as they can. In their own best interest, and acting on the advice of the international community, overwhelmingly they resort to legal, peaceful means. That has to be right. But sadly it doesn’t work, by and large. Recourse to the Israeli judicial system to prevent demolitions or further construction of the Wall is expensive and more often than not, futile. At best, the inevitable is delayed, or the path of the Wall is moved by a few metres – but still on Palestinian land, as at Cremisan, separating 59 families from their farming livelihood.

Attempts at persuasion in private meetings with Israeli Ministers have no effect whatever. Upholding international law needs positive action. Grahame Morris is right – the Government should recognise the State of Palestine, now – an overdue and necessary step, though not sufficient on its own. Publicity can work on occasion – no elected government likes bad publicity. Israel is no exception. The Israeli government has not built on E1 – yet. The U.S. government regularly asks Israel not to do so. The U.S. matters greatly, and always will. EU lobbying of Israel has some impact – but not enough. Europe hesitates to act against the settlement enterprise, preferring only to speak. It is time to act, differentiating rigorously between Green Line Israel and the illegal settlements. For the Israeli government’s actions are eradicating systematically the best chance of peaceful coexistence and mutual security in two sovereign states.

Holding governments to account for illegal acts and enforcing international law are tasks for the international community, starting with us: we helped to draft the law. The Israeli cost-benefit analysis needs to change to favour ending the Occupation by negotiation. The political/economic cost of the unjust, unsustainable status quo to Israeli decision-makers needs to grow significantly, while the security and other benefits for both parties flowing from an end to the Occupation must be crystal-clear. It can still be done – just. If we have the will.

Sir Vincent Fean was Consul-General, Jerusalem, 2010-14, responsible there for UK/Palestinian relations. Now retired, he is a trustee of the charity Medical Aid for Palestinians, and patron of the Britain Palestine Friendship and Twinning Network.
Economic development under Occupation

By Rushanara Ali MP - Former Shadow Minister for International Development

“As long as prospects for economic advancement remain weak, so do the prospects for peace and stability”
John Kerry, US Secretary of State

Introduction
The ongoing Israeli occupation and the absence of an independent and sovereign Palestinian state prevent the realisation of Palestinian economic potential. Palestine has the capacity to have a successful and prosperous economy, but according to Harvard scholar Sarah Roy, “the years since the Oslo agreement have seen a marked deterioration in Palestinian economic life and an accelerated de-development process”, preventing Palestine’s potential from coming to fruition.

Dr Mandy Turner represents a growing view amongst experts in the field of aid and conflict that in the case of Palestine, foreign aid has played a detrimental role in propping up Israel’s occupation and maintaining the West Bank and Gaza in a state of economic instability. While the role of international aid to support those who are vulnerable is vitally important, aid must be effective in improving lives and complement economic development, not sustain the status quo.

Background
Since the military occupation of the Occupied Palestinian territories (oPt) began in 1967, Israel’s economic and trade policies have ensured that Palestine remains dependent and hindered by poor economic growth. Israel treated the Palestinians as consumers of Israeli goods and products, a source of cheap labour, and maintain control of the internal and external flow of goods within the oPt.

Following the signing of the Oslo Accords, the Palestinian Liberation Organisation (PLO) and Israel signed the Paris Protocol on Economic Relations, which governs economic and trade relations between both sides. The Paris Protocol, similar to the Oslo Accords, was an interim agreement set to terminate in 1998. Although it aimed to provide certain advantages to the Palestinian economy, its implementation, coupled with the GoI’s restrictions, have impeded economic growth in Palestine. Since the mid 1990s, Palestine additionally became extensively reliant on external donor assistance. Donors have granted the PA more than USD10 billion and external budget support still averages around USD 1 billion per year. The UK government is the 6th largest donor to the PA.

The Palestinian economy witnessed a period of rapid growth between 1994 and 1999. However the outbreak of the second Intifada in 2000, which led to Israel’s intensification of a complex set of security-related restrictions hindering movement of people and goods, and fragmenting Palestinian territories into small enclaves lacking economic cohesion, interrupted this trend. A period of recovery and growth was achieved between 2007-11, partly because of Palestinian Authority (PA) reforms, donor assistance and the removal of some Israeli restrictions.

The World Bank has commended the PA for their institution building efforts, affirming that Palestinian public institutions have played an important role in supporting economic growth, and endorsing its readiness to become an independent state. But the Bank also noted that increasing fiscal stress and prolonged political deadlock risked eroding the institutional capacity built by the PA. Growth had been driven by donor budget support and led to increased expansion in public services including policing, education, and health. However progress slowed in 2012-2013 due to regional and political instability, donor fatigue and continuation of Israeli restrictions on the economy.

Palestinian economic growth declined to 1.5% in 2013. A quarter of the Palestinian workforce remains unemployed—including one in every three workers in Gaza. A quarter of the Palestinian population lives in poverty, with rates in Gaza twice as high as in the West Bank. In 2014 the International Monetary Fund (IMF) urged Israel to lift restrictions, concluding that the economy in the West Bank and Gaza is weakening and the ability of the PA to provide public services is at risk.

Economic Realities
Recent economic decline has exposed the distorted nature of the Palestinian economy and its reliance on donor-financed consumption. The implementation of the Paris Protocol, together with a myriad of Israeli restrictions, has severely undermined sustainable Palestinian economic growth. Punitive movement, access and associated serious restrictions on imports...
and exports leave the Palestinian economy unfeasible without extensive foreign aid assistance and direct budget support.

Israeli restrictions, the system of closures and control, and discriminatory practices have hindered economic growth, led to greater unemployment and increased poverty since the beginning of the Second Intifada in 2000. All imports and exports, as well as most domestic products moving between West Bank centres and cities, must pass through Israeli security checks. Israel significantly reduced the number of work permits granted for Palestinians working in Israel. These are severe barriers to the ability of Palestinian businesses to compete in the global market.

Israel has de facto control over the lives and resources of the Palestinian people, including their borders, farmland and natural resources. Ongoing Israeli settlement expansion depletes and exploits Palestinian natural resources. Wall construction, land grabs, displacement and property destruction have severe economic implications. Further to this Israel continually withholds the transfer of Palestinian tax revenues.

Finally, the Israeli blockade of Gaza has resulted in an economic and humanitarian crisis. 61% of people in Gaza are food insecure and roughly 80% are aid dependant. Over a third of Gaza’s farmland and 85% of its fishing waters are either totally or partially inaccessible due to Israeli imposed restrictions. Imports and exports, including for essential construction materials, are severely restricted and Israel’s “back-to-back” system for goods and products at crossing points increases costs and delays. The productive capacity of Gaza’s economy is severely limited.

Area C

Area C constitutes almost 60% of the West Bank and is under full Israeli control. It comprises the majority of Palestine’s widely recognised rich and abundant natural resources. The Israeli Civil Administration subjects the area to a severely restrictive system of planning and building permits, with less than 1% of Area C allocated by Israel for Palestinian construction.

Under the Oslo agreement, Area C was meant to be gradually given to the PA by the end of 1997. Yet it still remains under Israeli occupation, subjected to severe movement and access restrictions which make it inaccessible to Palestinians, and prevents the PA and the private sector from delivering services, building any infrastructure projects or investing.

Area C is widely considered to be central to a viable future Palestinian state. The World Bank estimate that Israel’s control of Area C costs Palestine USD 3.4 billion annually, the equivalent of 35% of the Palestinian GDP. The Bank highlighted the potential of growth sectors including agriculture, Dead Sea minerals, mining and quarrying, construction, tourism, telecommunications and cosmetics in Area C, affirming that the removal of Israeli restrictions is central to Palestinian economic prosperity. Area C constituted an important part of the Palestine Economic Initiative, which was prepared by the Quartet and proposed by the US Secretary of State John Kerry. The initiative highlighted the importance of developing infrastructure in Area C and addressing the housing, agriculture and light manufacturing activity in the area.

What can the UK Government Do?

Sustainable economic growth will require a sovereign Palestinian state with control over its natural resources, ensuring it can develop Area C and restore the effects of occupation and de-development in East Jerusalem and Gaza. This will only materialise with an end to the occupation and blockade, and continued support for the PA in achieving an independent national economy.

Future economic assistance to the PA must promote social justice. Development cooperation should help bolster their economic independence and aim to shift the Palestinian economy towards private-sector led development and economic sustainability.

For a small open economy, prosperity will require a strong trading sector with the ability to compete in the global market. The private sector has an important role for future Palestinian economic development. However the unsteady nature of the peace process and enduring restrictions on trade, movement and access have had a dampening effect on private sector investment and activity. The development of key sectors able to generate economic growth and alleviate poverty and unemployment is vital; these include agriculture, construction, light industry, tourism, housing and information technology, energy and water.
Policy recommendations

The Labour Party should support the achievement of a sustainable Palestinian economy by pushing for Israeli controls and restrictions that hinder growth to be lifted, including a withdrawal from Area C and an end to the blockade of Gaza, while also supporting the PA with effective development cooperation. The Labour Party should support the following LFPME recommendations:

1. Make demands of Israel to:
   - Remove restrictions on movement and access, and other administrative obstacles, to Palestinian investment, trade and economic activity in Area C.
   - Lift the ongoing blockade on Gaza.

2. Supporting the Palestinian Authority with:
   - Continuing to urge the Palestinian Authority to continue its institution building and reform plan.
   - Supporting the PA in attracting British private sector investments through the organisation of investment promotion activities.
   - Assisting the PA to implement infrastructure projects and encourage foreign investment in East Jerusalem.

3. Improve development cooperation by:
   - Funding infrastructure projects in Area C without regard for the discriminatory Israeli planning and permit system, which is an approach taken by other EU Governments;
   - British development cooperation must be in line with the Palestinian National Development Plan 2014-2016, and must uphold the principles of the OECD Paris Declaration and the Busan Partnership.

4. Supporting international efforts by:
   - Urging Arab Countries and other donors to continue supporting the PA;
   - Urging the US and the Quartet office to begin the implementation of the Palestinian Economic Initiative.
   - Providing technical assistance in entrepreneurial and innovative initiatives.
   - Encouraging trade with Palestine and push for an end to trade with illegal Israeli
I know I am not alone in saying that I was proud of the Labour Party when on 13th October 2014, Parliament voted overwhelmingly in favour of recognising Palestine as an independent state, with 274 MPs voting in favour and 12 against. Even though Labour MPs were not whipped to attend, 195 or 80% of Labour MPs supported the motion.

At the time the vote attracted a degree of criticism but it was the right thing to do. It showed the Labour Party at its best, voting with conviction in support of a policy which had the backing of both our party members and the general public. Whilst the vote was not binding on the UK Government, it was symbolically important and was soon followed by similar votes in France, Ireland, Spain, Italy, Luxembourg and the European Parliament all of which voted in favour of recognition.

Supporting the recognition of the Palestinian state was the natural conclusion of existing Labour policy towards Israel and Palestine. In 2012, when the government abstained at the United Nations in 2012 on a vote to recognise Palestine as a non-member observer state even though 138 voted in favour with only nine against, the then Shadow Foreign Secretary, Douglas Alexander, wrote to William Hague stating that Labour believed the British Government should be willing to support the recognition of the Palestinian state as part of continuing steps to achieve a comprehensive two state solution.

The Government’s position of state recognition is much the same now as it was in 2012, when William Hague said “We reserve the right to recognise a Palestinian state at a moment of our choosing and when it can best help bring about peace”. The moment of choosing, however, is like a desert mirage that perpetually retreats into the distance.

The arguments in favour of recognising the Palestinian state are strong. 137 countries in the UN (out of 193) have already recognised Palestine. Russia and China, two of the five permanent members of the Security Council, have both recognised, as have India, Brazil, and the Vatican.

Palestine has all the attributes of a state with functioning institutions worthy of a state. Both the World Bank and the IMF have reported that Palestine’s institutions are ready. The British government accepted at the time that this was the case. The UK told the United Nations in 2011: “The Palestinian Authority has developed successfully the capacity to run a democratic and peaceful state, founded on the rule of law and living in peace and security with Israel… Palestine largely fulfils the legal and technical criteria for UN membership, including statehood, in as far as the Occupation allows.”

Despite the acknowledgment of the national rights of Palestinian’s and the acceptance that Palestine fills the criteria to be recognised as a state, there are those who strongly oppose the step. Pro-Israel advocates argue that to recognise Palestine would harm any potential peace process by prejudicing negotiations and final agreements on borders. Whilst well intentioned, this argument is fundamentally flawed and wrong, allowing the conflict and ongoing Occupation of Palestine to continue indefinitely.

As it stands the internationally recognised borders of the state of Israel are not the same as those Israel defines for itself. For example, Israel considers all of Jerusalem to be within its borders whereas the UK, in common with other countries, only recognises West Jerusalem as part of Israel. The UK acknowledges that Israel has de facto control of East Jerusalem but not de jure Israeli control there. These differences are not an impediment to continuing UK recognition of Israel as a state and they do not prejudice final status negotiations on Jerusalem or borders. Recognition of Palestine by the UK does not in anyway preclude or undermine either.

Israel should have no right of veto over the right of Palestinians to self-determination. Recognition of Palestine is something the UK can do bilaterally. There are no negotiations and Israel, as the US admitted, was primarily responsible for ending the Kerry peace process. Recognising Israel was not subject to...
negotiation and neither should be the recognition of Palestine. Considering that the Israeli government have made it clear in no uncertain terms their opposition to a Palestinian state, it would be wrong to make recognition dependent on the government of Israel.

Recognising Palestine would balance the recognition of Israel and bring us a step closer to redressing the clear imbalance of power between both sides. The UK recognised Israel in 1950. It did not ask Palestinian permission to do so. Palestinians have been denied the rights and freedoms accorded to citizens of a state. For example, they do not have a fully accredited Embassy in the United Kingdom. They do not have passports recognised the world over; this has been the case for over 60 years.

The failure of the Government to recognise the Palestinian state is a signifier of a deeper prejudice and duplicity at the heart of UK foreign policy. Government ministers often tell us that they regard Israelis and Palestinians as equals, but in politics talk often comes cheap. For all the rhetoric about regarding both peoples as equal we continue to see Israeli rights as inalienable and Palestinian rights as conditional. Palestinians have decades of peace processes but not peace; if we wish to move the peace process forward it is actions not words which are needed. Recognition would be a clear and legitimate message that Britain and others recognise Palestinian rights as well as Israeli rights and that the illegal settlement enterprise has no validity.

Palestine has been under Occupation for almost half a century. Palestinians in Gaza continue to suffer under an eight year blockade. 67 years after the UK recognised the state of Israel, the recognition of a Palestinian State is long overdue. Israel has failed to offer a viable Palestinian state during negotiations and instead increased the number of settlers to over 600,000. Importantly, last year's vote showed that what Labour does, even in opposition, can shift the terms of debate and move us closer to peace. When an Israeli Prime Minister declares in 2015 - 23 years after the Oslo agreement - that there will never be a Palestine state, we must respond with one voice and declare - yes there will.

Can Europe make a difference for Palestinian rights?

By Richard Howitt MEP - Labour Foreign Affairs Spokesperson in the European Parliament

"It’s the most right-wing Israeli Government in living memory.” So I was told by a leading European diplomat with responsibility for the region, at a meeting only this month.

Hope for a new injection in to the Middle East Peace Process following the appointment of a more interventionist EU High Representative for Foreign Policy, Italy’s Federica Mogherini, has to be tempered by what appears to be internal political developments which give little hope for any sort of breakthrough.

There will always be reasons for European inaction including internal divisions between EU governments, deference to United States leadership and all the complications on the ground.

This year we can add understandable focus on conflict in Syria and Libya, and the rise of ISIS, together with the extraordinary refugee crisis - all of which risk denying any political attention to the Israel-Palestine conflict.

But we have to treat all these as excuses not justifications and to recognise that one of the root causes of conflict throughout the Middle East remains the huge grievances about the longstanding failure to grant statehood to the Palestinian people.

As campaigners and as elected Labour representatives, we should never take refuge in excuses ourselves, but accept our own responsibility to take our own actions to offer hope for change and for progress.

This year, this has included seeking a more proactive diplomatic role for Europe less dependent on
the United States, the major initiative to advance recognition of Palestinian statehood, progress towards the ultimately successful nuclear deal with Iran and new attempts to foster a realignment towards peace with the Israeli left.

First, there is no doubt that Federica Mogherini came in to her new role with genuine intent to make a difference, influenced perhaps by a Mediterranean perspective and a record of taking initiative as a former Foreign Minister herself.

Although the departure of Tony Blair as a “Quartet” representative was presented as his own decision, Ms Mogherini was quick to appoint her own Special Representative to the region.

The EU High Representative’s initial diplomatic forays in the region seemed to win plaudits too, avoiding the obvious traps which have all-too often blighted previous diplomatic efforts, but appearing to send a message that Europe wants to change the status quo.

The most recent parliamentary debate had her use the language of “long haul” however, whilst we were forced to criticise EU statements seemingly warning the Palestinian Authority against exercising its legal right to use the International Criminal Court.

In contrast, a recent parliamentary resolution gave strong backing to the UN Commission of Inquiry report into allegations of war crimes in the 2014 Gaza conflict. Parliamentary support in Brussels and Strasbourg is essential, if what today is a credible European diplomatic initiative for Middle East Peace is not to fade away like so many others in the past.

This will become more important in the years ahead, as the failure of what appeared to be equally genuine and exhaustive diplomatic efforts from John Kerry, allied now to the U.S. electoral timetable and implacable levels of opposition from the Republican caucus, mean there is little immediate prospect of any fresh initiative from Washington.

Nevertheless we witnessed a spectacular fall-out between Obama and Netanyahu in advance of the Israeli elections and should understand that a second term-President has little to lose. This might mean that, whilst a European diplomatic initiative can never fully replace U.S. influence in the Middle East, we should not rule out Obama refraining from use of the veto, should European countries be persuaded to bring a recognition vote as far as the UN Security Council.

Meanwhile, Labour’s leading role in steering through votes for recognition of Palestinian statehood in the European Parliament, as well as in Westminster, marks a notable achievement for the party this year but - far more important than that - for the Palestinian cause itself.

As the negotiator responsible, the pride in achieving the 498-majority vote in favour on a proposal which we initiated on behalf of Socialist MEPs, has to be tempered by the deep hostility which we had to overcome from those who accused us of ‘unilateralism’ and seeking to prevent not advance a peace agreement.

Although we were able to overcome those arguments, as did our colleagues in Sweden, Ireland, Portugal, Spain and France, the hostility against the French initiative to raise recognition in the UN linked to a deadline for peace talks themselves, means that it has currently ground to a halt.

I firmly believe such international moves are needed to apply sufficient pressure on Israel to make necessary concessions, if a just peace agreement is to be realised. Europe must maintain that pressure.

Europe’s capacity to take initiative was no better seen than in the ultimately successful efforts to secure a nuclear agreement with Iran - a global deal, but one initiated by Europe and where Europe will continue to lead the implementation.

Of course this was the stuff of the Israeli Government’s disagreement with Washington. There was great irony in the global powers seeking an agreement with Iran, whose first objective was to obtain greater security for Israel, but one which Israel itself argued against.

The clear discomfort of the British Conservative Foreign Secretary Philip Hammond, having to contradict Prime Minister Netanyahu in a live press conference, was particularly interesting. It is a pity he descended to private efforts to try to block EU chair(wo)manship of the implementation process with Iran, even if - once again - the British Tories failed.

The nuclear deal is complicated, as is the situation in Iran. But I am in no doubt that agreement is in the interests of peace in the wider region, strengthens the hand of reformers within Iran itself and sets an important precedent that European diplomacy in the region will not be vetoed by intransigence from the Israeli Government of the day.

The deal makes a powerful move too, towards the objective of a nuclear-free Middle East.

Next, European priorities are placing a big emphasis on developing joint efforts with Arab League countries, in an effort to revive the ‘Arab Peace Plan’ as the only ‘show in town’. The latest development is to win a successful invitation for Egypt, Jordan and
Saudi Arabia to join the Quartet meeting at the UN General Assembly this month. These efforts should be supported.

The biggest inducement from Europe but one which remains elusive, is in the EU’s willingness to exercise its trade powers to incentivise peace. As I have argued before, although there is a valid case that the human rights clause has been broken, suspending the EU-Israel association agreement with its implication for trade, has no serious chance of succeeding amongst European governments.

Therefore, I believe that the real prospect to exploit the trade argument has centred on efforts to promote honest labelling of goods exported from illegal Israeli settlements.

The EU High Representative recently described this as an issue of transparency for consumers - a European requirement irrespective of country of origin - not one of ‘boycott’. The European Parliament has now been promised that an order has now been made to finalise EU Guidelines to secure such labelling, far too long in gestation.

It is interesting that this April, sixteen EU Foreign Ministers signed a letter calling for the Guidelines, showing high level political support for the initiative alongside that in the European Parliament. Europe has a legal responsibility to distinguish between activities in the Occupied Territories and Israel, so the initiative is not simply a political opportunity but an obligation upon us.

When Labour was in power in Britain, not only did we make our own initiative on settlement labelling, but we were responsible for introducing in to EU texts clear reference to the “illegality” of Israeli settlement expansion. It was also Labour’s Cathy Ashton who first proposed the labelling guidelines, during her own period of office as EU High Representative. Therefore, Labour MEPs have a key role now to ensure an end to the bureaucratic inertia in Brussels, so that the EU initiative is undertaken. It will become a powerful tool for campaigners not just in Britain, but in countries across the whole of Europe.

For Israel, frustration at our successful efforts to block an upgrading of the EU association agreement following the most recent Gaza conflict, now see further irritation from Israeli officials who labelled the labelling initiative ‘the slippery slope’. For Europe, we should interpret this as exposing the opportunity for the EU to create a ‘peace dividend’ for Israel as well as Palestine. In addition, we should continue to block any upgrading in the absence of progress, including the proposal for Netanyahu to get the opportunity to attend a full EU leaders’ summit, which the Cypriot President mooted in July.

But what of the marginalisation of the ‘peace camp’ in Israel, and those remarks on the extremity of the current Israeli Government’s position?

Despite understandable caution from some on the Palestinian side, Socialist MEPs have been careful to distinguish between criticism of the Israeli Government, whilst maintaining support for peace and security of Israeli people, within the context of a two state-solution.

Past failures to engage the Israeli left in joint efforts should not prevent those efforts now. Indeed Opposition Leader Isaac Herzog’s statement this summer that a peace agreement is possible ‘in two years,’ may indicate that the impact of the election result may not have been all bad. “I will continue to try to convince the Israeli public, which is losing faith, that the process is necessary and should be promoted quickly,” he was quoted as saying - a marked change from pre-election rhetoric.

Given the slender majority enjoyed by Netanyahu, it is still possible that Herzog may go back in to the Coalition Government. If he does, the question in our own engagement with him will be whether he takes this new rhetoric with him or not?

Moreover Hilik Bar, Deputy Knesset Speaker and leader of its caucus in Arab-Israeli relations, recently launched an initiative including some elements unpalatable to Palestinian interests, but crucially supporting recognition of a Palestinian state in the UN, engaging with the Arab Peace Plan and supporting 1949 borders as a starting point for negotiation.

For as long as the ‘peace camp’ remains outside the political mainstream in Israel, there is little prospect of progress for Palestinians. European diplomacy can play a crucial role building on moves amongst our Israeli Labor colleagues, which are vitally needed if they are to succeed.

Of course, whilst this article has concentrated on European action mostly with relation to Israel, the influence the EU can exercise with the Palestinians must never be neglected. The breakdown in relations between the West Bank and Gaza, any prospect of reconciliation on the Palestinian side and the continuing humanitarian disaster within Gaza, all look even more bleak now than ever.

Europe must nurture any attempt such as the recent visit of the Chief Palestinian Negotiator to meet Hamas representatives in Doha. We must be prepared to ask ourselves fundamental questions about how the current policy towards Hamas has clearly failed to bring any visible improvement. In addition, tentative signs of movement for a ‘maritime corridor’ to Gaza
- moving it away from ‘flotilla’ towards a negotiated route for official aid efforts - will be difficult to achieve but it is right to try to do so.

For all those who simply want to return to the oft-repeated payer/player dichotomy in relation to the EU role in the Middle East, my answer has always been: both. I understand those who dismiss the European aid efforts repeatedly destroyed by Israeli bombs. Nevertheless, the Palestinian State cannot exist unless there is a Palestinian Authority to run it. EU finance is key to keeping it afloat.

In addition, August’s European Union emergency aid to UNRWA has allowed 685 schools to reopen, employing 22,000 teachers and meaning half a million Palestinian children can start the new school year. I defy anyone to argue that such action is not worthwhile.

So despair amongst Palestinians about the occupation, pessimism amongst campaigners about prospects for change, continuing enmity and mistrust between Palestinians and Israelis - are all part of a familiar landscape this year.

But my message is that Europe does indeed have a capacity to make a difference. Labour must squarely be amongst those who seek to ensure that it happens.

Richard Howitt MEP is Socialist Group and Labour Foreign Affairs Spokesperson in the European Parliament, Chair of the European Parliament’s Middle East Working Group and a Policy Committee member of the Labour Friends of Palestine and the Middle East.

Time to think about an alternative to the Oslo framework

By Dr Mandy Turner - Director, Kenyon Institute, Jerusalem

22 years have passed since the signing of the Oslo Peace Accords between Israel and the Palestine Liberation Organisation (PLO).

Initially perceived to inaugurate a new era of hope in the search for peace and justice in Israel-Palestine, the Oslo peace framework, which was the practical outcome of the 1993 Accords and subsequent agreements, committed the parties to:

- **Track-one bilateral negotiations towards a resolution of the conflict – overseen by the US.**

- **The creation of a form of partial self-government for the Palestinian people – the Palestinian Authority.**

- **Security coordination with Israel – under the supervision of the US.**

- **An economic customs union – the Paris Economic Protocol.**

However we are now in a situation where:

- **A phased withdrawal of Israel’s occupation forces that justified a ‘zoning’ of the occupied Palestinian territory (oPt) into Areas A, B and C – each with different modalities of governance and control.**

- **There are no political negotiations.**

- **The occupation continues.**

- **Settlement expansion is proceeding at speed.**

- **Gaza is isolated and under blockade.**

- **The territorial and political framework of a potential Palestinian state is under intense pressure and is fragmenting.**

This framework was supposed to last only five years in preparation for the final status agreements that never materialised. The Accords do not mention a Palestinian state and do not refer to a two-state solution. However following the 2003 Roadmap it has generally been accepted that this preferred outcome underpins negotiations and will constitute the eventual conclusion to the conflict. However we are now in a situation where:
In this context there is an increasingly acrimonious debate regarding the feasibility and desirability of a two-state solution. And there also seems to be a tacit acknowledgement that the two-state solution will either not be implemented or it will not work in practice.

But the Oslo framework persists. It is the political, legal, geographical and economic straitjacket that structures the situation for Palestinians (but not in the same way for Israel, whose leadership frequently violates the principles of the framework). Critics accuse the Oslo framework of causing problems for Palestinian development and governance, a view evidenced widely in studies by donors. Furthermore, it intellectually restricts how we understand potential solutions.

The international community, which is heavily involved through the provision of donor aid and humanitarian activities, is reluctant to acknowledge that a framework into which it has invested huge effort and resources has failed. There is reluctance on the part of the Palestinian leadership to acknowledge this failure, too. Attempts by the donors and the Palestinian Authority to address some of the framework’s glaring problems – such as development and poverty issues in Area C and East Jerusalem - have been piecemeal and unsatisfactory.

And so we need to be bolder and recognise that this model has failed – we need to acknowledge that the Oslo framework is no longer fit for purpose (if indeed it ever was).

This is because:

1. The geographical division of the oPt into Areas A, B and C can no longer be justified in terms of a framework for withdrawal, as there is no peace process or other mechanism for this to take place.

2. Sustainable economic development will not take place in the oPt under the framework of the Paris Economic Protocol – this is because it promotes a particular form of economic cooperation between Israel and the Palestinian Authority but leaves the power imbalances between the two sides unchallenged and unchanged.

3. Security coordination between the Palestinian Authority and Israel has protected Israeli citizens, including settlers. However it has left Palestinians with no security from attacks from settlers and from the Israeli army. Palestinians have largely no access to justice from either domestic Israeli law or international law.

4. Under this framework, the Palestinian Authority, and by extension the Palestinian people will be forever dependent upon international aid.

It must therefore now be acknowledged that the Oslo framework merely serves as a convenient backdrop for the expansion of Israeli control and settlement. The principle of separation, that underpins Oslo and international perceptions of how to end the conflict, has benefited only one side – Israel. The Palestinians meanwhile are in a situation of stasis or even decline – a permanent state of ‘transition’, but transiting to nowhere.

This part of the LFPME policy pamphlet therefore recommends not just a rethink of the Oslo framework – it argues that it is time to develop an alternative.

In order to do this, we need to start by questioning the internationally-accepted principle that the conflict is essentially one between two peoples: the ‘Palestinian people’ and the ‘Jewish people’. This is the outcome of an ethnic conception of nationhood, which is exclusivist and anachronistic.

What if we were to use a civic conception of nationhood and nationality based on neither religion nor ethnicity, but instead based on all peoples living from the Jordan River to the Mediterranean Sea? One that is akin to post-war internationally-accepted definitions of nationality and nationhood – and utilised most recently in the 2014 Scottish campaign for nationhood and independence (where we saw a large number of ethnic minorities endorsing – indeed, enthusiastically campaigning for – independence).

The ‘right’ to self-determination so clearly desired by Palestinians and Jewish-Israelis is not therefore extinguished; it is merely re-understood and reinterpreted.

Israel is the sovereign power from the Mediterranean Sea to the Jordan River – it is in charge of all the borders, air space, and the movement of population and goods in to and out of this area. The creation of the Palestinian Authority does not detract from this basic fact. And so if the two-state solution is obsolete, then the only other option is unification or ‘de-partition’. In many ways, this is both an easier and more difficult option.

It is an easier option because:

1. It has clearly become impossible to divide the land into two nations for two peoples, with sustainable state structures and comparable sovereignty. At present, only one state – Israel – is able to thrive within this framework. The other potential Palestinian state is restricted, controlled and dependent.
2. It means that no one has to move; therefore arguments over Israeli settlements in East Jerusalem and the West Bank, and who and what would be included/excluded in land swaps, become obsolete.

3. The seemingly intractable problem of sovereignty over Jerusalem, and its potential division into two capital cities for two sovereign states – which is an increasingly acrimonious and explosive issue – is defused.

But it is also a difficult option because:

1. The level of hatred and mutual distrust is probably the highest it has ever been.

2. Israel is increasingly shrill over its insistence on being regarded as ‘the Jewish state’ representing and existing for Jews worldwide. Any criticism of its policies or actions is labeled as anti-Semitic – which polarises discussion and debate, and demonises alternative viewpoints.

3. Palestinians have struggled for so long, and with so many deaths and imprisonments, for national liberation, that to then share a future with your occupier and oppressor is not an easy thing to contemplate. Opinion polls in the oPt are therefore currently no more positive about this solution than in Israel.

However, it is true to say that more and more people, from the right of the political spectrum to the left in both Israel and Palestine are acknowledging that the two-state framework is not going to work. Because of this, it is dishonest of the international community, of which the UK is a leading player, to continue to cling on to an Oslo Framework that was created to implement what is now unworkable. This policy brief therefore calls on the Labour Party to create a working group to examine potential alternatives to Oslo from a political, economic and legal standpoint. This should draw together a team of experts, from the region and beyond, willing to develop some new critical thinking beyond the usual platitudes and accusations. This working group should not take as its starting point the two-state framework (either as a solution or in terms of ‘saving it’), but should explore alternatives such as:

- The type of investment and economic planning that would be needed to develop the Palestinian areas up to a similar level to that of Jewish-Israeli areas.

- The type of legal frameworks that would be needed to ensure equal rights for all, including democratic rights, the rule of law, and freedom of movement.

- The type of incentives that the international community, and particularly the UK, could use to get to these end-points.

The easy option would be to hold on to the frameworks that have been in existence for over 20 years. It is a much more difficult – and bold – option to acknowledge they are not working and so there needs to be a rethink. This is a golden opportunity for new debates and new solutions. I urge you to seize it.

Dr. Mandy Turner is a Visiting Fellow at the Middle East Centre, London School of Economics and Political Science, and author of many chapters and articles about Israel-Palestine, particularly on Western donors and the aid agenda.
Peace and Reconciliation

By Rt. Hon. Peter Hain - Former Labour Cabinet Minister and MP

Even if a political settlement were to be found between the Israeli and Palestinian governments, peace will still be a long way off. The populations of both countries have lived for too long learning to hate one another, and no settlement will be to the satisfaction of every individual, perhaps especially in the West Bank.

What is so destructive about violence, especially everyday violence, is not just the wrecking of lives but the impact on the psychology of a community. With 3,000 murders and about 35,000 serious injuries in a Northern Ireland population of just 1.7 almost every family was directly touched by the horror of thirty years of ‘The Troubles’. The same can be said for almost every Palestinian family, and although most Israelis live far away from the flashpoints of the conflict, it shapes their news, media, conversations and daily life.

Above all violence and acts of terror obscure the natural desire of the majority for peace by entrenching bitterness and creating an entirely human hysteria in which constructive voices can no longer be heard. It creates an atmosphere of fear that leads to the election of hardline parties and to acts of misguided vigilantism with fatal consequences. It is desperately hard for people to focus on politics when they are under attack: when their communities have felt under assault or siege by agencies of the state or their friends and relatives have been murdered or maimed either serving in the army or just walking down the street to work.

There is no one-size-fits all model for the reconciliation of two peoples so bitterly divided but there are examples that can be followed. Though it is imperfect, today we take for granted Nelson Mandela’s ‘rainbow democracy’. The defeat of apartheid was painful, bitter and long but eventually the oppressors settled into government with those they had imprisoned or tortured.

Northern Ireland today is unrecognisable from what it was just a few decades ago: the theatre for such horror and barbarity, hate and bigotry. Rancorous old enemies have worked amicably together – even smiled at each other – when they had never exchanged a courtesy before Ian Paisley’s first meeting with Gerry Adams in 2007.

At this point in time, very few people on either side truly believe that a two-state solution is achievable. Though it remains the outcome most hoped for and most universally supported among Israelis and Palestinians. There were moments in time when no one saw a peaceful outcome for Northern Ireland nor an end to the systematic racial oppression of Apartheid South Africa and yet, despite setbacks and remaining problems, both countries are far further down the round than could have reasonably been expected. Are there lessons to learn here for those hoping to broker peace between Israel and Palestine?

At the heart of any peace process – and arguably as its ultimate objective – has been the necessity for dialogue with every representative party. This is an important point because all too often efforts towards reconciliation re dished because groups not included in negotiations take it upon themselves to torpedo the results. When Israel and the international community refuses to talk to Hamas, they are effectively stalling peace and costing lives; when Hamas refuses to recognise the State of Israel it becomes impossible for the Israel government to trust them. It is true that entering into dialogue – especially secret dialogue – with paramilitary groups carries huge risks. The real risk may not be just one of serious political embarrassment, but also the danger of encouraging an armed group in the belief that its campaign is working. Yet, if one of the keys to resolving conflict is identifying positive elements and encouraging those leaders who are prepared to contemplate an end to violence, then dialogue is the only way one can make that judgement. And my view is, that in order to achieve results, it is worthwhile on the side of being exposed for trying to talk – even to those seen as ‘the enemy’, and maybe still engaged in paramilitary or illegal activity, and therefore ‘outside’ a process.

Assuming all parties are open to dialogue with all other parties, at least in theory, then there are some guiding principles of reconciliation, lessons from Northern Ireland and South Africa, which could be applied in the Israeli Palestinian conflict.

First, a peace-making framework must be holistic. The conflict is not just about borders. Any negotiations must tackle human rights, equality, victims, and ending discrimination against Palestinians in terms of water, public services and healthcare. These ‘bread
and butter’ issues – and impartial policing, prisoner releases, decommissioning of weapons – threatened the Northern Ireland peace process on so many occasions. Dealing with them helped create more space for political leaders to be more flexible.

Second, years of distrust and hate are hard to overcome but they can be. Building relationships of trust, even where deep differences remain, is vital. So too is understanding, rather than being judgemental about, the pressures on the protagonists from within their own community or organisation. Indeed, on top of their own prejudices, negotiators come with a real or implied mandate from their communities which can pressure them one way or the other, this has to be resisted but handled delicately.

Third, it is necessary to take risks. The Good Friday Agreement saw the release prisoners who had committed unspeakable atrocities. This was deeply painful, especially to the families who had lost loved ones and now saw their killers back on the streets. However, it demonstrated to the paramilitary groups that a commitment to peace brought gains which could not be achieved by violence. It will vital to demonstrate this to groups like Hamas if progress is to be made. It is important to have an inclusive dialogue at every level, wherever there is a negotiable objective.

Fourth, international consensus must be sought. This will be painfully difficult given the current turmoil in the Middle East, particularly in Syria and with very little political certainty in Egypt. However, support for negotiations from the US, Russia, the EU and the Arab League is paramount. The international and national intentions must be aligned. The biggest obstacle to peace at this time is Netanyahu himself but steps can be made nevertheless. In Northern Ireland peace was brokered under the watch of each side’s most extreme political incarnation, the DUP and Sinn Fein; in South Africa it was the ANC’s Mandela and not a representative of a more centrist Zulu groups that ended Apartheid. If a deal can be reached with Netanyahu then it will last.

Fifth, it is vital to avoid or resolve preconditions to dialogue. In the Middle East both sides have imposed preconditions effectively blocking any dialogue from beginning, strangling the peace process at birth. It is true that entering into dialogue – especially secret dialogue – with paramilitary groups carries risks. It did for British governments and it always will, but there is no alternative. The current stalemate is in part due to each side’s preconditions. The Palestinian government will not enter negotiations until there is a freeze on settlement building whilst the Israeli government maintains that until the Palestinians are willing to enter negotiations, settlement building is necessary for security. When either side exclaims that there is no one on the other side with whom they can deal it is a lie. There are pragmatic progressives on both side, the international community must enable their meeting.

Sixth, continuous not intermittent efforts towards reconciliation need to be made. A peace process needs a micro-manager, someone who will refuse to accept received wisdom and inevitability and drive the process forward. If the US no longer wants to take on this role then it must fall to the EU to present a champion for peace.

In the Middle East, efforts and initiatives have come and gone, and violence has returned to fill the vacuum. Fly-in, fly-out diplomacy has failed. Periodic engagement has led to false starts and dashed hopes. International forces have not been aligned and dialogue has been stunted. But Hamas and Israel cannot militarily defeat the other; they will each have to be party with other to a negotiated solution which satisfies Palestinian aspirations for a viable state and Israel’s need for security.

The inescapable lesson of Northern Ireland and South Africa is that deep conflicts will never be solved through violent action. Either side may have temporary advances. But the solution has in the end to be political, and the mechanism has to be negotiation. Beginning the process on the basis of politics alone is what really matters. But today, both these historic events in building democracy are taken for granted. In fact the struggle for democracy in South Africa took most of the hundred years of the African National Congress’s life, its centenary celebrated this year. Whereas eight centuries of Anglo-Irish history, sharpened by violent conflict, created virulent and seemingly irreconcilable fault lines on the island of Ireland. What lies beyond reconciliation is community recovery, and that is the real challenge.