

**Israel's March-April Military Campaign in the 1967 Occupied
Palestinian Territories and the Destruction of the Oslo Framework**

**International Law,
Protection of Fundamental Rights and Freedoms,
and a Comprehensive, Just, and Durable Solution
to the Israeli-Palestinian Conflict**

An Agenda for Action

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**BADIL Resource Center
for Palestinian Residency & Refugee Rights**

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I. Introduction

International law and UN resolutions provide an objective framework for the resolution of political conflict, in general, and specifically as a framework for durable solutions for refugees and other displaced persons. While the implementation of international law and UN resolutions cannot, in itself, guarantee a durable solution, a solution reached outside the framework of international law and UN resolutions will neither be just, durable or binding.

The United Nations and its individual member states together share responsibility for the protection of the fundamental human rights and respect for humanitarian norms as set forth in international law. The mandate emanates from the 1945 *Charter of the United Nations*, Article 1(1), which establishes the purpose of the UN as being:

to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

International law and UN resolutions – i.e., UNGA 194(1948), UNSC 237(1967), 242(1967) and 338(1967) – provide the foundation for a comprehensive, just and durable solution to the historic conflict in the Middle East. The political process, security measures and all agreements between the parties to the conflict must protect the fundamental human rights of all persons and respect humanitarian norms as set forth in international law.

The collapse of the political process between Israel and the PLO is related, in large part, to the chronic lack of international protection of fundamental human rights and lack of respect for humanitarian norms since the inception of the Madrid/Oslo process nearly a decade ago characterized by: ongoing land confiscation, settlement construction, house demolition, exploitation of natural resources, internal and external military closure, denial of residency rights, denial of the right to self-determination, and rejection of the right of return. Unlike most peace agreements, including those signed between Israel and its neighbors Egypt and Jordan, the ‘Oslo Accords’ stipulate that relations between Israel and the Palestinians will be conducted on the basis of an agreed upon political process rather than international law and the Charter of the United Nations.

Reporting on status of human rights in the 1967 occupied Palestinian territories several weeks after the onset of Israel’s military campaign to crush the popular Palestinian uprising (*al-Aqsa intifada*), the UN Special Rapporteur on Human Rights in the occupied territories wrote:

In general, respondents identified one of the main causes of the recent Palestinian protests as accumulated frustration at the perceived shortcomings of the Oslo process, both as to content and implementation, and notably its failure to uphold human rights and humanitarian norms. *Both the local Palestinian and Israeli interlocutors consulted emphasized to the Special Rapporteur that none of the concerned parties could possibly not be cognizant of the danger inherent in this failure: the people in*

the street, Israeli intelligence, the Commission on Human Rights, the various treaty bodies, the General Assembly, the Special Rapporteur, the Palestinian Authority. They lamented that, in spite of that, no corrective action had been taken. Moreover, they uniformly deplored the double standard that has applied to the occupied Palestinian territories of tolerating or facilitating the Israeli occupation authorities' unbroken pattern of violations. In particular, they point out the contradiction between the standards established by the United Nations and the simultaneous ineffectiveness of the United Nations in upholding its own principles. [Emphasis added]

UN Doc. E/CN.4/S-5/3, 17 October 2000

More than 18 months after the beginning of Israel's military campaign to crush all forms of popular Palestinian resistance to Israel's illegal military occupation, denial of the right to self-determination and rejection of the basic human rights of Palestinian refugees (i.e., right of return, real property restitution, and compensation for losses and damages), US-led international efforts to find a formula that will bring an end to the 'cycle of violence' and facilitate a return to political negotiations ("Mitchell-Tenet-Zinni process") have failed. The Mitchell fact-finding committee recommendations and the Tenet cease-fire plan did not include a single reference to international law and the protection of fundamental human rights and humanitarian norms.

An increasing number of international expert teams, as well as western and Arab diplomats have begun to suggest that the unsuccessful "bottom-up" approach leading from a cease-fire through confidence building to bilateral negotiations should be abandoned and replaced by a new and internationally backed "top-down" approach. The latter is a new formula which, based on the conclusion that the two parties are unable to resolve the conflict bilaterally, calls upon the international community to lay out a comprehensive peace plan (along the lines of the Saudi proposal), and to impose it on the parties by means of upgraded international involvement, including the possibility of some form of international monitoring/peace keeping force. This new formula currently under debate has yet to demonstrate a serious commitment to international law and relevant UN resolutions.

While the search for a new peace formula continues, the chronic lack of international protection for fundamental human rights and lack of respect for humanitarian norms has assumed appalling proportions, particularly for the Palestinian people, including refugees, residing in the 1967 occupied Palestinian territories. More than 1,400 Palestinians have been killed, most of whom are civilians. More than 300 Israelis have been killed, more than half of whom are civilians. Israel's military campaign to crush the *al-Aqsa intifada* has completely disregarded the protected status of the entire Palestinian civilian population. Damage and destruction of private property and public infrastructure is widespread. Humanitarian operations, including emergency medical assistance and delivery of basic food supplies, have been severely obstructed. The steep rise in unemployment and the number of persons living below the poverty line in the occupied territories is unparalleled.

The durability of any future political process will depend upon the ability of the international community to bring an end to the massive and systematic violation of fundamental human rights and humanitarian norms in the 1967 occupied territories, ensure that all agreements are fully consistent with international law and UN resolutions, and institute mechanisms to guarantee the protection of fundamental

human rights and respect for humanitarian norms. The first part of this report provides a brief overview of Israel's massive and systematic violation of international law in the occupied Palestinian territories in April 2002. The second part of the reports provides a series of recommendations – i.e., an 'Agenda for Action' for a comprehensive, just and durable solution to the Israeli-Palestinian conflict.

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II. Violations and Grave Breaches of International Law in the 1967 Occupied Palestinian Territories

Since the onset of Israel's military campaign to crush popular Palestinian resistance to Israel's illegal military occupation, denial of the right to self-determination and rejection of the basic human rights of Palestinian refugees, the pervasive lack of respect for fundamental human rights and lack of respect for humanitarian norms has assumed appalling proportions in the 1967 occupied Palestinian territories. More than 1,400 Palestinians have been killed and tens of thousands have been injured (Palestinian Red Crescent Society, PRCS). Thousands of homes have been either destroyed or severely damaged. Public infrastructure, including health and education institutions, electricity and water supplies and roads, have been ravaged. Unemployment has doubled and more than 50 percent of the population is living below the poverty line. Refugees, who comprise 50 percent of the population of the occupied territories, women and children have been particular vulnerable to the impact of Israel's military campaign (*See BADIL Bulletin No. 8, "A Climate of Vulnerability – International Protection, Palestinian Refugees and the al-Aqsa Intifada, One Year Later, September 2001*).

Despite recommendations issued by all major UN human rights bodies – i.e., UN High Commissioner for Human Rights (UN Doc. E/CN.4/2001/114, 29 November 2000), UN Commission on Human Rights (UN Doc. E/CN.4/2002/121, March 2001), Special Rapporteur on Human Rights in the Occupied Territories (UN Doc. E/CN.5/S-5/3, 17 October 2000 and E/CN.4/2002/32, 6 March 2002), and the Committee on Economic, Social and Cultural Rights – and despite repeated calls by the international community for Israel to comply with obligations set forth in the *Fourth Geneva Convention of 1949* and human rights instruments – including the *1948 Universal Declaration of Human Rights*, the two international covenants, commonly referred to as the 1966 "International Bill of Rights", among others – Israel continues to disregard international law.

The purpose of the principal international instrument concerned with the protection of civilians under military occupation, the *Fourth Geneva Convention of 1949*, is to ensure respect for the human rights of protected persons. This is made clear by article 27 of the Convention, which provides that the Occupying Power is to respect the fundamental rights of protected persons. According to the Commentary of the International Committee of the Red Cross on this provision: "The right to respect for the person must be understood in its widest sense: it covers all the rights of the individual, that is, the rights and qualities which are inseparable from the human being by the very fact of his existence and his mental and physical powers; it includes, in particular, the right to physical, moral and intellectual integrity – an essential attribute of the human person" (p. 201). The "rights of the individual" have been proclaimed, described and interpreted in international human rights instruments, particularly the international covenants on civil and political rights, and economic, social and cultural rights of 1966, and in the jurisprudence of their monitoring bodies. These human rights instruments therefore complement the *Fourth Geneva Convention* by defining and giving content to the rights protected in article 27. This is borne out by repeated resolutions of the General Assembly (for example, resolution 2675 (XXV)) and by the *Vienna Declaration* adopted by the World Conference on Human Rights in 1993, which declared that:

"Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign

occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 14 August 1949, and other applicable norms of humanitarian law.”

Violations include: the right to life, right to an adequate standard of living, right to adequate housing, right to education, right to the highest attainable standard of physical and mental health, torture, and freedom of movement. These violations affect, in varying degrees, nearly the entire Palestinian population of the 1967 occupied Palestinian territories and amount to a systematic policy of collective punishment.

Israel's pervasive lack of respect for fundamental human rights and humanitarian norms is joined by a chronic lack of international protection for these basic rights and norms. Despite repeated recommendations by all major UN human rights bodies and international and local human rights organizations for the deployment of international forces in the 1967 occupied Palestinian territories to protect fundamental human rights and ensure respect for humanitarian norms, the international community has failed to deploy or even study the option for the deployment of international forces. The United States, in particular, has repeatedly obstructed the deployment of international forces through lobbying members of the UN Security Council to vote against or abstain from draft Security Council resolutions calling for the establishment of an international protection force (S/2000/1171, 18 December 2000) and, when unable to convince or pressure members, the United States has repeatedly used its veto to block initiatives (S/2001/270, 26 March 2001, S/2001/1199, 14 December 2001) by other member states.

The pervasive disregard for international humanitarian and human rights law reached a dramatic peak in March and April 2002 in the context of two massive military assaults (Operations “The Colors Journey” and “Defensive Wall”) launched by Israel to crush the *al-Aqsa intifada*. In the six weeks between March and mid-April 2002 Israeli military forces have killed more than 400 Palestinians comprising 30 percent of the total number of Palestinians killed by Israeli military forces and settlers since the beginning of the *al-Aqsa intifada* in September 2000. Israel's violations of international humanitarian and human rights law include war crimes and crimes against humanity as defined by the *Rome Statute of the International Criminal Court* (UN Doc. A/Conf.183/9, 1998). The UN Commission on Human Rights has considered Israel's continued “grave breaches” of the 1949 Fourth Geneva Convention as rising to the level of war crimes since 1972 and recently reaffirmed this view during a Special Session of the Commission in October 2000.

War crimes committed during Israel's military assaults in March and April 2002 include:

- willful killing or killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- the use of protected persons as human shields;
- intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or

widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

- attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives; and,
- pillage.

Crimes against humanity may include:

- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- persecution – i.e., the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity – against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ..., or other grounds that are universally recognized as impermissible under international law;
- the crime of apartheid defined as inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.

Moreover, Israel's systematic violations and grave breaches of international law constitute a form of state terrorism. Terrorism, at its roots is the systematic use of violence to coerce or intimidate a population or government into accepting certain political demands or program. Following the beginning of Israel's most recent military assaults – i.e., Operations "The Colors Journey" and "Defensive Wall") in the 1967 occupied Palestinian territories Israel's Prime Minister Ariel Sharon stated:

It won't be possible to reach an agreement with [the Palestinians] before the Palestinians are hit hard. Now they have to be hit. If they aren't badly beaten, there won't be any negotiations. Only after they are beaten will we be able to conduct talks.

Ha'aretz, 5 March 2002

As the UN Special Rapporteur for Human Rights in the Occupied Territories, John Dugard, noted in his recent report to the UN Commission on Human Rights,

It is against this background that it is necessary to reiterate that it is the military occupation of the Palestinian Territory that is responsible for most of the violations of humanitarian law and human rights ... Similarly it is necessary to recall the applicability of the Fourth Geneva Convention as the governing law. On 5 December 2001, the High Contracting Parties to the Fourth Geneva Convention reaffirmed the applicability of this Convention to the Occupied Palestinian Territory, reiterated the need for full respect for the provision of the Convention and recalled the obligations under the Convention of the parties to the conflict and of the State of Israel as the Occupying Power.

UN Doc. E/CN.4/2002/32, 6 March 2002

The following subsections provide an overview of Israel's violations of fundamental human rights and humanitarian norms during Operation "Defensive Wall" in April 2002.

Attacks on Civilian Population (“Protected Persons”)

It is estimated that more than 80 percent of the civilian population of the 1967 occupied Palestinian territories have been directly harmed by Israel's military campaign. Reports from all international humanitarian organizations operating in the territories, including UNRWA, UNSCO, WHO, UNICEF, ICRC, Medicines Sans Frontieres, point to widespread civilian suffering, including: lack of physical safety, food and water shortages, lack of access to emergency and regular medical care, damage to and destruction of homes and private property, and damage to and destruction of civilian infrastructure (i.e., electricity, sewage, etc.) leading to a severe deterioration in public health.

International and local humanitarian agencies have been unable to establish the total number of dead and injured since Israel's latest military assault on Palestinian cities, villages and refugee camps began in late March 2002 due to the lack of humanitarian access (*See below*). According to the Palestinian Red Crescent Society (PRCS), the number of confirmed deaths during the first two weeks (as of 13 April) reached nearly 150. The impact of Israel's military campaign on human security is even more chilling if one includes the total number of Palestinians killed by Israeli forces during both recent military operations – “The Colors Journey” and “Defensive Wall” – in March and April 2002. Nearly 400 Palestinians were killed (PRCS) comprising almost 30 percent of the number killed (1,412, PRCS) over the last 18 months.

The majority of Palestinians killed and injured by Israeli military forces are civilians. While the large majority of deaths during the first months of the *al-Aqsa intifada* occurred during demonstrations between Israeli forces and mostly unarmed Palestinian protestors, civilian deaths, particularly during Israel's recent military assaults in March and April 2002, are increasingly the result of the use of heavy machinegun fire, tank rounds, missiles, and aerial bombardment from F-16 fighter jets in civilian areas.

At around 10 am on Friday [5 April], twenty Israeli tanks entered Tubas from its eastern side and indiscriminately shelled city quarters. As a result, 13-year-old Dima Sawafta was killed by a gunshot in the chest while at home, ten others were variously injured. Ambulances could not reach them due to heavy gunfire. Also in Tubas, Iyad Abed Sawafta (22), a farmer, who was working on his land, was killed. An Israeli soldier shot him, east of Tubas. Two live bullets entered his head and chest at 1 o'clock this afternoon.

LAW Press Release, 5 April 2002

On the morning of April 10 at 5:15 am, two residents of Dura, Hebron District, 33-year-old Aref Mahmud Sayid Ahmad and 32-year-old Na'if Salem Sayid Ahmad were on their way home from morning prayers at a mosque in the town. When they were ten metres away from Aref Ahmad's house, a missile was shot from a helicopter which killed both men. The explosion caused a fire in Aref Ahmad's home. His wife and eight-year-old daughter sustained head injuries from the shrapnel. Faruq, Na'if Ahmad's brother, sustained a serious leg injury. Due to the curfew imposed on the city, it was impossible to send an ambulance to evacuate the injured and the bodies of the deceased. They are still in Na'if Ahmad's house.

B'Tselem, cited in Christian Aid Press Release, 11 April 2002

During March and April 2002, Palestinian refugees residing in camps in the 1967 occupied territories have been particularly vulnerable to Israeli military attacks. Damages to refugee shelters caused by indiscriminate Israeli shelling are especially large in the densely built-up refugee camps, where makeshift constructions are less resistant to attacks by heavy Israeli ammunition and missiles, and shock and anxiety attacks, especially among the children and elderly, spread among the whole crowded camp population. It is estimated that Israeli forces killed at least refugees in Jenin refugee camp alone; humanitarian personnel are unable to confirm the total number of dead until Israel permits full access to the camp.

The Israeli Defence Force has made a hellish battleground among the civilians in the Balata and Jenin refugee camps. We are getting reports of pure horror -- that helicopters are strafing civilian residential areas; that systematic shelling by tanks has created hundreds of wounded; that bulldozers are razing refugee homes to the ground and that food and medicine will soon run out. In the name of human decency the Israeli military must allow our ambulances safe passage to help evacuate the wounded and deliver emergency supplies of medicines and food.

Peter Hansen, UNRWA Commissioner General, 7 April 2002

Israel's recent military assault on Palestinian cities, villages and refugee camps has resulted in widespread shortages of food and water. Two weeks into Israel's military campaign, for example, the Palestinian Red Crescent Society (PRCS) reported that it was struggling to cope with the flood of requests for emergency food aid in the West Bank city of Ramallah where the number of calls increased three-fold. The situation was similar across the West Bank with the civilian population confined to their homes under tight curfew and shop owners unable to bring in fresh produce, dairy products and household goods. Food shortages have been aggravated by a general lack of cash, the lack of humanitarian access to bring in necessary food stocks, and looting of food stocks from stores and private homes by Israeli soldiers.

We had nothing to eat or drink and one my sisters fainted from hunger. We could smell a fire in the house next to us but had nowhere to go. Snipers were hiding outside and the helicopter was drawing closer.

Hanan, age 23, Jenin refugee camp, Agence-France Presse, 11 April 2002

I live close to Max Supermarket. I saw all that happened. The tank came and broke the front door, and then they closed the other door, went in, and broke another door. Then they exploded the safe, obviously to steal the money inside, this is the proof that they were after money. Computers and offices all went in the process. Also the special store for special foods was destroyed. The safe did not open though, a small hole only. We heard everything. Our neighbors said that they had two APC's full of soldiers with them, and they began to load in food items. They took them away and came back and filled up again with food and left. Later, we went and saw how it was, the destruction and the loss of food items. Two APC's were loaded with food.

(name withheld), 1 April 2002, mid-day, Ramallah

Israel's military assault has also resulted in severe water shortages for the civilian population due to the damage caused to water lines, reservoirs, roof and household water storage. Residents of several refugee camps have been deprived of access to clean and safe drinking water for periods of nearly one week. Unconfirmed reports describe some residents of Jenin camp, confined to their homes, resorting to drinking urine to stave off dehydration. Two weeks into Israel's military assault the UN Office for the Coordination of Humanitarian Affairs reported that some 140,000 residents of

Nablus, Tulkarem and Jenin were still experiencing severe water shortages. Attempts to facilitate access to water have been hampered by Israeli military attacks on engineering crews and repeated damage to infrastructure.

Israel's military assault has also endangered the health of most of the civilian population in the 1967 occupied territories. Threats to physical safety, food and nutritional security, and public health have been exacerbated by lack of access to medical services and military attacks on medical personnel and institutions (*See Humanitarian Access below*). One week into Israel's military assault the World Health Organization (WHO) issued a stark warning:

The health system was in danger of collapse. The crisis is reflected in a shortage of medicine/antibiotics used to treat injuries encountered, the inability of health personnel and patients to access health facilities, the lack of food, water, electricity, access to services and access to the dead bodies.

World Health Organization (WHO) Press Release, 4 April 2002

Large parts of the civilian population have been without electricity, often for days on end, due to damage to the power grid. Engineering crews have been unable to cope with the massive destruction, unable to operate due to round-the-clock curfews, or forced to suspend repair work due to shooting from Israeli forces. By 3 April 2002, some 5 days into Israel's military assault, for example, the Palestine Red Crescent was reporting that half of Ramallah was still without electricity. Disruptions to the removal of garbage, which has piled up in the streets along with severe restrictions on the movement of humanitarian personnel who have been unable to remove the dead from public places have further exacerbated the threat to basic public health. In many cities, dead bodies were allowed to remain in the street and in homes for days before the Red Cross or Red Crescent were allowed to remove the bodies.

I think it is particularly appalling that religious observance in connection with death and burial have been so grossly violated. And I do appeal to everybody to respect the basic religious (inaudible), something that the Israeli population of Judaic tradition can understand very well. I hope that it can be respected, but the incidences of mass graves, of people dying in houses, bleeding to death, and then being impossible to remove them. I spoke to a family in a camp recently where they had to make the burial in their own little courtyard within their shelter. These are conditions which remind me of the worst days in Angola where people in besieged cities had to bury their dead in the small piece of land still available.

Peter Hansen, UNRWA Commissioner General, UN Dept. of Public Information (DPI), 5 April 2002

The threat to the health care system and the complete closure of schools has hit women and children particularly hard. One week into Israel's military assault the UN Population Fund warned of a rise in maternal and infant deaths due to the inability of women to reach health facilities.

Emergency obstetric care, such as surgical delivery, is inaccessible to most women in the occupied Palestinian territory and delays at checkpoints of women in labour have resulted in unattended roadside births and even deaths of some women and infants. Even before the recent escalation, one fifth of pregnant women in Gaza and the West Bank could not receive prenatal care because of the difficulty of travelling through checkpoints to health facilities. This access to obstetric care has become even more limited over the past week as a result of the reoccupation of major cities, such as Ramallah, Nablus and Bethlehem, and the imposition of a policy of closure and

prolonged curfews on their populations. This situation leaves pregnant women without access to life-saving medical assistance. A programme initiated six months ago to train midwives and nurses from some villages in the West Bank and Gaza to provide emergency obstetric care in urgent situations is now inadequate as the crisis escalates.

UN Population Fund Press Release, 5 April 2002

International agencies such as UNICEF and Save the Children Fund have warned of the severe impact of Israel's military assault on Palestinian children across the West Bank.

Children are being denied access to health services, and are unable to attend school and engage in social activity.

UNICEF Press Release, 4 April 2002

[O]ver 200,000 children in the towns of Bethlehem, Qalqilya, Tulkarem, Jenin and Nablus have been deprived of access to clean water. Many parts of these towns are also without electricity, and fresh food has run out in Bethlehem and Nablus. The continuing curfew in Jenin means that poorer households may have little or no food at all. The curfews and closures are affecting over 300,000 children, confining them to their homes, denying them access to educational facilities and subjecting them to continuing fear. Children continue to witness the unlawful arrests and killings of family members and friends, as well as the destruction and looting of their homes and neighbourhoods.

Save the Children Fund (SCF) Press Release, 12 April 2002

Destruction of Property

Israeli military forces have caused massive damage to the civilian infrastructure in the occupied Palestinian territories, including: private homes and property, public institutions including schools, medical clinics, ministries of the Palestinian Authority, non-governmental organizations, churches, mosques, historical sites, refugee camps, and damage and destruction of streets, electricity, phone and water supply in all areas invaded by the Israeli military. A comprehensive assessment of the total damage inflicted by the Israeli military to the civilian infrastructure during Operation Defensive Wall will not be possible until the Israeli military permits unhindered access to all cities, villages and refugee camps in the 1967 occupied territories. Generally, however, reports indicate that damage and destruction is widespread and indiscriminate.

The application of violence is very very generalized, there is not a question here of pinpointing and targeting a few suspects on a wanted list, but there is entry into homes, house after house, destruction of what is in the houses, often destruction of the houses. In the West Bank alone, we are now beginning to catch up if you will in Gaza, there are more than 2,500 destroyed or partially destroyed shelters. In Gaza, we are talking about even more.

Peter Hansen, UNRWA Commissioner General, UN Dept. of Public Information, 5 April 2002

The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that the destruction of Palestinian homes alone has left several thousand people homeless. Local sources in Jenin estimate that approximately one third of the homes in the Jenin refugee camp have been destroyed since 3 April by Israeli bulldozers in a process referred to as 'shaving'. There are reports as well of homes being bulldozed on top of

the people inside them in Jenin refugee camp and in the Yasmina quarter in Nablus. Tank shells, missiles and indiscriminate heavy machine gun fire from Apache helicopters have also heavily damaged refugee shelters and homes.

I have not myself been able to go to the camps (since) about a week ago or so, but I am told from the reports we are getting in from the camps, we have our staff inside there, that the situation is really unprecedented. There is this massive destruction of shelters and destruction of infrastructure, water lines; electricity is being cut off. Of course many installations that the Israeli army has used have also suffered very bad damage. It is quite appalling to see, and I have seen that myself, how some installations, for instance in the health and medical area, have been destroyed and medicines smashed, a dentist's chair kicked over and ripped out of the floor, threatening graffiti written in Hebrew on the wall. It is really not what one would expect from a disciplined army to see this kind of destruction.

Peter Hansen, UNRWA Commissioner General, UN Dept. of Public Information (DPI), 5 April 2002

Israeli military forces have also heavily damaged, ransacked and looted public institutions and civil society organizations. This includes the Palestinian Ministry of Civil Affairs, Ministry of Education, Ministry of Finance, Palestinian Legislative Council, numerous municipal offices, libraries, charitable societies and non-governmental organizations such as al-Haq, Union of Palestinian Medical Relief Committees, Mandela Institute for Political Prisoners, and Mattin Group. Many institutions remain occupied by Israeli military forces and independent observers are unable to assess damage and destruction. In those institutions where individuals have gained access, there is widespread destruction of computers, files, and office equipment, confiscation of computer hard drives and documents (including financial records) as well as structural damage (Palestinian Emergency NGO Initiative in Jerusalem, 13 April 2002).

There are also widespread reports of looting and plunder of private property by Israeli soldiers.

They broke everything when they came in, and stole as well. We are merchants and have money at home always, they stole all the money we have, lots of money, at least 25,000 USD, and also batteries, 3 mobiles and expensive watches. It is crazy, but they also stole our prayer rugs and Qur'an! "

(Internet reports, name withheld), March 30, 10 a.m., al-Bireh

They came in, placed us all in one room, searched the house, and when we came out we realized that the following was missing: 3000 USD, NIS 1800, pens, a watch, a video camera battery, brand new in its box... they left the box, and took also my 050 (Israeli) mobile phone.

(Internet reports, name withheld), March 30, 11 a.m., al-Bireh

Extra-Judicial Killings

Israel's policy of extra-judicial killings appears to have reached a new level during the latest military assault on Palestinian cities, villages and refugee camps. Israel has continued the illegal policy referred to by the military as "death kill verification".

In Hebron, at 2.30 this afternoon, two Apache helicopters attacked a civilian car, in another attempt of extra-judicial killing. The helicopters fired three missiles, however they missed the car that was driving in Abu Ghanam street, downtown Hebron. The

missiles hit another car and destroyed it completely. There were seven persons, most of them bystanders injured in the attack, including 11-year old Mohammad Amin Sughayer, who is in critical condition, with second and third degree burns on 90 percent of his body.

LAW, 5 April 2002

Moreover, there are numerous reports of executions of unarmed Palestinian prisoners. The first reports surfaced with news and photographs of five officers from the Palestinian security forces – Khaled Fathi Mahmoud Awad (33), Ismail Ibrahim Zaid (56), Said Hamam Abdelrahman (60), Abdelrahman Tawfiq Abdallah (58), and Omar Muhammad Musa (54) – shot dead at close range in Ramallah (LAW, 30 March 2002). Israeli military forces subsequently prevented journalists and independent observers from entering the building where the bodies were found. Due to severe restrictions imposed by Israel on humanitarian personnel and journalists independent observers are unable to confirm the total number of extra-judicial killings.

Eyewitnesses from Jenin refugee camp report summary executions of civilians/combatants after detention; resistance fighters in the camp reported that eight fighters were summarily executed on 10 April in front of their families after their surrender to the Israeli army. Eyewitnesses have also reported that Israeli forces have dug mass graves in the refugee camp, dumped bodies into the sewage, removed bodies to unknown places, and bulldozed entire areas of the camp in order to “clean up” the site (LAW, 8 April 2002). Two weeks into Israel’s military assault, the UN Special Rapporteur on extra-judicial, summary or arbitrary executions, Ms. Asma Jahangir, voiced alarm at the growing number of reports, particularly in connection with the military assault on Jenin refugee camp and called for urgent and prompt investigation of all allegations.

Detention and Torture

Israeli military forces have conducted massive sweeps through cities, villages and refugee camps in the 1967 occupied Palestinian territories detaining and arresting thousands of Palestinians. It is estimated (B’tselem, UNRWA, UNSCO) that Israel has detained between 3,500 and 5,000 Palestinians at military and detention facilities in Ofer (near Ramallah), Megiddo (inside Israel), Salem (near Jenin) and at other permanent detention facilities during the course of two weeks of military operations.

In many cases, mass detentions were conducted according to broad criteria of age and gender, thus many Palestinians were detained simply because they were present where detentions were being carried out and not because they were under suspicion. In most cases, families are not informed of the whereabouts of their detained relatives, as the identity of many of them is unknown. Israeli and Palestinian human rights organizations have received information about inhumane conditions (insufficient food, overcrowding, cold, humiliation, beating) and the use of torture during interrogations in the Ofer military camp located near Ramallah. The Israeli Central Commander of the West Bank has issued a sweeping order pertaining to all detainees that bans meetings with lawyers. As a result, a close examination of holding conditions is impossible. The High Court of Justice has rejected a petition of four human rights organizations, which demanded to be allowed into the Ofer military camp.

I was handcuffed and blindfolded and taken along with another 90 men to their military camp in Salem, just outside Jenin. We had no food or water for two days and had to stay outside. I was beaten up and undressed. I had to kneel for hours, handcuffed with my head bent down ... tightening the handcuffs so bad it would stop our blood circulation.

Abu Mohammed, age 36, Agence-France Presse, 11 April 2002

Israeli military forces have also broken into UN installations and detained staff and others present in the buildings. Special Israeli forces and army units broke into UNRWA's Ramallah Men's Training Centre on 9 April, for example, arresting 104 trainees along with the Dean of the Centre Dr. Mohammad Omran (UNRWA Press Release, 10 April 2002). Moreover, hundreds of detainees that have subsequently been released were let go in the midst of severe curfew and were unable to reach their homes placing them in serious physical danger. There are also reports of Israeli military forces releasing detainees on the outskirts of urban areas and firing at them causing injury and reported death.

Human Shields

Israeli military forces have also taken Palestinian civilians hostage and use them for human shields. On 3 April 2002, for example, Israeli military forces entered the Palestinian Ministry of Education in Ramallah and took four employees hostage – Salah Sibyani, Jamil Shteiya, Awad Zeidan, and Hassan Shahin – using them as human shields while they searched the building (LAW, 4 April 2002). The military then took the same four persons to use as human shields to search a nearby elementary school and the Palestinian Legislative Council building.

Palestinian civilians have also been used as human shields by Israeli soldiers conducting raids on medical institutions.

On March 8, at approximately 1:00 pm, six Israeli soldiers entered the al-Baq Mosque in the old city of Nablus, where an emergency clinic had been established. According to the information provided by Dr. Zahara el-Wawi, a doctor present at the clinic, the soldiers entered the mosque with their guns resting on the shoulders of Palestinian civilians who were forced to march in front of the soldiers as “human shields.” The soldiers separated the medical staff from the patients, searched the dead bodies, and checked the identities of the injured.

B'tselem, 11 April 2002

According to the International Committee of the Red Cross (ICRC) Director General Paul Grossrieder, at least eight Red Crescent personnel had been used as human shields by the Israeli military as of 12 April 2002 (ICRC, 12 April 2002). It is absolutely unacceptable that “useless humiliations take place and are taking place” against Red Cross and Red Crescent staff and delegates in the field stated Grossrieder.

Collective Punishment

An estimated 80 percent of the Palestinian population in the West Bank, approximately 1 million persons, has been directly affected by Israel's March/April military assault on Palestinian cities, villages and refugee camps. Collective

punishment includes curfew and mass destruction of the civilian infrastructure. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that some 280,000 Palestinians in urban areas have been placed under 24 hour prolonged curfews during which it is forbidden for residents to leave their homes. This includes: Jenin camp (13,000) and town (40,000); Ramallah-Al-Bireh (40,000) and camps (7,000), Dura, Bethlehem (21,500) and camps (Dheisheh, Aida - 15,000), Nablus (110,000) town and refugee camps (20,000); Beit Jala (12,300); Hebron H2 (18,000). A number of villages (e.g. Tel, Ilar, Anabta) also remain under curfews - no precise numbers are yet available.

The extent to which Israel's military assaults constitute collective punishment is illustrated by the extent of damage to property, and levels of unemployment and poverty, which are expected to rise dramatically as a result of "Operation Defensive Wall". During the first three months of 2002, for example, Israeli military forces demolished more than 200 refugee shelters and damaged more 2,000 others in the Gaza Strip and the West Bank. The total damage to refugee shelters during the first three months of 2002, not including the large number of shelters destroyed in April, is equal to more than half of the entire damage resulting from Israeli military assaults since the beginning of the Palestinian uprising (UNRWA Progress Reports).

According to the World Bank, unemployment levels in the 1967 occupied territories (including persons who have given up hope in finding employment and are no longer searching for work) nearly doubled to 40 percent between September 2000 and December 2001 (Fifteen Months, *Intifada*, Closure and Palestinian Economic Crisis, 18 March 2002). As of November 2001 unemployment in West Bank refugee camps already stood at 37 percent with the rate in Gaza Strip camps at 50 percent. It is estimated that more than half the total Palestinian population is living below the poverty line (US\$2 per person per day) in the occupied territories. Already by November 2001, the poverty rate among Palestinian refugees was around 46 percent (West Bank) to 65 percent (Gaza Strip).

Humanitarian Access

All major international humanitarian organizations and local NGOs state that Israeli military forces have and continue to severely obstruct humanitarian access to provide emergency medical assistance, evacuate the wounded and dead, and prevent or severely delay the delivery of medicines, food, water, and temporary shelter.

We got into Ramallah the day before yesterday [April 3] after arrangements had been made with the Israeli army. That convoy was shot at and had to be abandoned for a while until we could continue. So work for our staff is extremely dangerous. On the convoy, I can tell you an example of conditions, an UNRWA staff member and operations officer was arrested, taken away, handcuffed and blindfolded, he was put in a detention centre, on the ground, without walls, there was some corrugated roof over them so the rain only hit them occasionally. He was sitting handcuffed and blindfolded for 56 hours, without food for 52 hours, and the food we are talking about after 52 hours was a few dry crackers. These are completely unacceptable conditions for us to work under, and I must appeal very very strongly to the Israelis to observe a minimum of normal decency, not to speak of the humanitarian treaties and humanitarian law that they are obliged to obey.

Peter Hansen, UNRWA Commissioner General, UN News Service, 5 April 2002

The Palestine Red Crescent Society (PRCS), which works in cooperation with the International Committee of the Red Cross (ICRC), estimates that it has been able to respond on average to only 10 percent of the humanitarian needs due to the systematic denial of access to the sick and injured (International Federation of the Red Cross, 12 April 2002).

On Sunday, 7 April 2002, a little after 9:00 pm, shots were fired in the direction of the house of the S. family, near old Askar refugee camp, Nablus. As a result, the family's father, a 65-year-old man, was killed and his 32-year-old daughter S.H, sustained a bullet injury to the chest. Only on Monday afternoon, following coordination with the IDF, was a Red Crescent ambulance sent to the house to take the daughter to hospital. However, soldiers shot at the ambulance and ordered its crew to leave the place. As of this afternoon (April 10) S.H has not yet been evacuated to hospital.

HaMoked - Center for the Defense of the Individual, Christian Aid Press Release, 11 April 2002

Ambulances and emergency medical personnel have come under repeated attack by Israeli military forces. In just over one week the Israeli military had destroyed and permanently disabled 7 Palestinian Red Crescent Ambulances. Medical personnel have been subject to arrest, beatings, and detention. On 4 April 2002, for example Israeli military forces entered the PRCS maternity hospital in Ramallah/Al-Bireh blindfolded 2 doctors, 2 nurses and hospital worker and took them away. On the same day two PRCS medics were thrown out of their ambulance and beaten by Israeli soldiers. One staff person reported a mock execution with two bullets being fired inches from his head while detained. In Jenin, 6 PRCS staff persons providing assistance to refugees fleeing Jenin refugee camp were detained, blindfolded, handcuffed and driven away in armored vehicles (PRCS Updates).

We are talking about four drivers being killed, three doctors being killed, 122 doctors and drivers injured. I would strongly suggest that when 185 ambulances have been hit, including 75 per cent of UNRWA's ambulances, one of our staff was killed in an ambulance, this is not the result of stray bullets by mistake, this can only be by targeting ambulances.

Peter Hansen, UNRWA Commissioner General, UN News Service, 5 April 2002

International agencies have made repeated interventions and received assurances by Israeli officials of safe passage for humanitarian personnel; however, the situation has remained largely unchanged.

It serves no purpose I can see, except increasing hatred and bitterness, to deny the civilian population access to minimum services and assistance. By now, I do not have a count of how many times I have written the Foreign Minister, the Minister of Defense, the Head of the Administration of the Territories, I have written numerous letters. So far, I do not have a response to a single one of these letters. However, we are not giving up writing, protesting, reminding them of international law and international obligations, and we are refusing to let the situation become so normal that we even forget or give up writing about it.

Peter Hansen, UNRWA Commissioner General, UN News Service, 5 April 2002

The heads of the major international humanitarian agencies, both United Nations and international and non-governmental organizations, including: the United Nations Office for the Coordination of Humanitarian Affairs; United Nations Development

Programme, United Nations Population Fund; United Nations Children's Fund; United Nations High Commission for Refugees; World Food Programme; World Health Organization; International Federation of the Red Cross and Red Crescent Societies; the International Council on Voluntary Agencies; the Steering Committee for Humanitarian Response; and the United Nations Relief and Works Agency for Palestine Refugees in the Near East took the unprecedented step on 10 April 2002 of collectively expressing their deep dismay and outrage over the military actions in the occupied Palestinian territory and the consequences of such actions in exacerbating the humanitarian crisis.

III. International Law and an Agenda for Action

The durability of any future political process between Israel and the PLO will depend, in large part, upon the willingness and effectiveness of the international community to uphold international law and fulfill its obligations *in full* as set forth in 1945 *Charter of the United Nations*. Regardless of whether a solution to the Israeli-Palestinian conflict is negotiated between the parties or imposed by the international community, the terms of a solution must be fully consistent with international law and UN resolutions. While the implementation of international law and UN resolutions cannot, in itself, guarantee a durable solution, a solution reached outside the framework of international law and UN resolutions will neither be just, durable or binding.

The failure to fully incorporate international law within the Madrid/Oslo process and subsequent political and security arrangements – i.e., Mitchell recommendations and the Tenet ceasefire plan – has severely impeded and ultimately obstructed international efforts to facilitate a comprehensive, just and durable solution to the conflict in the Middle East:

First, it has provided a license for the continued violation of fundamental human rights and humanitarian norms. As mentioned above, Israel's violation of fundamental human rights and humanitarian norms has continued unabated since the beginning of the Madrid/Oslo process. Moreover, not one single recommendation of the UN High Commissioner for Human Rights, the UN Commission on Human Rights special Commission of Inquiry, and the UN Special Rapporteur on Human Rights in the Occupied Territories concerning the violation of human rights after the beginning of the *al-Aqsa intifada* has been implemented. Rather, Israel has increased the lethal character of weapons – from rubber-coated metal bullets and live ammunition, to Apache attack helicopters, Merkava tanks and F-16 fighter jets – in the occupied Palestinian territories. The majority of the victims of Israel's violation of fundamental human rights and humanitarian norms are civilians.

Second, it has weakened popular support for the political process, which is viewed as unable to defend and guarantee respect for fundamental human rights and humanitarian norms. The entire process of peaceful change through negotiation becomes a farce when continued systematic violations of international law runs parallel to a process of negotiation, particularly over a prolonged period of time. Moreover, it becomes increasingly difficult to convince a population that it should refrain from armed struggle, as demonstrated in many other cases of foreign occupation and decolonization, when the primary means of peaceful change – i.e., negotiation – fails to being an end to or significant reduction in the violation of fundamental human rights and humanitarian norms.

Third, it has deprived the international community of a standard benchmark or objective criteria by which to resolve disputes between the parties. International law provides a 'set of rules' to regulate relations and adjudicate disputes between the parties. The failure to fully and unequivocally incorporate international law into the Madrid/Oslo process and subsequent political and security arrangements has resulted in a process governed by a combination of 'anarchy' and 'totalitarianism.' Existing agreements between the PLO and Israel as well as political and security arrangements

are built on the principle of 'constructive ambiguity.' In order to reach an agreement acceptable to both parties, the text of agreements and political and security arrangements is left intentionally vague – i.e., both parties can interpret the text according to their own interests. The problem with constructive ambiguity arises when there is a dispute concerning implementation. The absence of a defined set of rules – i.e., international law – results in a situation where agreements are either not implemented or implementation is imposed upon one party according to the balance of power. Neither result is beneficial to the process of peacemaking and reconciliation.

Fourth, it has tarnished the overall credibility of the system of international human rights and humanitarian law and of the United Nations as body mandated to maintain international peace and security. This situation is detrimental to the victims of human rights violations and the process of strengthening the rule of law as the basis for relations between states. How can the United Nations be seen, let alone act, as an effective force for international peace and security when resolutions and reports are not implemented and recommendations go unheeded over a prolonged period of time? The lack of effective intervention renders the international community and the United Nations complicit in the violation of fundamental human rights and humanitarian norms.

Recommendations – an 'Agenda for Action'

More than 18 months ago, the UN Special Rapporteur on Human Rights in the Occupied Territories reported to the United Nations that there was a serious crisis of confidence in the willingness of the international community and the United Nations to uphold the rule of law in the Middle East. The response of the international community to Israel's recent military assault, which has inflicted massive death and destruction throughout the 1967 occupied Palestinian territories has led to a situation where the crisis of confidence has assumed proportions similar to the humanitarian disaster that has unfolded across the West Bank and Gaza Strip.

First, the international community must immediately put in place effective mechanisms to ensure the immediate cessation of all violations of fundamental human rights and humanitarian norms; the immediate implementation of recommendations of UN human rights organs, General Assembly and Security Council resolutions; long-term protection of fundamental human rights and humanitarian norms; that all peace agreements are fully consistent with international law and UN resolutions; and, an end to impunity.

The UN system provides for a wide variety of mechanisms for the implementation of international law and protection of the rights defined therein including: (1) gathering and receiving information and complaints; (2) calling upon states to comply; (3) adjudication of disputes; and, (4) international intervention. To date, the UN has employed the first two mechanisms extensively, but without result. Measures must now be taken immediately to establish effective mechanisms for international intervention and the adjudication of ongoing disputes.

Since the beginning of Israel's military campaign to crush the *al-Aqsa intifada* local and international human rights non-governmental organizations, UN human rights organs, the UN General Assembly, among others, have called upon the United Nations to deploy international forces in the 1967 occupied Palestinian territories to ensure protection of fundamental human rights of the civilian population and respect for humanitarian norms, implementation of recommendations and resolutions of the United Nations, and implementation of all agreements between the parties.

You cannot go to a camp or to another exposed Palestinian habitat without hearing anguished cries of why don't we get protection and observers, let the world see what is going on here. The Palestinians are very keen to have in this instance as much transparency, openness, observation as possible of the situation. But as you know, the Israelis have denied and refused entry.

Peter Hansen, UNRWA Commissioner General, UN Dept. of Public Information (DPI), 5 April 2002

In fact, the UN Commission on Human Rights called for the UN Security Council to endorse Chapter VII intervention in the 1967 occupied territories to protect Palestinians against Israel's "grave breaches" of the Fourth Geneva Convention nearly 20 years ago (UN Commission on Human Rights Resolution No. 1984/1, 20 February 1984). As of early April 2002, the UN Secretary General concluded that the deployment of an international force to the occupied territories could no longer be deferred (SG/M/8187, 4 April 2002).

The international community must also put in place mechanisms to strengthen the rule of law and bring an end to the culture of immunity concerning the violation of international law. UN human rights bodies, including the local office of the UN High Commissioner for Human Rights in the occupied territories, should adopt procedures to ensure that all agreements fully incorporate international law. They should also play a central role, in cooperation with an international protection force, to ensure respect for fundamental human rights and humanitarian norms during the implementation of all agreements between the parties. Finally, the international community must establish mechanisms to investigate all violations of international law, including war crimes and crimes against humanity, prosecute individuals who are responsible for the violation of fundamental human rights and humanitarian norms, and compensate victims of human rights violations include damage to persons and properties. This includes the establishment of an independent tribunal similar to those established for prosecution of violations of international law as established by Security Council resolutions in the former Yugoslavia and Rwanda.

Second, there must be an independent investigation of the United Nations and individual member states concerning the serious and protracted deficiency in international intervention to suppress "acts of aggression or other breaches of peace" and ensure protection of the fundamental human rights of civilians in the 1967 occupied Palestinian territories and respect for humanitarian norms. Such an investigation should examine the root causes of this deficiency and provide recommendations to bring the United Nations and member states into full compliance with obligations set forth in the 1945 *Charter of the United Nations* and international law.

The sequence of events leading up to the current humanitarian and human rights crisis calls into question the leadership of both the United Nations and that of the United States. A review of statements by the UN Secretary General between September 2000 and April 2002, for example, reveals an alarming lack of reference to international law as the basis for a solution to the conflict. It was not until March 2001 (SG/SM/7617, 29 March 2001), six months into Israel's military campaign to crush the Palestinian uprising and after some 400 Palestinians, primarily civilians, had been killed by Israeli military forces that the Secretary General spoke of Israel's excessive use of force. The UN High Commissioner for Human Rights had called for an end to the excessive use of force months earlier following her visit to the region. It was not until July 2001 (SG/SM/7878, 5 July 2001) that the Secretary General chose to condemn Israel's policy of targeted assassinations – i.e., “death kill verification.” Again, UN human rights bodies had called for an immediate cessation of extra-judicial killings months earlier.

It was not until January 2002 (SG/SM/8093, 11 January 2002) that the Secretary General condemned house demolitions as a violation of the *Fourth Geneva Convention*. By this time already Israel had already demolished more than 500 refugee shelters and damaged thousands of other shelters and homes. It was not until March 2002 (SG/SM/8157, 12 March 2002) that the Secretary General termed Israel's military occupation as illegal and then when questioned about the use of the term ‘illegal’ clarified that only “aspects of the occupation” are illegal (SG/SM/8160/, 13 March 2002). Moreover, despite clear and concise legal analysis contained in reports prepared by various UN human rights bodies that unequivocally conclude that Israel's military occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip is illegal under international humanitarian law the Secretary General stated that the issue was really more political than legal.

The actions of the United States within and outside the halls of the United Nations also bring into serious doubt US commitment to the universality of fundamental human rights, humanitarian norms and the rule of law. From the beginning of the Madrid/Oslo process, the United States has repeatedly failed to uphold basic principles of international law applicable to the Israeli-Palestinian conflict. Despite overwhelming evidence of ongoing and systematic violations of the fundamental human rights of the civilian population of the 1967 occupied Palestinian territories and lack of respect for humanitarian norms, the United States has consistently sought to prevent any serious international discussion and action to remedy the situation. Since the beginning of the *al-Aqsa intifada* the United States has repeatedly blocked the UN Security Council from taking measures to protect the civilian population in the occupied territories and ensure respect for international law. Moreover, continued US economic and military assistance to Israel has aided and abetted Israel's continued violations of international law. In the absence of effective international intervention and an end to the climate of immunity, international aid to Israel renders donors complicit to Israel's systematic violation of international law, including war crimes.

Third, an agenda for action must also include a strong popular component similar to the anti-apartheid movement to pressure members of the international community to adopt policies and measures that promote and uphold fundamental human rights and humanitarian norms as the foundation for a comprehensive, just and durable solution

to the Palestinian-Israeli conflict. This should include economic and military sanctions by states against Israel and comprehensive consumer boycotts and increased public awareness raising until Israel comes into full compliance with international law. The NGO Program of Action adopted at the 3rd World Conference Against Racism (August/September 2001) provides a clear framework, based on international law and UN resolutions, for such a campaign.

More than five decades of international involvement in the search for a solution to the Palestinian-Israeli conflict have clearly demonstrated the failure of so-called constructive engagement. Foreign investment, trade, cultural and other relations essentially helps to bolster and maintain Israel's illegal military occupation and defiance of international law, including Israel's rejection of the basic human rights of Palestinian refugees (i.e., right of return, real property restitution and compensation for losses and damages). So-called constructive engagement constitutes a direct form of collaboration and complicity to the systematic violation of international law.

The experience of the last 18 months of Israel's military campaign to crush Palestinian resistance to Israel's illegal military occupation, denial of the right to self-determination, and rejection of Palestinian refugee rights demonstrates that Israel's military and political establishment is willing to defend the special privilege and power characterized by Israel's political system with total violence. Investments and other direct links with Israel make the struggle for a comprehensive, just and durable solution more difficult and ultimately more violent. If the international community wants to ensure that change is peaceful in the Middle East then it must provide the tools for that struggle – i.e., respect for and full implementation of international law and UN resolutions.