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Abstract
The intention of this paper is to provide an analysis of the peace process in Israel and the Occupied Territories. The argument states that the lack of attention paid to human rights in the current Road Map to Peace is one of the major reasons this attempt at peace will not be successful. In other nations where international pressures were applied, there were major improvements in the country's human rights policies and enforcement. With Israel's blatant violations of provisions of the Universal Declaration of Human Rights and over 74 United Nations Security Council Resolutions, and with the Road Map taking no action regarding human rights the violations will continue and the peace process will remain at a standstill.

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Israel and the Occupied Territories:

The Lack of Human Rights in the Peace Process

A Master's Thesis submitted to

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Abstract

The intention of this paper is to provide an analysis of the peace process in Israel and the Occupied Territories. The argument states that the lack of attention paid to human rights in the current Road Map to Peace is one of the major reasons this attempt at peace will not be successful. In other nations where international pressures were applied, there were major improvements in the country’s human rights policies and enforcement. With Israel’s blatant violations of provisions of the Universal Declaration of Human Rights and over 74 United Nations Security Council Resolutions, and with the Road Map taking no action regarding human rights the violations will continue and the peace process will remain at a standstill.
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Introduction

"According to her mother, Sabah al-Jabali, January 5, 2001 was a special day for eighteen year old Arij al-Jabali. She had expected to become engaged that day, and had spent her last hours praying, bathing and preparing herself for the visit of her suitor's family. At about 5 p.m. she went onto the roof of the house to collect the laundry she had put out to dry. There were some youths playing fireworks, they were aiming them at Beit Haggai [Israeli settlement]. It was just a few minutes between the fireworks and the heavy shooting from Beit Haggai. The doctors tried to save Arij, but the wounds were too severe..."¹ This is an all too familiar story for many Israelis and Palestinians living in the Middle Eastern disputed territory. It is a story of violence, heartbreak, and often death. Turmoil has plagued the area claimed by both Israelis and Palestinian Arabs since the declaration of the country of Israel in 1948. Since 1967, the peace process has been a top priority for the American foreign policy agenda, but decade after decade, the so called peace process has failed to yield results that end the violence. There seems to be news every week of some type of violence that results in the tragic deaths of children and civilians, and this violence is a significant roadblock that hinders the political peace process.

Many news stories, especially in the United States, highlight the violence of the Palestinian Liberation Organization (PLO) and Hamas, blaming their requests for territory and acceptance of violence as reasons for stopping the negotiations process. Elections in 2006 in Palestine have put the militant group Hamas in control of the Palestinian legislature. But, investigations into Israeli actions will prove that

¹Human Rights Watch, Center of the Storm. (USA: Human Rights Watch, 2001), p. 72
Palestinians are not the only ones instigating violence. The territories that both Israelis and Palestinians claim historical rights to are currently occupied by Israeli military troops, and those troops are violating human rights daily. The occupation alone would be enough to show violations of human rights, but the various additional actions Israel has taken directly breach specific articles of the Universal Declaration of Human Rights, written by the United Nations. The world community has not sufficiently intervened to stop these violations, due to Israel's ally, the ever powerful United States of America. The responsibility to end these human rights abuses lies in the hands of all the most powerful players, Israel, the Palestinians, and the four outside entities seeking peace: the United States, Russia, the European Union and the United Nations. In the last 15 years, the failure to address human rights violations has contributed to the continuation of the violence. The Road Map to Peace designed by the four known as the Quartet (the U.S., U.N., E.U. and Russia) in the year 2000 is the latest international intervention for peace. But this solution, the first real and accepted solution attempt since 1967, will not end the violence in Israel and the Occupied Territories because it does not address the issue of human rights. Until the human rights component is fully addressed and effectively dealt with, the peace process in Israel and the Occupied Territories will remain at a standstill.

History

This period of instability in the Middle East has existed since the formation of Israel in 1948, post World War II. Jews were sent to the British mandate of Palestine for a safe haven after their horrifying persecution in the Holocaust. Thousands of years prior, the land known as Palestine was the ancient homeland of Jews, and after
the systematic killing of 6 million European Jews it seemed only natural to the victorious Allied powers that persecuted Jews be allowed to return to their homeland. The ideas for the creation of a Jewish state date back to the mid 1800’s, with an idea formulated by Abraham Isaac Kook.\(^2\) By 1897 Theodor Herzl founded the idea of Zionism, the movement for a Jewish homeland in Palestine. However, during the years in-between Jewish settlement, Arabs settled and lived under the Arab-Islamic Empire and the Ottoman Empire for many years. The Balfour Declaration, issued by Britain in 1917, gave support to the Zionist movement and by 1922 Britain received the League of Nations mandate over Palestine. Jews slowly began to migrate to the area, and there would soon be conflict between Jews and Palestinians over the territory. Great Britain abandoned the mandate in favor of the United Nations Partition Plan in 1947, which split the land into a Jewish State and an Arab/Palestinian State. With their land scattered and divided up amongst each other, the two sides had a difficult time living side by side. Nonetheless, Israel proclaimed its independence in 1948 and combined its lands from the partition to form the Jewish State. Arab neighbors opposed the idea of a Jewish state in Arab (predominantly Muslim) land, and two wars followed in 1948 and 1956 as an Arab attempt to regain the territory that Israel ‘stole’. These wars were unsuccessful for the Arabs, but resulted in almost doubling the territory for the country of Israel. In 1967, fearing yet another attack from its Arab neighbors, Israel struck an offensive and in six days gained more territory, thus angering the Arabs even more. In this Six-Day war, as termed, Israel gained Golan Heights in the north from Syria, the West Bank and East Jerusalem from Jordan, and the Gaza Strip and Sinai Peninsula from Egypt. These

areas include the disputed territory today, specifically the West Bank, including East Jerusalem, and the Gaza Strip. On Yom Kippur (a Jewish holiday) in 1973 the Arab nations launched another attack at Israel in an attempt to rid the region of the country, but were yet again unsuccessful. Israel had the backing of the U.S., and seemed invincible with their military and political support. This dispute reflects a conflict between two very different cultures, mainly based on religious differences. The Jewish Israelis are a predominately Western culture, speak Hebrew, and have a democratic government (one important reason for their support from the U.S.). Palestinian Arabs are mostly Muslim, speak Arabic, and have much less democratic leadership, as they follow the examples of their Arab neighbors.

The situation today hasn’t changed much since the 1967 war. Israel has signed peace agreements with Egypt, returning the Sinai Peninsula in the 1979 Camp David Accords, and in 1994 signed a peace agreement with Jordan. The 1993 Oslo Accords held talks between Israeli leaders and Palestinian leaders, and allowed for some self-rule in the West Bank and Gaza Strip. Palestinian leaders have since abandoned the goal of gaining all of their land back, and now desire just the Occupied Territories of the West Bank and Gaza Strip to be part of an independent Palestine nation. Unfortunately, that did not end the violence, as the city of Jerusalem lies within the West Bank, and neither side is willing to relinquish control of the city, which has significance to both ethnic groups. Jerusalem is home to the third holiest site in the Muslim religion, the Dome of the Rock and Al-Aqsa mosque, while it also is the ancient homeland of the Jewish religion. Currently Palestinians recognize that Israel legitimately controls 78% of the area formerly known as Palestine. Of the remaining 22%, which Palestinians desire control over, 60% is occupied by Israeli
forces. These forces are the Israeli Defense Forces (IDF) who provide military
presence and are instructed to defend the borders of Israel. They are however, the
primary aggressors in Israel's violations of human rights. Palestinians however, are
not innocent passers-by in the violence. "Armed Palestinians normally use AK47
automatic weapons and handguns to open fire from Palestinian-controlled
neighborhoods" as a means of self defense against the IDF who are closely guarding
the settlements. In disputed areas and cities, suicide bombings are not uncommon
events as Palestinians try to regain some control. Both sides are involved in
violations of international human rights norms, although for the most part scholars
and non-governmental organizations (NGO's) focus on Israel's violations, as they are
the nation with the most power. But in reality, there is no difference between
Palestinian violence and Israeli violence as both of their actions result in the deaths
of innocent civilians.

International Human Rights

Before discussing the specific violations of human rights, the source of
international human rights, the Universal Declaration of Human Rights, must be
examined. The Universal Declaration of Human Rights was adopted unanimously by
the UN General Assembly on December 10th, 1948. This document came after the
atrocities of World War II, as an international agreement to intervene where
necessary in the areas of human rights. Ironically, it was created the same year that
the nation of Israel was formed. The purpose of the declaration is summed up in the
preamble.

3 Zunes, Stephen. Foreign Policy in Focus: Palestine and Israel. Vol 6 No. 4 Feb. 2001, pg. 1
Now, Therefore THE GENERAL ASSEMBLY proclaims this UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and nations, to the end that every individual and organ of society, keeping this Declaration in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among people of Member States themselves and among the peoples of territories under their jurisdiction.⁵

Eleanor Roosevelt, instrumental in this Declaration, stated that this was not meant to be a legally binding document, but rather a statement of principles to "set up a common standard of achievement for all peoples and all nations."⁶ Eventually this document did help to establish the United Nations Commission on Human Rights. This commission would have the responsibility of investigating potential violations of the Declaration, and recommending action to the UN Security Council. The UN Commission on Human Rights took very little real action with regard to Israel and the Occupied Territories. Israel is known to have the protection of the United States, and without the backing of the U.S. to take action against Israel regarding their human rights violations, it never happened. In March 2006, the UN council was replaced with a newer, stronger, Human Rights Council. This council held a special session on the crisis in the Occupied Territories on July 5th, 2006. This special session was the first one held on the situation in Israel and the Occupied Territories, and resulted in a resolution drawing attention to the human rights abuses and violations of humanitarian law relating to Israeli military operations.⁷ This new council, as one of

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⁴ See Human Rights Watch, *Center of the Storm*, p. 63
the major players in helping to bring an end to the human rights abuses in Israel, will have to be able to follow through and provide some enforcement to stop the violence, killing and destruction in this land.

The UN Human Rights Council is still based on the Universal Declaration of Human Rights which is designed to protect the civil, political, economic, social and cultural rights of all peoples of the world. Divided into 30 articles, the Declaration states that all humans have basic freedoms, including equal protection under the law, right to property, right to a fair standard of living, freedom of movement, participation in government, religious freedoms, and the right to all cultural practices. The Declaration however, lacks any direct method of enforcement. It relies on the newly formed Human Rights Council and most importantly, the UN Security Council, who has the responsibility to maintain international peace, has the power to pass resolutions recommending actions, and can authorize military action against aggressors, to carry out the enforcement of the document. This hasn’t always been the most successful method, as we will see in the case of Israel.

Human Rights became a prominent issue with the signing of the Universal Declaration of Human Rights, but it has been becoming more prevalent in the last 20 years. With the exception of the United States, there was large support for the creation of the International Criminal Court, a body designated to prosecute those who violate international law, including humanitarian violations. "...In an age where human rights are celebrated as universal, and all peoples are considered to be equal and entitled to equal rights and treatment, internationally accepted legal and human norms are necessary to harmonize and guide the actions of States and all public officials in the exercise of power and in the conduct of their duties.”

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rights norms offer a valid lens through which the parties’ behavior can be judged.\textsuperscript{10} As human rights become more important globally, we look for global leaders to negotiate violent situations with human rights in mind. There have been some successes in international human rights norms changing the human rights practices of some countries. Countries around the world have ratified treaties that have institutionalized basic human rights.\textsuperscript{11} The Road Map to peace unfortunately does not take enough action to enforce improved human rights practices in order to negotiate and control the violence. While stated earlier that Palestinians accrue a lot of U.S. media blame for the violence, Israel is directly violating at least five articles of the Universal Declaration of Human Rights, and has yet to see significant international action taken against them. Many peace attempts have been one-sided in their design because of the political clout surrounding the Jewish state of Israel. After specifically examining Articles 3, 5, 9, 13 and 25 of the Declaration and relevant Israeli policies and actions, it is easy to see that Israel is in violation of these articles. The Road Map to peace has done nothing to stop these Israeli violations.

\textbf{Israeli Violations of the Declaration}

The principles of the Declaration are consistent with Western ideals and culture, as shown in Article 3. Article 3 states that “Everyone has the right to life, liberty and security of person.”\textsuperscript{12} The Israeli Defense Forces in the occupied territories (West Bank and Gaza Strip) however, are denying the right of life to many

\textsuperscript{12} See www.un.org/Overview/rights.html Accessed on 30 November 2002
Palestinian civilians. Israeli Defense Forces operate on an open-fire policy, which allows them to use force whenever they deem necessary to protect Israel. This includes sniper attacks on Palestinian leaders accused of attacks on Israelis, and often results in the deaths of civilians in the areas due to reckless shootings. More than 20 children and 20 other bystanders have been killed in these sniper attacks, or so called state assassinations.\textsuperscript{13} Regardless of the fact that they are denying these suspects a fair trial, they are recklessly carrying out these executions and murdering innocent people, half of them being children. It's clear the Israeli government is not justified in using these sniper attacks if 20 children have been casualties. Other forms of attacks on Palestinian leaders include attacks on refugee camps. These camps are slum areas where Palestinians are forced to live in Israeli controlled areas. IDF forces have dropped bombs on these refugee neighborhoods, to destroy the houses of these Palestinian leaders where organization of attacks against Israel is suspected. In one particular case in Gaza City, 17 people were killed and more than 70 wounded when IDF forces dropped a one-ton bomb over the refugee area.\textsuperscript{14} Children have often been the victims of these human rights violations as well in the occupied territories. Many Palestinian children have made it a hobby to throw stones at IDF military posts near their neighborhoods. Between 2000 and 2001, there are at least 12 documented cases of Palestinian children involved in or near these stone-throwing demonstrations that have been shot to death by the IDF.\textsuperscript{15} This use of lethal force is obviously not justified because the threat of the children was not lethal.

A child throwing stones does not deserve a bullet in the head, as Sami Fathi Abu

Jazzar received on October 10, 2000. His right to life was taken away by the open fire policy of the IDF.

The Universal Declaration of Human Rights not only protects life, but also makes provisions for suspects and prisoners all across the world. Two examples of these are found in Articles 5 and 9, which state respectively, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” and “No one shall be subjected to arbitrary arrest, detention or exile.”

According to the Israeli government’s treatment of political prisoners in the occupied territories directly violates these provisions of the Declaration. The High Court of Israel has approved legal detention of any Palestinian in the occupied territories. These provisions exist to protect Israeli citizens from any Palestinian with bad intentions (e.g. suicide bombers). Israel also has a law concerning administrative detentions that allows the military authority in the West Bank and Gaza Strip to renew detention orders continuously. This allows them to hold political prisoners without trial, indefinitely.

Sami Samhadana of the Gaza Strip has served 5½ years in administrative detention without trial. In the occupied territories those political prisoners who do obtain trials are not always given access to legal counsel, regardless of ability to pay. Even the wealthy are denied lawyers and the process of appeals, a right that all Israeli citizens have. With regard to Article 9, political prisoners in Israel are often tortured or threatened during interrogation periods. A study done by B’Tselem and Amnesty International brought abuse during interrogation to the public eye by issuing the following statement:

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16 See www.un.org/Overview/rights.html Accessed on 30 November 2002
Virtually all of our sample [of forty-one detainees from the West Bank and Gaza Strip] were subject to: verbal abuse, humiliation and threats of injury; sleep and food deprivation; hooding for prolonged periods; enforced standing for enforced periods, sometimes in an enclosed space, hand bound behind the back and legs tied; being bound in other painful ways, prolonged periods of painful confinement in small, specially constructed cells and severe and prolonged beating on all parts of the body (resulting sometimes in injuries requiring medical treatment).19

These types of torture were used to punish those associated with Palestinian organizations, and to obtain confessions for crimes. The Israeli law however, according to Penal Code, Article 277 states that "it is prohibited for any government employee to use violence or force against any person in order to get from them a confession or information related to the crime for which they are being held."20 A double standard obviously exists when the law is applied to Israeli citizens versus when the law is applied to Palestinians under Israeli control. All forms of torture and detainment without trial that are practiced by the IDF are violations of the Declaration.

Israel’s violation of human rights is not limited to just political prisoners, but to everyday citizens as their ability to roam freely about the country is prohibited. This directly violates Article 13 of the Declaration, which states "Everyone has the right to freedom of movement and residence within the borders of the state," and "Everyone has the right to leave any country, including his own, and to return to his country."21 The curfew imposed on Palestinian citizens severely limits their freedom of movement and creates devastating economic problems that result in poverty among the Arabs. Israel uses these curfews as a way to stop Palestinian violence, but they

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18 Bickerton, p. 280.
20 Bickerton, p. 280
apply to all Palestinian citizens, even those who are innocent of wrongdoing. These people are not allowed to leave their homes unless they have a special permit that allows them to do so, 24 hours a day, 7 days a week. Schools are closed, businesses are shut down and only some basic health care and food distribution workers are allowed to attend to their jobs. The effects of these curfews, which can be imposed at any time from the Israeli government, are deadly on the Palestinian economy. Farmers cannot get to their fields, and food shortages are rampant. Businesses shut down, resulting in unemployment and a virtual economic standstill. During the Gulf War, this curfew was imposed for one month on Palestinians, a form of collective punishment that is prohibited by international law and a violation of human rights. Another way Israel attempts to control the movement of Palestinians is through the use of checkpoints, which are located at every way in and out of an Israeli-occupied area, including East Jerusalem, which is separated from the autonomous West Bank areas by Israeli land. Palestinians need a permit to leave their area, and they are not granted for arbitrary reasons. It is almost impossible for a Palestinian living in East Jerusalem to visit family in the West Bank, because Israelis control all connecting roads, and permits are not granted for visitation reasons. These checkpoints have been a major problem in Jerusalem, as they have prohibited some Arabs from visiting their Muslim Holy Sites, such as the al-Aqsa mosque located in West Jerusalem. Access to better hospitals and certain professions are also barred by the restrictions on movement. The fence wall Israel is building

around the West Bank is only contributing to the restriction of movement. Israel claims the wall is designed to keep suicide bombers from entering Israel, but in reality it is only continuing to cut off the Palestinian communities. The second part of Article 13 addresses the right of citizens to leave their country and eventually return. Refugees from the wars in Israel and surrounding territories from 1948-1973 have not been allowed to return to live in Israeli-occupied areas under Israeli law. This refusal to allow these Palestinians into the country has caused major conflicts in the peace process.

Another example of the Israeli government’s violation of human rights of the civilian Palestinian has been their denial of an adequate standard of living, as stated in Article 25 of the Universal Declaration of Human Rights.24 After attacks on refugee camps, IDF forces have denied those injured access to medical care by targeting ambulances. Since September of 2000, there have been at least 165 attacks on Palestinian ambulances, injuring 122 EMS personnel and roughly 315 ambulances have been prevented from transporting people to a hospital.25 This prevents those injured civilians from receiving proper medical care, a violation of human rights. IDF forces have also played a role in preventing food distribution to refugee areas recently attacked, and have engaged in extensive property damage in the area with no apparent military necessity. It appears as though Israel wants to make life even more difficult for those residing in Israeli-controlled areas. Maybe their hope is that if they make life miserable enough, the Palestinians will leave, and Israel can claim the sole right to the land.

These examples mentioned above are clear violations of the Universal Declaration of Human Rights. According to the document and the Human Rights Council set up by the UN, one would expect that some action would have been taken against Israel for these violations. And they have, sort of. A total of 74 UN Security Council Resolutions have been passed since 1955 regarding the Israeli occupation of the territories of the West Bank and Gaza Strip, and the violations of Human Rights occurring in those territories. Two of these resolutions, #242 and #446 deal specifically with the Israeli occupation. Resolution 242 (1967) calls for the “Withdrawal of Israeli armed forces from territories of recent conflict.” Resolution 446 “Determines that the policy and practices of Israel establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.” Both of these resolutions ask for withdrawal from the area, but these two, as the other 72 resolutions, are all currently being violated by the State of Israel. The reason action hasn’t been taken against Israel is because they have a powerful ally in the United States. The Israeli government has taken no action to comply with any of these resolutions, and the international community (without the support of the US) has had no power to force Israel to comply. This is because all of the resolutions passed have been Chapter VI resolutions, which are “Pacific Resolutions of Disputes,” meant to be implemented through negotiation or other voluntary means. In order for the resolutions to carry force, they need to be Chapter VII Resolutions, or “Threats of Peace, Breaches of the Peace Acts of

Aggression,” which require compliance by the subject nation and carry the threat of force to compel compliance.\textsuperscript{29} Over 75 Chapter VII resolutions have been proposed by the UN Security Council that would carry either military threat or economic sanctions such as the case in South Africa and Iraq, but they have all been vetoed by the United States. Included in these 75 were most of the resolutions specifically pertaining to Israel’s violations of human rights.

Problems with the Road Map

Unfortunately these resolutions have done very little to practically end human rights abuses. The Road Map to peace follows along a similar path. The Road Map was developed in 2000 and released in 2002 as an effort to revive the peace process and stop the violence. The Road Map is “a performance-based list of sequential steps the Israeli and Palestinian authorities should take with the backing of the Quartet members.”\textsuperscript{30} The overall goals are for Palestinians to make democratic reforms and abandon the use of terrorism in exchange for statehood while Israel accepts the reformed Palestinian state and ends control of the territories. There is no specific plan for the parties, but there are two phases designed to come to a negotiated agreement allowing for a Palestinian state coexisting next to the current Israeli nation. Phase I specifically calls for the end to Palestinian violence, reform within the Palestinian political system, including elections, and Israeli withdrawal from Palestinian settlements with no additional Israeli settlement expansion within the Occupied Territories. Phase II calls for the gradual establishment of a Palestinian state, an international conference to support economic recovery within Palestine and

\textsuperscript{29} See www.palestinefacts.org/pj_faq_palestine_un_resolutions.php Accessed on 1 December 2002

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agreements between the two nations regarding borders, environmental concerns, economic resources, refugees and arms control. These negotiated agreements are to come directly from Israeli and Palestinian leaders, with help from the Quartet. This process was started with Palestinian elections, and the appointment of a new prime minister. Long-time Palestinian leader Yasser Arafat was not allowed to be part of the negotiations process because he had not done enough to prove he was committed to stopping the violence. Although this process is a step in the right direction for establishing stability within the region by requiring some kind of political transformation, it will not yield permanent success because human rights norms and the language of human rights are decidedly absent from this latest peace proposal. This follows a similar pattern in past peace negotiations. Human Rights Watch, an NGO, states that “the failure of the Road Map to incorporate into its provisions internationally recognized human rights and international humanitarian law (IHL) principles is a cause for concern.”31 The Road Map has no specific language addressing treatment of prisoners, refugees, freedom of movement or the damages caused to civilians that created a low standard of living. These are the important aspects of human rights and both sides need to know how they will be enforced and upheld, and how these issues will be integrated into the governments. Violence is one of the reasons that the peace process has failed time and time again, and this violence is directly related to the violations of human rights. Until both groups accept the validity of human rights norms, they will not make significant institutional changes to their practices and policies and the peace will remain at a standstill.

31 See www.hrw.org/mideast/is-ot-pa-php Accessed on 26 June 2006
The Oslo agreements in 1993 were the last attempt before the Road Map to reach a political solution to the Arab-Israeli conflict. This agreement did not contain any language on human rights protections. "The emphasis of the Oslo accords on security and policing, and the absence of any provisions for protection of basic human rights meant that parties – including the U.S. – found it all to easy to ignore serious abuses committed in the name of promoting 'security.'"³² Obviously, the Oslo accords did not bring about an end to the conflict. The lack of detail applied to human rights gave both sides the incentive to ignore some of their violations and continue their abuses. Israel still restricted freedom of movement of Palestinians, used torture on prisoners and detained people without trial, as the previous examples showed. One act of violence by either side just encourages reciprocation. One of the reasons Israel is wary of abandoning its control over the territories is because they fear they will become more vulnerable to attacks. But the ongoing violations just undermine trust and halt negotiations. There must be language to force both sides of the conflict to uphold these humanitarian standards, and it cannot be subject to negotiation. This should be part of the international community's stipulations and involvement.

**Human Rights Successes**

This conflict can be compared to countries and peoples with similar, although not exact, situations. South Africa’s transition from the racial authoritarianism of the apartheid era to the non-racial democratic institutions post-1994 is widely regarded

as one of the greatest human rights triumphs of the Second World War Era. \(^{33}\) South Africa’s situation consisted of the minority Afrikaans, descendants of the white Dutch settlers, in control of the government, through elections in 1948 putting the National Party (NP) in charge. The majority of the population of South Africa, however, was black. The denial of rights was solely based on race. The system of apartheid was a series of policies for whites to keep blacks suppressed and maintain economic and political control. Examples of this system of apartheid which systematically denied basic human rights to blacks included:

- arbitrary arrests and detentions without trial; the denial of basic civil and political rights to more than three-quarters of its people;
- systematic press censorship; denial of equal social and economic rights and opportunities to its people; and torture and extra-judicial executions. \(^{34}\)

Although these violations have occurred in other countries, the uniqueness of South Africa was the fact that apartheid was entirely based on race. Despite the problem being confined to within the country, South Africa had the scrutiny of the international community very early on due to the situation in Sharpeville in 1960. On March 21\(^{st}\), 1960 police fired on unarmed demonstrators and killed 69 people. The demonstrators were rallying for an anti-Pass law, so blacks wouldn’t have to carry Passes to mark and limit their travel. Diplomatic sanctions against South Africa soon ensued after the massacre at Sharpeville. Internal activists gained support from international groups seeking to stop the discrimination and uphold the principles of self-determination set in motion after the Second World War. The United Nations began suspending the participation of South Africa in numerous organizations, while the Organization of African Unity (OAU) refused membership to South Africa. Due to

\(^{33}\) Risse et al., *The Power of Human Rights*, pg. 78
its lack of republican politics, South Africa was also forced to withdraw from the Commonwealth. This international pressure and increasing isolation in the region led the nation to make some changes. If governments want to retain their power, and have legitimacy in the world community, then they will begin to make concessions. In the case of South Africa, these pressures were directly related to human rights violations. This kind of pressure has not been applied to Israel. Even though South Africa officially denied the right of the international community to interfere in a purely domestic issue, they did offer some minor concessions including proposing the idea of the extension of some self-government for its black citizens. This move was designed to legitimize apartheid policies by showing concern for all its citizens. But at the same time, the government took action against domestic opposition declaring a state of emergency and jailing members of the opposition groups, the African National Congress (ANC) and the Pan-Africanist Congress (PAC) who were deemed threatening. So the international pressures and criticism were achieving some results, but mostly only adaptations, instead of inciting real belief in the validity of the concerns over human rights.

The strategic positioning of South Africa as an opposition force to communism kept most Western countries from taking more severe action against South Africa in the 1960’s and 1970’s. This can be compared to Israel’s strategic location as a democracy in the Middle East. The United States often uses this reasoning as a defense for their pro-Israeli policies. In addition, in order for the United Nations to issue sanctions against South Africa, they had to prove that the situation was disturbing international peace and security. This was a precedent the U.N. upheld

34 Risse, p. 78.
until the 1976 Soweto massacre. In this instance police killed 69 students who were demonstrating to protest the new policy of teaching Math in the Afrikaan language in black schools. The unrest lasted for months, prompting more international criticism and scrutiny into South African Government policies. It was not long after Soweto that the U.N. Security Council began an arms embargo against the nation, and set into motion additional international sanctions. The sanctions began with nations such as Denmark and Sweden in 1979, included the European Union and Britain by 1985, and then the big push came from the United States in 1986 with the passage of the Comprehensive Anti-Apartheid Act. After the U.S.’s policy, many other nations followed suit and by 1987 there was a trade embargo against South Africa. A principle goal of these Western sanctions was the promotion of a moderate, liberal human-rights based resolution in South Africa.\(^{35}\) It has been said that South Africa was ‘shamed’ into enacting reforms due to their isolation, but they also faced domestic economic concerns related to the embargo. The embargo was not meant to completely destroy the economy of South Africa, but rather to do enough damage to convince the government to enact real reforms bringing an end to the racist system of apartheid. In order for countries to remove their restrictions, South Africa was given a list of conditions including: “(1) repealing the state of emergency; (2) releasing all political prisoners; (3) unbanning of the ANC and other political parties; (4) eliminating apartheid laws; and (5) initiating negotiations for a new political system.”\(^{36}\) As F.W. de Klerk, the president elected in 1989, followed these conditions, sanctions were gradually lifted. These sanctions proved to be successful in defining and enforcing standards for human rights. The goal in South Africa was

\(^{35}\) Risse, p. 96
political reform and universal suffrage to be followed by institutional changes. By 1994 the political system of South Africa underwent transformation and former ANC prisoner Nelson Mandela was elected president. With fresh leadership, international human rights norms were integrated into the new constitution. South Africa today is considered a model of international human rights, a far cry from where they were in 1948, thanks to the material and international pressures placed on them over a period of time.

The United States took a very important role in encouraging the changes in the South African government. Being such a powerful international role model legitimized the concerns over human rights issues and made a difference in bringing about changes. This piece has truly been lacking in the case of Israel. The U.S. may recognize there are indeed violations of human rights in the Occupied Territories, but as shown in the yearly country reports, their support of the country’s goals supercedes those concerns regarding human rights. David Kimche argues that Israel’s driving forces today are reaching the goals of having a Jewish, democratic state living at peace with its neighbors, and providing secure, normal lives for its citizens. The individual country reports, which began at the end of the Ford administration, are issued by the State Department on a yearly basis to evaluate the human rights status in countries receiving U.S aid. But Louise Cainkar and Jan Abu-Shakrah argue that the 1986 Country Report on Israel and the Occupied Territories ignore some of the most glaring violations of Palestinian rights and defend these

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36 Risse, p. 98
37 Heller, Mark A. and Rosemary Hollis, eds. *Israel and the Palestinians: Israeli Policy Options*. (Great Britain: Royal Institute of International Affairs, 2005), p. 17
Israeli actions in terms of the need for security. These reports are supposed to be used to evaluate and withdraw aid from countries that are not following internationally recognized human rights practices. But the country report in 1986 and country reports since, including the one in 2005, draw few conclusions that there are significant human rights problems in Israel and the Occupied Territories. Again, Caïkar and Abu-Shakrah believe that "The U.S. State Department's report on human rights practices in Israel and the occupied territories must be seen as another facet of the multi-dimensional effort in the United States to discount the Palestinian struggle for freedom from military occupation, discrimination, violence and dispersion." Since 1986 the United States has expressed a desire to help Palestinians establish an independent state, as evident in the Road Map, but have still not taken significant action against human rights violations. Even various human rights organizations have avoided lengthy coverage of Palestinian rights, probably due to the fact that these organizations do not want to challenge Israel's good friend, the government of Washington, D.C. Israel's current situation can be compared to South Africa in many different ways. Both nations bear a strategic location in opposition to more authoritarian governments, and both nations exercised control over another group of people. A conflict between those who feel oppressed and the oppressors will continue indefinitely if no changes in the power struggle are made. When both sides believe the other has no desire for peace, the attacks to gain power over the other will continue. Palestinian leaders have not been able to stop their citizens from violent attacks because they have not received any concessions from

the Israeli government. In South Africa, the shaming by other nations of their lack of
democratic ideals helped to convince them to change. This same situation could
happen in Israel, as it is very easy to publicly challenge their commitment to
democracy if they continue to oppress the Palestinian population. If Israel received
the same amount of attention that South Africa received internationally, Palestinians
might actually see some significant changes in their rights.

Another nation that experienced a fundamental government change in its
human rights policies due to international pressures was Chile, from 1973 to 1990.
The problem in Chile began when the U.S. aided a coup to overthrow the increasingly
communist president of Chile, Salvadore Allende. The coup was successful, but led
to an even worse leader in Chilean General Augusto Pinochet. He led a military
campaign of repression against his country's own citizens. Almost immediately, Chile
received a lot of attention from concerned human rights groups such as Amnesty
International and the Organization of American States' Inter-Commission on Human
Rights as well as the superpower nations of the U.S. and the U.S.S.R.. These
human rights groups collected and distributed information to their international
contacts in order to facilitate the external pressures. With the help of the United
Nations, who made the decision that they did not need to determine an international
threat to peace and security to respond to these human rights violations, the attention
and concern Chile received resulted in quick action. The members of the U.N. voted
to take action against Chile and demanded a change in their security administration.
The Chilean government responded quickly and disbanded the Direccion de
Inteligencia Nacional (DINA), the security apparatus responsible for the repression,

39 Cainkar, p. 96
and replaced it with the Central Nacional de Informaciones (CNI).\textsuperscript{40} This change was the beginning of improved human rights practices in Chile, and was facilitated by Chile’s concern for its international image. Israel’s current immunity from international pressures prevents improvements in human rights violations.

Conclusion

The only way to deal with the issue of violence is to deal with the root of the violence. Israel’s government must first believe in the validity of human rights norms before real change can take place. Adaptation, or coercion, may work for a limited time as governments will make some tactical concessions in order to get rid of some international pressures, but it will not be a long term solution unless the government and its leaders recognize the need for real reform, and have the ability to enforce that. In the case of Israel, the United States, the United Nations, the European Union and Russia have the ability to put real pressure on Israel to at least instigate some change in the area. “Almost all human rights campaigns involve particular kinds of material pressures. For example, when aid becomes conditional on human rights performance.”\textsuperscript{41} With the amount of aid Israel receives from the United States, cutting off some of that aid may make them more willing to make adjustments according to human rights pressures. Israel is the largest recipient of U.S. aid, and has been since 1976.\textsuperscript{42} Even though Israel is only a country of five million people, they receive over 3 billion dollars a year in aid from the United States. Conditions of human rights should make a difference in how much aid a country receives from the

\textsuperscript{40} Risse et al., \textit{The Power of Human Rights}, p. 186

\textsuperscript{41} Risse, p. 24.
United States if we are committed to protect human rights and promote democracy. In other countries where human rights violations are recognized, the amount of U.S. aid has decreased. Some people may say that the U.S.'s failure to bring about peace in Israel is contributing to the acts of terrorism against the United States; there has been very little change in the amount of monetary and ideological support the U.S. has given to Israel in its fight for security. Security has been the number one reason the U.S. has given for its support of Israel, but sadly this support has perpetuated the violence. The United States' peace solutions have set the example that ending human rights abuses are second to the goal of bringing about stability in the region through recognition of the right of Israel to exist, and the creation of a Palestinian state. But if both sides are allowed to continue to use violence because of their lack of trust in one another's goals, the stability will not manifest. This concept seems to be a belief that most of the Quartet holds, that if the large goal of a peace settlement can be reached, the secondary goal of improvement in human rights will follow. But with regard to the Oslo agreement in 1993, and the current Road Map issued in 2002, there has still not been any improvement in upholding human rights standards.

Until the international community enforces this Declaration of Human Rights, Israel's occupation of the West Bank and Gaza Strip will continue, and so will the human rights violations. Without any move from the rest of the world, Israel has no incentive to change its policies. If the United States were to suspend military and economic aid to Israel, we might see a change in the human rights policies. But so far, the US has backed Israel in every decision they've made. Israel has been

allowed to deny UN peacekeeping forces into the territories, and has been supported by the United States. These peacekeeping forces might be able to provide for the protection of both Israelis and Palestinians, with just methods, unlike the current unjust methods of the IDF. Until Israel withdraws itself from the territories and stops the violations of human rights, the peace process in the Middle East will remain at a standstill. It is a double edged sword, because Israel will not be secure until the Palestinians are granted their legitimate rights, and the Palestinians will not be secure until Israel is granted their legitimate rights. It is the duty of the UN to keep peace in the world, and Israel should allow peacekeeping forces into the country to help end these violations and establish an impartial agreement both sides can live with. This has been proven to work in other nations, and the lessons of the past must be utilized to make a better future.
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