

III. The Israeli–Palestinian conflict and peace process

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The history of Israel's occupation of the Gaza Strip, Golan Heights and West Bank—territories it captured in the 1967 Arab–Israeli War—is extensive and complex.¹ In 2018 the Israeli–Palestinian conflict returned to the centre of international attention when the ongoing civil unrest and armed conflict between Israel and Hamas and other Palestinian organizations in Gaza rose to its highest level since the 2014 Gaza–Israel War.² Israeli settlement expansion in the occupied territories continued, while a new study highlighted Israeli targeting of infrastructure and restrictions on development.³ At the beginning of 2019 rising West Bank instability added to the tensions in Gaza.

In 2019 Israeli forces killed 135 Palestinians (108 in the Gaza Strip and 27 in the West Bank), with over 15 300 injured. (A total of 295 Palestinians had been killed and more than 29 000 injured by Israeli forces in 2018, mostly in the protests along the Gaza–Israel border.) In 2019 Palestinians killed 10 Israelis and injured at least 120 others.⁴

In February 2019 a commission of inquiry by the United Nations Human Rights Council reported evidence of Israeli forces committing crimes against humanity during the 2018 protests by targeting unarmed civilians, including children. The panel's report called on Israel to investigate 'every protest-related killing and injury in accordance with international standards' to determine whether war crimes or crimes against humanity had been committed.⁵ Israel did not cooperate with the commission, accused it of bias and blamed Hamas for the violence.⁶ In December 2019 the International Criminal Court, having commenced a preliminary investigation in 2015 into the 'situation in Palestine', concluded that there was sufficient evidence

¹ See e.g. Shlaim, A., *The Iron Wall: Israel and the Arab World* (W. W. Norton: New York, 2014); Thrall, N., *The Only Language they Understand: Forcing Compromise in Israel and Palestine* (Metropolitan Books: New York, 2017); and Anziska, S., *Preventing Palestine: A Political History from Camp David to Oslo* (Princeton University Press: Princeton, 2018).

² On developments in 2018, see Davis, I., 'Armed conflict and peace processes in the Middle East and North Africa', *SIPRI Yearbook 2019*, pp. 90–94.

³ Al Jazeera, 'Israeli settlement activity surged in Trump era: Monitor group', 2 Jan. 2019; and Weinthal, E. and Sowers, J., 'Targeting infrastructure and livelihoods in the West Bank and Gaza', *International Affairs*, vol. 95, no. 2 (2019), pp. 319–40.

⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), '2018: More casualties and food insecurity, less funding for humanitarian aid', 27 Dec. 2018; and OCHA, 'Humanitarian bulletin occupied Palestinian territory', Dec. 2019.

⁵ UN Human Rights Council, 'Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory', A/HRC/40/CRP.2, 18 Mar. 2019.

⁶ Cumming-Bruce, N., 'Israelis may have committed crimes against humanity in Gaza protests, UN says', *New York Times*, 28 Feb. 2019.

to open a formal investigation into alleged war crimes in the occupied territories.⁷

The conflict in Gaza

Hamas—a Palestinian Sunni–Islamist organization, with a social service wing (Dawah) and a military wing (the Izz ad-Din al-Qassam Brigades)—has been the de facto governing authority of the Gaza Strip since the 2007 Fatah–Hammas conflict. The 2007 Fatah–Hammas conflict, also referred to as the Palestinian Civil War, was a conflict between the two main Palestinian political parties, Fatah and Hamas, after Hamas won the 2006 elections, resulting in the split of the Palestinian Authority in 2007. Fatah, under Palestinian President Mahmoud Abbas, retains control of the West Bank. Hamas and Israel fought asymmetric wars in 2008–2009, 2012 and 2014, which resulted in a high number of Palestinian civilian casualties. Gaza has also been subject to an Egyptian and Israeli blockade for over a decade, with huge economic and humanitarian consequences: 80 per cent of the population depend on foreign aid to meet daily living requirements.⁸ In 2018 frequent military exchanges between Hamas (rockets fired into Israel) and Israel (air strikes in Gaza) threatened to escalate into a new full-scale confrontation, until another ceasefire was agreed in November 2018.⁹

The ceasefire became strained in March 2019 by further military exchanges between Hamas and Israel, before Hamas announced another ceasefire on 26 March, brokered by Egypt and the UN.¹⁰ However, on 4 and 5 May a further round of cross-border exchanges between the two main Gaza groups (Hamas and the Islamic Jihad Movement in Palestine) and Israel resulted in further fatalities, before a new, tentative ceasefire was reached.¹¹

After a period of relative calm, violence escalated again in November 2019. Israel killed Baha Abu al-Ata, a senior commander of Islamic Jihad in an air strike on 12 November. Islamic Jihad responded by firing about 450 rockets into Israel, with most landing in open areas or intercepted by

⁷ International Criminal Court, ‘Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Palestine, and seeking a ruling on the scope of the Court’s territorial jurisdiction’, 20 Dec. 2019.

⁸ Rankin, J., ‘One million face hunger in Gaza after US cut to Palestine aid’, *The Guardian*, 15 May 2019.

⁹ Holmes, O. and Balousha, H., ‘Israel and Hamas agree to Gaza ceasefire after intense violence’, *The Guardian*, 13 Nov. 2018; and *The Economist*, ‘The politics surrounding an assassination and its aftermath in Gaza’, 14 Nov. 2019.

¹⁰ Halbfinger, D. M., ‘Israel strikes after rockets are fired from Gaza to Tel Aviv’, *New York Times*, 14 Mar. 2019; Kershner, I., ‘Gaza rockets sets off daylong battle between Hamas and Israel’, *New York Times*, 25 Mar. 2019; Baconi, T., ‘Stopping an unwanted war in Gaza’, International Crisis Group Q&A, 26 Mar. 2019; and Associated Press, ‘Hamas says cease-fire reached with Israel’, 26 Mar. 2019.

¹¹ Kershner, I., ‘Fragile cease-fire takes hold between Israel and Gaza after weekend attacks’, *New York Times*, 6 May 2019; and *The Economist*, ‘Israel and Hamas come close to war’, 9 May 2019.

Israel's Iron Dome defence system. In turn, Israel increased its air strikes on Gaza, including on homes suspected of harbouring militants, killing at least 34 Palestinians.¹² An Egyptian-mediated ceasefire between Israel and Islamic Jihad forces appeared to be holding after two days of military exchanges.¹³

The conflicts in Golan Heights and the West Bank

In January 2019 Israel expelled a civilian observer mission, the Temporary International Presence in Hebron (TIPH), which was established in 1994 to protect residents in the Palestinian city of Hebron in the West Bank.¹⁴ Norway (one of the six countries providing personnel for the TIPH) warned that the mission's withdrawal might violate the Oslo accords—a set of agreements between Israel and the Palestine Liberation Organization in 1993 and 1995.¹⁵

In March 2019 President Donald J. Trump called for United States recognition of Israel's sovereignty over the Golan Heights, a region captured from Syria in 1967 and formally annexed in 1981.¹⁶ The decision reversed decades of US policy (akin to his December 2017 recognition of Jerusalem as Israel's capital) and defied international law. In addition, it was feared that it might also lead to Israel's future annexation of parts of the West Bank—something Prime Minister Benjamin Netanyahu promised if re-elected in the 9 April general election.¹⁷ However, neither that election nor a second on 17 September were able to provide a clear path to a coalition government, and a third general election was due to take place in March 2020.¹⁸

A further barrier to Israel's annexation of Palestinian territory was removed on 18 November 2019, with a US announcement that it would no longer consider Israeli settlements in the West Bank a violation of international law.¹⁹ The Israeli settlements are deemed illegal under the 1949

¹² Holmes, O., 'Israel strikes on Islamic Jihad chiefs prompt reprisal rocket attacks', *The Guardian*, 12 Nov. 2019; and Akram, F. and Federman, J., 'Amid Gaza fighting, Israel could face questions on tactics', Associated Press, 15 Nov. 2019.

¹³ Al-Mughrabi, N. and Williams, D., 'Islamic Jihad offers Israel truce as Gaza toll hits 26', Reuters, 13 Nov. 2019.

¹⁴ Landau, N. and Berger, Y., 'Israel to expel international monitoring force in Hebron after 20-year presence', Haaretz, 28 Jan. 2019.

¹⁵ The other countries supplying observers were: Denmark, Italy, Sweden, Switzerland and Turkey. Middle East Monitor, 'PA calls on UN for protection after Israel expels international observers', 29 Jan. 2019; and *Times of Israel*, 'Norway says Israel's axing of Hebron observer force may violate Oslo accords', 30 Jan. 2019.

¹⁶ Landler, M. and Wong, E., 'In Golan Heights, Trump bolsters Israel's Netanyahu but risks roiling Middle East', *New York Times*, 21 Mar. 2019.

¹⁷ Halbfinger, D. M. and Kershner, I., 'Netanyahu says Golan Heights move "proves you can" keep occupied territories', *New York Times*, 26 Mar. 2019; and Associated Press, 'Netanyahu vows to annex West Bank settlements if re-elected', Politico, 7 Apr. 2019.

¹⁸ Holmes, O., 'Israel heads for unprecedented third election in a year as stalemate continues', *The Guardian*, 11 Dec. 2019.

¹⁹ Jakes, L. and Halbfinger, D. M., 'In shift, US says Israeli settlements in West Bank do not violate international law', *New York Times*, 18 Nov. 2019.

Geneva Convention relative to the Protection of Civilian Persons in Time of War, which states ‘the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies’.

The peace process

Intermittent peace discussions have been held since the beginning of the conflict. Since 2003 the basis for an Israeli–Palestinian peace agreement has been a two-state solution: an independent state of Palestine alongside the state of Israel. The latest direct negotiations between the two sides collapsed in 2014.²⁰ In April 2019 UN Under-Secretary-General for Political and Peacekeeping Affairs Rosemary DiCarlo said that without any change in approach there would be more deterioration and radicalization on both sides, and noted the fading hope for a two-state solution in the face of the growing threats of annexation in the West Bank.²¹

Details of a new US peace initiative led by President Trump’s son-in-law and US Middle East peace envoy, Jared Kushner, failed to materialize in 2018.²² Unofficial reports in April 2019 suggested that the initiative contained practical improvements for the lives of Palestinians, but was likely to exclude the creation of a sovereign Palestinian state.²³ On 22 June 2019 the USA unveiled the economic part of the initiative, which included a pledge of \$50 billion worth of investment in Palestine and neighbouring countries after a peace deal.²⁴ However, Palestinian leaders boycotted the Bahrain Peace to Prosperity workshop on 25 and 26 June at which the economic plan was discussed. Wider attendance reflected political allegiances in the Middle East and North Africa region (see section I), with Saudi Arabian–US allies attending and Iranian allies shunning the meeting.²⁵ At the end of 2019 there appeared to be no plan for resolving the underlying conflict, including Israel’s occupation, in its various forms, and the schism between the Palestinian leaders in Gaza and the West Bank.

²⁰ National Public Radio, ‘Former US envoy explains why Mideast peace talks collapsed in 2014’, 8 June 2017.

²¹ UN News, ‘“Continuing absence” of political solution to Israel–Palestine conflict “undermines and compounds” UN efforts to end wholesale crisis’, 29 Apr. 2019; and Munayyer, Y., ‘There will be a one-state solution’, *Foreign Affairs*, Nov./Dec. 2019.

²² Gardner, D., ‘Trump’s “deal of the century” offers nothing good to Palestinians’, *Financial Times*, 5 Sep. 2018; and Miller, A., ‘The Israeli–Palestine conflict is not a bankruptcy sale’, *Lawfare*, 23 Jan. 2019.

²³ Al Jazeera, ‘Palestinian state likely not in US proposed peace plan: Report’, 15 Apr. 2019; and *The Economist*, ‘Jared Kushner’s peace plan is supposedly imminent’, 11 May 2019.

²⁴ White House, *Peace to Prosperity. The Economic Plan: A New Vision for the Palestinian People* (White House: June 2019).

²⁵ *The Economist*, ‘An underwhelming start to the “ultimate” Israel–Palestinian deal’, 27 June 2019; and International Crisis Group, ‘Bahrain workshop sets back Arab–Israeli rapprochement’, Commentary, 26 June 2019.