

III. The Israeli–Palestinian conflict and peace process

IAN DAVIS

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 well known and much commented upon.¹ Israeli settlement expansion in the occupied territories has added to recent instability, especially in the West Bank. Developments in 2020—the new US 'peace plan', the threatened annexation of parts of the West Bank, and Israeli normalization agreements (the Abraham accords) with Bahrain, Morocco, Sudan and the United Arab Emirates—had suggested a potentially significant shift in the regional Arab–Israeli conflict.² However, despite further marginalization of the Palestinians, the underlying reality in the local Israeli–Palestinian conflict remained largely unchanged. There appeared little prospect of resolving the principal Israeli–Palestinian territorial dispute, including Israel's occupation in its various forms, or of ending Palestinian political divisions. These underlying conflict dynamics continued in 2021, with a new US presidency and a new Israeli coalition government adding additional layers of uncertainty. In May 2021 the conflict escalated again, with Israel and Hamas fighting an 11-day war, their fourth in 14 years. The economic and humanitarian costs of the Israeli occupation to the Palestinian people also continued to be severe, with 2.1 million Palestinians projected to need humanitarian assistance in the occupied territories in 2022.³

An escalation in Gaza and rioting within Israel

In recent years frequent military exchanges between Hamas and/or the Islamic Jihad Movement in Palestine (rockets fired into Israel) and Israel (air strikes in Gaza) have been punctuated by often short-lived ceasefire arrangements. On 10 May 2021 the conflict escalated again after weeks of protests in East Jerusalem, triggered by plans to evict Palestinian families

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, NJ, 2018).

² For developments in 2020 see *SIPRI Yearbook 2021*, pp. 160–65. On the impact of the Abraham accords see 'The Palestinian cause no longer binds the Arab world', *The Economist*, 24 Aug. 2021; Fulton, J. and Yellinek, R., 'UAE–Israel diplomatic normalization: A response to a turbulent Middle East region', *Comparative Strategy*, vol. 40, no. 5 (2021), pp. 499–515; and Falah, G.-W., 'How should one read Trump's map of the "deal of the century"?', *Third World Quarterly*, vol. 42, no. 12 (2021), pp. 3030–50.

³ United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), *Global Humanitarian Overview 2022* (UN OCHA: 2021), pp. 107–10; and 'Palestinians condemn Israel's move to send vaccines overseas', *Al Jazeera*, 25 Feb. 2021.

displaced in 1948 and now living in the Sheikh Jerrah area. This prompted Palestinian armed factions in Gaza to fire rockets into Israel and the Israeli military to retaliate with heavy bombardments of Gaza.⁴

Following growing international pressure, a ceasefire brokered by Egypt was agreed on 20 May (coming into effect a day later), ending 11 days of fighting that killed at least 242 Palestinians in Gaza and 12 people in Israel. The Israeli military said that it carried out over 1500 air, land and sea strikes on sites in Gaza—including a tunnel network allegedly used by Hamas to move weapons and combatants. In addition, the military strikes destroyed houses, medical facilities and roads throughout Gaza, as well as a 12-story building in Gaza City that housed several media outlets. Palestinian armed groups launched more than 4000 rockets at Israel, most of which were shot down by Israeli defences, landed in unpopulated places or fell short within Gaza.⁵

The conflict in Gaza also sparked unrest in the West Bank—where 34 Palestinians were killed in May 2021—an unprecedented general strike by Palestinian citizens across Israel and the occupied territories, and large-scale street protests and mob violence between Palestinians and Jews within Israel's mixed cities and towns, prompting warnings that the disorder could lead to civil war.⁶

On 27 May 2021 the United Nations Human Rights Council agreed to establish a panel to investigate potential 'violations of international humanitarian law' by both Israel and Hamas during the May 2021 clashes.⁷ A more wide-ranging investigation had already been announced in March 2021 by the International Criminal Court (ICC) in relation to alleged war crimes by both sides, focusing on events beginning in 2014. Israel and the United

⁴ Federman, J. and Akram, F., 'Israel, Hamas escalate heavy fighting with no end in sight', AP News, 12 May 2021. On the evolution and conduct of the conflict see International Crisis Group and US/Middle East Project, *Beyond Business as Usual in Israel–Palestine*, Middle East Report no. 225 (International Crisis Group: Brussels, 10 Aug. 2021); and Zonzsein, M., 'Why Jerusalem cannot be "taken off the table"', International Crisis Group, 16 Dec. 2021.

⁵ International Crisis Group and US/Middle East Project (note 4); UN OCHA, 'Escalation in the Gaza Strip, the West Bank and Israel', Flash Update no. 12, 23 May 2021; Kingsley, P., Yee, V. and Bengali, S., 'Israel's attack on a press building in Gaza draws condemnations', *New York Times*, 16 May 2021; and Airwars, 'Why Did They Bomb Us?' *Urban Civilian Harm in Gaza, Syria and Israel From Explosive Weapons Use* (Airways: London, Dec. 2021).

⁶ 'Israel bombards Gaza as it confronts mob violence at home', *The Economist*, 14 May 2021; Walsh, D. and Nagourney, E., 'Warnings of "civil war" as Arabs and Jews face off violently in Israel's streets', *New York Times*, 13 May 2021; and 'Israeli forces open fire on Palestinians; hundreds wounded', Al Jazeera, 9 July 2021.

⁷ UN Human Rights Council, 'Human Rights Council establishes International Commission of Inquiry to investigate violations in the Occupied Palestinian Territory, including East Jerusalem, and in Israel', 27 May 2021.

States are opposed to the ICC investigation.⁸ Moreover, in April 2021 the non-governmental organization Human Rights Watch accused Israel of committing the crimes against humanity of apartheid and persecution, following a similar analysis from the Israeli organization B'Tselem in January 2021.⁹ In October Israel designated six Palestinian human rights groups as terrorist organizations.¹⁰ In the West Bank, tensions increased in the last four months of 2021 as Israel moved forward with plans to build some 3000 homes for Israeli settlers, despite criticism from the Biden administration and several European countries.¹¹ Attacks by Israeli settlers against Palestinians spiked in this period.¹²

Despite some limited Israeli airstrikes on Gaza in mid June, after Palestinian groups sent incendiary balloons into southern Israel, and further strikes in August, the fragile ceasefire in Gaza remained in place during 2021.¹³ Total annual casualties in the Israel–Palestine conflict were at their highest since 2018 (when 299 Palestinians were killed and more than 29 000 were injured by Israeli forces, mostly in protests along the Gaza–Israel border). In 2021 Israeli forces killed 339 Palestinians (257 in the Gaza Strip and 82 in the West Bank), with 18 796 injured; while Palestinians killed 11 Israelis (compared to 3 in 2020) and injured at least 157 others.¹⁴ Overall, the Israel–Palestine conflict has claimed over 14 000 lives since 1987, with its asymmetric nature highlighted by the fact that Palestinians account for 87 per cent of the deaths.¹⁵

⁸ 'Kamala Harris tells Netanyahu that US opposes ICC probe of Israel', Al Jazeera, 5 Mar. 2021; Office of the Prosecutor, 'Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the situation in Palestine', International Criminal Court (ICC), 3 Mar. 2021; and Williams, D., 'Israel to tell ICC it does not recognise court's authority', Reuters, 8 Apr. 2021.

⁹ Human Rights Watch, 'Gaza: Apparent war crimes during May fighting', 27 July 2021; Human Rights Watch, 'Palestinian rockets in May killed civilians in Israel, Gaza', 12 Aug. 2021; B'Tselem, 'A regime of Jewish supremacy from the Jordan river to the Mediterranean sea', 12 Jan. 2021; and Human Rights Watch, 'A threshold crossed: Israeli authorities and the crimes of apartheid and persecution', 27 Apr. 2021. On the application of the laws of war to the conflict see also Carpenter, C., 'Three myths about the laws of war and the Israel– Hamas conflict', World Politics Review, 21 May 2021.

¹⁰ Kingsley, P., 'Israel accuses 6 Palestinian rights groups of terrorism', *New York Times*, 22 Oct. 2021.

¹¹ AP News, 'Five Palestinians shot dead in gun battles with Israeli troops in West Bank', *The Guardian*, 27 Sep. 2021; and Carey, A. and Gold, H., 'Israeli settlement plans in the West Bank draw condemnation from US, UK, Europe', CNN, 28 Oct. 2021.

¹² Hendrix, S., "'Hate crime' attacks by Israeli settlers on Palestinians spike in the West Bank', *Washington Post*, 29 Nov. 2021.

¹³ 'Israel launches air raids on Gaza, first since truce with Hamas', Al Jazeera, 15 June 2021; Kingsley, P., 'Israel strikes Gaza again, after militants set fires in Israel', *New York Times*, 17 June 2021; and Reuters, 'Israeli aircraft strike Hamas sites in Gaza as hostilities escalate', *The Guardian*, 21 Aug. 2021.

¹⁴ UN OCHA, 'Occupied Palestinian territory: Data on casualties', accessed 9 Feb. 2022.

¹⁵ 'The Israel–Palestine conflict has claimed 14,000 lives since 1987', *The Economist*, 18 May 2021.

Outlook

There were no significant efforts in 2021 to re-energize the long-moribund two-state peace process—i.e. addressing the core issues of Palestinian statehood, demarcating borders and granting rights to Palestinian refugees—and the recent one-sided US peace initiative effectively ended with the change in the US presidency. With the prospects of a negotiated solution increasingly remote, the enduring conflict between Israel and Palestine looks set to continue for the medium term, with further outbreaks of armed violence, like the 11-day war in Gaza in May, seemingly likely.