

*AIDA Private Policy Brief*

## **Third state action urgently required to address the volatile situation on the ground in the oPt**

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2018 has witnessed the emergence of a new volatile state of affairs in the occupied Palestinian territory (oPt), which may have a detrimental, perhaps irreversible, impact on the already worrisome situation on the ground.

The US announcement on 6 December 2017 declaring Jerusalem as the capital of Israel and confirming its stated intent to relocate its embassy from Tel Aviv to Jerusalem, coupled with US politically motivated funding cuts to UNRWA in early 2018, have contributed to fostering increased tension in the oPt, and to legitimizing Israel's illegal settlement enterprise in the occupied West Bank, including East Jerusalem. In parallel with ongoing 'US peace efforts', the decision also undermines previous diplomatic consensus and state practice in regards to the status of Jerusalem under International law, as enshrined in various UN Security Council resolutions.

Protests in Gaza near the fence with Israel since 30 March 2018 have resulted in the killing of 40 Palestinian protestors, including four children, and the injury of more than 6,000 others, many by live ammunition, in contravention of their right to life, health, freedom of expression and freedom of assembly. The protests are scheduled to continue until 15 May, when Palestinians will be commemorating 70 years of Nakba, with possible high levels of casualties in the coming weeks.

Health services in Gaza are on the brink of collapse as a result of a decade-long blockade and insufficient electricity and medical supplies and equipment, and are poorly equipped to deal with the vast numbers of injured. Medical personnel have also been targeted and injured while assisting wounded protestors. Moreover, the near impossibility of obtaining a medical referral for surgery outside of the Gaza Strip is causing a high number of limb amputations.

An already fragile infrastructure in Gaza will be further eroded and perhaps unable to recover due to the worsening humanitarian crisis, as a result of the blockade, UNRWA funding cuts and possible punitive measures introduced by the PA, including the non-payment of salaries. With 96% of water unfit for human consumption, the risk of waterborne disease and infections is extremely high. The ongoing electricity deficit is impacting the ability of services such as health care and education to meet the basic needs of almost one million children in Gaza, alongside severe increases in poverty and food insecurity, leaving an already vulnerable population in a precarious state.

The US embassy move on 14 May coincides with 'Jerusalem Day', the commemoration of 70 years of Nakba on 15 May, and, subsequently, the beginning of the Ramadan on 17 May. Some analysts have also suggested that the 'US Peace Plan' will be presented around the same time, involving a possible recognition of the so called 'settlement blocks', which would be a final death blow to the two-state solution, rendering impossible a contiguous Palestinian state and further hampering freedom of movement by carving the West Bank into small, discontinuous enclaves.

It is in this context that Israel continues to promote its settlement expansion and annexation agenda in both Area C and East Jerusalem of the occupied West Bank. Currently, 11 annexation

bills are in different legislative stages in the Israeli Knesset, which, if adopted, would entail the annexation of 60 % of Area C, to the detriment of some 110 Palestinian communities located in these areas. 44 schools are currently under threat of demolition, and some 64 communities are at risk of forcible transfer, a grave breach of the Geneva Conventions, including the communities of Khan al Ahmar Abu Helu and Abu Nuwar located in the strategic E1 corridor, which, if demolished, would pave the way for further settlement expansion, and cut off East Jerusalem from the rest of the West Bank.

On the diplomatic level, the US decision to relocate its embassy may create a negative precedent for other states to follow suit; there are indications that other UN Member States are contemplating moving their embassies to Jerusalem, in sharp contravention of UN Security Council Resolution 478, hence endorsing Israel's illegal annexation of East Jerusalem which the Security Council has rendered "null and void". Moreover, it is lamentable that 40 UN Ambassadors allegedly accompanied Israel's Ambassador to the UN, Danny Danon, during a recent visit to Israel, to sites in occupied territory, where Israel has no sovereignty, in contravention of the principle of non-recognition enshrined in international law.

These developments may have an explosive effect on the ground, and create almost unsurmountable obstacles to achieving a negotiated, just peace based on international law, including instability, hopelessness and a stark increase in humanitarian needs.

Third States must take urgent action to prevent the situation from further deteriorating, and counter these negative trends by:

- Increasing their engagement to prevent violations and ensure respect for international law.
- Denouncing and demanding accountability for the continuing unlawful killing of protestors in Gaza and excessive use of force.
- Ensuring respect for UN Security Council Resolution 478 by not recognizing Israel's unlawful annexation of East Jerusalem, and refrain from moving their embassies to Jerusalem.
- Ensuring respect for UN Security Council resolution 2334, particularly article 5, by not recognizing Israeli settlements and excluding the occupied Palestinian territory from all bilateral agreements with Israel.