



## **Call for a new Israeli-Palestinian peace process: the moment for renewed commitment**

A just resolution to the long-standing Israeli-Palestinian conflict is critical for peace in our world today. Despite the difficulties inherent in ending this conflict, it is urgent that it is resolved. 2017 marks 100 years since the Balfour declaration<sup>1</sup>, 70 years since UN resolution 181<sup>2</sup>, and 50 years since Israel began its occupation of the West Bank, the Gaza Strip, the Golan Heights and the annexation of East Jerusalem. Pax Christi International believes that this is the moment for a renewed commitment to end the violence and to reach a just and sustainable solution guaranteeing the fundamental rights of both Israelis and Palestinians in accordance with international law.

### *Stop all violations of international law*

Pax Christi International is committed to an approach which protects human rights, promotes peace and respects international law. We call on both Israeli and Palestinian authorities to adhere to international humanitarian and human rights laws. We believe that the global justice system can play an important role in stopping violations of international law. We welcome the decision of the International Criminal Court (ICC) to carry out a preliminary examination that, if warranted, would lead to a criminal investigation to determine if war crimes were committed by either party during the 51-day war in 2014 between Hamas militants in Gaza and the state of Israel.<sup>3</sup> We deeply mourn the deaths and injuries incurred during this conflict and recognise the right of both sides to safety and security. At the same time, it is important to emphasise that this is a fundamentally unequal conflict in which the rights of Palestinians have been more grossly violated.

### *Focus on the situation in the occupied Palestinian territories (OPT)*

The situation in the OPT is cause for alarm. Breaches of international law related to the Israeli military occupation take place on a regular basis and in a variety of ways, including frequent collective punishment, confiscation of land, exploitation of water resources, home demolitions,

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<sup>1</sup> The Balfour Declaration was a 2 November 1917 letter from British Foreign Secretary Arthur James Balfour to Lord Rothschild that made public the British support of a Jewish homeland in Palestine. It can be found on this website: [http://news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682961.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682961.stm)

<sup>2</sup> United Nations Resolution 181 was passed by the UN General Assembly in 1947 calling for the partition of Palestine into Arab and Jewish states, with the city of Jerusalem as a corpus separatum (Latin: "separate entity") to be governed by a special international regime. UNGA resolution 181, A/RES/181(II)A-B, is available at: <http://research.un.org/en/docs/ga/quick/regular/2>

<sup>3</sup> VOA, 'Israel engaging with ICC over Gaza war crimes enquiry,' 3 June 2016, available at: <http://www.voanews.com/content/israel-engaging-with-icc-over-gaza-war-crimes-inquiry/3360233.html>

restrictions on the freedom of movement and goods, administrative detentions, and the harassment, psychological trauma and torture of Palestinian detainees and prisoners.<sup>4</sup> The presence of Israel's military, the establishment of illegal Israeli settlements, and the separation barriers have created a dangerous and inhumane environment for Palestinians in which children<sup>5</sup> and women<sup>6</sup> are particularly vulnerable. The significant increase in the detention of children and the recent law by the Israeli Parliament to lower the age of detainees is especially troubling.<sup>7</sup> Pax Christi International urges the international community to pay more attention to this situation and to compel Israel to end these violations of international law.

*Work towards solutions based on peaceful co-existence*

Our movement strongly urges both Israel and Palestine to return to the negotiating table and begin a dialogue rooted in mutual respect for human rights and the dignity of the other, as well as a commitment to abide by international law. We believe a path to peaceful co-existence is not only possible but essential. Moreover the international community, through efforts of the Quartet (UN, EU, Russian Federation and the USA) and the Arab and French Peace Initiative, should renew their commitment to diplomacy. The solution to this struggle is political—not military. As the 1993 Oslo Peace Process has failed and negotiations are at a standstill, a new political strategy is needed. The international community has taken positive steps in calling on Israeli and Palestinian authorities to start a new peace process.<sup>8</sup> Most importantly, the peace process should incorporate an approach which respects human rights and promotes justice and is constructed on the relevant UN resolutions. In support of this process, we call for a ban on arms sales and deliveries to Israel and Palestine and a cessation of any military cooperation which contributes to violent conflict.<sup>9</sup>

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<sup>4</sup> UN, 'Impact of Israeli occupation, UN assistance to non-self-governing territories,' among issues addressed in the Economic and Social Council, 2004, available at: <https://www.un.org/press/en/2004/ecosoc6132.doc.htm>

<sup>5</sup> Defence for Children International Palestine, 'Growing up between Israeli settlement and soldiers,' 2014, p. 6, available: <https://d3n8a8pro7vhm.cloudfront.net/dcipalestine/pages/132/attachments/original/1433969185/SettlerViolenceReport.19June2014.pdf?1433969185>

<sup>6</sup> Middle East Monitor, 'The effects of Israeli occupation on Palestinian women,' 21 January 2016, available at: <https://www.middleeastmonitor.com/20150121-the-effects-of-israels-occupation-on-palestinian-women/>

<sup>7</sup> Defence for Children International Palestine, 'New Israeli law allows children as young as 12 to be jailed,' 11 August 2016, available at: [http://www.dci-palestine.org/new\\_israeli\\_law\\_allows\\_children\\_as\\_young\\_as\\_12\\_to\\_be\\_jailed](http://www.dci-palestine.org/new_israeli_law_allows_children_as_young_as_12_to_be_jailed)

<sup>8</sup> The Quartet has in July 2016 called for creating the conditions for the resumption of negotiations; see this statement: [http://eeas.europa.eu/statements-eeas/2016/160701\\_03\\_en.htm](http://eeas.europa.eu/statements-eeas/2016/160701_03_en.htm). Prior to the release of this report, Federica Mogherini (EU High Representative) has met the Israeli and Palestinian presidents asking them to restart the negotiation process and to serve as a bridge builder, see this link: [http://eeas.europa.eu/top\\_stories/2016/230616\\_mogherini-israeli\\_palestinian\\_presidents\\_en.htm](http://eeas.europa.eu/top_stories/2016/230616_mogherini-israeli_palestinian_presidents_en.htm). This follows UN Secretary-General Ban Ki Moon's request last year to boost efforts at bringing both Israeli and Palestinian delegations back to the negotiating table; see this link: <https://www.un.org/apps/news/story.asp?NewsID=50642#.V4jfQTeJGM8>. Also, the Egyptian foreign minister visited Israel in July 2016 and called for confidence-building measures that could lead to renewed peace negotiations; see this link: <http://www.reuters.com/article/us-egypt-israel-peace-idUSKCN0ZQ09P>

<sup>9</sup> An important development has been that the U.S. might reduce its arms trade to Israel. Foreign Policy, 'Obama to Israel: Our Tax Dollars Won't Go to Your Defence Contractors,' 18 August 2016, available at: [https://foreignpolicy.com/2016/08/18/obama-to-israel-our-tax-dollars-wont-go-to-your-defense-contractors/?utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=New%20Campaign&utm\\_term=Flashpoints](https://foreignpolicy.com/2016/08/18/obama-to-israel-our-tax-dollars-wont-go-to-your-defense-contractors/?utm_source=Sailthru&utm_medium=email&utm_campaign=New%20Campaign&utm_term=Flashpoints)

### *Recognise the fundamental right to full equality of the Arab-Palestinian citizens of Israel*

In 2014, the UN Human Rights Council expressed its concerns to Israel over the fact that its Jewish and non-Jewish populations are treated differently and that its domestic legal framework maintains a three-tiered system of laws affording different civil status, rights and legal protections for Jewish Israeli citizens and Arab-Palestinian citizens of Israel.<sup>10</sup> Pax Christi International condemns Israel's refusal to treat its Arab-Palestinian citizens with full equality as regards its laws and policies in fundamental areas of life such as political participation, access to land, education, state budget resources and criminal procedures.<sup>11</sup> We call on Israel to modify all legislation which is in violation of the fundamental rights of the Arab-Palestinian citizens of Israel and to bring Israel's laws into full compliance with the principles of equality and non-discrimination, which are the foundations of democracy, the rule of law and human rights.

### *End the Israeli occupation of all Arab lands occupied in 1967 and dismantle the separation barriers*

Pax Christi International considers the Israeli occupation of the OPT, as well as the building of settlements and separation barriers on occupied land, as contrary to international law. These actions have led to forced displacement; limits on access by Palestinians to basic services such as health care, water, and electricity; diminished opportunities for education and employment; a negative impact on Palestinian agricultural and economic infrastructure; and segregation and inequality. We are deeply concerned about policies which deny the rights of the Palestinian people. In accordance with the UN Human Rights Council, we call upon Israel to stop the expansion of settlements and to start dismantling the separation barriers in the OPT.<sup>12</sup> More specifically, we are very worried about the situation in the Gaza strip. While Israel disengaged from the Gaza strip in 2005, it has maintained a stranglehold on the area through a land, air and sea blockade that is in violation of international humanitarian law. This blockade has led to a dire human rights situation and has resulted in a warning by the UN that if current conditions continue, Gaza will be uninhabitable by the year 2020.<sup>13</sup>

### *Respect, protect and promote the right of return for all Palestinian refugees*

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<sup>10</sup> Human Rights Committee, 'Concluding observations on the fourth periodic report of Israel on the International Covenant on Civil and Political Rights,' CCPR/C/ISR/CO/4, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ISR/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ISR/CO/4&Lang=En)

<sup>11</sup> In 2013, the Legal Centre for Arab Minority Rights in Israel launched the Discriminatory Laws Database, an online resource that collected more than 50 Israeli laws enacted since 1948 that directly or indirectly discriminate against Palestinian citizens of Israel. The database can be consulted through this website: <http://www.adalah.org/en/law/index>

<sup>12</sup> UN Human Rights Council, 31<sup>st</sup> session 2016, A/HRC/31/L.36, 22/03/2016, Rights of Palestinian people to self-determination, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/31/L.36](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.36)

<sup>13</sup> Huffington Post, 'Gaza could become inhabitable by 2020 UN warns,' 9 February 2015, online available at: [http://www.huffingtonpost.com/entry/gaza-uninhabitable-by-2020\\_us\\_55e6fe85e4b0b7a9633aebbc](http://www.huffingtonpost.com/entry/gaza-uninhabitable-by-2020_us_55e6fe85e4b0b7a9633aebbc)

Following the 1948 Arab-Israeli conflict, inhabitants of Palestine fled their homes en masse out of fear of or because of violent expulsions. Estimates vary as to the number of Palestinian refugees displaced from within the borders of Israel in 1948; some suggest the total to be 750,000 people. Regardless of the specific number, it is clear that around 80% of Palestinians residing within the borders of what became Israel were forcibly displaced by the creation of the Jewish state.<sup>14</sup> The international community has confirmed the right of return for Palestinian refugees by Article 11 of UN General Assembly resolution 194<sup>15</sup> and in conformity with international law. The resolution also states that compensation should be paid for the property of those choosing not to return and for loss of or damage to property. Pax Christi International believes that the recognition of the Nakba<sup>16</sup> and the implementation of the right of return or of compensation for Palestinians are prerequisites for a just and legal peace agreement between Israel and Palestine.

### *Support nonviolent resistance in peacebuilding*

Pax Christi International believes that nonviolent resistance to occupation and injustice can pave the way for a renewed peace process. Research has shown that these strategies are twice as effective as their violent counterparts in achieving their goals.<sup>17</sup> As Christians committed to a more just and peaceful world, we take a clear stand for creative and active nonviolence and against all forms of violence.<sup>18</sup> In light of this, Pax Christi International endorses the Palestinian nonviolent struggle to end the occupation, the recognition of their rights and the acceptance of the Palestinian state.<sup>19</sup> Over the years, Palestinians have used nonviolent strategies, such as strikes, demonstrations and civil disobedience as a means to achieve their goals. We consider their nonviolent resistance a legitimate response to Israel's violations of international law.

### *Acknowledge the potential role of BDS in the peace process*

Many nonviolent strategies have been and will continue to be employed by Palestinians to resist Israel's 50-year military occupation and the dehumanising injustices that have accompanied it. Since 2005, Palestinian civil society organisations have campaigned for boycotts, divestment and sanctions (BDS) in order to pressure Israel to meet its obligations under international law. We

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<sup>14</sup> PRRN, 'Palestinian refugees: an overview,' available at: <http://prrn.mcgill.ca/background/index.htm>

<sup>15</sup> UNGA resolution 194, A/RES/194(III), is available at: <http://research.un.org/en/docs/ga/quick/regular/3>

<sup>16</sup> The consequences of the Nakba – the term commonly given to the exile of Palestinians during and after the 1948 founding of the state of Israel – continue to reverberate, especially in the legal systems of Israel/Palestine. The Nakba remains so potent a presence that in 2011, 63 years after its foundation, the state of Israel legislated against its commemoration. For more information see this website: <http://nakbafiles.org/the-nakba-the-law/>

<sup>17</sup> E. Chenoweth and M.J. Stephan, 'Why civil resistance works: the strategic logic of nonviolent conflict,' in *Columbia studies in terrorism and irregular warfare*, 2011, Columbia University Press, New York.

<sup>18</sup> See our Nonviolence and Just Peace Conference statement: 'An appeal to the Catholic Church to re-commit to the centrality of Gospel nonviolence,' 11-13 April 2016, available at: <https://nonviolencejustpeace.net/final-statement-an-appeal-to-the-catholic-church-to-re-commit-to-the-centrality-of-gospel-nonviolence/>

<sup>19</sup> See our previous statement on the Israeli-Palestinian conflict, available at: <http://www.paxchristi.net/news/pax-christi-international-favour-recognition-state-palestine-and-ban-settlements/4570#sthash.LoxtXDtr.WVVVNfgy.dpbs>

believe that the BDS movement is a legitimate, nonviolent form of resistance.<sup>20</sup> We also believe that such nonviolent initiatives could motivate the parties to rethink the status-quo and seek a new way to peace.

The Palestinian BDS movement calls governments, organisations and companies to implement a nonviolent, economic strategy to pressure Israel until it complies with international law by meeting three demands:

1. recognise the fundamental right of Arab-Palestinian citizens of Israel to full equality;
2. end Israeli occupation of all Arab lands occupied in June 1967 and dismantle the separation barriers;
3. respect, protect and promote the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.<sup>21</sup>

In addition, the campaign calls for the end of efforts to punish human rights defenders who favour BDS. Pax Christi International believes these demands are just, consistent with international law, and must be addressed in any future peace process between Israelis and Palestinians.

#### *Promote justice through means of BDS*

Pax Christi International views the BDS campaign as a nonviolent way to create pressure toward peace<sup>22</sup> and to target companies profiting from the occupation contrary to the Guiding Principles on Business and Human Rights.<sup>23</sup> Human Rights Watch reports that Israeli and international businesses have benefitted from Israel's settlement policies.<sup>24</sup> We believe that the accurate labelling of products, boycotting products and services coming from illegal settlements,<sup>25</sup> and divestment from companies profiting from the occupation can create a strong incentive for Israel to change their

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<sup>20</sup> In their 2009 document, Kairos Palestine states: "Palestinian civil organizations, as well as international organizations, NGOs and certain religious institutions call on individuals, companies and states to engage in divestment and in an economic and commercial boycott of everything produced by the occupation. We understand this to integrate the logic of peaceful resistance." The statement is available at <http://kairopalestine.ps/index.php/about-us/kairos-palestine-document>

<sup>21</sup> UNGA resolution 194 is available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/194\(III\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/194(III))

<sup>22</sup> World Council of Churches, 'Sixty years of WCC Policy on Palestine and Israel,' available at: <http://www.67.com.au/pdf/I-P60yrsWCCpolicy%20one-pager4-07.pdf>

<sup>23</sup> According to the guiding principles, business enterprises should avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur. Also, they should seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. OHCHR, Guiding principles on business and human rights, 2011, available at: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>24</sup> Human Rights Watch, 'How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights,' 19 January 2016, available at: <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>

<sup>25</sup> Also read our statement in which we call for more effective action against settlements, available at: <https://paxchristiusa.org/2012/11/20/israelpalestine-pax-christi-international-calls-for-more-effective-action-against-settlements/>

unjust and illegal policies.<sup>26</sup> However, Pax Christi International does not support an economic boycott of Israel as a whole, as we believe that a differentiation must be made between Israel and the territories where Israel has no sovereignty. An economic boycott must explicitly target products and services originating from the illegal settlements and companies that profit because of the illegal occupation.

### *Stop punishment of BDS human rights defenders*

Pax Christi International urges Israel, and all other countries, to stop punishing human rights defenders who support the BDS-movement and asks the international community to put pressure on these countries. In general, it has become increasingly difficult to be a human rights defender in the Israeli-Palestinian context. This is a grave concern as human rights defenders play a critical role in identifying and fighting injustices and strengthening democracy. Recently their work has been further complicated by the Israeli 'NGO transparency bill' that singles out NGOs that receive more than 50% of their funding from foreign public sources, mainly affecting NGOs dedicated to human rights work.<sup>27</sup> Our movement therefore calls on the international community to protect and support Israeli and Palestinian human rights defenders.

### **Conclusion**

While Pax Christi International acknowledges the legitimate grievances of both Israelis and Palestinians and the responsibility of participants on both sides to stop any violence perpetrated against the other, we cannot ignore the gross imbalance of power and resources in favour of Israel. We therefore emphasise the following:

- that a sustainable peace and reconciliation will only be achieved if Israelis and Palestinians engage in the peace process as equals;
- that it is essential that the legitimacy and rights of both are respected and protected, which has not been the case to this point, as the rights of Palestinians have been systematically denied;
- nonviolent struggles should be supported and the strategy set forth by the BDS-movement is one of the possible nonviolent approaches to apply international pressure on Israel until the changes necessary to create an environment for a renewed peace process have been achieved, but we do not call for a boycott of the state of Israel as a whole.

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<sup>26</sup> As an example, participants in the 14th triennial Churchwide Assembly of the Evangelical Lutheran Church of America voted for a measure to steer their church away from investing in the Israeli occupation of Palestine, available at: <http://www.truth-out.org/opinion/item/37257-behind-the-scenes-at-the-lutheran-vote-against-the-israeli-occupation>

<sup>27</sup> Human Rights Watch, 'Israel: Law Targets Human Rights Groups,' 13 July 2016, available at: <https://www.hrw.org/news/2016/07/13/israel-law-targets-human-rights-groups>

Pax Christi International urges the international community to stay focused on the Israeli-Palestinian conflict, to contribute, together with the Palestinian and Israeli people and authorities, to a revival of the peace process so that an agreement can finally be reached and an enforcement mechanism<sup>28</sup> put in place.

As stated by H.B. Michel Sabbah, Latin Patriarch Emeritus of Jerusalem and former President of Pax Christi International: “We can help leaders and people to free themselves from fear and mistrust and to reach the so long-desired peace. The beginning of Palestinian freedom is also the beginning of reconciliation between the two peoples, Palestinians and Israelis.”<sup>29</sup>

Brussels, December 1<sup>st</sup>, 2016

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<sup>28</sup> Such a mechanism could monitor commitments from the parties involved in the conflict to the BDS demands, UN resolutions, stop the building of settlements and include a clear time schedule for actions to be taken.

<sup>29</sup> Statement of 11 December 2009 by H.B. Michel Sabbah, Latin Patriarch Emeritus of Jerusalem and former President of Pax Christi International together with other prominent Christian leaders who launched the Kairos Palestine Document in an international conference in Dar Annadwa in Bethlehem, Palestine. For further information on the Kairos Palestine document, see this website: <http://kairospalestine.ps/index.php/component/content/article/33-english/about-us/leadership/kairos-palestine-co-authors/34-patriarch-michel-sabbah>