

REPORT OF THE SECRETARY-GENERAL: PEACEFUL SETTLEMENT OF THE QUESTION OF PALESTINE S/2018/614 (2018)

MANDATE

Pursuant to [General Assembly Resolution 71/23](#), the UN Secretary-General is requested to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region.

GENERAL ANALYSIS

The report in its first part outlines the settlements in the West Bank, arguing that this is a risk to a two state solution and a violation of [Resolution 2334 \(2016\)](#). The Secretary-General outlines in considerable detail the damage done to Palestinian structures, the continued eviction of Palestinian families, an attack on a donor funded school, and that this has a profound effect on worsening the humanitarian situation through increasing the amount of displaced persons within the region. The violence against civilians, and acts of terror resulted from the 'Great Return March' are discussed in greater detail, with detailed references to violent acts on both sides.

Within the report the word 'women' is mentioned once. This is in the context of a Bedouin women's center that was destroyed by Israeli forces. Beyond this women and women's issues are not mentioned. Even with this one mention- the Secretary General does not outline the effect the destruction of the center has on women in the area. The report lacks any prioritisation of women's issues, or so much as an acknowledgement that women are a vital part of the peace process and face specific issues in conflict.

Overall, the report does not include a gender perspective. Though it describes at length security and humanitarian issues- it does not incorporate the situation for women, nor their needs in conflict. In terms of response to the current context in the region, the report has a general lack of references to the shrinking space for civil society, and particularly for feminist activists.

GENDER ANALYSIS

Protection

In part two the Secretary-General outlines in detail the ongoing dispute relating to illegal Israeli settlements on Palestinian lands, and on the demolition of Palestinian properties, and details the difficulties Palestinian people have in obtaining building permits. The report also outlines the plans of the Israeli government for some \$115 million for the development of economic, commercial and recreational activities in the Old City- and that concerns were raised by Palestinians in East Jerusalem that this plan would deepen Israeli control of

Jerusalem.¹ These are posed as a direct threat to the two state solution by the Secretary-General; but he does not offer mechanisms for countering this.

The report consistently lacks detail in relation to the situation for women specifically; instead opting to describe a dire humanitarian situation in more general, non gendered terms. For example, the report outlines the displacement of Palestinians as a result of illegal Israeli settlements and deposition of Palestinian buildings- but does not discuss the effect this has on women specifically. Human Rights Watch has reported in its [World Report 2017](#) that Israeli authorities have issued demolitions, or demolished 925 Palestinian homes in the West Bank Area C and East Jerusalem.² Resulting from this, and the perpetuating threat of eviction, and or demolition- mean that Palestinian women do not have adequate human rights nor access to the quality of life they deserve.³

The report also does not outline the issue of settler impunity from crimes committed against Palestinians as an issue that contributes to instability and compromises the two state solution.⁴ This issue is of particular importance to Palestinian women, who experience heightened stress and anxiety because of fear for their family members and themselves.⁵

In relation to violence against civilians the Secretary-General details outbreaks of violence during the '[Great Return March](#)' and states that 135 Palestinians were killed 16 of these persons being children, and that some 3,778 Palestinians were injured by live ammunition.⁶ The UN office of Humanitarian Affairs reported in April that some 445 children were injured in the march,⁷ but this does not appear in the report of the Secretary-General. The report instead focuses on the fatalities, and injuries of Palestinians generally instead of a given group of Palestinians. In the '*Observations*' section of the report the Secretary-General states that the killing of children is 'unacceptable' and that the use of lethal force should be limited. However, he does not outline the use of live ammunition against protestors as being a violation of international law, which it is.⁸ The use of live ammunition against protestors on the part of the Israeli government has received considerable attention from the international community and media- but not from the Secretary-General's report. Given the

¹ Implementation of Security Council resolution [2334 \(2016\)](#) Report of the Secretary-General, Part II "Settlement Activities"

² <https://www.hrw.org/world-report/2017/country-chapters/israel/palestine>

³ https://wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf Chapter 2, Property destruction, demolition, and lack of adequate housing, article 2.5

⁴ https://wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

⁵ https://wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

⁶ Implementation of Security Council resolution [2334 \(2016\)](#) Report of the Secretary-General, Part III "Violence against civilians, including acts of terror" Paragraph 15

⁷ <https://reliefweb.int/report/occupied-palestinian-territory/protection-civilians-report-27-march-9-april-2018>

⁸ https://www.geneva-academy.ch/joomlatools-files/docman-files/in-brief6_WEB.pdf

amount of people injured, and the proportion of them who were children, the language used by the Secretary-General on this issue is weak.

The report details also the death of [Razan al-Najjar](#) a 21 year old Palestinian woman volunteering as a first responder who was shot dead while clearly dressed as a healthcare worker. In the '*Observations*' section the Secretary-General outlines that the killing of medical staff is 'unacceptable' but goes no further. This is not enough. The report does not outline that this is a clear and distinct violation of the [Geneva Conventions](#) which identify attacks on healthcare workers as a violation of international humanitarian law.⁹ The report also neglects to detail the subsequent smear campaign lead by Israeli authorities against the character of Razan al-Najjar- something which is not a violation of international law but is both disrespectful and unhelpful to peaceful reconstruction. It surely has not escaped the Secretary-General's observation that the Geneva Conventions are continually violated in regard to violence against healthcare workers, and that this is a trend that is increasing; the lack of condemnation in this case is just one of many but sets a negative precedent.

The Secretary General's report does not specifically refer to the state of women. This is a barrier for stakeholders to develop gender sensitive and inclusive response mechanisms. The issue of border crossing was not addressed by the report, in relation to access to East Jerusalem the Israeli administration is incredibly restrictive in issuing border passes - this disproportionately disadvantages women who sometimes have family both in the Gaza strip and in East Jerusalem.¹⁰ The report fails to mention this. Border issues are noted infrequently and mostly in relation to violent outbreaks instead of on more long term legal issues relating to access. This is a set back in terms of developing long term peaceful reconciliation as the continued issues relating to border control is a major contributor to instability.

Prevention

According to the mandate set out by UN Security Council Resolution [2334 \(2016\)](#), which reaffirms the inadmissibility of the acquisition of territory by force, and the obligation of Israel under the [Fourth Geneva Convention relative to the protection of Civilian Persons in Time of War](#). The resolution also reaffirms that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international humanitarian law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace. This resolution was passed in December of 2016, and is one of a succession of resolutions outlining very similar mandates; none of which have sufficiently deterred the continued advancement of Israeli settlements and displacement of Palestinians. In this particular report, the

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4527929/>

¹⁰ https://wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

Secretary-General does not outline any means for the more effective application of the mandate in the field.

The report outlines the advancement of some 3,500 housing units into areas of the West Bank, and that some 2,300, detailing also the 20 settler families occupying houses in the [Ibrahimi Mosque/Tomb of the Patriarchs](#) in Hebron's H2 area, and outlines in considerable detail the perpetuated demolition of Palestinian-owned structures. In one area of the West Bank demolitions increased by 94%, but in East Jerusalem the demolitions decreased by 64% compared with the the previous reporting period. The report outlines also the difficulty Palestinians face in obtaining building permits, and entry to Jerusalem. In the '*Observations*' section the Secretary-General calls upon the Government of Israel to cancel its plans to carry out mass demolition and transfer of the residents of Khan al-Ahmar — Abu al-Helu and reminds all parties involved that such action would be a violation of international and humanitarian law. Unfortunately, the report does not go further than this and does not call for legal repercussions which renders the report toothless. The violations discussed are part of a continued crisis and all parties involved are aware of the international and humanitarian law issues. In order that the mandate be met it must be understood that violations of international and humanitarian law will be met with severe repercussions and that those who are guilty of violations will be held accountable.

The report expresses concern relating to the continued poor socioeconomic situation in the Occupied Palestinian territories, that the restrictions on movement perpetuate the volatility. However, disarmament on the part of either party was not assessed, nor were any mechanisms for preventing the continuation of illegal settlements. Women's issues were not taken into account, words relating to women were hardly used at all; there was no description of any issues faced by women specifically. Despite the issue that women are disproportionately affected by these issues.¹¹

Participation

In the section titled '*Affirmative steps to reverse negative trends*' the Secretary-General outlines in detail the ways in which the government in Gaza needs to improve its services provided to its people; these are indeed affirmative. The Secretary-General's report fails to outline the lack of democratic accountability as a fundamental cause of the perpetuated conflict, insecurity and instability in the region.

The report of the Secretary-General does not include anything relating to the role of women, in either civil society or politics. Women are not described as

¹¹ https://wilpf.org/wp-content/uploads/2017/11/Palestine-UPR_web-2-5.pdf

a shareholder group, despite their quite pronounced visibility in the crisis.¹² The report also does not outline in what ways, or with what mechanisms, female participation in either the peace building or democratic processes have been supported and protected. The report does not outline women as a vital group to the democratic and peace processes, and this limits civil society and stakeholders in the field working on these issues.

The presiding gender norms must be reversed in order for women to actively participate in the peacebuilding process, obtain full and equal access to resources, public spaces and their voices taken seriously on a equal platform to that of men. This needs to be a specific priority outlined by the Secretary-General and United Nations at large in order that it come to pass.

Relief and Recovery

In terms of gender-sensitive analysis, the report is lacking in outlining mechanisms for relief and recovery. The report fails to so much as identify women as a group with specific issues in conflict, let alone outline the ways in which these issues can be overcome. The Secretary-General does not identify women as a key element of relief and recovery processes and does not include displaced women as a group of people with particular needs. Nor does the report outline women as a key group in the peacebuilding process. The report outlines no place for women in any peacebuilding or democratic process, which given the Secretary-General's prioritisation of gender parity in the leadership of the United Nations, is incredibly disappointing.

Further, another element totally lacking from the report is the outlining of the importance of democratic accountability. The Secretary-General makes a point to detail public spending cuts, failure to pay public sector employees on the part of the Government of the State of Palestine; the report does not outline democratic accountability as a remedy for this- nor does it offer any other remedy. There has been a fundamental lack of accountability caused by the indefinite delay on elections in Gaza since 2014. This is a threat to peace and stability within the region and is an issue that must be resolved if there is any hope of peace. The report fails to outline any democratic process as being important to establishing governmental accountability. This is a major hindrance to building sustainable peace, and protecting human rights within the region.

The two state solution, frequently supported vocally by UN personnel and the Member States, will only be made feasible by accountability and transparency. This is equally true for all sides of the conflict. In order for there to be a two state solution, with an independent Palestine along the 1967 borders to be implemented, all parties must be held accountable for their crimes against humanity and violations of international law. Though condemnatory, the Secretary-General does not outline mechanisms within this report by which this

¹²<https://www.aljazeera.com/indepth/features/meet-palestinian-women-forefront-gaza-protests-180419154907955.html>

accountability could be achieved. Without outlining the legal repercussions for legally and ethically reprehensible behavior- the report does little to amend the situation.

RECOMMENDATIONS

Protection

In the future, the Secretary-General should outline women's issues and the mechanisms by which these can be overcome. For example, the Secretary General could outline the importance of establishing reproductive health centres for displaced women, female only safe spaces, and support programmes for treating women's mental health. Displaced women require particular services, such as for reproductive health, and this is not mentioned. Further, in the creation and design of refugee camps women's needs must be taken into account- within this report they are not.

The report does not address the politicisation of aid, a long term issue that is something of an achilles heel to humanitarian efforts everywhere. It is paramount for the Secretary-General to advocate for the safe and unhindered access to all humanitarian personnel and humanitarian assistance to the civilian population, and allow the movement of necessary medical, food, and infrastructure resources. Further, he must end the politicisation of humanitarian assistance, and ensure the complete protection of humanitarian aid workers in the field.

In future reports it is imperative that the Secretary-General use stronger language when discussing violence against healthcare workers. The statement that the killing of Razan al-Najjar was '*unacceptable*' is not enough. In future the Secretary-General must condemn violence against healthcare workers in no uncertain terms. Healthcare workers need better support and protection from the Secretary-General.

Prevention

The pervasive cause of the perpetuated violence and instability in the region is the legal status of the Palestinian people; responses that fail to take this into account will be unable to solve the crisis. The continued violation of the human rights of Palestinians must not be tolerated, as this is one of the main contributors to the continued instability within the region. As mentioned previously, the legal impunity for illegal Israeli settlers is an issue that is troubling for women specifically as well as a threat to peacebuilding; this impunity is partly based on the uncertain legal status of Palestinians. The Secretary-General should do more to facilitate a more comprehensive and

practical discussion on this issue; in the situations of either a one state or a two state solution this is an incredibly contentious issue.

In the future the Secretary-General should outline the ways in which women specifically are affected by forced displacement and mechanisms for improving their situation and meeting their needs. On this issue there is far more precedent than in the aforementioned issue of legal status, there is a wealth of resources and history of effective and ineffective humanitarian efforts relating to women. Safe spaces for women, access to healthcare and specifically reproductive care, access of mental healthcare are some examples of what the Secretary-General could advocate for. These aside, there should be a comprehensive and practical discussion about the needs of women that is simply not occurring currently.

Participation

In future reports the Secretary-General should outline that Israel must respect its legal obligations as an occupying power under international human rights and humanitarian law and call on Israel to take immediate action to prevent human rights abuses and violations against women and girls. Further, Israel must immediately implement and abide by the numerous UN Security Council Resolutions in accordance with their legal obligations under international law. This includes [Resolution 2234 of December 2016](#), which focuses on lifting movement restrictions in the Occupied Palestinian Territories (OPT) and take steps to ensure the rights to health, education and other rights dependent on freedom of movement are protected.¹³

The Secretary-General's report should have investigated the work of women and civil societies in the continued peace process, and the situation for women's human rights. Further, the report could have outlined the importance of female participation in the peace process, and the mechanisms by which women's involvement in peace negotiations could be protected and supported. Further, future reports should also outline the importance of democratic participation as being vital to ensuring governmental accountability- and that women's participation in the democratic process is of particular priority.

Relief and Recovery

In order to achieve sustainable peace and security a proactive, as supposed to ideological or rhetorical approach, must be taken. Those in support of a two state solution, such as the Secretary-General who is one of many within the UN system- must propose solutions that will actually result in a two state solution. The perpetuated verbal support of the solution is not enough-

¹³ <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

comprehensive mechanisms must be proposed, under international law and implemented with complete transparency and accountability.

In future reports the Secretary-General should outline the importance of reviewing and reforming Israel's housing permit process, end the blockade of the Gaza Strip and guarantee full access of the Palestinian population to all basic necessities, and call for an immediate stop to the illegal demolition of Palestinian homes and to increase the recognition of property rights of Palestinians. Without these components of peaceful reconciliation, either on a two state or one state solution model, peace will not be achieved.