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| FORUM: | Human Rights Council |
| ISSUE: | Measures to Combat Apartheid and Persecution in the Occupied Palestinian Territory During the Israel-palestine Conflict |
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Introduction

According to the definition introduced in the 1973 Apartheid Convention and 1998 Rome Statute of International Criminal Court (ICC), Apartheid refers to “severe discriminatory oppression which consists of three key elements: an intent to maintain the domination by one racial group by another, systematic



Israeli settlements in Occupied Palestinian Territory

oppression by one racial group over another, and one or more inhumane acts as part of the oppression”. Persecution is defined as a crime against humanity involving a discriminatory intent leading to severe deprivation of fundamental rights of racial, ethnic, or other groups. Israel is the sole governing power that limits Palestinian self-rule throughout the region between the Mediterranean Sea and Jordan river, enclosing Israel and the Occupied Palestinian Territory (OPT). OPT is the territory under the rule of Palestinian government. Israel, a regime of Jewish supremacy, highly privileges Jewish Israelis over Palestinians, roughly 20 percent of the total population. The government officials pursue the goal of maintaining Jewish dominance over Israel in OPT and have carried out enormous crimes of the variable degree to Palestinians: confiscating, confining, subjugating Palestinians while granting Jews with superior status. These acts of apartheid and persecution against Palestinians have continued for 54 years under the name of the "peace process", despite numerous attempts of the Palestinians in seeking international actions to combat Israeli government’s war crimes.



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Background

Since 1948, Israel has maintained military rule over Palestinians inside its territory. Its regime then took control over OPT and began its "temporary" discriminatory rule across borders in 1967. Israel has founded policies that only benefit the Jews and deprive civil rights of the Palestinians. The government officials have even stated their control to be perpetual in OPT in order to strengthen and spread the Jewish supremacy, putting Palestine's self-rule aside. Their pervasive rules that bring Palestinians inferior to Jews in every possible way are the result of the process that has gradually grown over decades. Laws, policies, and social practices have driven Palestinians to the point which their right to self-determination is heavily challenged.

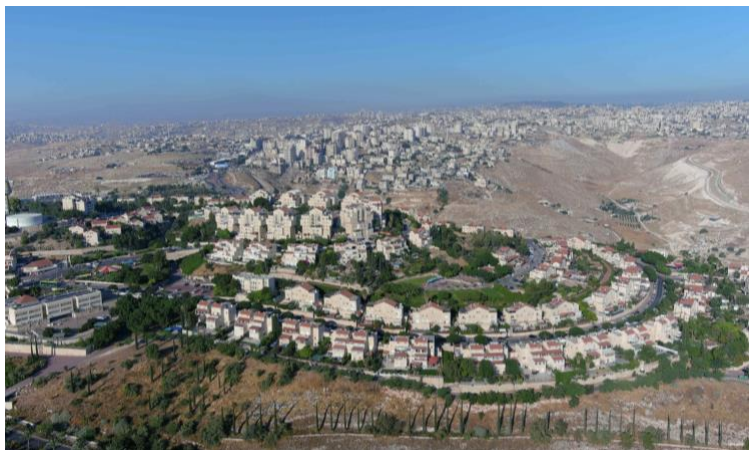
In recent years, the Israeli government has taken more active roles to enshrine Jewish supremacy. In 2018, the regime enacted The Jewish Nation-State Law, which entrenches privileges for Jewish citizens and simultaneously gives legal permission to all discriminatory acts toward Palestinians. The authority of this law is considerable, as it can overrule other existing legislations. The law now imperatively forces discriminatory practices against Palestinians and contains no democratic characteristics. Petitions against the law have been rejected.

These aggressive actions incited the issue of apartheid and persecution to illuminate the international society from the midst of obscurity. On 12th January 2021, B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, brought up the problem of Israeli authorities on its position paper. In March 2021, ICC has started its formal investigation into the situation in Palestine after it has approved its jurisdiction over war crimes and crimes against humanity of apartheid and persecution happening in OPT. On 27th April, Human Rights Watch, which investigates abuses happening around the world, has reported on the situation in the state of Israel and OPT, calling Israel the regime of Jewish supremacy.

Problems Raised

Deprivation of Palestinians' human rights

With the establishment of The Jewish Nation-State Law, all institutions in Israel and OPT inevitably comply with the idea of indirectly discriminating against Palestinians in every aspect of society. The regime highly promotes Jewish supremacy in aspects including land,



The Israeli settlement of Maale Adumim in the West Bank, with the Palestinian neighborhoods of occupied East Jerusalem in the background



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citizenship and immigration, freedom of movement, political participation, and more. The Israeli government, in the name of sovereignty, utilized nearly 90 percent of its territory to build hundreds of Jewish communities while merely leaving 5 percent of the land for the Palestinians. Jews further obtain more privileges in terms of citizenship and immigration. They are granted citizenship, regardless of where they choose to live in. However, Palestinians cannot immigrate to territory under Israeli sovereignty unless they marry a person who already has citizenship inside of the land. Despite all Israeli citizens can freely travel in and out of the territory, Palestinians cannot fly abroad from the international airport. All Israeli citizens are legally given the right to participate in national politics. However, Palestinians' legitimacy in claiming this right has been repudiated by the Israeli government.

The Danger of loss of Palestine territories

Along with the enactment of the Nation-State law, Israel manifested its long-term intentions to militarize OPT through statements regarding the annexation of more parts of West Bank, Palestine territory with Gaza. Palestinians in both West Bank and Gaza are under Israel's control from outside. This shows that Israel has the intention of annexing East Jerusalem and the rest of the West Bank to achieve the goal of spreading Jewish supremacy through its discriminatory rules. If Israeli government succeed in taking control over those territories and practice the Jewish supremacy by discriminatory policies, Palestine has a lower possibility to fight back against Israel. As Palestinians cannot fly abroad easily unlike Jewish Israeli, most of them will be trapped under the Israeli government that does not let them voice their opinions. Palestinians will no longer be able to behave on their own will fully even in OPT, if Israel were to rule the territories. Considering that the international society cannot directly interfere with and stop Israeli government from further crimes against humanity, the loss of Palestine territories will further reduce protection on Palestinians.

International Actions

B'Tselem position paper

After its thorough investigation on the situation in Israel and OPT, B'Tselem has published its position paper called "A regime of Jewish supremacy from the

Jordan River to the

Mediterranean Sea: This is apartheid." The regime of Jewish supremacy refers to the Israel authorities



B'Tselem position paper: This is Apartheid



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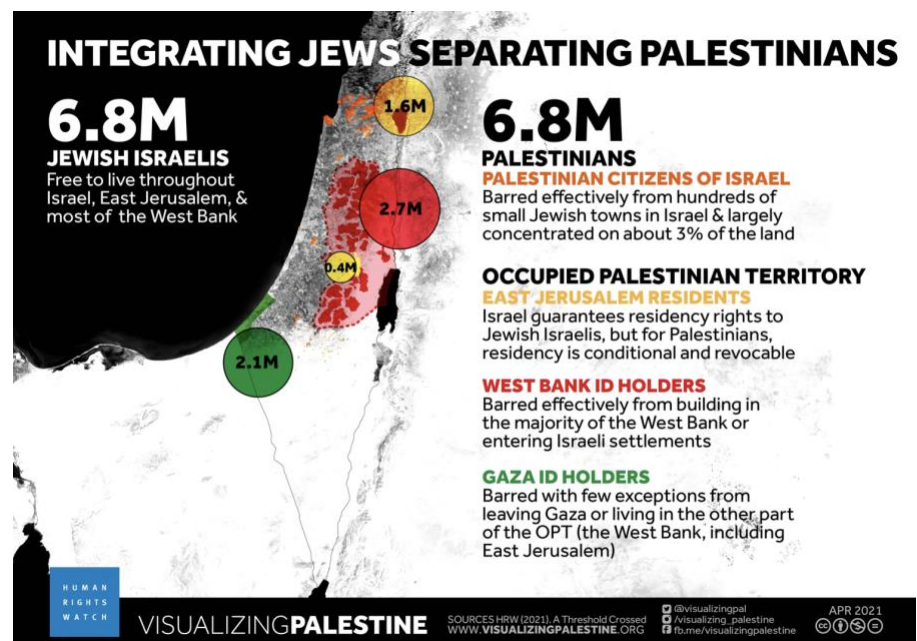
ruling over Israel and OPT. This paper was the first international action taken to voice opinions of Israel Palestinians and explains aspects of Israel's authority committing apartheid and emphasizes the urgency of resolving this situation. B'Tselem emphasizes the urgent need of actions to protect Palestinians' human rights and stop Israel government from committing more crimes against humanity and forcing Jewish supremacy.

Investigation by International Criminal Court (ICC)

In March 2021, the Prosecutor of ICC has confirmed the commencement of investigation on the situation in Palestine, mainly concerning violated human rights of Palestinians by Israel authority, which is going to cover all crimes since 13th June 2014 in the jurisdiction of the court. The prosecutor requested Judges of the Pre-Trial Chamber to clarify the territorial extent to which the jurisdiction of the court holds. On 5th February 2021, the judges approved that the criminal jurisdiction can be applied to the situation in Palestine and extend to Gaza and the West Bank, territories of Palestine. The prosecutor stated that investigations "take time and must be grounded objectively in facts and law." There are limitations of this investigation in which the court cannot hold jurisdiction over matters between Palestine and Israel, especially with Israel's authority governing OPT and influencing Gaza and the West Bank. Possible solution is to place pressure on Israel to discourage the authority from committing crimes against humanity.

Human Rights Watch

Human Rights Watch, an international organization that investigates abuses around the world, has published its report on the situation in Palestine regarding Israel's apartheid: "A Threshold Crossed: Israel Authorities and the Crimes of Apartheid and Persecution." Human Rights Watch accused Israel for committing crimes against humanity through maintaining domination, practicing systematic oppression and



Report on the situation in Israel and Palestine territories by Human

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institutional discrimination, and other inhumane acts that violate fundamental rights. Further investigating the position that Israeli authorities take, this report demonstrated how they justify discriminatory actions toward Palestinians, responding to Palestinian anti-Israeli violence. The report exposed that Israeli authorities barred the entire population of Gaza from leaving because of the security challenges in Israel, crimes claimed to be committed by Palestinians that threatening security of Israeli citizens, yet this act of balancing human rights against security concerns violates international law. Despite a thorough review of this situation by the report, some question its plausibility. Norman Finkelstein, a world-renowned scholar known for his understanding of the situation in Palestine, asserted that this report brings Gaza and West Bank into consideration regions influenced by apartheid and persecution, which does not fully align with the aim of ICC investigation. Hence, there are some scholars who question the objectivity of this report, yet the purpose of raising awareness on discriminatory acts of Israeli government is consistent.

Human Rights Watch has sent a letter to G7 Summit including United States, Canada, United Kingdom, France, Italy, Germany, and Japan to encourage them to take decisive actions in times of crisis by the spread of COVID-19. It specifically mentioned the Israel-Palestine situation and urged following actions taken: urging Israel government to guarantee Palestinians with their human rights and reverse its policy of preventing international organizations to access Gaza Stripe, screening all forms of trade and dealing, which directly contributes to the practice of apartheid and persecution, with Israel, and supporting ICC investigation on Israel authority immorally exploiting its authority against Palestinians.

Key Players

Israel

Israel is unwilling to, if not opposed to, cooperate with investigation on this situation between Israel and Palestine by other international organizations. Israeli authorities do not agree that their actions should be considered war crimes and crimes against humanity. They contend their authority and controls to suppress violent anti-Israeli acts from Palestinians as righteous demeanors.



Victims of crimes by Israeli armed group

In 1967, former Prime Minister Levi Eshkol declared that "I see only a quasi-independent region [for Palestinians] because the security and land are in Israeli hands." This peace deal gives Israel the authority to rule Palestinians, which was supposed to be temporary. However, the Israel regime calls their



continued rule over Palestinians a part of their "peace process," and proposes to perpetuate these activities.

The Palestine National Authority

The Palestine National Authority is the self-governing body that rules Gaza and West Bank. As the regime has not investigated any war crimes committed by their armed groups nor scrutinized crimes against humanity committed by the Israeli government, these indifferent actions have raised the public attention and call for action. The authority is now alarmed by the impending danger, as the Israeli government has officially announced their intention to take control over Gaza and West Bank.

United States of America

7th June 2021, United States Secretary of State, Tony Blinken, opposed the ICC's investigation of the situation in Palestine. The US government claimed that ICC should not hold jurisdiction over countries that are not court members, despite a crime occurs in a court member state. Blinken stated that both US and Israel possess "mechanisms to make sure there is accountability," yet there is a lack of evidence supporting that those mechanisms to see the justice and take accountability for those crimes. Blinken's statement can be possibly understood as both US and Israel not willing to use their own mechanisms to search for unjust crimes happening within their countries or to let other international organizations to investigate on those matters. This statement has brought about many critics on the side of US. With both of its potential economic and societal impacts, US is at the center of close observation from many organizations. Whether US firmly supports their viewpoint mentioned above or starts to support investigating Israeli authority and helping Palestinians can interfere with future investigation by many other organizations especially ICC.

Possible Solutions

Recognition of the situation in the international society

For decades, the international society turned a blind eye to the situation in Palestine. Many European nations maintained a close relationship with Israel, supporting the "peace process" and ignoring its abusive treatment toward



A building damaged by an Israeli air strike amid a flare-up of Israeli-Palestinian violence in Gaza city



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Palestinians. The international community continued its indifferent attitude toward the crimes against humanity, considering them as short-term responses to violent acts by armed Palestine groups. Consequently, abusive treatment of Palestinians' basic rights has continued underground. Hence, the global society should outwardly recognize and express concerns about Israeli authorities' commitment to apartheid and persecution. In the political aspect, governments should encourage the UN to establish a UN commission of inquiry to further investigate the situation and a UN global envoy to mobilize international action, encourage or conduct their investigation under the international laws. In the economic aspect, governments can conduct investigations on their national companies whether their products or business pathways are in support of the crimes and prohibit or discourage national businesses from building close ties with and assist the discriminatory acts done by Israel.

Glossary

Apartheid

A universal legal term that refers to severe discriminatory oppression

Persecution

A crime against humanity under the Rome Statute of the International Criminal Court

B'Tselem

The Israeli Information Center for Human Rights in the Occupied Territories *Rome Statute*

Annexation

A formal act whereby a state proclaims its sovereignty over territory hitherto outside its domain

Judges of Pre-Trial Chamber

Ones in International Criminal Court who either issue a warrant of arrest or a summons which both lead a case to enter the Pre-Trial stage, during which they determine whether or not there is sufficient evidence for the case to proceed to trial



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