

## **Israel-Palestine: For Human Values in the Absence of a Just Peace**

In fulfillment of its assignment from the 221<sup>st</sup> General Assembly (2014) to review the Presbyterian Church (U.S.A.)’s support for the “two-state” solution to the Israeli-Palestinian conflict, the Advisory Committee on Social Witness Policy recommends that the 222<sup>nd</sup> General Assembly (2016) adopt the following summary assessment (I) and requested recommendations (II), and receive the supporting study and policy review (III). These sections together constitute a report with actions appropriate to a situation of moral urgency entitled, *Israel-Palestine: For Human Values in the Absence of a Just Peace*. The sections are:

- I. While the Door Closes: A Summary Assessment**
- II. Acting on Christian and Universal Values: Recommendations**
- III. The Two State Approach from a Values Perspective: A Brief Study**

### **I. While the Door Closes**

This report focuses on the actual situation of Palestinians and Israelis in the land they share and on the values that need support from all people seeking a just peace. Faithful to the General Assembly’s assignment, the report resists simple formulas. It understands the responsibility of a single church based in the US to contribute to a larger ecumenical and interfaith conversation about basic moral expectations and to take informed actions of integrity, witness, and solidarity.

The Presbyterian Church [PC(USA)] has had a deep concern for Israel-Palestine for many reasons, including its place in Christian self-understanding and the prominent role the United States has taken there. Since 1949, the Church has taken public positions on the situation, supporting Israel as a safe homeland for Jews but also calling for just treatment for Palestinians, including Palestinian refugees. In 1974, the General Assembly called for “The right and power of Palestinian people to self-determination by political expression, based upon full civil liberties for all... If the Palestinians choose to organize a permanent political structure, then provisions should be made to determine its jurisdiction, assure its security, and support its development.”<sup>i</sup>

In 1982, the Assembly first called for “the establishment of a national sovereign state in the West Bank and the Gaza Strip as an expression of self-determination of the Palestinian people.”<sup>ii</sup> Subsequent Presbyterian statements have affirmed United Nations Resolution 242, of November 1967, calling for Israel’s withdrawal from the territories it had just begun to occupy, and have lifted up the Palestine National Council’s 1988 decision to recognize Israel within the boundaries that had held from 1949 to the 1967 war. That implicit ceding of 78% of British Mandate Palestine to Israel supported the possibility of a two-state solution and, with the largely nonviolent first Intifada, opened the path to the Oslo accords.<sup>iii</sup>

The most recent comprehensive statement by the Church on Israel-Palestine within its Middle Eastern context, *Breaking Down the Walls* (2010), provides the starting point of principles and policy for this study. That 2010 report examines the “contest of traumas” caused by past suffering on both Jewish Israelis and Palestinians, with fears of anti-Semitism and fears of a continuing Nakhba (or catastrophe of dispossession) hindering

empathy for the “other.”<sup>iv</sup> It carefully contrasts the First Testament’s views on land with aspects of the covenant understood by Reformed Christians, and with Muslim and Christian Palestinian “samud,” or steadfastness on the land. *Breaking down the Walls* recognized “daunting and mounting obstacles to the viability of a “two-state solution,” and called for the “immediate resumption of negotiations” to that end.

Over the years, then, the Presbyterian Church has supported the international consensus favoring a two-state solution with a shared Jerusalem. Yet as situations change, the Church must evaluate its positions accordingly. And in the view of many analysts, the door to a viable Palestinian state is closing rapidly, if it is still open at all.<sup>v</sup> For example, Thomas Friedman, a long-standing proponent of “two states for two peoples”, has suggested that calling for a two-state solution, without acknowledging the reality on the ground, is an exercise in denial.<sup>vi</sup>

Israel’s policy trajectory of continued settlements and brutal occupation is deeply troubling. Not only does it make a two-state solution increasingly difficult, if not impossible, to achieve, but the emerging, de facto single state’s systematic violation of Palestinian rights and democratic values is eroding Israel’s moral legitimacy. This has presented a growing crisis for a church that has historically supported Israel as a homeland for Jews, and we note growing divisions in the US Jewish community as well.

This resolution takes the position that the Presbyterian Church (U.S.A.) should advance those efforts that best accord with its values, which have relevance in any political arrangement, including but not limited to that of two sovereign states—Israel and Palestine.<sup>vii</sup> PC(USA) has supported an equitable two-state solution out of fairness and the belief that it would be far better for both peoples and three faiths to share the land. To keep open the option of a two-state solution, this report in its language and recommendations makes a clear distinction between the State of Israel within internationally recognized borders and the settlements and other illegal actions in the occupied Palestinian territories (oPt). Yet, statements by Israeli, Palestinian, and US leaders confirm that no progress toward such a solution is expected in the near term.<sup>viii</sup>

For years, abstract discussion of two- vs. one-state solutions or federations has served to distract attention from on-going violations of human rights and increases in mutual hostility. De facto annexation, land confiscation, and government subsidized settlement growth have increased since Oslo. About half the Israeli cabinet publically oppose any Palestinian state; the Yesha Council of settlements states clearly their goal: “Creating a situation where it becomes clear to the international community that another state west of the Jordan River is not viable.”<sup>ix</sup>

In this situation, the Church should foster relationships with partners who share its values, be they Jewish, Christian, Muslim, or secular, without being misled by mirages of peace agreements ungrounded in realism about power. This report does not demonize any people or belief system, but rather illustrates the results of giving one group greatly disproportionate power over another. Nor do we, as a US church involved in the Middle East since the 1830’s, claim to be innocent of religious nationalism and complicity with militarism and colonialism. Yet, as Reinhold Niebuhr said, “The sad duty of politics is to establish justice in a sinful world.” We are part of that world, we share that goal of justice, and—despite our observation of increasing tragedy—we believe engagement is also a hopeful duty.<sup>x</sup>

Grounded in the Reformed faith, our salient values include:

1. The dignity of all persons, despite our universal capacity to do harm;
2. Self-determination of peoples through democratic means;
3. The building up of community and pursuit of reconciliation;
4. Equality under the law and reduction in the separation that fosters inequality;
5. Recognition of our complicity and the need for confession and repentance; and
6. Solidarity with those who suffer.

These values influenced and are linked with the modern understanding of human rights, as in *The Universal Declaration of Human Rights* (UN 1948): “[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” While sharing the first four of these values with countless persons of good will, the prophetic tradition and teaching of Jesus (as in the Sermon on the Mount; Matthew 5) lead us to confront our enabling of injustice and move to the side of those who suffer. Our presbyteries have approved the Belhar Confession of faith from South Africa, which affirms the unity of justice and reconciliation, “that true reconciliation which follows on conversion and change of attitudes and structures.” In confronting our own legacies of racial and ethnic separation, we believe:

- “that God, in a world full of injustice and enmity, is in a special way the God of the destitute, the poor and the wronged... [and]
- that the church must therefore stand by people in any form of suffering and need, which implies, among other things, that the church must witness against and strive against any form of injustice, so that justice may roll down like waters, and righteousness like an ever-flowing stream;”<sup>xi</sup>

Presbyterian values and human rights provide a lens through which the study team examined the situation in Israel-Palestine. Realism requires us to call the current entity, “Israel-Palestine,” as one state is effectively subsuming the other. This report proceeds by defining values and then using the categories of the Oslo accords to examine capacities and functions of statehood. Further, this report notes the grave danger that Israeli government policies privileging a narrow form of Zionist Judaism may well change a resource-based struggle to an overtly religious one, eliminating the already-declining Christian minority, obliterating historical Muslim and Christian sites with enhanced Jewish sites, and increasing extremist antagonism in the Jewish and Muslim communities. The report’s findings are summarized here.

### *The Oslo Challenges*

In the twenty-three years since the signing of the Oslo Accords, efforts to establish two states have achieved some limited successes, such as establishment of the Palestinian Authority and some security cooperation with Israel. Nonetheless, in accord with the request for an update of facts on the ground, the Advisory Committee’s study team found that the situation has stagnated or worsened on the core challenges identified in the Oslo Accords: 1) Jerusalem, 2) refugees, 3) settlements, 4) security arrangements, 5) borders, 6) relations and cooperation with neighboring countries and 7) other issues of common interest. This report does not treat item 6 except by implication. Among the “other issues of common interest,” the report considers water, economic development in Palestine, and Gaza.

1. *East Jerusalem*, which the Oslo Accords identified as the capital of a future

- Palestinian state, has been cut off from the rest of the West Bank by Israel's erection of a fortified wall and security checkpoints, keeping out most Palestinians. The Israeli government has annexed all Jerusalem and expanded the city's boundaries to include settlements, while depriving Palestinian residents of citizenship and public services, despite their full payment of taxes to Israel. This claim that Jerusalem is all part of Israel and its united capital, in violation of international law, made Palestinian residents of East Jerusalem stateless, with tenuous and frequently cancelled permission to continue living in their homes. Systematic land reconfiguration and large, strategic settlements in support of "an exclusionary Jewish Jerusalem" are "marginalizing the other national and religious equities in the city," increasing interreligious tension and contributing to the loss of Christian presence.<sup>xii</sup>
2. *Refugees'* right of return to their former homes in what is now Israel or agreed-upon compensation, guaranteed on an individual basis under international law, remains unaddressed. In contrast, Jews from around the world are granted immediate Israeli citizenship based on the diaspora of the first and second centuries. Further, other countries pick up much of the tab for the care of the refugees, including host countries in the Middle East, in which Palestinians suffer from discrimination and poverty. Israel's demographic fear of allowing significant numbers of refugees back would argue for a two-state solution with negotiated compensation. Yet on both sides the political capacity to make the compromises necessary to reach agreement appears seriously diminished since Oslo, with the refugee situation reinforcing Israel's isolation in the region (often termed, "a dangerous neighborhood.")
  3. Israeli *settlements* in the West Bank and East Jerusalem, illegal under international law, have continued to expand in number, territory and population—now including over 650,000 settlers. Their location and the roads connecting them (for exclusive Israeli use) hem in Palestinian cities and towns and block time-honored transport connections with each other and with Jerusalem and the wider world. Israel did evacuate 9,000 settlers from Gaza, but in all other areas the government provides subsidies, services, and access to resources to encourage a de facto colonization project. Jewish settlers in the occupied Palestinian territory receive treatment as Israeli citizens under a civil justice system, while Palestinians are under military occupation orders without full citizenship rights and legal protections.<sup>xiii</sup>
  4. *Security* for Israelis and Palestinians is an existential concern. Wars, terrorist attacks and hostility from those wishing to throw off the occupation have led Israel to spend a large share of national income on security. Today, however, although neighboring states may be unfriendly (due to refugees or border areas Israel continues to hold from past wars), Israel faces no significant military challenges from any of them. While there have been occasional internal spikes of violence (such as knife attacks in late 2015) and indiscriminate rocket attacks, most Israelis lead relatively secure lives. These attacks, as well as the fear of attack via tunnels into Israeli village areas (most tunnels are from Gaza to Egypt), continue to grip and shape internal Israeli politics and subvert the two-state process. Current policies, including militarized crackdowns, have not produced the total security that the Government desires; indeed, some observers contend that they contribute to cycles of violence. Some Israeli soldiers, sent to protect settler colonies, suffer from something akin to Post Traumatic Stress Syndrome—*moral harm*—for having

participated in the violent suppression of Palestinians.<sup>xiv</sup> Finally, not all internal threats to Israeli security emanate from Palestinians. Israeli right-wing and religious extremists, who normally target Palestinians, have occasionally struck at government authorities and murdered Prime Minister Rabin in 1995, severely setting back two-state negotiations.

5. Meanwhile, Palestinians' *security* has unambiguously worsened since Oslo. In the West Bank, East Jerusalem, and Gaza, Israeli military and settlers killed 2,334 Palestinians between January 2014 and August 2015, compared with 90 Israelis dying from Palestinian attacks. The Israeli government routinely destroys Palestinian homes, wells, businesses and farms in East Jerusalem and most of the West Bank if they are built or repaired without Israeli permits, which are rarely granted. Palestinian property is expropriated for Israeli parks, heritage sites, security zones, and the enclosure wall. The Israeli military arrests adolescent Palestinians in the night, coerces confessions by threats of indefinite imprisonment, and holds them without trial or access to a lawyer, a translator or even a parent. Palestinians are often held in Israel where families cannot visit, which violates international law. Palestinians who allegedly pose a threat are often shot on sight. Despite some security cooperation with the Palestinian Authority, the Israeli military frequently conducts incursions into Palestinian areas and conducts constant drone surveillance of Gaza and other Palestinian areas. These actions provoke backlash and subvert any prospects for a two-state solution.
6. The *borders* have become less clear. The Government of Israel has not made an official declaration of its borders. Israeli construction of a fortified wall primarily on West Bank territory follows a path in defiance of a decision by the International Court of Justice. Area C, 60% of the West Bank, designated in the Oslo accords either to be part of a future Palestinian state or to be territory that the Palestinians could exchange with Israel in a final settlement, is now shown on maps from the Israeli Ministry of Tourism as indistinguishable from the internationally recognized territory of Israel. The parcels of the West Bank under Palestinian control are fragmented from each other and cut off from Jerusalem, Jordan, and the rest of the world with whom they need to trade and communicate.
7. Israeli authorities tightly limit the access of Palestinians to *water*, while assuring that their own citizens and the settlers have full access 24-7. Per capita use of water in 2014 was 183 liters per day in Israel, compared to 73 for Palestinians in the West Bank and a minimum of 100 recommended by the World Health Organization. Palestinians must have permission to drill or deepen wells, which is rarely granted. Many Palestinian towns get water only a few times a week, while nearby Israeli settlements enjoy swimming pools and watered lawns and gardens. Some of the incursions of the wall into West Bank territory seize control of aquifers there. Israeli wells along Gaza's border substantially deplete the safely drinkable water available there.
8. *Economic development* for Palestinians in the West Bank and Gaza suffers from Israeli restrictions that hinder exports of their products, imports of raw material, construction of economic infrastructure, transportation within the West Bank and with other economies, access to internet and other communications, and access to financial services. In Jerusalem and elsewhere, Palestinians cannot enforce contracts and property rights vis a vis settlers. A World Bank study showed that

removing such obvious restrictions would allow the West Bank GDP to expand by at least a third. Problems with governance and rule of law by Palestinian authorities also hinder development; reducing externally imposed constraints would increase the incentive and capacity of Palestinians to address their own problems. A Rand Corporation study argued that a two-state solution would benefit Israel as well as Palestine, partly by lessening security expenditures (although US aid covers a substantial share of this for Israel).<sup>xv</sup>

9. Problems in *Gaza* have always been the most severe, due to the economic and fiscal blockade and the periodic attacks by Israel. The most recent air and land attack in summer 2014 made the misery far worse. Over 2100 were killed in Gaza, including at least 521 children and 962 other civilians. Israeli losses were 71, reflecting their overwhelming military dominance. Around 500,000 households in Gaza became homeless and displaced, unemployment and food insecurity are high, and few households have piped water due to deliberate bombing and shelling of infrastructure. Hamas has arguably offered long-term truces to Israel in the past, but it also promotes an antagonistic ideology, which mirrors the extremist Israeli settler parties. The population of Gaza, 45% under 15 years of age, is being punished collectively, ostensibly for this ideology; such actions violate the international law prohibiting collective punishment. Among others, David Cameron, Prime Minister of Great Britain, has described Gaza as “an open-air prison or even concentration camp.”<sup>xvi</sup>

The study report accompanying this resolution describes these trends further, noting the growth of Israeli power and resources and the weakening of Palestinian economic capacity, institutions and culture, and even family life. It builds on our 2010 statement, *Breaking down the Walls*, and similarly draws upon resources from across civil society and religious traditions. The Palestinian Christian *Kairos* document (December 2009) was a key source for ecumenical guidance, with its call for nonviolent resistance based in faith, hope, and love. We are indebted to the many Jews, Muslims, and Christians who are similarly committed to nonviolence as they seek peace with justice in that land all three faiths consider holy.

While lack of progress on the Oslo agenda does not condemn diplomacy or peace talks, advocating for the “two-state solution” or any other particular political arrangement has often distracted people from on-going events and suffering. Affirming the “two-state” solution ideally means maintaining Israel as a demographically and democratically Jewish state along side, one hopes, a democratic and peaceful Palestine. Less attractive political possibilities abound, including two extremes in the one-state category: either a Jewish-dominated state that further oppresses the Palestinians, or a potential Arab/Muslim majority state that could conceivably subject Jewish Israelis to expulsion or subjugation. Rather than sort through the increasingly complex contingencies needed to reach any political solution, which has been attempted repeatedly by negotiators, this report focuses on how to support human rights and democratic values for Israelis and Palestinians in the present interim and as a contribution to a better long-term solution.

Israeli and Palestinian leaders and organizations need to take responsibility for protecting human rights and eventually reaching a just peace. Although both sides take outside funds, often from the United States, sometimes with strings attached, the Israelis and Palestinians are in no sense equal negotiating partners. We reject any false equivalence between the capacity of a prosperous nuclear-armed state and that of a poor, divided, and

occupied set of cantons. The Israeli government has conquered the West Bank, Gaza, and East Jerusalem and labels any resistance as “terrorism,” even though international law gives an occupied people the right to armed struggle to resist the occupier.<sup>xvii</sup> The path of the wall, the pattern of checkpoints and the matrix of military control divide and demoralize Palestinians, trapping them in unsustainable situations.

At the same time, decisions of the Palestinian Authority that discourage new leadership and its passivity in the face of Oslo violations weaken its capacity to negotiate on behalf others in prison, in exile, and under blockade. Leaders of Hamas face other challenges, some of their own making and some due to repeated Israeli military efforts to remove them since their victory in the free and fair elections of 2006, since which some have been imprisoned and others killed by rockets or drones. It is hard to think long term when massive inequality in wealth and weaponry would make any political leader’s work seem impossible, shrinking civil society under an occupation that looks more and more like annexation and slow-motion expulsion. Yet Israel is not solely to blame for limitations of Palestinian leadership and the presentation internationally of their claims—including those of the refugees. Despite the daily heroism and nonviolence of countless Palestinians, their political organizations have not maintained the unity needed for strength.<sup>xviii</sup>

We can no longer consider the US Government an impartial arbiter, as its diplomatic, financial, military, and intelligence assistance to the Israeli government vastly overshadows its assistance to the Palestinian Authority.<sup>xix</sup> The complicity of the Presbyterian Church (PC[USA]) and other US Christians in enabling the continued Israeli occupation derives from the overwhelming support from the United States to Israel, regardless of its policies. For example, in 2015 the Prime Minister of Israel openly opposed an international nuclear weapons agreement with Iran on the floor of the US Congress, without being challenged on Israel’s own refusal to sign the international nuclear non-proliferation agreement.<sup>xx</sup> US military and financial aid continued to Israel during its one-sided campaign against Hamas in Gaza, and Israel has repeatedly announced additional settlement construction in ways that undercut the peace process. PC (USA), with its own funds and member purchasing, has tried to curtail its support for the occupation and settlement, while making it clear that it is not divesting from or boycotting the internationally recognized Israel, within the “Green Line.” This accords with our economic support for nonviolent social change in other cases where politics met an impasse.

In the past, our commitment to human rights and human dignity, to self-determination and equal justice, led PC(USA) to stand with those who saw a two state solution as having the most hope for a society to realize values. Repeating the mantra of “Two-State Solution” has kept US funding flowing to Israel but has failed to end the violence or lead to mutually accepted solutions. During its visit, the team learned that many of our Israeli and Palestinian partners and friends who previously embraced the two-state vision embodied in the Oslo Accords now have increasing doubts that it will come about in a manner consistent with these shared values. Solutions thinking is needed, but at this juncture, our calling as a Church and as Christians is to point to the longer term and larger frame. Families and communities throughout the region are fractured by cultures of militarism, extremism and xenophobia. Fear and despair pervade. The process coming out of Oslo, designed to be peaceful and temporary, has continued far beyond its envisioned conclusion and now is hardening into something that provokes interminable violence.

Without repudiating a long-term goal of two free states living in peace and prosperity, or losing hope that the United States can use its influence and considerable

funds in a proportionate and helpful way, the Presbyterian Church (U.S.A.) hopes to act with both integrity and effectiveness, seeking enforcement of international law and solidarity with civil society organizations to protect the individual and collective human rights of Palestinians. As stated by the General Assembly in 2010, “we do affirm the legitimacy of Israel as a state, but consider the continuing occupation of Palestine ... to be illegitimate, illegal under international law, and an enduring threat to peace in the region. Furthermore, we recognize that any support for that occupation weakens the moral standing of our nation internationally and our security.”<sup>xxi</sup>

## **II. Acting on Christian and Universal Values**

As a denomination with partners in both Israel and the occupied Palestinian territories, PCUSA has taken and should continue to take actions and positions in service to human dignity, self-determination, reconciliation across borders, equality before the law, and solidarity with those who suffer. Recognizing that the United States remains Israel’s staunchest ally despite the continuing occupation and annexation of Palestine and failures of peace processes, this report also supports the calls of prior Assemblies to make the billions in US military aid to Israel conditional on its advancing its democratic practices to include basic human and citizenship rights for the Palestinian Christians and Muslims under its effective control, and on equalizing the rights of Arabs or Palestinians considered citizens of Israel. The current course of further restriction and dispossession will continue to weaken Israel’s claims to share democratic values and will strain relationships in many communities, including between some Presbyterians and Jews, causing regrettable discomfort. Yet out of a much greater concern not to be silent in the face of the risk of increased violence, this General Assembly cannot normalize acceptance of the practices described in this report.

We commend adherents of all three Abrahamic faiths for their participation in frank and fair conversations in efforts to help prevent misunderstanding and mistrust among our communities in the US and in Israel-Palestine. PC(USA) appreciates the efforts of the US State Department and other diplomats of all nations who help raise the moral climate to reduce the frequency and severity of human rights violations and who present their governments with accurate information about the costs of further delaying a just peace. Similarly, the Assembly commends reporters and members of human rights and development groups whose work requires bravery and honesty in facing Israeli and other armed personnel and the possibility of jail or deportation.

Presbyterians and the Presbyterian Mission Agency have sought to work with other peacemaking organizations to counteract the culture of resentment and militarization that drives violent interactions between Israelis and Palestinians. PC(USA) has called on all parties to cease activities that worsen the prospects for a just peace, especially Israeli occupation and settlement construction in the West Bank and East Jerusalem and the construction of the separation wall on territory east of the internationally recognized borders of Israel. Our Office of Public Witness (OPW) in Washington DC and the Presbyterian Mission to the UN (PMUN) have urged Palestinian leaders, Hamas and the Palestinian Authority, to increase their coordination and cooperation, to encourage creative and nonviolent initiatives to end human rights violations against Palestinian opponents, and to find ways to maintain dignity and resist the violence of knives, guns, and rockets. The limited success of years of “words-only” efforts is part of what has led the church to move toward nonviolent economic pressure on the settlement enterprise and to work with civic organizations in the occupied Palestinian territories (OPT).



**Presbyterians support ecumenical and interfaith educational programs that bring Israeli and Palestinian children into contact with each other, such as Hand-in-Hand and Face-to-Face/Faith-to-Faith. Congregations need to educate themselves about all sides of the history of the conflict and about the structures of the Occupation that prevent free movement within the West Bank, East Jerusalem, and into and out of Gaza. During mission trips they should witness and experience the restrictions on movement faced by Palestinians.**

**PC(USA) supports international accompaniment programs of the ecumenical churches to observe and be protective witnesses to prevent violence against Palestinians in the occupied territories. The Ecumenical Accompaniment Program of the World Council of Churches, Christian Peacemaker Teams, and Interfaith Peacebuilders all provide significant protection against settler and military violence against Palestinians. PC(USA) has urged the police and courts of Israel and Palestine to provide equal protection under the law for all persons and their property in the West Bank and in Israel proper, without discrimination by ethnicity, nationality or religious affiliation.**

**PC(USA) has given strong support for a democratic Israel with secure and internationally agreed upon boundaries, living at peace with its neighbors and providing equal rights to all its citizens under one system of justice. Because Palestinians under occupation or exiled from their homes do not have such rights, however, PC(USA) has taken several actions regarding corporate engagement in Israel-Palestine. In 2006, the GA adopted a statement urging that “... financial investments of the Presbyterian Church (U.S.A.), as they pertain to Israel, Gaza, East Jerusalem, and the West Bank, be invested in only peaceful pursuits, and affirm that the customary corporate engagement process of the Committee on MRTI of our denomination is the proper vehicle for achieving this goal.”<sup>xxii</sup> The GA 2008 also called upon corporations doing business in Israel, Gaza, East Jerusalem and the West Bank “... to confine their business activity solely to peaceful pursuits, and refrain from allowing their products or services to support or facilitate violent acts by Israelis or Palestinians against innocent civilians, construction and maintenance of settlements or Israeli-only roads in East Jerusalem and the West Bank, the Israeli military occupation of Palestinian territory, and construction of the Separation Barrier as it extends beyond the 1967 “Green Line” into Palestinian territories.”<sup>xxiii</sup> GA 2012 recommended that members and congregations avoid buying goods manufactured in the illegal Israeli settlements and pursue “occupation-free” investment within Israel-Palestine. The Presbyterian Foundation and Board of Pensions, as recommended by GA 2014, refrain from investing in and profiting from three US firms that supply critical equipment for the illegal occupation of the West Bank and the destruction of Palestinian houses and agriculture.**

**The Middle East Liaison Office and other mission offices gather and share information on what is happening to Palestinians and Israelis of all faiths and participate in joint discussions among Christian, Jewish, and Muslim congregations and communities on human values and human rights. A study guide for this report will be available to read and discuss within our congregations and communities.**

**Recommendations:** To broaden the response of PC(USA) to the situation in Israel-Palestine, as it has evolved in ways described in the background paper, the General Assembly recommends:

**A. For the dignity of all persons, that:**

1. Appropriate agencies of the General Assembly and all Presbyterians urge the Israeli government, as a matter of policy and practice, to stop the collective punishment and isolation of broad sections of the Palestinian population— the blockade of Gaza, the demolition of Palestinian homes and the administrative detention, the torture<sup>xxiv</sup> and forced feeding of Palestinian detainees—and to restore the ID documents and citizenship status that have been stripped from Palestinians in East Jerusalem and elsewhere.
2. Appropriate Presbyterian agencies work with international ecumenical and interfaith bodies whenever possible to strengthen this witness and ensure that the voices of diverse Israeli and Palestinian groups are heard, even in times of disagreement, while encouraging others to understand the faith bases of our positions.

**B. For self-determination of peoples through democratic means, that:**

1. members, ministers, and agencies would be encouraged to provide vigorous support if the Government of Israel and representatives of the Palestinians ( Hamas and the Palestinian Authority, at present) come to an equitable agreement on a new political arrangement— possibly with two-sovereign states as envisioned at Oslo— advocating for it with the US government, at the UN, and in other public forums;
2. members, councils, and appropriate agencies of the Presbyterian Church (U.S.A.) urge the US Administration and Congress to support greater involvement and possible mediation by the United Nations agencies and Security Council, and not exercise our nation's Security Council veto over Palestinian efforts for statehood or standing in international courts and treaties, nor oppose investigations and possible censure or penalties for human rights or war violations committed by either Palestinian or Israeli entities.

**C. For building community through social, economic and political enterprises that increase capacity and support for reconciliation, that;**

1. the State of Israel, the Palestinian Authority, and other bodies publicize Israeli and Palestinian actions that contribute to peaceful coexistence and mutual respect, opening opportunities for equal education with unbiased curricula, sports participation, permits to travel, participate in shared work trips, etc.
2. Israel, as a member state of the United Nations, be requested (again) to permit the presence of UN peacekeepers on the borders of Gaza and Israel and at checkpoints, despite previous refusals to follow UN resolutions or permit access to UN investigators. UN observers could possibly help prevent Palestinian rocket attacks, kidnapping and knife attacks on Israelis, and UN observers could draw attention to the destruction of Palestinian homes and public buildings, and violence toward Palestinians (or Palestinian-looking persons) by Israelis.
3. Israel, the Palestinian Authority, and Hamas permit the Red Cross and Red Crescent to visit prisons in Israel-Palestine and be permitted by Israel to bring documented complaints to World Court in the case of violations.

**D. For equality under the law and reduction in the separation that fosters inequality, that:**

1. Even if Israel does not fulfill its obligation to end the practice of child detention (which goes against Israel's ratification of the 1989 Convention on the Rights of the Child), the General Assembly endorses the recommendations of the Military Court Watch organization at least to halt the human rights abuses of children by the military occupation in the West Bank: no night raids to arrest minors; every child to be told his or her legal rights in a language each understands; every child granted access to an attorney before interrogation; every child's parents present during interrogation; and every interrogation A/V recorded and made publically available.
2. the Assembly urges Congress to hold hearings into the use of US made and subsidized military and police equipment by the Government of Israel in carrying out policies that abuse human rights, violate Geneva Accords, or oppose American principles of religious liberty and non-discrimination;
3. in keeping with the initial intention of the United Nations that Jerusalem be an international city to honor and provide access to the holy places of three faiths, the General Assembly emphasizes the importance of having vital communities of all three faiths present. In practice, this means (i) *calling* on the Israeli government to be transparent and accountable in dealing with Muslim and Christian sacred sites, affording them the same protections as Jewish sites, allowing freedom of worship and all necessary permits for properly designated religious personnel, and allowing internationally authorized archeologists to review claims that affect traditional Muslim and Christian areas of living and worship (as World Heritage sites are reviewed); and (ii) *inviting* Christian, Jewish, and Muslim dialogue groups, congregations and communities, here and in Israel-Palestine, to discuss questions of religious liberty vis-a-vis those practices which highlight Jewish objects and customs in Jerusalem and other locations to the actual and potential detriment of other religious communities.

**E. For acknowledgment and confession of our complicity in the injustices in Israel-Palestine, that:**

1. the Presbyterian Foundation and Board of Pensions refrain from investments that support violence against Israelis or Palestinians, including finance and support for the economic activity and expansion of settlements outside of Israel's internationally recognized borders, in accord with previous General Assembly actions.
2. Appropriate agencies of the Assembly support measures by the Internal Revenue Service (or related units of the United States government) to investigate and possibly revoke the 501(c)(3) status for organizations, and tax deductions for individuals, that promote and finance the development or operation of Israeli settlements, which are illegal under international law and obstacles to peace.
3. The General Assembly affirms the traditional freedom of the Presbyterian Church (U.S.A.) and other religious, civic, and private organizations in the United States to determine their own practices of investment or divestment, boycott or selective purchasing, in advocacy for peace and human rights, and therefore opposes efforts in state legislatures and elsewhere to limit or punish these exercises of freedom and nonviolent solidarity.

**F. In solidarity with those who suffer, the General Assembly:**

1. encourages Presbyterians to read and reflect on documents like *Kairos-Palestine*<sup>xxv</sup> that come from our Palestinian brothers and sisters and to support programs like *Christ at the Checkpoint*.<sup>xxvi</sup>
2. directs OPW and PMUN to advocate with the US government for Israeli and Palestinian authorities to reduce trade barriers for US imports into and exports from

**Palestinian firms in the West Bank and Gaza. Agricultural and manufactured goods made in Palestine by Palestinians should be able to reach American markets with the same ease as goods made in Israel.**

- 3. supports US Government enforcement of laws requiring correct labeling of the place of production for imports to the US of goods from Israeli settlements and of laws sustaining the prohibition on Israeli participation in the US Visa Waiver Program until Israeli ceases to discriminate against US Passport holders of Palestinian origin. Provisions of trade acts that do not distinguish between Israel and the territories it occupies disregard human rights and international law.**

### **III. The Two-State Approach from a Values Perspective: A Brief Study**

#### **PRECIS:**

The repeated failure of the peace process in Israel-Palestine is also a failure of national and international politics to address the human rights of a people kept stateless by military occupation and exile. This report reviews the status of the “two-state” solution, but it does not engage in further political solutions-thinking, given the limited support for a Palestinian state by the United States and the international community in the face of Israeli government resistance. As a church based in the United States, we continue to believe that both Israel and the Middle East would be safer if Palestine were a free and viable state and not an arena for deep ethnic and religious hostility, a hostility that infects the profile of the United States and of Christianity in the region. The Presbyterian Church (U.S.A.) in this report assesses the situation through a lens of Reformed Christian moral values and commitment to integrity, witness, and solidarity with the Christian community in Palestine and worldwide.

This report is addressed to the ecumenical Christian community, Jewish and Muslim communities, and all persons of good will who refuse to accept the verdict of power politics that the cause of peace is lost. As that cause can no longer be kept waiting for an ideal political solution, two-state or otherwise, the church and non-governmental organizations must prepare to advocate for full Palestinian rights within the zone of Israeli sovereignty, whether temporary or permanent. Our goal is to witness for justice, peace, and equal rights for all persons living in Israel-Palestine. Our prayer is that violence and suffering do not increase in the absence of more democratic alternatives.

### III. The Two-State Approach from a Values Perspective

#### A. A Framework of Christian Values and Human Rights

##### 1. *Our Values*

We recognize that the Presbyterian Church (USA) is first of all a church, not merely an NGO comprised of religious people. As a Christian church, its primary allegiance is to Jesus Christ, who is its head and upon whose grace it always relies. Further, we recognize the Presbyterian Church (USA) stands in the Reformed tradition. As such, its vision is shaped by a particular set of theological claims: the sovereignty of God over all things; the centrality of Jesus Christ in understanding this sovereign God; the authority of Scripture as it bears witness to Jesus Christ; the ubiquity of sin to distort vision, damage relationships, and harm all parts of God's good world; the power of grace to overcome sin and make all things new; the wisdom within the long witness of the church's confessions. The Presbyterian Church (USA) expresses this vision through values that shape its actions in all contexts, including the context of this report.

Values form the theological heart of our report. The church advocates for upholding the downtrodden and oppressed, while working to enhance the dignity and well being of all people. These values form a universal message based in the belief that a sovereign God, made perfectly manifest in Jesus Christ as he is witnessed in Scriptures, cares for all people at all times. Many Christian values are relevant in a context as complex and contested as Israel-Palestine, but certain of our values deserve priority here:

- *The Dignity of All Persons.* The God who has created all human beings, male and female, in the divine image (Gen 1:27) and commanded us to love them (Mark 12:28-21) is the same God who invites us into his great mission of reconciliation (Matt 28:18-20). We begin to participate in that mission as we recognize that all persons carry the peculiar, unquantifiable, and indelible dignity that comes in human existence before God. All categories that divide persons must dissolve in the face of recognition of this dignity —no matter how functional or useless they are to us; no matter how benign or malignant they become for us; no matter how taught or innate they are. Regardless of our tendencies to choose sides, submit to tribal loyalties, or resist complexities in dealing with seemingly entrenched and intransigent conflicts, our first obligation is to honor the dignity of all persons with whom we are engaged, especially where that dignity is threatened, demeaned, or denied. The Christian mission of reconciliation will take us to difficult places; it will not allow us, however, to simplify those contexts, our neighbors, or ourselves, lest in doing so we lose sight of their dignity or surrender our own.
- *The Self-Determination of Peoples.* One way we affirm the dignity of all persons is to promote their rights to shape their own lives. Because there is "one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all" (Eph 4:4-5), nothing and no one other than God can claim the ultimate allegiance of any person. Because God has made all people only "a little lower than God, and crowned them with glory and honor" (Psalm 8:5), all people have a capacity to live

into their respective relationships with God unmediated by any other powers. Social, political, economic, and religious structures that help order societies and structure relationships are properly bound by these truths. Thus, self-determination is both a right that ultimately trumps whatever immediate and useful social good may come from denying that right and also a goal that should shape every social project in which the church participates. It is, in part, for this reason that God covenants with human beings (Gen 9:8-17; Gen 17:4-8) toward the ordering of their lives and welfare. As covenant people, we act most faithfully and stand on our surest footing when we promote every people's right to self-determination, because it is through this right that they take up their own responsibilities within God's covenanting work.

- *The Building Up of Community and Pursuit of Reconciliation.* The right to self-determination within the context of a covenant with God is properly ordered when it is directed towards the creation and growth of a community that can include all people. Because "in Christ, God was reconciling the world to himself, not counting their trespasses against them, and entrusting the message of reconciliation to us . . . we are ambassadors for Christ" (2 Cor 5:19-20). Obedient to a God whose reconciling power encompasses the world and empowered by a God whose obedience was most perfectly manifested in Jesus Christ, we can take up the roles of ambassadors and the work of reconciliation and community-building with the boldness of those who know that nothing "will be able to separate us from the love of God in Christ Jesus our Lord" (Rom 8:39). This boldness allows us to confront all pursuits of individual vainglory, selfish desires, and exclusionary power in love and with the goal of transforming, rather than taking sides in, adjudicating over, or fleeing from conflict.
- *The Rule of Law and Recognition of Equality Before Law.* Human communities are both constrained and enabled by laws. As many reformers remind us, one function of law is to restrain immoral and corrupting behavior: we need laws to maintain order. Proper rule of law also allows persons and communities to better pursue ways of holiness, as John Calvin reminded us; we benefit from laws because they improve possibilities for social engagement and, therein, reconciliation. God can work through law at local, regional, national, and international levels. "Great peace have those who love your law; nothing can make them stumble" (Ps 119:165)—and good human laws resound with the echoes of divine law. Good human laws treat those who come before them with equality. Indeed, our fundamental conception of justice recognizes that standards should apply impartially towards all, at local, national and international levels.
- *The Recognition of Complicity and the Need for Confession.* We need the law—and even more, we need grace through and before the law—because our own actions have never been immune from sin: "All have sinned and fall short of the glory of God," Paul reminds us (Rom 3:23). Rather than treating all people with dignity, we have sometimes used them for our own purposes. Rather than promoting their right to self-determination, our church and government have sometimes assumed the right to act on their behalf and without their consent. As a result, rather than building up

communities of reconciliation, we have shaped communities of exclusion. Rather than making impartial judgments, we have favored those closest to us, those loudest around us, and those whose perspectives best mesh with our own. When acting this way, we have exacerbated problems rather than resolved them. A fundamental step in participating in God's mission of reconciliation is to confess our complicity in systems and patterns of behavior that oppress and injure. Having recognized our past complicity, we must then act to amend it and to support those who have been oppressed and injured.

- *Solidarity with Those who Suffer.* Following the commandments and example of its Lord, the church is called to attend to, care for, and stand in solidarity with those who suffer. God's great self-revelations--at Sinai, to the prophets, in the incarnation--begin with "I have observed the misery of my people . . . Indeed, I know their sufferings, and I have come down to deliver them" (Exodus 3:7-8). And God has enabled and commanded the church to participate in that divine work as a central part of its ministry of reconciliation. So the church is called to both stand with and offer its resources to those who suffer. It stands with those who suffer in order to understand the conditions in which they find themselves, to recognize its own location in those conditions, and to see God at work there, transforming the world. It offers its resources to those who suffer as a demonstration of its commitment to the mission to which it has been charged and as a sign of its belief in the abundance of a God who is the giver of all good gifts, who desires human flourishing, who defeats even death, and who is bringing about the reconciliation of all things to himself (Colossians 1:20).

These values apply particularly in the context of Israel-Palestine. Arising from within the wisdom of the Reformed tradition and manifesting themselves within the polity of the Presbyterian Church (USA), these values also align with the language of human rights as elaborated below and in the United Nations' Universal Declaration of Human Rights. As Reformed theologian Nicholas Wolterstorff and others have shown, the concept of human rights arose partly out of Christian scriptures and developed through two thousand years of Christian thought; it now forms the basis for Christian understanding of justice.<sup>xxvii</sup> Box 1 explains that so-called *Christian Zionism* is not an appropriate response to denials of human rights for Jews and does not reflect Presbyterian or true Christian values.

***Box 1: Christian Zionism does not reflect Presbyterian Values***

Churches in the United States, including the Presbyterian Church (U.S.A.), relate to modern Israel-Palestine in a wide variety of complex ways, shaped by many historical, theological, moral, ecclesial, interreligious, economic, and political forces. Although these relationships do not all align with each other, most of them are broadly faithful expressions of the church's witness in the world. But not all.

A serious example of Christian complicity in the exacerbation of suffering in Israel-Palestine is the promotion of contemporary Christian Zionism—the idea that Christians should support the return of Jews to Israel in order to fulfill prophecy and initiate Jesus' return. During the Six-Days War of 1967, fundamentalist church leaders in

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the United States who had previously either neglected Jewish Zionist concerns and ideas or had been antipathetic towards Jews and Judaism, read Israel's victory as a sign of the coming of end times, even as they saw the Cold War as a war between forces of good and evil. Finding touch points with their own millennialist interpretations of history within right-shifting Israeli and U.S. political movements, these leaders promoted an apocalyptic vision of a foul world in which conspiring global forces both within the U.S. and internationally plotted against Israel and Bible-believers. In such a world, concerns about justice, equity, diplomacy, and reconciliation between peoples (especially between Christians and Muslims) were downplayed. Instead, they promoted their dualistic vision of the world, shaped by narratives of persecution and adversarial, polarizing political engagements and linked to American neo-conservatism.

Adopting a literalist approach to scripture and based on the notion that biblical references pertain to contemporary and impending events, authors like Hal Lindsey and Tim LaHaye and ministers like Jerry Falwell, Pat Robertson and John Hagee called on Christians to support Israel univocally, to encourage Jews from around the world to "return" to Israel, and to fund Israel's expansion to the Jordan River and beyond. Some even to pray for the rebuilding of the temple in Jerusalem and the re-institution of sacrifices there, so that the Antichrist could come to desecrate it and therein help bring about Jesus' return. Christian Zionists have poured hundreds of millions of dollars into support for such projects—including support of Israeli settlements in the Occupied Territories—ironically with the goal of helping to bring about the battle of Armageddon in which most Jewish people would be killed except for a remnant that Christ saves at his return.

While there are many faithful ways to support Israel and the Palestinians, the heretical belief that Jews must return to and control Greater Israel in order to inaugurate Jesus' return is not such a way. Based on flagrantly bad biblical exegesis and dangerously corrupt theology, Christian Zionism denies the complexity of a land in which the three Abrahamic faiths intersect, ignores the plight of hundreds of thousands of persons of all three faiths, and ultimately treats Jews as instruments that God would use and then, for the most part, discard. Along the way, it gives witness to a heartless and capricious God, rather than the Christian God of love and justice who "did not send His Son into the world to condemn the world, but in order that the world might be saved through him" (John 3:17).

American Christians who are concerned about the Holy Land must speak out against this heresy no matter where we find it, especially if found in our own theologies. When Christians insist that Jews must control Greater Israel in order to inaugurate Jesus' return, we must remind them that the gospel proclaims a God whose graceful actions precede and shape our response rather than a God who is constrained to respond to human actions (Romans 3-4). When Christians treat Jews (or anyone else) as a means towards achieving our own goals, we must remind them that Christians are called to love our neighbors as ourselves, not as instruments for our benefit (Mark 12:31). And when Christians claim that salvation depends on the control of a particular place by a particular people, we must remind them that Israel-Palestine, like all lands, do not belong to any single group of people, for "[t]he earth is the Lord's and all that is in it" (Ps 24:1).<sup>xxviii</sup>

To apply the values described above, the Presbyterian Church can promote human rights in the Middle East and work with other organizations that promote them.



Furthermore, merely restating our values and affirming the importance of human rights is not enough in situations so filled with suffering. We recommend, therefore, that the church operationalize the values it holds by working in partnership with organizations that share our values and applying them in the situations that deny the human dignity of people involved with the conflict. Doing so is part of our life of faith, and engaging in this way is an appropriate response to the needs faced, especially by the most vulnerable in the conflict.

Acting on the basis of our Christian values and in alignment with the concerns of human rights, we will work for justice and hope that such work can shape viable political processes and solutions. Previous preoccupation with particular political arrangements, we see now, has delayed the betterment of peoples' lives—Israeli as well as Palestinian—as the daily routines of the occupation degraded their human worth and dignity.

The church has spoken clearly on various issues that support the operationalization of values to the Israel-Palestinian conflict, such as in *Peacemaking: The Believers' Calling* (1980) and . It should continue to promote human rights in the Middle East and to work with those organizations that promote them, no matter whether those organizations are Israeli or Palestinian, Jewish or Christian or Muslim, centered in the Holy Lands or beyond.

## **2. Human Rights**

The Universal Declaration of Human Rights [UDHR], adopted by the United Nations General Assembly in 1948, asserts that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” The U. N. General Assembly calls upon “every individual and every organ of society” to promote respect for the rights enumerated in the Universal Declaration’s thirty articles.<sup>xxix</sup>

Living its values, the Presbyterian Church (U.S.A.) has answered this call by faithfully proclaiming the inherent dignity of all people and affirming that equal human rights are essential to achieve just and lasting peace. The 221<sup>st</sup> General Assembly (2014) called for the establishment and protection of equal rights for all people in Israel-Palestine. The Assembly action enumerates key areas where rights have been routinely denied to Palestinians, including the right to equal protection under the law, the right to freedom of movement and worship, the right to protection of property, and the right to unhindered opportunity for economic development. The rights of children are lifted up for special care.<sup>xxx</sup>

All Israelis and Palestinians are entitled to full and equal human rights. The UDHR makes clear that “Everyone is entitled to all the rights and freedoms” which it sets forth, “without distinction of any kind,” and expressly states that “no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”. The Declaration makes no exceptions or exemptions for reasons of national security, regional stability, or geopolitical advantage.

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations in 1966 and submitted to member states for ratification, transformed the provisions of the UDHR into binding international law.<sup>xxxii</sup> Both treaties set forth in their first articles a collective right to self-determination, by virtue of which a people have the right to “freely determine their political status and freely pursue their economic, social and cultural development.”<sup>xxxiii</sup> The emphasis on the right to self-determination in 1966 reflected the colonial past of newly independent member states, and their lived experience that human dignity and fundamental freedoms cannot flourish unless a people have the right to choose the sovereignty under which they shall live.<sup>xxxiii</sup>

Many other aspects of international law have a central role in the analysis and recommendations of this report. Annex A summarizes some salient points.

## **B. Facts on the Ground**

All persons need to become better educated about the complexities of history, land, economics, and politics of the situation in Palestine, because disagreements about the facts on the ground and ignorance of those facts are used to promote political ends that cause or exacerbate suffering. This section offers a primer on these topics, with references for further study. The complexities neither relieve us from the responsibilities of engaging in Israel-Palestine nor justify delaying the pursuit of our responsibilities. Part A of this section provides basic information about how the parts the Israeli-Palestinian territory differ in their legal and practical status. Part B describes what has happened since the Oslo Accords in 1993, particularly concerning the “permanent status issues” identified at Oslo.

### ***1. The Categories of Territories.***

The region commonly known as Israel-Palestine comprises several sub-territories, over which the State of Israel, the Palestine Authority, and Hamas have claims (often competing) and within which the State of Israel controls most of the functions of a state:

**-State of Israel:** The pre-1967 territory of the State of Israel has borders recognized internationally and by the Palestinian Authority. Israel itself, however, has not stated its official borders, and on maps issued by the government (Ministry of Tourism) the implied borders have expanded over the years, now including almost all of the West Bank, in Area C, discussed below.

**-Jerusalem:** West Jerusalem was internationally recognized before 1967 as being under Israel’s control but accessible by all religious groups. East Jerusalem, east of the Green Line established after the 1948 War, was under Jordanian control before 1967 and accessible by all religious groups. After the 1967 War, the Israeli government claimed all Jerusalem as part of the State of Israel and as its capitol, but they did not give its non-Jewish residents citizenship or national voting rights. Israel has established *de facto*

control of all of Jerusalem, extending its border eastward into the West Bank area.<sup>xxxiv</sup> Palestinians, who see East Jerusalem as the capitol of their future state, have not recognized this. According to international law, East Jerusalem is part of the West Bank, but this report often discusses it separately because it has been separated from the West Bank de facto and receives different treatment under the Israeli occupation. Approximately 300,000 Israelis currently live in settlements in East Jerusalem.<sup>xxxv</sup>

**-West Bank:** The West Bank, which is comprised of territory west of the Jordan River and encompassed by the Green Line as established in 1949, was conquered by Israel in the 1967 War. Part of the West Bank has been annexed by Israel as its own land; the Interim Agreements at 1993 Oslo conference divided the West Bank into three areas, A, B, and C. This division was originally intended to last only five years or less, until a Palestinian Authority could take control of the whole West Bank.<sup>xxxvi</sup> In fact, the division has become more entrenched.

**-Areas A and B** consist of a number of non-contiguous pieces of land scattered throughout the West Bank and containing major Palestinian cities such as Ramallah, Jericho, and Hebron, as well as numerous villages. The “Interim Agreements” from Oslo granted control of civil and security functions in Area A to the Palestinian Authority. In Area B, the Palestinian Authority was to control civil functions and to share the security functions with the Government of Israel. Area A consists of approximately 18% of the total land within the West Bank (excluding East Jerusalem), and Area B consists of another 22%, much of it rural. There are no Israeli settlements in Areas A or B. Israeli citizens are forbidden from travelling in Area A, and it is very difficult for Palestinians to travel from one section of Area A to another. Despite the nominal functions of the Palestinian Authority in Areas A and B, the Israeli Government decides and often changes its decision about how much authority the Palestinians actually have. The Israeli Army comes in to Areas A and B when it decides to arrest people or destroy wells and other infrastructure.

**-Area C** is about 60 percent of the West Bank and is totally controlled by Israel. The Oslo Accord intended for Area C to be gradually transferred to Palestinian control. It is a contiguous area and now includes some roads and infrastructure accessible only to Jewish Israeli citizens. Today, more than 350,000 Jewish settlers live in about 250 settlements and outposts in Area C, and these communities continue to grow. Maps from the Israeli Ministry of Tourism show no distinction or line between Area C and the internationally recognized of Israel.<sup>xxxvii</sup>

**-Gaza:** The Gaza Strip, situated along the coast of the Mediterranean Sea just north of Egypt, is roughly five miles wide and twenty-five miles long and it is separated from the West Bank by the territory of Israel. It was occupied by Israel in 1967, following which more than a dozen Jewish settlements were established. In 2005 the Israeli government unilaterally closed these settlements and evacuated its troops. Israel has continued to make frequent military incursions into Gaza for various reasons.<sup>xxxviii</sup> Israel also controls Gaza’s airspace, electromagnetic sphere, population registry, movement to the West Bank as well as all movement of persons and import/exports for

three of Gaza's borders (Egypt controls the other), which in many ways continues the occupation. When the Hamas party took over in Gaza after winning the Palestinian elections—with majorities in both Gaza and the West Bank— Israel tightened its border controls and cut off most of Gaza's fiscal revenue. Since 2007 Israel has also implemented a siege against Gaza, causing lack of food security among much of the population, high unemployment rates, limited possibilities for earning a living in agriculture, fishing and industry, and harm to the entire fabric of life.

**INSERT** *Figure 1:* Maps showing the evolution of Palestine and Israel 1949 to date. --

To summarize the current pattern of political authority, we can identify the key functions of a state and then ask which entities do those functions now.

Key functions of a state include:

- Maintaining public order by exercising a monopoly on the legitimate use of force—e.g., military and police.<sup>xxxix</sup>
- Controlling the borders and trade across them.
- Controlling the rights to use land, water and minerals<sup>xl</sup>
- Regulating the establishment, legitimacy and function of organizations, including religious, business, and political parties.<sup>xli</sup>
- Developing and enforcing monetary and banking policy (e.g., defining legal tender, controlling the supply of money (and credit), setting rules for foreign exchange transactions, controlling the issue of bank charters and regulating the chartered banks)

**Table 1: Exercise of authority in areas of Israel-Palestine**

	Control of military	Control of police	Control of borders and trade	Control of rights to land, water and minerals	Regulate organizations	Monetary Policy
Israel (1967)	GOI	GOI	GOI	GOI	GOI	GOI
West Bank A	GOI	PA	GOI [PA]	GOI, PA?	GOI, PA	GOI
West Bank B	GOI	PA, GOI	GOI [PA]	GOI	GOI [PA]	GOI
West Bank C	GOI	GOI	GOI	GOI	GOI	GOI
Gaza	Hamas, with GOI incursions	Hamas	GOI/ Egypt [Hamas]	Hamas, GOI	Hamas	GOI
Jerusalem	GOI	GOI	GOI	GOI	GOI	GOI

GOI = Government of Israel

PA = Palestinian Authority

[ ] entity in brackets has some authority on paper, but the preceding entity sets more binding constraints, making the paper authority moot.

Palestinian loss of land - 1946 to Present

Palestinian and Jewish land 1946



UN Partition plan 1947



1949 - 1967



Now



Table 1 shows that, with the partial exception of Gaza, the Israeli Government is the *de facto* state authority in almost all respects throughout the Israeli-Palestine territory. In other words, there is effectively almost a one-state situation now, although no one considers this status quo as a solution. Box 2 discusses some common misperceptions about the Israeli-Palestinian conflict.

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## **Box 2: Common misperceptions about the Israeli-Palestinian conflict**

Many misconceptions distort the discussions of the Israeli-Palestinian conflict. Some examples include:

### **Palestine before 1948 was a land without a people for a people without a land.**

Palestine was a predominantly Arab and Islamic country by the end of the seventh century, and in 1516, it became a province of the Ottoman Empire. Following the steady arrival of Jewish colonists after 1882, by 1946 around 600,000 Jews were living in Palestine, with over 1,300,000 Muslims and Christians.<sup>xlii</sup>

### **“God promised the Land of Israel to the Jewish people.”**

The Israel envisioned in the Old Testament and modern Israel are not the same. They are shaped by different political systems, comprised of different people, contain different religious groups, have different histories, and play different roles in their larger geopolitical contexts. As Walter Brueggemann writes, “It is simply not credible to make any direct appeal from the ancient promises of land to the state of Israel. That is so for two reasons. First, much has happened between text and contemporary political practice that resists such innocent simplicity. Second, because the state of Israel, perhaps of necessity, has opted to be a military power engaged in power politics among with the other nation-states of the world, it cannot at the same time appeal to an old faith tradition.”<sup>xliii</sup>

### **“There has to be a Jewish state, where Jews can find refuge.”**

Israel’s declaration of independence states that the country ‘will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture, it will safeguard the Holy places of all religions, and it will be faithful to the principles of the charter of the United Nations.’ Insuring political and social rights for all religions includes the Jews and provides them refuge; it does not require that Jews become a privileged caste.

### **“Israel is the only democracy in the Middle East.”**

Democracies exist along a continuum defined by questions about who is allowed to vote, the freedom and choice that persons have in voting, the range of persons who can hold office, the power of citizens to shape governance, and the basic governmental structures and documents that ensure such matters. Nor does the existence of a democracy guarantee rights for all citizens. Israel, for instance, may be a democracy but it lacks a formal constitution, and Palestinian citizens in Israel are restricted from owning land and from many government benefits. Measures enacted since 2009 undermine the ability of Arab citizens of Israel and their parliamentary representatives to participate in the political life of the country; they criminalize political expression or acts that question the alleged Jewish or Zionist nature of the state. Palestinian residents of Jerusalem, West Bank, Gaza—ruled to varying degrees by Israel—have no voting rights in Israel. Palestinians in the West Bank (except in East Jerusalem) and Gaza vote in competitive multiparty elections, although the U.S., Israel and the PA have kept Hamas, the winner of the only Palestinian-wide

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election, from taking power except in Gaza. Other Middle East countries—Jordan, Lebanon and Turkey—also have democracies with contested elections that effect on policy outcomes; like Israel, their democracies also have limits.

### **“All the Arabs want to throw the Jews into the sea.”**

The Arab Peace Initiative, first introduced at the Beirut summit in 2002 by Crown Prince Abdullah of Saudi Arabia, proposed ending the Arab-Israeli conflict (i.e., normalizing relationships between Israel and all Arab states in the region) in exchange for a complete Israeli withdrawal from East Jerusalem and the occupied territories and a “just settlement” of the Palestinian refugee crisis based on UN Resolution 194. The initiative has been re-adopted by the Arab League on several occasions. Although a number of Israeli officials responded positively to the initiative, it was described as a “non-starter” and rejected by the Israeli government. The Palestinian Authority supported the plan, and Mahmoud Abbas asked President Barak Obama to adopt it as part of his Middle East policy. The leadership of Hamas was divided, with most factions rejecting the plan.

### **“All the Israeli Jews want to drive the Palestinians out of the land between the Jordan River and the Sea.”**

Although a minority of Jews have expressed this goal or acted to realize it, polls show that most Israeli Jews would like to find a way to live in peace with the Palestinians and have expressed willingness to make compromises to achieve that. Some Israeli individuals and organizations—including some of those met by the study team—actively advocate for the rights and better treatment of Palestinians.

### **“Islamic extremism is driving Christians out of the Holy Land.”**

Palestinian Christians have lived continuously in the Holy Land since the first century AD. Today there are 13 locally developed Christian denominations in Jerusalem, as well as churches of European and American origin. Many Christians were driven from Palestine as Israel expanded after the wars of 1948 and 1967, and they continue to emigrate in increasing numbers. Today the Christian population of the occupied territories has shrunk to 60,000. Bethlehem, the birthplace of Jesus and home to the Church of the Nativity, is nearly enclosed by the separation wall and a system of barriers--dirt mounds, roadblocks, gates and checkpoints. Most of the Christian-owned land in Bethlehem and the adjacent villages has been confiscated for Israeli settlement expansion. According to *Haaretz* “most Christians cite Israeli occupation as the prime cause of emigration and the decline of their community.”<sup>xlii</sup> Israeli authorities often deny Christian clergy, nuns, and religious workers the permits necessary for residency, work, and access to holy sites in Jerusalem and the West Bank.<sup>xlii</sup> Israeli settler groups and extremists have waged an intensifying campaign of “price tag” attacks against churches as well as mosques; these acts of vandalism aim to exact a price for actions perceived to obstruct the settlement enterprise. Palestinian Christians with West Bank IDs do not have freedom of worship; they have difficulty getting permits to worship in Jerusalem at Easter and other holidays.

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## ***2. Developments since the Oslo Accords***

The Oslo Accords of 1993 advocated a two-state solution to the conflict in the territory of Israel-Palestine. United Nations Security Council Resolution 242 of 1967 and its land-for-peace approach were guiding understandings for the Oslo Accords, which both Israel and the PLO signed. The study team used these understandings as a gauge for assessing what has happened to the feasibility of a two-state solution since Oslo.

The Oslo Accords identified seven key problems—“permanent status issues”—that a peace settlement would need to address: 1) Jerusalem, 2) refugees, 3) settlements, 4) security arrangements, 5) borders, 6) relations and cooperation with neighboring countries and 7) other issues of common interest.<sup>xlvi</sup> This report does not discuss item 6, relations with neighboring countries. Among the “other issues of common interest”, the report focuses on those of Water and Economic Development in Palestine. Gaza is also an issue of common interest, although the study team was not allowed to visit there and gather first-hand information.

### *Jerusalem*

Compared with 1993, Jerusalem is farther than ever from being a shared capital of two states, as envisioned at Oslo. After 1967 Israel unilaterally applied its law in East Jerusalem and annexed it, initially de facto and later officially.<sup>xlvi</sup> Israel took away the Palestinian citizenship of those living in East Jerusalem and has made it difficult for them to get Israeli citizenship even if they apply for it.<sup>xlvi</sup> They have residency IDs, but these are conditional on making Jerusalem the center of their life and not leaving the area for too long. Israeli authorities check their homes, even at night sometimes, and use various pretexts to evict the residents and take over or destroy their homes and businesses. Residents need permits to make improvements or substantial repairs to their homes, but these are rarely granted; residents may lose their homes for making unlicensed repairs. Seizing of the property by Jewish settlers is also a problem. Israeli settlers receive preferential treatment and usually subsidies for building in East Jerusalem. Between 1967—the start of the Israeli military occupation of the West Bank—and the end of 2014, 14,481 Palestinians have lost Jerusalem residency.<sup>xlvi</sup> Between 2004 and 2015, 2,128 people, including 1,150 minors, were left homeless due to home demolitions in Jerusalem by Israeli authorities.<sup>1</sup>

Despite being stripped of their citizenship, the East Jerusalem residents pay full Israeli taxes to a regime that neglects to provide adequate infrastructure and services. Israel revoked the social benefits and health insurance of these families. They cannot vote in Israeli national elections, where decisions about Jerusalem are made. The Government of Israel dominates the city ever more tightly through restrictions that deter Palestinians from living in Jerusalem or using it as an economic hub with connections to the rest of the West Bank and Gaza. Israel maintains this control through a range of measures, including checkpoints, a permit system, residency restrictions for Palestinians, and the growth of surrounding settlements. The separation barrier and Israeli military checkpoints deny Palestinians freedom of movement between the West Bank and Jerusalem. Families are often separated when one parent has status for residency with the Israeli authorities and the other does not.

### *Refugees*

Palestinian refugees—about 8 million today—are no closer than in 1993 to being able to exercise their rights of return and compensation, as specified in international law.<sup>li</sup> Table 2 summarizes the statistics of a situation, which becomes more complex with each generation. Most refugees, including descendants, date from the time of the 1948 war.



More than five million Palestinian refugees are registered with the United Nations Relief and Works Agency (UNRWA). Most of them currently reside in Jordan, Lebanon, Syria, Gaza and the West Bank, including East Jerusalem.<sup>lii</sup> Palestinians refugees from the 1967 War are not registered with UNRWA. Some Palestinians were internally displaced around 1948 within what is now Israel and made Israeli citizens, but Israeli law has not allowed them to return to their homes and lands. Other Palestinians, some of whom were already refugees, have been internally displaced within the occupied Palestinian territory since 1967.<sup>liii</sup>

**Table 2: Palestinians, Refugees and Internally Displaced Persons (IDPs)**

Millions, as of end 2014

Total Palestinians	12.1		
Refugees		8.0	
From 1949			6.1
From 1967			1.1
From other conflicts			0.8
IDP in West Bank		0.34	
IDP within Israel		0.38	

Source: <http://www.unrwa.org/who-we-are>. Accessed 19 September 2015.

The parties involved have never reached agreement on any of the proposals for resolving the plight of Palestinian refugees, including compensation, repatriation to homes and lands in what is now Israel, and resettlement to third countries. All these options have been broached, but none has been adopted. Complicating the situation, the two United Nations agencies that support Palestinian refugees are overwhelmed and underfunded.<sup>liv</sup> Any durable peace agreement is likely to remain elusive as long as the historic claims and contemporary realities of Palestinian refugees remain unaddressed.

### *Settlements*

Since 1967 Israelis have created numerous settlements in the Occupied Palestinian Territories (the West Bank, East Jerusalem, and Gaza) with 547,000 settlers as of the end of 2013.<sup>lv</sup> Israeli settlements are illegal under international humanitarian law (the Fourth Geneva Convention, article 49), which prohibits occupying powers from colonizing, exploiting natural resources or building infrastructure for their own use. There is a good reason for this prohibition, as the settlements endanger the lives of civilian populations, both the occupied and those settling in occupied territory. Many observers, including the study team and some Israeli officials, see the settlements as precluding the creation of a viable Palestinian state in what are now the OPT. The locations of the settlements and their infrastructure—highways, checkpoints, and the separation wall—thwart travel between Palestinian population centers in different parcels of Area A, described above.

For instance, the Tent of Nations farm, owned by a Christian Palestinian family whose deed to the hilltop tract of land goes back over a century, has been surrounded by five settlements. It has been fighting in the courts for 12 years against the efforts of the

Israeli settlers and military to drive them off their land. In 2014 the Israeli military destroyed about 1500 their fruit trees, in violation of an Israeli court order.<sup>lvi</sup>

The Palestinian resentment of the settlements' encroachment, appropriation of the local resources, attacks on the native population, and special status in the Israeli legal system has prompted acts of resistance and violence that, in turn, are used to justify many harsh aspects of the security regime imposed by the occupying Israeli military. The Israeli military presence to protect the settlements has, in turn, caused significant human suffering and insecurity for the Palestinians in the OPT.

### *Security*

Between January 2014 and August 2015, 90 Israelis were killed by Palestinian actions. In that time, Israeli forces killed 2,334 Palestinians in the West Bank and Gaza. While the study team was in Israel-Palestine, 16-25 August of 2015, violence continued:

- Clashes with Israeli forces in the West Bank injured 54 Palestinians, including eight children and two women;

- Israeli settlers made five attacks, including one that stoned and injured a six-year old Palestinian girl;

- Four incidents of stone throwing by Palestinians at Israeli-licensed cars in the West Bank injured six Israeli settlers, including a two-year old child;

- Israeli authorities demolished 42 Palestinian-owned structures in Area C and East Jerusalem for lack of Israeli-issued building permits, leaving 54 persons displaced, including 33 children.

- In Gaza, two children were injured when they encountered unexploded ordnance from Israeli missiles.<sup>lvii</sup>

Israeli control and security measures have intensified since 1993, at the expense of Palestinian security. The Israeli government regulates the movement of goods and people both within the Occupied Territories and between them and Israel. The Israeli separation barrier, checkpoints, the permit system, detention without trial, military courts, and prisons seriously jeopardize the potential for creating a second viable state alongside Israel. Palestinians live under several legal systems, including: Israeli military law in Area C; Israeli military and Palestinian Authority (PA) law in Area B; and PA law in Area A. Even in area A, nonetheless, Israeli military claims the authority to give orders and makes raids and arrests. Palestinians in Areas B and C and in East Jerusalem face the threat of home demolitions for building without permits, as well as detention without trial by Israeli military forces. Most of this happens near the settlements, which are the epicenter for human rights abuses. Since 1967, the Israeli military has arrested over 800,000 Palestinians, about 20% of the population, with devastating effects on the fabric of family life.<sup>lviii</sup> The military courts routinely flout international human rights law, neglecting to explain rights or state charges in a detainee's own language, dispensing with any presumption of innocence, turning a blind eye to torture (such as forced feeding), and violating the prohibition on unlimited detention. These tactics lead to conviction rates around 99%, mostly by coerced confessions.<sup>lix</sup> Israeli settlers, living illegally by international law in the West Bank and East Jerusalem, do not face the same

impediments to movement as Palestinians. They live under Israeli civil law, not military rule, and thus are not subject to military detentions.

Israelis also suffer from lack of security, due to threats and activities by Palestinian groups and individuals, including dozens of suicide attacks with bombs on buses and in markets in the second intifada and recently attacks with knives. Hamas has launched over 8000 rockets from Gaza into Israel since 2005, resulting in dozens of Israelis killed and perhaps thousands injured. Many Israelis living near Gaza have reported symptoms of PTSD.

In sum, neither side is totally secure, although the Palestinians suffer more from the lack of security.

### *Borders*

The effective borders between Palestinian and Israeli areas are largely unofficial and incompatible with a two-state solution. Israel built 85% of the separation wall on the Palestinian side of the Green Line, the internationally recognized border that defined the extent of Israel and those areas controlled by Jordan (the West Bank and East Jerusalem) and Egypt (Gaza) after the 1948 War.<sup>lx</sup> In the Six-day War of 1967, Israel invaded and occupied the West Bank, Gaza and the Golan Heights. Subsequently, UN resolution 242 of 1967 stipulated that Israel has to withdraw from the lands it occupied in the 1967 war; Resolution 338 reaffirmed this in 1973. Nonetheless, land seizure, settlement expansion, building the separation wall, restrictions on land use by Palestinians, and the demarcation of land into three areas in the West Bank have continued, decimating the territory that Palestinians can use. Land that many believe would comprise a Palestinian state (i.e., all of the West Bank and East Jerusalem) is not available now, due to Israeli building and control. Most observers believe that a viable Palestinian state would need to have mostly contiguous territory and reach to Jordan, with control of that border. Neither the facts-on-the-ground found by the study team nor the statements of top Israeli officials give any reason to believe that this reality of land use will become fairer for Palestinians in the foreseeable future.

The Israeli-controlled separation barrier and the many Israeli military checkpoints within the West Bank inhibit or wholly prevent Palestinians from moving between work and home, visiting friends and family, traveling between the various areas controlled by the Palestinian Authority, and visiting East Jerusalem and the holy sites of the Old City. While Palestinians can move within Gaza, they are almost entirely trapped there. And East Jerusalem residents who are Palestinian face forced eviction by settler seizure of land and property and due to insecure residency status.<sup>lxi</sup>

Besides the problem of the border's location, the Israeli authorities' harsh treatment of Palestinians at checkpoints on the border, and within the OPT worsens, living conditions and exacerbates the conflict. Long waiting times and unpredictable closures not only impair the chances for Palestinians to have gainful employment, they also disrupt the Palestinians' access to education, health care and other social services.

An average of 10% of pregnant Palestinian women were delayed at checkpoints every year from 2000 to 2007, while travelling to give birth in hospital. These delays resulted in 69 births at the checkpoints, leading to 35 infant and five maternal deaths.<sup>lxii</sup>

As Americans witness the debates on the immigration issue in the United States, we should remember that the Palestinians are not immigrants. They and their ancestors have lived on that land for centuries and generations, except when Israeli measures forced them to move. Since the 1967 war and change of the borders, however, the Israeli authorities have reduced and sometimes eliminated Palestinians' legal status, even though they did not move across any border, illegally or otherwise. On the other hand, priority status and financial incentives have gone to Israeli settlers, who *are* illegal immigrants according to international law.

### *Water*

Israel controls almost all water resources, above and below ground, and allocates it to favor its own citizens and to the detriment of Palestinians in the West Bank and Gaza. The separation barrier acts as a “water wall”, which Israel moved east of the Green Line to seize important water sources in the West Bank, where Israel now controls 85 percent of aquifers.<sup>lxiii</sup> The significant disparity in water access and allocation between Palestinians and Israelis has corresponding impact on public health and economic development. As the responsible power under the Fourth Geneva Conventions of 1949,<sup>lxiv</sup> the Israeli military is supposed to ensure water access for all people under its control. Almost all Israeli settlers have uninterrupted access to water, which is used for swimming pools and landscaping, as well as for human consumption. Palestinians have 637 communities in the West Bank, and 281 are not served at all with water. Of the 356 served, 60% are only mostly served and 40% partly served. Palestinian populations, often residing near the settlements, typically get water only a few hours a week at unpredictable times. Palestinians are usually denied permission to drill wells or improve the ones they have (which is necessary as the water table recedes), in order to reserve the groundwater for Israelis. Most Palestinian homes in the West Bank have several tanks on the roof to store water, filling them when water is turned on and hoping it lasts. When the IDF raids a village or refugee camp, the first shots are typically at the rooftop water tanks—easy targets—so the Palestinians will worry about how to have water the rest of the week, instead of organizing resistance to the invasion. In contrast, the study team could see from the road that homes in most Israeli settlements do not have the rooftop water tanks; they do not need them.

As of March 2014, water consumption in the West Bank and Israel differed dramatically. The World Health Organization recommends at least 100 liters of water per person per day.<sup>lxv</sup> In the West Bank, Palestinian average consumption was 73 liters per person per day (domestic, urban, industrial) whereas in Israel consumption was 183 liters per person per day. As of August 2014, nearly 1.2 million Palestinians in Gaza had no running water,<sup>lxvi</sup> and average daily per capita water consumption there was between 70-90 liters, much of which was essentially recycled sewage because Israeli wells around the periphery of Gaza had lowered the water table so far. Establishing a viable Palestinian state and economy will require dividing water rights equitably, allowing sufficient water for Palestinians' daily needs and economic development, including agricultural

production. Even in the current allocation of territorial authority, fairness requires much more equitable sharing of water resources.

### *Palestine economic development*

Economic development for Palestinians is a major topic of common interest as part of the Oslo process. Allowing people to develop their economic potential and pursue economic well-being—“the pursuit of happiness”, in our American Declaration of Independence—is an important human right. Palestinians under Israeli occupation cannot fully exercise it. Israel is a regional economic power and its citizens, primarily the Jewish ones, enjoy the benefits of a global economy. Palestinians are much poorer, and Israeli policies contribute substantially to making them that way. The economic opportunities and public services that the GOI provides to people under its control vary widely. The government provides generous public and social services to Jewish Israelis, especially those settling in the occupied Palestinian territories. Within Israel, non-Jewish citizens get some services and opportunities, but fewer than their Jewish compatriots.<sup>lxvii</sup> Also, incomes and standards of living are much lower in the occupied territories are much lower than in Israel.<sup>lxviii</sup> Palestinians living in the occupied territories get essentially no services from the occupying government, even though international law requires that the occupying power provide such services. The Israeli government also actively blocks the Palestinians in the West Bank and Gaza from many economic opportunities, as elaborated below. The Palestinian Authority, Hamas in Gaza, and the UN provide some social services to Palestinians with funds from taxes and donors, although the Israeli government periodically cuts off their access to these funds.

Allowing and helping the Palestinian economy to develop in the West Bank and Gaza was part of the Oslo understanding. Employment and economic progress would give Palestinians reasons to hope and work for peaceful coexistence with Israel. The Oslo peace process and the establishment of the PA initially ushered in rapid growth, driven by some return of the Palestinian Diaspora and large inflows of public and private capital. Yet those early hopes did not last:

Economic conditions in the West Bank and Gaza... deteriorated in the early 1990s. Real per capita GDP for the West Bank and Gaza Strip (WBGs) declined 36.1% between 1992 and 1996 owing to the combined effect of falling aggregate incomes and robust population growth. The downturn in economic activity was due to extensive corruption in the newly governing Palestinian Authority, and to Israeli closure policies in response to security incidents in Israel, which disrupted previously established labor and commodity market relationships. The most serious effect was the emergence of chronic unemployment. Average unemployment rates in the 1980s were generally under 5%; by the mid-1990s this level had risen to over 20%. After 1997, Israel's use of comprehensive closures decreased and new policies were implemented. In October 1999, Israel permitted the opening of a safe passage between the West Bank and the Gaza Strip in accordance with the 1995 Interim Agreement. These changes in the conduct of economic activity fueled a moderate economic recovery in 1998–99.<sup>lxix</sup>

The outbreak of the second Intifada in 2000 brought increased violence and uncertainty and the intensification by Israel of policies that impeded the movement of people and goods and fragmented the Palestinian territories into small enclaves lacking economic cohesion. In the ensuing recession, GDP contracted by an average of nine

percent per annum in 2000-2002. Subsequent Palestinian reforms, accompanied by large inflows of donor assistance and some easing of movement restrictions, allowed growth to resume between 2007 and 2011. Extraordinary levels of donor budget support will not likely continue, so sustaining growth will require further Palestinian reforms and the reversal of Israeli occupation policies that hinder growth.

Israeli occupation, control over natural resources, and restrictions on the movement of labor, imports and exports has severely constrained Palestinians' chances for economic development. In Gaza, the lack of inputs and lack of access to markets have resulted in a virtual shut-down of the private sector, which, in turn, has led to high levels of unemployment, underemployment and poverty.<sup>lxx</sup> Economic opportunity for Palestinians in the West Bank is also seriously constrained by Israeli policies, especially in Area C and East Jerusalem. This feeds the more radical wing of Palestinian politics.

Every morning, hours before dawn, around 30,000 Palestinian laborers make their way from the occupied West Bank, where they live, and enter Israel to try to get to their jobs. These workers, desperate to keep their jobs, arrive at the checkpoints hours early, sleeping on concrete on the Palestinian side of the checkpoint so that they make it through in time. Workers say they work in Israel for a variety of reasons, but most point to a lack of opportunity, high unemployment and low wages in the occupied West Bank.<sup>lxxi</sup> West Bank Palestinian workers in Israel make an average of around \$65 a day, more than double the average daily wage in the West Bank. Given the high demand for work permits, which are only granted to a fraction of applicants, workers have no job security, creating dangerously helpless situations for thousands. With the onslaught of recent violence, things have only gotten worse for the Palestinians trying to make a living for their families.<sup>lxxii</sup>

Israeli policies that seriously hinder Palestinian economic development include restrictions on freedom of movement, unequal and insufficient access to water, denial of permission for Palestinians to build on or improve their property, toleration of settler violence against Palestinians and their property (destroying houses and orchards<sup>lxxiii</sup>), failure to provide public services for the occupied population, restriction of electronic communications, and subsidies and encouragement for Israeli settlements to exploit resources east of the Green Line in Jerusalem and the West Bank. Such practices violate international law, which prohibit the occupying power from exploiting the resources of the occupied territory and require the occupying power to provide public services and protection to the local population.<sup>lxxiv</sup>

World Bank reports show evidence that alleviating today's restrictions on Palestinian activity and production in Area C would add about USD 3.4 billion to Palestinian GDP—or 35 percent of its 2011 GDP. See Annex B. About two-thirds of this would be direct benefits, mostly through opportunities for agricultural expansion and Dead Sea minerals exploitation<sup>lxxv</sup>, plus some from tourism, construction, telecommunications, mining and quarrying. The other third would be indirect benefits from the multiplier effects of the potential growth in the leading sectors.<sup>lxxvi</sup> Improving the capacity for Palestinian economic growth in Area C would not solve all the

Palestinian economic problems. But without the ability to conduct purposeful economic activity in Area C, the economic space of the West Bank will remain crowded and stunted and its inhabitants' daily interactions with the State of Israel will be extraordinarily inconvenient, expensive, and frustrating. Already the constraints make it impossible to sustain even the current standards of living without large donor inflows, which also have become unsustainable.

Similarly, a 2015 report from the International Labor Office concluded: The continuing occupation fundamentally affects the rights and well-being of Palestinian women and men, including through confiscation of land, forced displacement, a myriad of [sic] unpredictable and opaque access and movement restrictions and exposure to violence by Israeli security forces and settlers. Measures taken by the Israeli authorities in the Occupied Palestinian Territory have created separate and different realities that favour Israeli citizens over Palestinians, a situation that contradicts the principle of equality and non-discrimination.<sup>lxxvii</sup>

### *Gaza*

Understanding the Israel-Palestine situation requires considering the part in Gaza. The Gaza strip, 25 miles long and between 4 and 8 miles wide—141 square miles—is now home to more than 1.8 million Palestinians. More than two-thirds of its inhabitants are refugees, including descendants from the wars of 1948 and 1967. Most live in eight refugee camps that surround Gaza's cities and towns. Gaza's population has tripled in the past 30 years; most are under age 18.

Although Gaza has been relatively isolated from the Arab world for the last 50 years, it lies in the heart of the Middle East and has a long history. Throughout antiquity Gaza was a prosperous Mediterranean port, strategically located at the intersection of trading routes linking Egypt, Arabia and the eastern Mediterranean.<sup>lxxviii</sup> Religiously, Gaza is mostly Muslim today and less secular than the West Bank, with its traditional culture influenced by the proximity to Egypt. Approximately 1200 Palestinian Christians live in Gaza today. Most are Greek Orthodox, while some are Roman Catholic.<sup>lxxix</sup>

Gaza has been under Israeli military control since the Six-day War in 1967. Although the Israeli army withdrew from Gaza in 2005, along with several thousand Israeli settlers, the Israeli government still controls access to Gaza by land and sea and controls its airspace and airwaves. Israel controls the population registry and issuance of identification cards to Palestinians in Gaza.<sup>lxxx</sup> Israel controls almost all of Gaza's land border, and its navy blockades the side facing the Mediterranean Sea. Egypt controls the short land border on the southwest. The concrete walls and wire fences, which the Israelis built on Gaza's land, puts a third of its limited good farmland out of use. There are only two land crossing points: Most humanitarian supplies enter through the Erez crossing, controlled by Israel. Mostly pedestrians use the Rafah crossing, under Egyptian control.

Gaza's infrastructure has been crippled by repeated air strikes, a chronic shortage of fuel, and restrictions on the import of supplies, equipment and spare parts. Its electrical crisis dates back to June 2006 when its power plant was targeted by an Israeli missile. Subsequent airstrikes have destroyed fuel storage tanks. Gaza's power plant currently

operates at less than half capacity. Although Gaza also purchases electricity from Israel and Egypt it still experiences rolling blackouts of 12-16 hours per day, and there is insufficient fuel to operate water pumps, wells and sewage treatment facilities. Israel has sunk many wells around the border of Gaza, minimizing the amount of fresh groundwater that can reach the population there. Most Gaza households receive piped water for 8 hours or less only once every 2 to 4 days. More than 90 percent of Gaza's water supply is unsuitable for drinking.<sup>lxxxix</sup>

Following Israel's September 2005 withdrawal, the Palestinian Authority assumed administrative authority in the Gaza strip. In Parliamentary elections in January 2006, Hamas won a plurality of the total vote and a majority of seats. Hamas was popular in Gaza because it was perceived as being less corrupt than the Palestinian Authority and because of the health and social services it provided, including funding of schools, orphanages, clinics and hospitals.<sup>lxxxix</sup> When Hamas assumed power in February 2006, however, Israel, the United States and the European Union refused to recognize its right to govern, and direct aid to the Palestinian government was cut off. After six months of intermittent fighting Hamas wrested control of Gaza from Fatah in June 2007. Several internationally brokered attempts to create a unity government, combining Hamas with the Palestinian Authority (Fatah) in the West Bank, have failed. Hamas remains the sole government within Gaza.

Since then Gaza has been subject to a blockade by Israel. To mitigate the effect of the blockade, more than 1500 tunnels were dug between Gaza and Egypt, making possible a "tunnel economy" that peaked between 2007 and 2013 and averted a total collapse of the Palestinian economy. A wide range of goods restricted by Israel were imported through the tunnels, including fuel, construction materials, agricultural tools, seeds, pesticides, and spare parts, for non-military machinery as well as for weaponry. Most of the tunnels to Egypt were closed by mid- 2013.<sup>lxxxix</sup> During its 2014 incursion, the Israeli military sealed off the remaining tunnels to Egypt, plus a few to Israel, purportedly dug to enable assault teams to attack Israeli border posts.<sup>lxxxiv</sup>

Claiming unprovoked rocket attacks on Israel by Hamas and other militant groups, Israel has launched three attacks on Gaza between 2008 and 2014 (see Box 3). Today, nearly two years after Israel's last Gaza incursion, 100,000 Palestinians are still homeless, and 80% of its population depends on international aid. Much of the rubble from bombed homes and buildings has been cleared, but virtually no rebuilding has occurred. According to the Israeli organization Gisha, which monitors movement restrictions in Gaza, Israel restricts import of civilian goods that it defines as "dual use," which includes basic construction material. Although a mechanism exists for vetting the import of materials for private use, what has been brought in is only a fraction of what is needed.<sup>lxxxv</sup> International donors are reluctant to commit larger sums to reconstruction if peace cannot be maintained between Hamas and Israel.

According to a May 2015 World Bank report, Gaza's unemployment rate is 43%, the highest in the world, and more than 60 % of Gaza's youth are unemployed. In recent months Hamas has tried to suppress assorted Salafi jihadists in Gaza, some of whom are



in touch with networks in Syria. These jihadists regard Hamas as infidels, because of its Palestinian nationalism and its willingness to negotiate with Israel over a cease-fire. If living conditions do not improve and hopes continue to fade among Gaza's youth, the lure of ISIS will inevitably grow, posing new and unpredictable dangers, not only for Gazans themselves, but for Israel, the region, and for the West's wider war on the Islamic State.<sup>lxxxvi</sup> Hamas and ISIS are bitter enemies for many reasons.

The United Nations Conference on Trade and Development concluded that that a Palestinian state cannot be economically viable without the reintegration of Gaza with the West Bank, including East Jerusalem. Gaza should be the seaport for a future Palestinian state, and if the Palestinian National Authority were permitted to develop natural gas in Gaza's offshore oil fields, this would generate revenue for the authority and allow power plants to operate in the West Bank and Gaza.<sup>lxxxvii</sup>

Twenty years ago Sara Roy, a Jewish scholar and daughter of a holocaust survivor wrote: "Gaza dispels the myriad myths and illusions consistently invoked to legitimize Jewish control and depicts the bleakness of a future in which that control is allowed to persist."<sup>lxxxviii</sup> Today the isolated fragments of Palestine in Area A, their borders in Area B controlled by Israel, and their enclosure by Area C and the settlements reveal this bleak scenario arriving in the 21<sup>st</sup> century for the West Bank as well as Gaza.

***Box 3: Israeli incursions into Gaza, 2008-14***<sup>lxxxix</sup>

Since it dismantled the settlements there in 2005, Israel has made three major incursions into Gaza, as well as numerous minor ones.

December 2008-January 2009: *Operation Cast Lead*

Israeli deaths: 8, including 3 civilians

Palestinian deaths: 1391, including an estimated 759 civilians, of whom 344 were children and 110 women

November 2012: *Operation Pillar of Defense*

Israeli deaths: 6, including 4 civilians

Palestinian deaths: 167, including 87 civilians of whom 30 were children

July-August 2014: *Operation Protective Edge*

Israeli deaths: 72, including 5 civilians

Palestinian deaths: 2256, including 1462 civilians, of whom 538 were children and 253 women.

The number of Palestinian children killed by Operation Protective Edge exceeds the total number of Israelis, civilians and soldiers killed by Palestinians in the last decade.<sup>xc</sup>

UNRWA Commissioner General reported: "On seven separate occasions, UNRWA schools that had been used as emergency shelters and whose exact positions we had provided to the Israeli army were either hit or struck nearby by Israeli shells or other munitions. ...This is all the more serious because UNRWA improved the system of

notification to the Israel army about the location of its emergency shelters after similar incidents during the 2008-2009 war.”

The military confrontation between Hamas forces in Gaza and the Israeli military is lopsided. Unguided projectiles from Gaza fired against Israeli towns did some damage and violate the Geneva conventions, as they are effectively targeting noncombatants. For instance, between 7 July and 26 August 2014, Palestinian armed groups in Gaza fired 4,881 rockets and 1,753 mortars towards Israel. On the other hand, Israeli forces have massive material superiority, with the economic resources of a high-income economy and the latest in weaponry, some of which the U.S. supplies. They also have nuclear arms, ready and waiting. In the 2014 conflict, IDF carried out more than 6,000 airstrikes in Gaza, many of which hit residential buildings. Israeli fighting forces received 5,000 tons of munitions and fired 14,500 tank shells and around 35,000 artillery shells. Damage to civilian property and persons in Gaza in 2014 were many times what Israelis suffered.

### ***3. Viability of the Two-State Solution***

The Oslo Accords pointed to a two-state arrangement as the way forward, and the Israeli Government and the Palestinian Authority signed on to this. At the time, it looked feasible that the Israeli and Palestinian leaders could implement such an agreement. Since then the United States, many other governments, the Presbyterian Church (U.S.A.) and many other organizations have endorsed the Two-State Solution, even though there was not full agreement on what this meant. The disagreement has widened since Oslo. Nonetheless, most stakeholders have been reluctant to end their formal agreement on the desirability of something called Two-State Solution.

In the meantime, developments on the ground, discussed above, have made it seem increasingly unlikely that the Israeli government and the Palestinian Authority/Hamas will agree in the foreseeable future on a two-state arrangement and a process to get there. Many of the additional barriers to the two-state solution stem from the expanding matrix of occupation in the West Bank and East Jerusalem: Israeli settlements, Israeli-only highways connecting them to one another and to the internationally recognized territory of Israel, and the separation wall. This matrix of occupation has exacerbated conflicts between Israelis and Palestinians and thus led to expansion of the security apparatus guarding the settlements and to increased harshness in the security procedures.<sup>xc1</sup> This in turn has further increased resentments and made more difficult the road to agreement on any political configuration, including that of two states. None of the parties considers the unstable, almost-one-state status quo as a solution.

*Breaking down the Walls* (2010) noted the declining Christian presence in the West Bank, Gaza, and East Jerusalem—the three areas identified as Palestine in the Oslo accords. While stating our commitment to equal rights for Palestinians and Israelis, a position underlined by the 2014 Assembly, we join Christians around the world in opposing policies that are on a path to end a vital Palestinian Christian presence in Israel-Palestine. Israeli policies discriminate against this already small minority, such as the rules stripping non-Jewish Jerusalemites of their residency permits if they marry persons from the West Bank or Gaza. Furthermore, the struggle goes beyond land and population.

Israeli Government measures to enhance exclusively Jewish religious and historical sites and to obscure or destroy Muslim and Christian sites has exacerbated conflicts and reduced the scope for compromises needed to reach a just peace. Other discriminating policies include hindering the exercise of Islam and Christianity on holy days, limiting the mission of historic Christians and Muslim institutions, using less Arabic in signage, and neglecting public infrastructure and services in non-Jewish areas.<sup>xcii</sup>

The Oslo Accords, initially intended to enable Israel and Palestine to maintain the security of their citizens in the face of threats by various state and non-state players, now inhibit the ability of either country to establish a just and secure state. As a result, Israel spends a high percentage of its GDP on its military, walls, checkpoints, and forces that occupy the West Bank and surround Gaza.<sup>xciii</sup> Neither Israelis nor Palestinians feel safe, as extremists on both sides play on people's fears, with counter-productive outcomes—less security for both Israelis and Palestinians.

The primary parties to the Oslo accord, the Israeli government and the Palestinian Authority, now seem to lack the political mandate in their own communities that could support the compromises necessary for a lasting peace agreement, with two states or otherwise. Recent Israeli governments have depended on coalitions with far-right parties, committed to expansion and control of all land between the Jordan River and the Mediterranean. Despite its importance in both the region and the international community, Israel's status and reputation in that international community has not improved and has become worse with some of its international partners. The Palestinian Authority lost the election in 2006, but has stayed power in the West Bank because it and the Israeli authorities did not allow the elected Hamas party to take power there. In the last decade, the PA's popularity has declined even further, due to inefficiency, allegations of corruption, and its perceived weakness in the response to Israeli incursions. And an emaciated Palestinian Authority, even where it can maintain control over Area A, cannot defend Areas B and C, has no ability to inhibit the expansion of settlements in the West Bank, has little influence with Hamas in Gaza, and has no power in East Jerusalem.

Since Oslo, the various Peace Processes initiated or managed by the United States and by the Quartet of the US, Russia, the UN, and the European Union have all failed to make sustained progress or deal with the imbalances of power between Israelis and Palestinians. The ability of right-wing Israeli interest groups and money to exert undue influence on the US government and legislators has contributed to crippling US diplomatic efforts to act as a neutral mediator.

We Presbyterians cannot predict whether or when this dismal situation will transform to a paradigm shift and a breakthrough agreement on a political arrangement leading to a just peace. Box 4 shares a comparison with South Africa, which ends on a note of hope. We should not, however, keep our concerns for Christian values and human rights on hold while we wait and hope for such a breakthrough. We need to witness now for our values in the existing situation.

***Box 4: A perspective on Israel-Palestine through a South African lens***

## Israel-Palestine: For Human Values in the Absence of a Just Peace

Critics of Israeli policy in the occupied and annexed territories and in Gaza often draw comparisons with apartheid in South Africa. A closer look reveals some similarities and also some significant differences.

Many South Africans, including those who took part in the World Council of Churches' Ecumenical Accompaniment Program for Palestine and Israel, see striking parallels between the oppression that they experienced under apartheid and the realities faced by Palestinians today. Some, such as Archbishop Emeritus Desmond Tutu, have even argued that the situation for Palestinians is worse than it was for black South Africans. Others are reluctant to classify the policies of contemporary Israel as *apartheid*, because they see that term as uniquely bound up with South African history.<sup>xciv</sup>

The pockets of limited Palestinian control (Area A and Gaza) and even more limited control (Area B) remind one of the patchwork of South Africa's Bantustans in the 1970s and 1980s. South Africa tried to persuade the world (and itself) that hundreds of scattered, non-contiguous parcels of land—territory selected precisely because it was perceived to be of little strategic or economic value—could actually comprise one or more viable states. Israel, the Palestinian Authority and other participants in the Oslo Accords have similarly tried to sustain the narrative that a two-state solution could evolve out of the configuration of the pockets of increasingly constrained Palestinian autonomy.

Other similarities between present-day Israel-Palestine and South Africa under minority rule include forced removals and demolition of housing, huge inequalities in access to resources, the pervasive presence of security forces, and the palpable tension in daily life that perpetually threatens to boil over into violence. Both Israel and apartheid-era South Africa portrayed themselves as pro-Western bulwarks of democracy, strategically located in resource rich but politically volatile regions.

There are also key differences. While Israelis of Arab ancestry suffer discrimination in many respects—some enforced by law—Israel's legislation and jurisprudence is not as completely reliant upon and shaped by a system of racial classification. There is not, for example, an Israeli equivalent of South Africa's Separate Amenities Act, which, from 1953 to 1990, sanctioned the exclusion of people from public premises and services on the basis of race. The virtual segregation of Israeli buses shows, however, that administrative action can achieve a similar effect, even in the absence of legislation.

Another important difference is that Israel's economy does not depend on Palestinian labor to the same extent that the economy of white areas of apartheid South Africa relied upon the labor of other racial groups, particularly Africans. Labor history is a central strand of South Africa's liberation narrative for good reason: it was the black majority who kept the wheels of mining and industry turning, creating the wealth that the Nationalist government reserved for a small white minority. Black women as underpaid servants raised white children and maintained white households, in addition to their own. Apartheid aimed to control the non-white workforce and ensure its exploitability, not to drive it out or eliminate it altogether. The Israeli economy does not depend so heavily on Palestinian workers, so there is less incentive to seek mutual coexistence.

While the South African government's attempts to justify apartheid policies were increasingly discredited as morally bankrupt by the 1980s, the long and shameful history

## Israel-Palestine: For Human Values in the Absence of a Just Peace

of Jewish persecution, the horrors of the Shoah, and the persistence of anti-Semitism today have allowed Zionists to continue portray to the project of building a Jewish state as morally valid, without counting the cost to the Palestinian families being displaced.

In the end, the debate about whether or not Israeli policies and practice should be labeled “apartheid” should not distract us from the substantive issues at stake. The overriding moral from the history of South Africa’s liberation struggle is the central importance of recognizing the human dignity and letting all parties to the conflict feel that they have meaningful opportunities to shape a common future. Only when one ceases to label those with a different perspective as “other”, thereby devaluing or dismissing their views, can one begin a genuine search for accommodation and mutually acceptable options.

Faith communities are often best placed to champion this message—as they did in South Africa—because of the depth and richness of their moral teachings. The international ecumenical movement against apartheid was effective largely because it acted in solidarity with local churches that had deep roots in all of South Africa’s communities. In the Middle East, as in South Africa, the Church is called not to align itself behind one particular political “solution,” but rather to persist in lifting up God’s call for justice and dignity for all humanity. Often this implies that the Church must stand with the marginalized and those with less social, economic and political power, amplifying their voices and helping to level the playing field in the struggle for self-determination.

South Africa’s experience carries a message of hope. For decades, the struggle to dismantle apartheid and implement non-racial democracy seemed to make little progress in the face of a heavily-armed and intransigent state. Growing moral outrage prompted few political concessions, either from the apartheid state or from members of the international community who allowed perceived strategic or economic considerations to trump ethical concerns. But once that seemingly impenetrable façade began to crumble, it did so rapidly. In the space of a few months in 1993, public opinion amongst white South Africans underwent a sea change. People who had previously bought into the state’s portrayal of every African political leader—and particularly Nelson Mandela—as a dangerous terrorist, suddenly saw Mr. Mandela as a national treasure, a statesperson with integrity, humility and moral fortitude. Meanwhile, the African National Congress, which enjoyed by far the widest support in black communities, showed little inclination to use its enhanced bargaining position to wring new concessions from the faltering state, but instead adhered closely to its longstanding demands for non-racial democracy, human rights and equal protection under law. At the very moment when South Africa seemed to be on the verge of descending into renewed violence and even greater bloodshed, a yearning for peace and reconciliation prevailed, clearing the way for a negotiated settlement and a democratic transition that has lasted over two decades, despite ongoing challenges. The Church is uniquely qualified to identify and nurture the glimmers of hope in a hurting world, even in those situations that appear the most intractable.

### **C. Putting Values into Action by the Presbyterians and the Church**

What can we do, given the impasse for achieving a political settlement in Israel-Palestine? Should PC(USA) wait for other US religious groups to become concerned, and focus on interreligious dialogue? Should the church now shift the emphasis of its

attention to promoting its values—the dignity and worth of all persons and the welfare and protection of the most vulnerable—in whatever political situation may evolve? How can we act on our belief that God is moving in the world, bringing about reconciliation—even in contentious and divided places like Israel- Palestine—through the work of Jesus Christ and the power of the Holy Spirit? The church has, throughout its history, exercised greater influence in cultural spheres than in political ones; when we engage in shaping culture, we play to our strengths. How does the Spirit of Jesus lead us to engage the world in faithful, hopeful, and loving ways?

In response, we encourage the church to work with local mission partners and organizations pursuing reconciliation in Israel-Palestine and beyond. Where political structures in the Holy Lands seem intransigently antagonistic and consistently destructive, and where political remedies to the conflict seem beyond the power of any persons or groups to achieve, PC(USA) can work with such partners to shape cultures and change the facts on the ground. By doing so, it may help change those structures and bring new remedies into existence. Such an ecumenical approach meshes with the hopes and visions of a large share of its members and is less likely to get caught in the political crossfire that currently marks US conversations about Israel-Palestine. Most importantly, such an approach is consistent with the humble and hopeful way that our Lord and Savior, Jesus Christ brings salvation to the world.

The church can focus its witness and ministry in Israel-Palestine on five issues: security, water, economic wellbeing, freedom of movement, and children. These five issues are urgent, important to both Israelis and Palestinians, and in accord with statements the denomination has already made regarding the Holy Lands. They are, moreover, areas of strength in the denomination's world mission and issues for which we have or could find suitable mission partners. We can address them in concrete ways, with hopes for amelioration and solution. Wise and shared engagement on these five issues can change the facts on the ground by shaping cultures of engagement that can restructure political visions, processes, and actions towards more harmonious relationships in whatever political configuration the leaders in the region can agree on.

#### *A. Security*

Although a mainline American denomination like the PC(USA) cannot offer military security to either Israel or Palestine, it can take a stand against continued militarization of security and the resulting insecurity that militarization breeds. It can manage its resources to encourage a less militarized security system. The PC(USA) has already decided not to invest its funds in US firms that produce weapons, including those perhaps obtained by Palestinians and those sold to Israel for its occupation security operations. We already decided to stop investing in three companies engaged in non-peaceful activities, namely, maintaining and implementing the occupation of Palestinian territories, against which the church has taken an explicit stance. At the same time, the PC(USA) can work with partners in Israel-Palestine in programs that reduce the levels of fear and suspicion that stimulate calls for harsher forms of security and isolation. Many persons and organizations in Israel-Palestine are working to build relationships and trust

among Israelis and Palestinians, among them the Parents Circle Families Forum, Rabbis for Human Rights, Combatants for Peace, and Seeds of Peace. Working with such organizations that emphasize a holistic vision of security for all can help change the facts on the ground, and thus eventually change the facts at the checkpoints. Presbyterian efforts can work with partners in East Jerusalem and in other areas not yet completely divided in efforts build bridges, show methods of human security, and lessen the constant recourse to militarization and control.

### *B. Water*

Although Israelis and Palestinians should have equitable access to adequate and affordable water, as noted above, Israel limits access to water for many Palestinians, so that water consumption differs dramatically in Gaza, the West Bank and Israel, as detailed above. Presbyterians have a long and exemplary history of helping to bring clean water to those in need, through its programs like Living Waters for the World. We can bring the wisdom of this work to bear on water needs in the Holy Lands, joining with other individuals, states, and nonprofit groups who are working to support the equitable development of water resources and the distribution of that water. We encourage congregations to study reports by the World Bank and the United Nations Development Program and to work with organizations like ANERA, EcoPeace/Friends of the Earth Middle East, USAID, and indigenous organizations to provide sustainable and affordable clean water to those who need it most.

### *C. Economic Wellbeing*

Allowing Palestinians to develop their economic potential and increase employment would give reasons to hope and work for peaceful coexistence with Israel. Even in situations where no government has centralized control of all the organizations with violence capacity, developing profitable economic opportunities can give competing organizations substantial incentives to refrain from using violence, in order not to spoil their economic gains.<sup>xcv</sup>

To help reduce economic disparities in the region, Presbyterians in the United States can participate in many ways. We can become better informed about where the products we use come from and can advocate with the US government to enforce our own trade laws with respect to our economic relations with Israel, the West Bank, and Gaza, including accurately labeling countries of origin. Products made in the West Bank settlements should not carry “Made in Israel” labels, according to our laws, but they often do.<sup>xcvi</sup> Our Office of Public Witness in DC and Presbyterian Ministry to the UN in NY can encourage the United States to require that products from Israeli companies operating in Area C be labeled as such, in accord with U.S. law and to push the Israeli government and the Palestinian Authority to reduce trade barriers for exports and imports from the West Bank and Gaza. We can purchase agricultural and manufactured goods made in Palestine and produced by Palestinians, which should be able to reach American markets with the same ease as goods made in Israel. We can avoid buying goods manufactured in Israeli settlements as in the PCUSA resolutions of 2012<sup>xcvii</sup>. And we can, as we stated at

the 220th General Assembly in 2012, pursue positive investment in Palestine, working with organizations like Green Action and Olives of Peace or more directly through the Presbyterian Foundation, which has financed several projects with West Bank Palestinians.<sup>xcviii</sup>

#### *D. Freedom of Movement*

Palestinians and, to a much lesser extent Israeli citizens, face harmful restrictions in their ability to live, worship, work, and be with their family and friends in the Holy Lands. Palestinians are unable to travel freely between the West Bank, Gaza, and East Jerusalem or to live in either location as they choose. By contrast, Israeli settlers usually enjoy preferential treatment for building homes and businesses and for constructing, using, and maintaining roads built for their exclusive use. Israeli citizens are warned not to enter many parts of Palestine, particularly Areas A and B, regardless of their connections to persons and programs in those areas.

Congregations can educate themselves about the structures of the Occupation that prevent free movement within and between the West Bank, East Jerusalem, and Gaza. When planning trips to the Holy Lands, they should include attention not only to sites in Israel (the Mount of the Beatitudes, Caesarea Maritima, Nazareth, etc.) and in the Old City of Jerusalem, but also to Palestinian cities within the West Bank (Ramallah, Bethlehem, Jericho, Hebron) and to places like the Tent of Nations homestead. They should learn about how the citizens within these areas would travel between the sites that tourists visit so easily. Experience the checkpoints; get out of the tourist bus and go through a checkpoint on foot, like the Palestinians have to. Attend to signs that restrict movement, roadblocks, and earth mounds. Notice the location of the separation barrier and consider its impact on communities. Compare settler roads with Palestinian ones. Consider volunteering with the Ecumenical Accompaniment Program or Christian Peacemaker Teams.<sup>xcix</sup> Also consider how to support organizations like B'Tselem, Gisha, and Machsom Watch that are working to protect and support freedom of movement for all.

#### *E. Children*

The ongoing conflict between Israel and Palestine probably does its worst harm to children, Israeli as well as Arab. They live in a militarized world, are taught to distrust those who do not share their views or their nationality and are offered narratives that suggest that their own wellbeing must come at the expense of others. They are drawn into increasingly insular and militaristic communities, where they may become prey to extremist groups whose interests are not in their wellbeing but only in particular radical causes. Some are taught that killing the others is a solution.

Palestinian children as young as twelve face abuse and neglect at the hands of Israeli military courts, which routinely detain them for stone-throwing, associating with those who throw stones, being suspected of having thrown stones, or even without any specified crime allegation. Many suffer physical and psychological abuse while in



detention after being taken from their homes at night, and about half of those detained are taken to prisons in Israel rather than the West Bank, in violation of the Geneva Conventions. Under Israeli military law, Palestinian children do not have the right to have a parent present when questioned by police, whereas Israeli children have this right. Israeli children cannot be given a sentence that results in mandatory custody until age 14, whereas Palestinian children receive such sentences at age 12.<sup>c</sup> Educational opportunities are constrained by the lack of resources, the inability to move freely in the West Bank, and the limits of UNRWA to fund adequate education for Palestinian children.

The PC(USA) has a long history of working to alleviate the suffering of children at home and around the world. In the Holy Lands, working to alleviate the suffering of children could take at least three forms. First, the denomination should advocate for an end to the illegal military detention of Palestinian children in Israel and the unequal treatment of Palestinian and Israeli children. Its governing body and Office of Public Witness should lobby elected representatives in this regard and its members should, likewise, contact their individual representatives in this regard. It can partner with programs like Military Court Watch that monitor, report on, pursue more just strategies for dealing with detained children, and advocate for adherence to international law in this regard. The PC(USA) can endorse their recommendations to shield children from abuses:

- no night raids to arrest minors;
- every child to be told their legal rights in a language he understands;
- every child granted access to attorney before interrogation;
- every child's parents present during interrogation; and
- every interrogation is A/V recorded.

Second, the denomination should support educational programs that bring Israeli and Palestinian children into contact with each other, such as Hand-in-Hand and Face-to-Face/Faith-to-Faith. Although such programs alone may not suffice to overcome the antagonisms, misunderstandings, and moral blindness that pervade the Israeli-Palestinian conflicts, they surely help. Third, as peacemaking is the believer's calling, the denomination should work with organizations like Children of Peace to dismantle the culture of militarization that drives Palestinian youth to throw stones and attack settlers and that drives young Israelis, especially young settlers, to exacerbate the occupation as members of the IDF and sometimes to make deadly attacks on Palestinians.

Reflecting on the plight of the children and Jesus' admonition to "let them come unto me" (Matthew 19:14) reminds us to focus our attention and advocacy on the most vulnerable and oppressed. Jesus met with the rich and powerful—tax collectors, Pharisees, centurions—and his message to them was to care for the poor, the sick and the widows. The PC(USA) can follow His example: while the politicians debate the how to arrange boundaries, we can witness with our purchases and investments to end the actions and policies that are terrorizing the children and families of all faiths in Israel-Palestine. We can keep ourselves informed about what is happening with all those in the region and advocate changing policies to share more equitably the access to resources and opportunities—farmland, water, transport and international trade. We can allocate our purchases and investments to support fairer economic development, helping the

Palestinian economy to close the widening gaps with that of Israel. We can engage in relationships with mission partners and allies in Israel-Palestine.

***In whatever actions*** PC(USA) undertakes, we need to maintain an attitude of humility and awareness that Palestinians and Israelis are making their decisions under highly stressful situations. Our nation, the USA, by its actions and inactions has contributed to the difficulty of their situation, so we have no claim to moral superiority. Nonetheless, we must recognize the unpleasant facts of the situation and make our own determination of what we can do, resulting in the least harm and the most good. If some discussions result in awkward situations with our friends here and abroad, we may remember that some of the truth-telling in Jesus's ministry also pushed people out of their comfort zone.

## **Annex A: Principles of International Law in Israel-Palestine**

*Continuing Occupation and Obligations of the Occupying Power.* Belligerent occupation is governed by the Hague Regulations of 1907, as well as by the Fourth Geneva Convention of 1949, and the customary laws of belligerent occupation. UN Security Council Resolution 1322 (2000), paragraph 3: “Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in a Time of War of 12 August 1949...” The Security Council vote was 14 to 0, making it obligatory international law.

The Fourth Geneva Convention applies to the West Bank, to the Gaza Strip, and to the City of Jerusalem. The Palestinian people living in these occupied Palestinian territories are “protected persons” within the meaning of the Fourth Geneva Convention. All of their human rights are protected under international law. Thus, the denial of human rights, the use of collective punishment, closure of areas, annexation of land, establishment of settlements and the continuing actions by Israel designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including Jerusalem, violate international law. Israel, as Occupying Power, is obliged under international law to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world. See, e.g., UNGA/RES/56/62, 2001.

*Resistance by those Subject to Occupation.* Occupied people have, by weight of customary international law, expressed in many UN resolutions, the right to militarily resist their occupation and subjugation as long as this resistance is properly conducted within the confines of international humanitarian law. General Assembly Resolution A/RES/3246 (XXIX) (November 1974).

*Settlements.* International law clearly prohibit the settlement of Israeli citizens in the OPT. As a result, all State actions in support of the establishment and maintenance of the settlements, including incentives to create them and the establishment of infrastructure to support them, are illegal under international law. (Fourth Geneva Convention of 1949)

*Jerusalem.* Israel’s annexation of East Jerusalem contravenes customary international law, as confirmed by Security Council and General Assembly resolutions and recognized by the International Court of Justice. Because of its illegality, the annexation has not been recognized by any foreign state. Under international law, East Jerusalem remains part of the West Bank and is occupied territory. See, for example, UN Security Council Resolution 478, 1980. Accordingly, all settlement-related activities and any legal or administrative decision or practice that directly or indirectly coerces Palestinians to leave East Jerusalem— including evictions, demolitions, forced displacements and cancellation of residence permits on a discriminatory basis— are illegal under international human

rights law. The confiscation or expropriation of private property in the OPT, including East Jerusalem, is in almost all cases illegal.

*The Wall.* The International Court of Justice, in its 2004 advisory opinion, stated that establishing the Wall, or barrier, inside occupied territory is prohibited under international law, and the UNGA swiftly called for the Wall to be torn down, with reparations made to Palestinians harmed by its construction (UNGA Resolution July 2004). The combination of illegal settlements, checkpoints, and the Wall have had devastating effects on the social, economic and cultural rights of many thousands of Palestinians. (See the International Covenant on Economic, Social, and Cultural Rights, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en))

*Palestinians Right to Self-determination.* Numerous General Assembly Resolutions have affirmed this right as particularly applicable to the Palestinian people, including Resolutions 2535 (10 Dec. 1969); 2649 (30 Nov 1970); 3236 (22 Nov 1974); 43/177 (15 Dec. 1988); and 48/94 (20 Dec. 1993). Of particular note is Resolution 3236, which reaffirms and specifies the inalienable rights of Palestinian people in Palestine as including: a) the right to self-determination without external interference; b) the right to national independence and sovereignty; and, the c) “inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted.” The Resolution emphasizes that “full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine.”

*Gaza.* Under international law, Gaza is an integral part of the OPT, despite the partial Israeli withdrawal, and thus Israel has the duties and obligations of an occupying power under the Fourth Geneva Convention of 1949 and international humanitarian law, which it is not fulfilling. Both the UN and the Red Cross have declared that the blockade of Gaza is illegal, and is not warranted by Israel’s security concerns.

*Home demolitions.* UN Security Council Resolution 1544 (2004) called on Israel to respect its obligations under international humanitarian law and to end the demolition of homes in violation of that law.

*Palestinian Prisoners held in Israel.* The Fourth Geneva Convention of 1949 states that “Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein” (Article 47). When Palestinian detainees and prisoners from the OPT are held in Israel, as is frequently done, it violates international law and deprives them of visits with relatives and loved ones. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10721&LangID=e>

*Equality under the Law for those living in the OPT.* Military courts deal with Palestinians in the oPt who are suspected of crimes, whereas settlers are dealt with under civil law. See [http://www.addameer.org/israeli\\_military\\_judicial\\_system/military\\_courts](http://www.addameer.org/israeli_military_judicial_system/military_courts)

*Right of Return, Repatriation or Compensation.* The United Nations General Assembly Resolution 194 (1948), reaffirmed annually since 1949, resolved that Palestinian “refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or equity, should be made good by the Governments or authorities responsible.”

## **Annex B: Estimated effects of removing restraints on the Palestinian economy**

A World Bank study has analyzed the effects of the Israeli occupation on the Palestinian economy, especially its prospects for development in Area C.

### ***Direct Benefits***

The World Bank Report 2014 estimates that the potential additional output from the five sectors evaluated in this report—agriculture, Dead Sea minerals, mining and quarrying, tourism, construction, and telecommunications— would amount to at least USD 2.2 billion per annum in valued-added terms—a sum equivalent to 23 percent of 2011 Palestinian GDP. The bulk of this would come from agriculture and Dead Sea minerals exploitation.

In ***agriculture***, the key issues are access to fertile land, and the availability of water to irrigate it. We have not included in our calculations the 187,000 dunums of land that fall under the control of Israeli settlements. (The Ottoman unit dunum is about one-quarter acre.) To irrigate the 326,400 dunums of other agricultural land notionally available to Palestinians in Area C would require some 189 MCM of water per year. Current Palestinian allocations under the Oslo Accords are 138.5 MCM, or 20 percent of the estimated availability—a share to be revisited at Final Status negotiations. Irrigating this unexploited area as well as accessing additional range and forest land could deliver an additional USD 704 million in value added to the Palestinian economy—equivalent to 7 percent of 2011 GDP.

The Dead Sea abounds in valuable ***minerals***, principally large deposits of potash and bromine. Israel and Jordan together derive some USD 4.2 billion in annual sales of these products, and account for 6 percent of the world’s supply of potash and fully 73 percent of global bromine output. Demand for both these products is projected to remain strong, with the Dead Sea a cheap and easily exploited source. There is no reason to suppose that Palestinian investors along with prospective international partners would not be able to reap the benefits of this market, provided they were able to access the resource. Taking as a benchmark the average value added by these industries to the Jordanian and the Israeli economies, the Palestinian economy could derive up to USD 918 million per annum—equal to 9 percent of 2011 GDP, almost equivalent to the size of the entire Palestinian manufacturing sector.

Area C is also rich in stone, with estimated deposits of some 5,000 acres of quarryable land. Palestinian *stone mining and quarrying* is already Palestinian territories' largest export industry, based on the famous Jerusalem Gold Stone. However, this is a struggling industry, due to Israeli refusal to permit opening new quarries or to renew permits for most existing quarries in Area C. If these restrictions were lifted, the Bank report estimates that the industry could double in size, increasing value added by some USD 241 million—and adding 2 percent to 2011 Palestinian GDP.

The *construction* industry is in acute need of additional land to expand housing and make it more affordable. Areas A and B are already very densely populated and built up. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) analysis suggests that less than 1 percent of the land in Area C is currently available to Palestinians for construction; permit data also show that it is almost impossible for Palestinian to obtain permission to build in Area C. Less than 6 percent of all Palestinian requests made between 2000 and 2007 secured approval—while Israelis routinely get permits. This situation applies not only to housing but also to public economic infrastructure (roads, water reservoirs, waste treatment plants) and industrial plant, and to the access roads and utility lines needed to connect Areas A and B across Area C. These factors have substantially suppressed growth in the construction sector and have led housing prices in the West Bank to increase over the past two decades by about a fourth above what would otherwise be expected. Lifting the tight restrictions on the construction of residential and commercial buildings alone (excluding infrastructure projects) could increase West Bank construction sector value added by some USD 239 million per annum—or 2 percent of 2011 Palestinian GDP.

Area C has major global *tourism* potential, but for Palestinians this remains largely unexploited, mostly due to restrictions on access and investment, in particular around the Dead Sea. Palestinian Dead Sea tourism development was envisaged in the Interim Agreement, but has not yet emerged. Israeli settlement enterprises, on the other hand, have expanded tourism and other activities in the area. If current restrictions are lifted and investment climate in the West Bank improves, it is reasonable to assume that Palestinian investors would be able to create a Dead Sea hotel industry equivalent to Israel's, producing value added of some USD 126 million per annum—or 1 percent of 2011 Palestinian GDP. Investments to develop other attractive tourism locations in Area C could generate substantial additional revenues.

The development of the Palestinian *telecommunications* sector is constrained by Area C restrictions that prevent the construction of towers for mobile service and have impeded the laying of landlines and asymmetric digital subscriber line (ADSL) cable. Israeli authorities have granted the two Palestinian mobile operators to only limited 2G frequencies in West Bank Palestinian area, and no access to the 3G spectrum. By contrast, Israeli settlements in the West Bank and East Jerusalem almost all have 3G or 4G.<sup>ci</sup> Importation of equipment has also been difficult. As a result, Palestinian telecommunications costs are high, and coverage and service quality are poor. The 3G restrictions in particular threaten the industry's viability, particularly since Israeli settlers are allowed to develop their competing infrastructure in Area C. The World Bank report

estimates that removing today's restrictions on the internet would improve the viability of this Palestinian industry and would add some USD 48 million in value to the sector—equal to 0.5 percent of Palestinian 2011 GDP.

### ***Indirect Benefits***

Alleviating the constraints on the five sectors mentioned above would have sizeable effects on the demand for output in other sectors. Data on inter-sectoral linkages, produced recently by the Palestinian Central Bureau of Statistics, imply an overall multiplier effect of at least 1.5. In other words, allowing Palestinian agriculture or tourism to increase by \$1 million would increase demand and output in other sectors by at least an additional \$0.5 million. Applying this demand-side multiplier, the potential value added from alleviating today's restrictions on access to, and activity and production in Area C is likely to amount to some USD 3.4 billion—or 35 percent of Palestinian GDP in 2011. Dynamic effects would surely be even more.

Other indirect benefits from the supply-side effects of improved physical and institutional infrastructure are less easily calculated, but would also be substantial. All Palestinian industries depend on the quality of transportation, electricity, water, and telecommunications infrastructure. Transportation infrastructure is particularly problematic as Palestinian use of roads in Area C is highly restricted, and travel times to get around the artificial obstructions is often hours longer than the previous and traditional routes. The Palestinian Authority has not been allowed to develop roads, airports, or railways in or through Area C. Restrictions in Area C have impeded the development of “soft” institutional infrastructure such as banking services, which are hamstrung by the inability to open and service branches, and the inability in practice to use land in Area C as collateral. These impediments create significant uncertainty and reduce the expected returns on potential investments.

Allowing increased potential output for the private sector would dramatically improve the PA's fiscal position, making it less dependent on international donors. Even without improvements in the efficiency of tax collection, at the current rate of tax/GDP of 20 percent, a USD 3.4 billion increase in GDP could bring additional tax revenues of about USD 700 million.

### **Annex C: Work of the Study Team**

The study team appointed by the Advisory Committee on Social Witness Policy (ACSWP) to fulfill the General Assembly's request for researching the report comprised the following volunteers:

Rev. Mark Douglas PhD, Professor of Christian Ethics, Columbia Seminary;

Mr. Samuel Jones, Executive Director, Heartland Initiative (former mission volunteer);

Leila Richards MD, with experience in crisis medicine service in Gaza, Iraq, and Lebanon;

Steven Webb PhD, economist and economic historian, formerly with World Bank,

Liaison member to the Advisory Committee.

Douglas Tilton PhD, a political scientist serving with the Mission Agency, contributed

Insights on nonviolent social change from his long experience in Southern Africa.

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Paul Beran PhD, a political scientist and former mission volunteer, served as consultant.  
Rev. Beverly Brewster, Esq. was a volunteer advisor on human rights issues.  
Rev. Christian Iosso PhD, Coordinator of ACSWP, provided staff services.

The study team met three times, with advance orientation in New York City in January, 2015, to observe the new UN Security Council's first session on the Middle East.

The team was hosted at the Presbyterian Ministry at the United Nations and met with Rev. Mark Koenig, Coordinator, Presbyterian Ministry at the United Nations (PMUN); Mr. Ryan Smith, Presbyterian Representative at the United Nations, also of PMUN; David Wildman, PhD, United Methodist Church  
Rev. Douglas Hostetter, Director, Mennonite Central Committee UN Office;  
Mr. Jordan Street, UN Representative for the NY Society of Friends;  
Mssrs Richard Wright and Yasmin Reitzig of the UN Relief and Works Agency (which serves Palestinian refugees and their descendants from the wars of 1948 and 1967)  
Mr. Brad Parker, Associate Director, Defense of Children International--Palestine  
The group was also briefed by several members of the UN Security Council staff: Dr. Darco Mocibob; and Mssrs. Stefan Vazzelle; James Sutterlin; Jusef Jai.

The study team met in Cambridge, MA, in March, 2015, with the following scholars:

Sara Roy PhD, Harvard, Center for Middle Eastern Studies  
Michael Hudson PhD, Middle East Initiative/ Georgetown University,  
Herbert Kelman PhD, Harvard, Social Ethics, consultant to Oslo process,  
Ms. Ruth Alan, Senior Program Officer, Mercy Corps (international humanitarian NGO)  
Susan Akram PhD, Boston University, expert in human rights law

The study team visited Israel-Palestine August 17-25, 2015, (not able to visit Gaza), Consulting with the Rev. Katherine Taber, Presbyterian co-worker and:

Mr. Samuel Bahour, Managing Partner, Applied Information Management  
Dr. Khalil Shiha, General Director, PARC, Agricultural Development Association  
Dr. Abdelrahman Alamarah (Tamimi), Director General, Palestinian Hydrology Group  
Diana Buttu, Esq. Human Rights Attorney  
Danny Seidemann, Esq. Director, Terrestrial Jerusalem; Expert on two state options  
Mr. Nathan Stock, Director, Israel-Palestine Field Office, The Carter Center  
Mr. Oded Ravivi, Mayor of Efrat (Ephrata) Settlement  
Mr. Oded Diner, International Relations Director, B'Tselem  
Ms. Salwa Duaybis, Women's Centre for Legal Aid and Counseling  
Gerard Horton, Esq. Military Court Watch  
Dr. Muhannad Beidas, UNRWA, field chief of Education Programme  
Dr. Catherine Cook, Office for Coordination of Humanitarian Affairs, UN  
Ms. Mira Rizek, National General Secretary, National YWCA of Palestine  
Dr. Munther Isaac, Bethlehem Bible College, Christ at the Checkpoint coordinator  
Grass Roots Jerusalem tours; Aida Refugee Camp tour  
Lubnah Shomali, Esq. Badil Resource Center for Palestinian Residency & Refugee Rights  
Mr. Daoud Nasser, Tent of Nations farm/conference center for reconciliation  
Miri Eisin, Col. (ret), Israeli Defense Forces/ Engaging in Discourse  
Dr. Mustafa Abu Sway, Al Quds University, Al Aqsa Mosque  
Rabbi Dr. David Rosen, Founder, Rabbis for Human Rights  
Mr. Noam Rabinovich, GISHA—Legal Centre for Freedom of Movement  
Mr. Omar Barghouti, Co-founder, Boycott, Divestment, Sanctions organization  
Mr. Rafat Sub Laban, Advocacy Coordinator, Addameer Prisoner Support and Human Rights Association.



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In Washington DC, September 10-11, 2015, the team met with:

Ms. Catherine Gordon, Associate for International Affairs, Office of Public Witness

Mr. Kevin Rachlin, Deputy Chief of Staff, J-Street

Mr. Mike Merryman-Lotze, Palestine-Israel Program Director, American Friends Service Committee

Ms. Rachelle Lyndaker Schlabach, Director, Mennonite Central Committee

Mr. James Winkler, President and General Secretary, National Council of Churches of Christ in the U.S.A.

An Open Hearing was held on the two-state question under the important sponsorship of the Presbytery of National Capital and with the gracious hosting of National Presbyterian Church. Co-chairs of ACSWP, Drs. Ray Roberts and Christine Darden, attended. Those speaking and submitting statements:

Ms. Emily Brewer, Co-Director, Presbyterian Peace Fellowship (later submitting statement)

Rev. Walter Owensby, ret. Office of Public Witness staff, Washington, DC

Rev. Jan Armstrong, Executive Presbyter, Santa Barbara

Rev. John Wimberly, PhD, Presbyterians For Middle East Peace, former pastor, Western Presbyterian Church, Washington, DC

Mr. Steve France, Sabeel North America, shared presentation with next two:

Dr. Carol Burnett, Sabeel North America, Catholic University of America

Mr. Paul Verduin, Washington Alliance for Middle East Peace & Sabeel.

Rev. Melinda Thompson, Esq. Israel-Palestine Mission Network, Washington area

The Honorable David Mack, Ambassador, ret. & member of National Presbyterian

Rev. Dr. Roy Howard, Pastor, St. Mark's Presbyterian, N. Bethesda, MD

Rev. Todd Stavrakos, Pastor, Gladwyne Presbyterian, Lower Merion, PA and leader of Interfaith Partners for Peace, a Rabbi-Pastor Dialogue group

Mr. Alan Wisdom, Institute for Religion and Democracy & member of Georgetown Presbyterian

Rev. Mark Boyd, Pastor, Park Presbyterian, Beaver, PA

Mr. Paul Lewis, member, Bradley Hills Presbyterian

Ms. Kaliani Grad-Kaimal, J-Street U. at George Washington University

Ms. Elyssa Feder, Sr. Southeast Campus Organizer, Director of J-Street U Israel Programs

Ms. Sara Williams, PhD candidate, Emory University, Atlanta

In addition to those making presentations, the study team received detailed correspondence from:

Rev. John Lindner, Rev. Stephen H. Wilkins, and Rev. Dr. Byron E. Shafer, and shorter correspondence from Mssrs. Mike Duffy, Kae Paterson, John Newton Hickox, Ms. Sue Dravis, Dr. John A Wallace, and Rev. John A. Johnson.

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<sup>i</sup> *The Middle East Conflict: A Presbyterian Report* (UPC, 1974), p. 21. The passage is quoted in Paul Hopkins, American Presbyterians and the Middle East Conflict, *American Presbyterians (Journal of Presbyterian History)*, 68:3 (Fall, 1990), pp. 159-160. That section continues: "...provision should be made for just compensation or restoration of Palestinian property and land, and the satisfactory settlement of all Palestinian refugees, including return where feasible and desired. The Palestinian people should be full participants in negotiations concerning any of these matters through representatives of their own choosing."

<sup>ii</sup> Minutes of the General Assembly (UPC, 1982), p. 307; also quoted in Hopkins, op. cit.

<sup>iii</sup> Statements that the Palestinians do not recognize Israel are thus inaccurate, though recent efforts to have Israel recognized as a “Jewish state” appear to add an exclusivism to Israel not present in its founding documents or negotiations prior to the current Netanyahu administration.

<sup>iv</sup> The Middle East Study Team discussed the contest of traumas with Avram Burg, former Speaker of the Knesset, who has written on this in books such as, *The Holocaust is Over, We Must Rise from its Ashes* (London: Palgrave/Macmillan, 2008). A more recent discussion of the overcoming of trauma by taking “the psychological position of the moral third,” capable of acknowledging the pain of the other and one’s own capacity for evil as well as victimhood, can be found in Jessica Benjamin’s “Acknowledging the Other’s Suffering,” *Tikkun magazine*, 30:3, Summer 2015, pp. 15-16, 60-62. The role of this third position resembles the place of the Spirit in confession, forgiveness, and freedom from anxiety.

<sup>v</sup> For example, Thomas Friedman’s Op Ed in the *NYTimes*, ending his former advocacy for the two-state solution. [http://www.nytimes.com/2016/02/10/opinion/the-many-mideast-solutions.html?smid=nytcore-ipad-share&smprod=nytcore-ipad&\\_r=1](http://www.nytimes.com/2016/02/10/opinion/the-many-mideast-solutions.html?smid=nytcore-ipad-share&smprod=nytcore-ipad&_r=1) Even as we quote several leaders below, Juan Cole’s analysis of Friedman’s arguments is a caution against personalizing the causes of the situation: “an Israel determined to permanently occupy all the territory between the Jordan River and the Mediterranean Sea...” <http://www.juancole.com/2016/02/israel-friedman-of-the-ny-times-surrenders-to-one-state-solution-sees-me-apocalypse.html>

<sup>vi</sup> <http://www.nytimes.com/2016/02/10/opinion/the-many-mideast-solutions.html?emc=eta1>

<sup>vii</sup> The report does not repudiate a two-state solution. In fact, it offers a values analysis of efforts toward a two-state solution following the Oslo Accords. Any political solution entails compromises; values analysis shows who pays the price for those compromises, who is rewarded, and whether there is reciprocity. A given set of values does not translate to a fixed result. Thus the Church, for its own moral clarity and freedom of action, cannot tie itself to a specific policy outcome, even as its principles and values remain constant.

<sup>viii</sup> See the transcript from President Obama’s March 24, 2015, Press Conference after the end of his second attempt at a peace process (first with George Mitchell, then with John Kerry):

<http://forward.com/opinion/israel/217422/watch-obama-on-bibi-palestinians-reevaluation/>

“We’ll continue to engage the Israeli government and the Palestinians and ask them where they’re interested in going and how they see this issue being resolved. But what we can’t do is pretend that there’s a possibility of something that’s not there. And we can’t continue to premise our public diplomacy based on something that everybody knows is not going to happen at least in the next several years. That is something that we have to — for the sake of our own credibility that we have to be honest about.”

Prime Minister Netanyahu has at times committed to a very limited Palestinian entity, but more frequently he has stated “no concessions” “no withdrawals.” For instance, from March 14, 2015: “I think that anyone who is going to establish a Palestinian state today and evacuate lands is giving attack ground to the radical Islam against the state of Israel,” he said. “This is the actual reality that has formed here in recent years. Anyone who ignores this is sticking his head in the sand.” Asked if that meant a Palestinian state would not be established if he were prime minister, Mr. Netanyahu said, “Indeed.” (*The New York Times* previously translated this as “correct”; the words are very similar in Hebrew.)

<http://www.nytimes.com/interactive/2015/03/20/world/middleeast/netanyahu-two-state-solution.html> An October reiteration of his opposition: [http://www.huffingtonpost.com/entry/israel-benjamin-netanyahu-reject-palestinian-state\\_us\\_562e5f1be4b0c66bae58b878](http://www.huffingtonpost.com/entry/israel-benjamin-netanyahu-reject-palestinian-state_us_562e5f1be4b0c66bae58b878)

For President Mahmoud Abbas of the Palestinian Authority, the Oslo agreement is no longer binding as Palestinians have hit a wall when it comes to Israeli negotiation: “As long as Israel refuses to cease settlement activities and to the release of the fourth group of Palestinian prisoners in accordance with our agreements, they leave us no choice but to insist that we will not remain the only ones committed to the implementation of these agreements, while Israel continuously violates them,” Abbas said. “We therefore declare that we cannot continue to be bound by these agreements and that Israel must assume all of its responsibilities as an occupying power.” Hence his efforts at establishing Palestinian statehood and international recognition through the United Nations, despite past vetoes on the Security Council by the United States <http://www.theguardian.com/world/2015/sep/30/mahmoud-abbas-palestinians-no-longer->

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[bound-by-oslo-agreement-with-israel](#)

<sup>ix</sup> *The New York Times*' editorial, "The Fading Two-State Solution," notes that "Israel is moving quickly to establish facts on the ground that preclude a Palestinian state," and quotes a US official: "It is starting to look like a de facto annexation" (NYT, p. A16, January 23, 2016). Another major voice supportive of Israel, *The New Yorker* magazine, has carried a series of pessimistic reports by its editor, David Remnick, including, "The One-State Reality;" <http://www.newyorker.com/magazine/2014/11/17/one-state-reality> . The study team visited with the mayor of a settlement whose information packet included a nine step plan for total incorporation of Palestine into Israel; the statement quoted (from a news article) is step five:

<http://www.thedailybeast.com/articles/2013/03/21/settlers-9-step-plan-to-kill-the-two-state-solution.html>

<sup>x</sup> This frequently quoted aphorism is from the Reinhold Niebuhr, whose political ethics were largely in the Reformed tradition.

<sup>xi</sup> See [http://www.pcusa.org/site\\_media/media/uploads/theologyandworship/pdfs/belhar.pdf](http://www.pcusa.org/site_media/media/uploads/theologyandworship/pdfs/belhar.pdf) The quote defining "true reconciliation" comes from the Supporting Letter, para. 3, that goes with the document.

<sup>xii</sup> Seidemann, Daniel "The Myth of a United Jerusalem" *The Atlantic*, Nov. 2011:

<http://www.theatlantic.com/international/archive/2011/11/the-myth-of-united-jerusalem/249239/> Seidemann warns: "Cumulatively, Israeli policies in East Jerusalem today threaten to transform the Israeli-Palestinian conflict from a bitter national conflict that can be resolved by means of territorial compromise, into the potential for a bloody, unsolvable religious war. This threat derives from Israel's dogged pursuit of the settlers' vision of an exclusionary Jewish Jerusalem -- displacing Palestinians in targeted areas, politicizing [archeology](#), [handing over of the most sensitive cultural, historical, and religious sites to extreme settler organizations](#), and [promoting a narrative](#) that East Jerusalem is exclusively or predominantly Jewish, while marginalizing the other national and religious equities in the city. In the process, Israel is alienating even its staunchest allies and thus undermining its own claims in the city. It is also putting itself on a collision course with the forces of moderation in the Muslim and Christian worlds, who sense, with reason, that their equities are being marginalized in Jerusalem. Jerusalem is fast becoming the arena where religious fundamentalists -- Jewish, Christian, and Muslim; domestic and international -- play out their apocalyptic fantasies." The Israeli Committee on Home Demolitions substantiates Seidemann's reportage with its analyses of Jerusalem restrictions on family unification, housing permits, etc., such as a master plan based on the goal of "preserving a firm Jewish majority in the city": <http://icahd.org/2012/07/24/discrimination-in-the-new-master-plan-of-jerusalem/> Not all of this process of emphasizing Jewish presence over others is in Jerusalem, and nor is it linked to settlers. The State Department's annual religious liberty review notes the privileging of Jewish holy sites, for example. The 2009 Report stated: "At the end of 2008, there were 137 designated holy sites, all of which were Jewish."

<http://www.state.gov/j/drl/rls/irf/2009/127349.htm> For a report on the re-design in Jerusalem:

[http://www.nytimes.com/2009/05/10/world/middleeast/10jerusalem.html?\\_r=1](http://www.nytimes.com/2009/05/10/world/middleeast/10jerusalem.html?_r=1)

<sup>xiii</sup> In the West Bank [not East Jerusalem] most Palestinians have PA citizenship, although it does them little good in the face of Israeli military actions.

<sup>xiv</sup> Breaking the Silence is the veterans group that describes the methods of ensuring security for settlements by disrupting the security of Palestinians: <http://www.nytimes.com/2015/12/24/world/middleeast/israeli-veterans-criticism-of-west-bank-occupation-incites-furor.html> "Last year, the group published a [report](#) containing testimonies from more than 60 Israeli officers and soldiers who served during the war in Gaza in 2014. It contended that the guiding military principle was one of "minimum risk to our forces, even at the cost of harming innocent civilians." It added that caused "massive and unprecedented harm to the population and the civilian infrastructure" in Gaza.

<sup>xv</sup> For the Rand study, The Costs of the Israeli-Palestinian Conflict, see:

[http://www.rand.org/pubs/research\\_reports/RR740-1.html](http://www.rand.org/pubs/research_reports/RR740-1.html)

<sup>xvi</sup> Quoted in a review of Max Blumenthal's *The 51 Day War*:

<http://americamagazine.org/issue/culture/inevitable-violence>

<sup>xvii</sup> The Palestinian people have, by weight of customary international law, expressed in many UN resolutions, the right to militarily resist their occupation and subjugation by Israel as long as this resistance is properly conducted within the confines of international humanitarian law. See Annex A.

<sup>xviii</sup> There are analogies between the non-threatening economic development strategies of the Palestinian Authority and those of Booker T. Washington in the post-Reconstruction US South. In the US case, W.E.B. DuBois and the National Association for the Advancement of Colored People (NAACP) began to employ

legal and political strategies that brought more rights to African Americans as a whole, though many remained in poverty. Because African Americans in the NAACP had citizenship and could appeal to the federal courts, they had tools not available to Hamas and other Palestinians, who have tried to defend themselves by force. Thus Palestinian political and civil organizations have been put in situation where nonviolence has meant further victimization while fighting back, a la Hamas, has meant even more thorough destruction. For the contrast between Booker T. Washington and W.E.B. DuBois approaches, see Gary Dorrien, *The New Abolition: WEB Du Bois and the Black Social Gospel* (New Haven: Yale UP, 2015).

<sup>xix</sup> <http://www.forbes.com/sites/doughbandow/2016/02/16/u-s-should-stop-subsidizing-bad-israeli-economic-and-occupation-policies/#53e94375463d>

<sup>xx</sup> The invitation to Prime Minister Netanyahu was developed by the Israeli ambassador and the Republican Speaker of the House of Representatives and reflected an unprecedented intrusion into US politics by a foreign head of state, although the lines between Israeli and US citizenship, political, and financial activity are often blurred. Since the Iran agreement, Netanyahu has argued the US should provide more military aid to Israel as it was endangered, although most observers see the reverse as true. As this document is finalized, US Ambassador Daniel Shapiro has criticized the Israeli government: “Too much vigilantism goes unchecked, and at times there seems to be two standards of adherence to the rule of law, one for Israelis, and another for Palestinians. . . Hovering over all these questions is the larger one about Israel’s political strategy vis-a-vis its conflict with the Palestinians.” Scholar Juan Cole, commenting on the sometimes insulting exchanges that followed, noted, “Then [yesterday \[Jan. 21, 2016\] the Netanyahu government made Shapiro’s point for him](http://www.juancole.com/2016/01/netanyahu-demands-more-billions-from-us-after-iran-deal-insults-us-ambassador-steals-more-land.html) by announcing that it will steal 350 acres of Palestinian land near Jericho in the Jordan Valley.” See: <http://www.juancole.com/2016/01/netanyahu-demands-more-billions-from-us-after-iran-deal-insults-us-ambassador-steals-more-land.html> Along with the taking of Palestinian land, Israel demolished six structures built by the European Union as part of their aid to the Palestinian economy: <http://www.reuters.com/article/us-israel-palestinians-idUSKCN0UZ11P>

<sup>xxi</sup> This statement comes near the end of the rationale leading into the recommendation section of *Breaking Down the Walls*.

<sup>xxii</sup> *Minutes*, 217th General Assembly (2006), p. 944.

<sup>xxiii</sup> *Minutes*, 218th General Assembly (2008), p. 1223.

<sup>xxiv</sup> Using torture is a grave charge, yet publicly defended by some, hence multiple sources: The use of torture in interrogations of Palestinians: <http://www.haaretz.com/israel-news/.premium-1.645587> The use of torture generally: <http://www.ipost.com/Opinion/TERRA-INCOGNITA-On-torture-Israels-failed-policy-438229> Torture and children: <http://www.independent.co.uk/news/world/middle-east/israel-government-tortures-children-by-keeping-them-in-cages-human-rights-group-says-9032826.html> Also: <http://www.reuters.com/article/us-palestinian-israel-children-idUSBRE95J0FR20130620> The practice of torture by the Bush Administration and Presbyterian opposition to torture: <https://www.pcusa.org/resource/resolution-against-torture/>

<sup>xxv</sup> The Kairos Palestine document has led to support groups in other countries as well as among the Christian churches of Israel-Palestine: <http://www.kairospalestine.ps/content/kairos-document>

<sup>xxvi</sup> See <http://www.christatthecheckpoint.com/index.php/en/> Through biennial conferences sponsored by Bethlehem Bible College, “The mission of “Christ at the Checkpoint” is to challenge Evangelicals to take responsibility to help resolve the conflicts in Israel/Palestine by engaging with the teaching of Jesus on the Kingdom of God.” This group opposes Christian Zionism, based on texts such as Galatians 3:29, “And if you are Christ’s, then you are Abraham’s offspring, heirs according to promise.”

<sup>xxvii</sup> Wolterstorff, *Justice: Rights and Wrongs*, Princeton: Princeton UP, 2010.

<sup>xxviii</sup> This section is informed by the General Assembly resolution: <http://www.presbyterianmission.org/ministries/global/resolution-confronting-christian-zionism/> For further reading on Christian Zionism, we recommend: Cohn-Sherbok, Dan. *The Politics of Apocalypse: The History and Influence of Christian Zionism*. Oxford: One World Pub., 2006. Gunner, Göran and Robert O. Smith, eds. *Comprehending Christian Zionism: Perspectives in Comparison*. Minneapolis: Fortress Press, 2014. Prior, Michael. *Zionism and the State of Israel: A Moral Inquiry*. London: Routledge, 1999: pp.103-155.

Spector, Stephen. *Evangelicals and Israel: The Story of American Christian Zionism*. Oxford: Oxford University Press, 2009.

<sup>xxxix</sup> UN Declaration of Human Rights, Preamble.

<sup>xxx</sup> Resolution of the 221<sup>st</sup> General Assembly (2014), *Equal Rights for All inhabitants of Israel and Palestine*, <http://pc-biz.org/Explorer.aspx?id=4793>; see also UDHR, articles 7-13, 17-18, 22.

<sup>xxxi</sup> The United States and Israel have signed both treaties, but the United States has not yet ratified the ICESC.

<sup>xxxii</sup> ICCPR, Part One, article 1, ICESC, Part One, article 1

<sup>xxxiii</sup> Aryeh Neier, *The International Human Rights Movement, A History*, 2012, Princeton Univ. Press, p. 64.

<sup>xxxiv</sup> The U.S. does not recognize Jerusalem as Israel's capitol and maintains its embassy in Tel Aviv

<sup>xxxv</sup> Jodi Rudoren and Jeremy Ashkenas, "Netanyahu and the Settlements," *New York Times*, March 12, 2015.

<sup>xxxvi</sup> Declaration of Principles on Interim Self-Government Arrangements ("Oslo Accords"), September 13, 1993.

<sup>xxxvii</sup> *Ibid.*

[http://www.goisrael.com/Tourism\\_Eng/Tourist%20Information/Discover%20Israel/Documents/Map%20of%20Israel.pdf](http://www.goisrael.com/Tourism_Eng/Tourist%20Information/Discover%20Israel/Documents/Map%20of%20Israel.pdf)

<sup>xxxviii</sup> Some incursions have targeted specific Hamas military assets aimed at people and property in Israel. Most have been to punish Palestinians collectively for military or non-military actions that the Israeli government disapproved. Some have been to demonstrate Israeli authority and 'mow the lawn'—an Israeli expression for keeping Palestinians in fear and degrading their capacity and will to thrive and resist Israeli occupation, which international law gives them the right to do.

<sup>xxxix</sup> Max Weber 1919. *Politics as a Vocation*. Munich.

<sup>xl</sup> A corollary of the right of self-determination is the right of peoples to "freely dispose of their natural wealth and resources" and not to be "deprived of [their] own means of subsistence", as proclaimed in Article 1 of the International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights. In accordance with this principle, the UN General Assembly has reaffirmed "the inalienable rights of the Palestinian people ... over their natural resources, including land, water and energy resources" (UNGA, 2012: para. 1).

<sup>xli</sup> North, Wallis, and Weingast 2010. *Violence and Social Orders*. Cambridge University Press.

<sup>xlii</sup> Edward Said, *The Question of Palestine*. New York: Vintage Books, 1980; p. 10-12, 23.

<sup>xliii</sup> Walter Brueggemann, *Chosen? Reading the Bible amid the Israeli-Palestinian Conflict*. pp. 37-39.

<sup>xliv</sup> Reuters, "Declining Palestinian Christian population fears its churches are burning into museums," Haaretz.com 10/07/2010

<sup>xlvi</sup> US State Department Report on International Religious Freedom: Israel and the Occupied Territories, 2013

<sup>xlvi</sup> Declaration of Principles on Interim Self-Government Arrangements ("Oslo Accords"), September 13, 1993, Article V.

<sup>xlvi</sup> The world community has repudiated Israel's 1980 annexation of Jerusalem through its Basic Law of Jerusalem. UN Security Council Resolution 478 of August 1980.

<sup>xlvi</sup> Many do not apply for it, because they (like the U.S. and most other nations) do not recognize the Israeli annexation as legitimate.

<sup>xlvi</sup> "Statistics on Revocation of Residency in East Jerusalem". 27 May 2015. B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. Source:

[http://www.btselem.org/jerusalem/revocation\\_statistics](http://www.btselem.org/jerusalem/revocation_statistics). Accessed on Friday 28 August 2015.

"Forced Displacement: Overview." United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Occupied Palestinian Territory. Source: <http://www.ochaopt.org/content.aspx?id=1010137>. Accessed on Friday 28 August 2015

<sup>l</sup> "Statistics on Demolition of Houses Built Without Permits in East Jerusalem." 9 July 2015. B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories.

[http://www.btselem.org/planning\\_and\\_building/east\\_jerusalem\\_statistics](http://www.btselem.org/planning_and_building/east_jerusalem_statistics). Accessed 28 August 2015.



<sup>li</sup> According to international law, refugees have the right to return to their homes of origin, receive real property restitution, and compensation for losses and damages. The UN General Assembly set forth the framework for resolving the Palestinian refugee case in UN Resolution 194 (III), which calls for repatriation for those refugees “wishing to return to their homes and live in peace with their neighbors,” or compensation for those choosing not to return. On November 22, 1974, UN Resolution 3236 made the right of return an “inalienable right.”

<sup>lii</sup> Source: <http://www.unrwa.org/who-we-are>. Accessed 19 September 2015.

<sup>liii</sup> Badil Resource Center for Palestinian Residency & Refugee Rights. *Survey of Palestinian Refugees and Internally Displaced Persons*, vol. VII, 2013-15. P. 31. <http://www.badil.org/phocadownloadpap/badil-new/publications/survey/Survey2013-2015-en.pdf>

<sup>liv</sup> The United Nations Relief and Works Agency (UNRWA) has authority to register Palestinian refugees, and it offers what social services it can to them. It is increasingly underfunded and has an extra budget crisis in 2015 due to the increased numbers and needs of registered refugees, especially in Syria and Gaza. The United Nations Conciliation Commission for Palestine (UNCCP) has not been active or advocated for Palestinian rights for years.

<sup>lv</sup> Source: the Israeli human rights group B'Tselem. <http://www.btselem.org/settlements/statistics>. Accessed 28 August 2015.

<sup>lvi</sup> The study team visited the Tent of Nations farm. The sign at the entrance reads, “We Refuse to be Enemies”. See BBC coverage at <http://www.bbc.com/news/magazine-27883685?SThisFB%3FSThisFB>

<sup>lvii</sup> “Protection of Civilians: Reporting Period: 18-24 August 2015.” United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Occupied Palestinian Territory. Source: <http://www.ochaopt.org/poc18august-24august.aspx>. Accessed 28 August 2015.

In addition, the study team observed a demonstration on behalf of a hunger-striking lawyer who Israeli authorities were holding in indefinite long-term detention without charges, until his health had been permanently damaged.

<sup>lviii</sup> See “Children in Israeli Military Detention”

[http://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

<sup>lix</sup> Military Court Watch, an NGO in Israel.

<sup>lx</sup> Prior to this war, the 1947 UN General Assembly resolution 181, from which Israel derives its legitimacy, provided 45% of historical Palestine for the Palestinian state and 1% for Jerusalem and Bethlehem to be under international jurisdiction.

<sup>lxi</sup> “Forced Displacement: Overview.” United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Occupied Palestinian Territory. Source: <http://www.ochaopt.org/content.aspx?id=1010137>. Accessed on Friday 28 August 2015.

<sup>lxii</sup> <http://www.thelancet.com/health-in-the-occupied-palestinian-territory-2011>. See also <http://visualizingpalestine.org/visuals/checkpoint-birth>

<sup>lxiii</sup> [http://www.btselem.org/water/discrimination\\_in\\_water\\_supply](http://www.btselem.org/water/discrimination_in_water_supply)

<sup>lxiv</sup> Convention (IV), concerning the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

<sup>lxv</sup> “Discriminatory Water Supply”, B’Tselem: The Israeli Information Center on Human Rights in the Occupied Territories, 10 March 2014. Source:

[http://www.btselem.org/water/discrimination\\_in\\_water\\_supply](http://www.btselem.org/water/discrimination_in_water_supply). Accessed on 28 August 2015.

<sup>lxvi</sup> “The Water, Sanitation and Energy Crises in Gaza Humanitarian, Environmental and Geopolitical Implications With Recommendations for Immediate Measures.” August 11, 2014. Dr. Oded Eran, Institute for National Security Studies; Gidon Bromberg, Michal Milner, EcoPeaceMiddle East. Source: [http://foeme.org/uploads/14366909641~%5E\\$%5E~EcoPeace-INSS\\_Gaza\\_Report\\_Final.pdf](http://foeme.org/uploads/14366909641~%5E$%5E~EcoPeace-INSS_Gaza_Report_Final.pdf). Accessed on 28 August 2015.

<sup>lxvii</sup> David Wesley, an anthropologist from Tel Aviv University, has analyzed the systematic (although unofficial and usually not admitted) discrimination of Israeli authorities to favor industrial development by Jewish enterprises, at the expense of Palestinian firms and farms even within Israel. <https://books.google.com/books?id=fReNyVETItAC&pg=PA257&lpg=PA257&dq=david+a+wesley+tel+aviv+university&source=bl&ots=2YUWsqedt2&sig=F8oQatcNFTikY6FpJIVfvE5Qb80&hl=en&sa=X&ve>

<sup>ix</sup> See the history section: [https://en.wikipedia.org/wiki/Economy\\_of\\_the\\_Palestinian\\_territories](https://en.wikipedia.org/wiki/Economy_of_the_Palestinian_territories) One may question the weighting of Palestinian Authority corruption in comparison to labor market shutdowns, but Wiki entries on controverted points involve fact-checking contests.

http://mondoweiss.net/2015/12/palestinian-laborers-checkpoints?

lxxiv Fourth Geneva Convention

lxvii ILO, *The Situation of Workers of the Occupied Arab Territories*. May 2015

<sup>lxxx</sup> *Haaretz.com*: Peter Beinart, “Gaza myths and facts: what American Jewish leaders won’t tell you.”

lxxxiii UNCTAD report, July 2015, p. 10

<sup>lxxxiv</sup> The primary use of tunnels was economic and their presence long known. Space prevents a review of the causes of the 2014 war, which was supported by many Israeli newspapers but opposed by *Haaretz*, which emphasized the repetitive nature of the attacks on Gaza and of the pattern of accusations (inherited from the previous treatment of Yasir Arafat). An example from Gideon Levy may be noted: <http://www.haaretz.com/opinion/.premium-1.607306> Israel responds each time to criticisms that it has massively violated the laws of war, blaming Hamas for provocations and for sacrificing its own people. Whatever options Hamas may think it has, this cycle would seem to reinforce hatred and, as noted by much international press, spread that hatred especially among 1.3 billion Muslims. The US typically calls for “restraint” while re-supplying Israel; since these are wars of choice, presumably the US is given some advance notice of when they will begin.

<sup>lxxxv</sup> “The Gaza Cheat Sheet: Real Data on the Gaza Closure. [www.gisha.org](http://www.gisha.org)

<sup>lxxxvi</sup> Sarah Helm, “ISIS in Gaza.” *NY Review of Books*, January 14, 2016

<sup>lxxxvii</sup> An UNCTAD report on assistance to the Palestinian people: ‘Developments in the economy of the Occupied Palestinian Territory’, 6 July 2015, concluded, “The devastation in Gaza is not only the result of the latest military operation but rooted in a prolonged occupation and blockade and the recurrent destruction of infrastructure. The Palestinian people need to secure their human right to development under international law far more than they need donor aid... Donor aid is important for extending a lifeline to the beleaguered people of Gaza, [but] should not be viewed as a substitute for ending the blockade and calling on Israel to fulfill its obligations under international law.” It predicted: “If the current blockade and insufficient levels of donor support persist, even with a reversion to the status quo that prevailed before the latest military operation, Gaza will become economically unviable...” p.14-15

<sup>lxxxviii</sup> Sara Roy 1995. *The Gaza Strip: The Political Economy of De-development*. Wash. DC. Institute for Palestine Studies

<sup>lxxxix</sup> Source: B’Tselem. Names here of the incursions are those selected by Government of Israel.

<sup>xc</sup> Gaza Assault: information from the Institute for Middle-East Understanding ([imeu.org](http://imeu.org)) via IPMN web page

<sup>xc1</sup> *Our Harsh Logic: Israeli Soldiers' Testimonies from the Occupied Territories, 2000-2010*, by Breaking the Silence.

<sup>xcii</sup> Here is a popular account of promoting and partly inventing an exclusively Jewish history on the ground: [http://www.huffingtonpost.com/letty-cottin-pogrebin/eyewitness-report-on-the\\_b\\_515269.html](http://www.huffingtonpost.com/letty-cottin-pogrebin/eyewitness-report-on-the_b_515269.html) A detailed study of settler takeover strategies in one area, Silwan, is provided here:

<http://www.haaretz.com/israel-news/.premium-1.683416> An effort to describe the process and objections to its characterization:

<http://www.worldlibrary.org/article/WHEBN0022033448/Judaization%20of%20Jerusalem> A larger framework of “ethnocracy” as a framework for Israel’s political practice: <http://www.ipk-bonn.de/downloads/ethnocracy-yiftachel.pdf>

An Emirates’ summary of the situation:

[http://www.ecssr.ac.ae/ECSSR/print/ft.jsp?lang=en&ftId=/FeatureTopic/Ibrahim\\_Abdel\\_Karim/FeatureToPic\\_1517.xml](http://www.ecssr.ac.ae/ECSSR/print/ft.jsp?lang=en&ftId=/FeatureTopic/Ibrahim_Abdel_Karim/FeatureToPic_1517.xml)

<sup>xciii</sup> Estimates of Israel’s military spending vary widely, from 5.3 percent of GDP (Forbes) to around 20 percent (Haaretz) when labor costs are fully accounted.

<sup>xciv</sup> The International Convention on the Suppression and Punishment of the Crime of Apartheid gives the legal definitions of “apartheid”. These were adopted by the United Nations General Assembly in 1973 and the subsequent Rome Statute of the International Criminal Court as objective criteria for assessing the applicability of the term, without reference to any national context.

<sup>xcv</sup> Douglass North, John Wallis, Steven Webb and Barry Weingast, ed. 2013. *In the Shadow of Violence: Politics, Economics and the Problems of Development*. NY: Cambridge U. Press.

<sup>xcvi</sup> Recent regulations to US Customs and Border Protection reiterated the requirement for accurately labeling the place or origin.

[http://apps.cbp.gov/csms/viewmssg.asp?Recid=21420&page=1&srch\\_argv=&srchtype=&btype=abi&sortby=&sby#att](http://apps.cbp.gov/csms/viewmssg.asp?Recid=21420&page=1&srch_argv=&srchtype=&btype=abi&sortby=&sby#att) The E.U. and British law also require labeling to distinguish between goods originating in Israel and those from the Occupied Territories, In 2009, the United Kingdom initiated guidance on labeling goods from West Bank settlements to facilitate boycotts of those goods.

<sup>xcvii</sup> See <http://pc-biz.org/Explorer.aspx?id=3775>



<sup>xviii</sup> The Presbyterian Foundation's Transformational Investment program has several projects in Palestine for Palestinians, including a Life Sciences and Medical Device technology incubator in Nazareth, micro-finance to help Palestinian small enterprises (especially women-owned and in agriculture), and most recently a solar-energy project in Jericho.

<http://www.presbyterianfoundation.org/Ways-To-Give/Transformational-Investing/January-2015-Project-Update.aspx>

Debates about divestment within the denomination over the past decade have mistakenly treated divestment primarily as an economic rather than political strategy and, therefore, treated positive investment as an alternative to divestment. Both strategies can be pursued simultaneously because they are pursuing different ends: divestment attempts to bring political attention to the occupation in the hopes of ending it; investment attempts to build up the Palestinian economy.

<sup>xix</sup> Ecumenical Accompaniment Program ([eappi.org](http://eappi.org)) is a 3-month volunteer program of the World Council of Churches, partnering with PCUSA. Christian Peacemaker Teams ([cpt.org](http://cpt.org)) is a global program with short and long term volunteers in several places of conflict, including Hebron.

<sup>c</sup> "Fact Sheet", Military Court Watch. Source: <http://www.militarycourtwatch.org/page.php?id=a6r85VcpyUa4755A52Y2mp3c4v>. Accessed on Friday 28 August 2015. See also *Our Harsh Logic: Israeli Soldiers' Testimonies from the Occupied Territories, 2000-2010*, by Breaking the Silence

<sup>ci</sup> Reuters, Jan 13, 2015