

LEGALFOXES LAW TIMES

ISRAEL & PALESTINE VIOLENCE: IS THIS A RISE TO THE THIRD INTIFADA?

By Shivangi Rajiva

*“It’s the Israeli occupation that set Jerusalem on fire, and the flames reached Gaza,”
- Ismail Haniyeh (Hamas’ exiled leader)*

The conflict between Israeli-Palestinian is one of the most complex and contentious problems on the global scene today. The on-going month-long violence that the world is witnessing today in the middle-east has been one of the deadliest in the region since the year 2014. The situation has taken the path of such gravity that the UN has issued a warning saying that it could lead to a "full-scale war".

A BRIEF HISTORY

After the Ottoman Empire, the ruler of that region of the Middle East was destroyed in World War I, Britain assumed possession of the territory known as Palestine – inhabited then by Jewish minority and Arab majority. Tensions between the two grew when Britain was given the task of building the Jews a 'national home' in Palestine. But this move was opposed by the Arabs for they claimed Palestine to be their homeland.

Between the 1920s and 1940s, following the Holocaust of the Second World War, the number of Jews immigrating increased, with much absconding persecution in Europe and searching for a home. Violence erupted between Jews and Arabs, as well as against British control. The United Nations agreed in 1947 to designate Jerusalem as an international city and divide Palestine into separate Jewish and Arab governments. This idea was endorsed by Jewish leaders but rejected by Arab leaders and was never executed. Unable to address the situation, British rulers withdrew in 1948, and Jewish leaders announced the establishment of the state of Israel. Many Palestinians opposed, sparking a conflict. Arab troops from neighbouring nations invaded. During the

"Catastrophe,"¹ hundreds of thousands of Palestinians fled or were forced to evacuate their homes. Israel had acquired control of the great bulk of the territory by the time the war ended in a ceasefire the following year. Jordan took control of what is now known as the West Bank, while Egypt captured Gaza. Jerusalem was divided into two halves, with Israeli and Jordanian soldiers in the west and Jordanian soldiers in the east. Because there was no peace treaty and each side blamed the other, there were further wars and violence in the decades that followed.

Since 1967, Israel has occupied the eastern, western, and northern parts of the West Bank, as well as the whole of the Golan Heights, as well as the Sinai Peninsula in addition to East Jerusalem and the Gaza Strip. Most Palestinians now reside in Gaza and the West Bank as well as in Syria, and Jordan, along with a sizable population in Lebanon and the Gaza Strip. Israel has not permitted them or their descendants to return to their homes, claiming that doing so would overrun the nation and jeopardize its survival as a Jewish state. Israel continues to occupy the West Bank, and despite its withdrawal from Gaza, the UN considers that region to be occupied. The Palestinians desire East Jerusalem as their future capital, while Israel claims it as the complete city for the whole state. This is one of the few nations that acknowledge Israel's claim to the city of Jerusalem as belonging to Israel. Over the last 50 years, Israel has developed settlements in these areas, which currently house over 600,000 Jews. Palestinians claim that these are unlawful under international law and constitute a barrier to peace, although Israel denies this.

THE PRESENT SCENARIO

In the West Bank, Gaza, and East Jerusalem, tensions about Israel and the Palestinians are often high. The city of Gaza is controlled by Hamas, a Palestinian terrorist organization that has had repeated violent confrontations with Israel. In order to prevent weaponry from reaching Hamas, Israel and Egypt maintain close control over Gaza's borders. Israeli actions and limitations cause Palestinians in Gaza and the West Bank considerable suffering. Israel says it is defending itself against Palestinian violence, not doing anything more. With Ramadan in mid-April 2021, there

¹ The Palestinians have been commemorating the mourning of the mass killing of their people on Israel's border with Egypt on the most depressing day of the year. The 15th of May is the day on which Palestinians leave their homes and become refugees every year. "It is said that they are referring to it as 'the Catastrophe', or the Day of Destruction - al-Nakba.

have been clashes between police and Palestinians that have been more common since the start of the holy Muslim month. Many Palestinian families in East Jerusalem are in risk of being deported.

Since the start of the Palestinian demonstrations and clashes with the Israeli security forces, Palestinians and Israelis have been fighting each other in Jerusalem's Old City, a major sacred place for Jews, Christians, and Muslims, as well as a major focal point of the Middle East conflict. The city of Jerusalem has been in the midst of terrible conflicts between Jews and Arabs for the last 100 years, and it remains a flashpoint across the world. The current incidents began at the beginning of the month of Ramadan when Israel passed new laws to limit Muslim gatherings near the Al-Aqsa Mosque in Jerusalem's Old City. The shrine, referred to as the Noble Sanctuary by Muslims, is located on a huge, elevated plateau that also contains the famed Dome of the Rock, Islam's third holiest place. Tensions about a plan to remove dozens of Palestinians from an east Jerusalem neighbourhood raised tensions, and this fuelled the outbreak of violence in the following days. Israel has responded with air and missile assaults in Gaza, which have killed several people and show no signs of slowing. Approximately 200 Palestinians have been murdered, including children, and over 1500 others have been wounded in Gaza and Israel as of the seven-day mark. On the Israeli side, at least 12 individuals, including children, have died, and over 300 others have been hurt. The number will continue to rise, since there is nothing left to stop the fighting between the two parties.

RISE OF THE THIRD INTIFADA

Intifada², one of two Palestinian public uprisings in the West Bank and Gaza Strip aiming at ending Israel's control of those regions and establishing an independent Palestinian state. It all started in December 1987 and came to an end in September of that year with the signing of the first Oslo agreements, a framework for negotiations between the Israelis and Palestinians. When the second Palestinian uprising started in September 2000, it was dubbed the "al-Aqsa intifada."³ Although no one incident marked its demise, most observers believe it had reached its

² A revolt or an uprising might be referred to as an intifada. An intifada against an unjust authority is seen by Arabs as a proper method of resistance.

³<https://www.britannica.com/topic/intifadah>

conclusion by late 2005. Roughly around 5,000 Palestinians and 1,400 Israelis died in the first and second intifada.

This is the first time since the September 2000 intifada that Palestinians have responded to the cumulative effects of military occupation, repression, dispossession, and institutional discrimination on such a large scale throughout much of the combined area of Israel and Palestine. While the brutality of the fighting and the speed with which it erupted may have surprised some, this turn of events should not have surprised any seasoned watcher of the struggle. Given the present direction of Israeli policy and the reactions it has elicited, this outcome was unavoidable sooner or later.

Unlike in 2014 when the Israeli invaded Gaza, an Israeli ground strike this time might coincide with a new intifada that is not restricted to the West Bank. There are suggestions that Palestinian Israeli citizens may possibly join such a movement. After decades of discrimination in areas such as health, education, and housing, Israeli Arab rage has reached a boiling point. This spiral of bloodshed appears to be headed inexorably to a full-fledged conflict between Israel and Hamas. All indications are that if the current situation is not addressed, it will serve as the catalyst for an oncoming intifada that would cover Jerusalem, the West Bank, and Arab-populated areas of Israel. It is evident that the Israeli assumption that it could continue to drive out Palestinians and see Israeli-Arabs as second-class citizens as they are less likely to face repercussions because of U.S. aid is losing credibility, albeit slowly, maybe imperceptibly. Even if the current government lends its support to Israel's right to protect itself, things are going to keep getting worse for the country.

FAILING OF INTERNATIONAL HUMANITARIAN RIGHTS

International humanitarian law, sometimes known as armed conflict law, came into being throughout the twentieth century. It was intended to rein in the excesses of armed conflict by restricting the means and techniques of combat as well as the misery produced by war.

These are two aspects of IHL in armed conflict: Just the facts and everything must be seen from a legal perspective. Both before and post-conflict societies are constructed on these precepts. The word "just war" is usually used to mean a conflict in which force has been legitimately declared by the government of the belligerent state. It explores the purpose of war, whether it is fought for self-defence or to safeguard human rights. War justification is on the horizon. Jus in Bello

controls and strives to control the conduct of hostilities on the field. In this sense, the struggle that has continued over Israel's forceful control of the region over the Palestinians for seventy-two years comes to the fore.

As the conflict between Israel and Palestinians in Gaza has arisen, foreign ministers in the Security Council urged clearly for a stop to the carnage, raising concerns about the potential for the conflict to flow into the wider region.⁴ Thousands of Palestinians have found sanctuary in schools, mosques, hospitals, and foodservice centres in the Gaza Strip to be their best hope of escaping severe hardships. Meanwhile, Israeli people are terrified of missiles launched from Gaza. Humanitarian installations must be safeguarded, and journalists must be able to operate without fear of persecution. The UN Secretary Council stated that the mindless cycle of violence, fear, and devastation must end right now or it would lead to a full-fledged war and that it might spark uncontrollable security and humanitarian disaster. They agreed that religious integrity was a must, and asked everyone to conform to international humanitarian and human rights law.

Above all, the UN is sincerely committed to achieving a sustainable and just peace with Israelis and Palestinians, as well as with its international and regional partners, particularly the Middle East Quartet. He reminded the parties that he is in communication with important interlocutors and urged them to enable mediation efforts to increase and succeed.

It is possible only to continue talks with the purpose of peace, security, and the implementation of prior U.N. decisions, on the issue of two states existing together, based on the latest developments in international law, and on proper U.N. action, with Jerusalem as a capital of both Israel and a state of Palestine.

WHAT THE FUTURE HOLDS?

As the middle-east crisis is escalating and many dozens of human beings are killed, it is clearly understood that a wider range of unrest between the two States lies ahead.

Clashes in Jerusalem, notably around Al-Aqsa, frequently resonate across the area. The Palestinian terrorist organization Hamas, which administers Gaza, has called for a new uprising, similar to the one that erupted in 2000 in response to an Israeli politician's visit to Al-Aqsa. A shaky truce between Israel and Gaza's protesters is about to break apart.

⁴<https://news.un.org/en/story/2021/05/1091852>

Within Israel, protests have taken place both in Jewish neighbourhoods and Arab neighbourhoods. The West Bank attacks increased the severity of the already rising tensions last week. Syria and other Arab nations have been outraged by the Israeli action, while Iran has given backing to the demonstrations. The US, as well as the EU, have questioned the intensity of the violence and expressed concern about the forcible evictions.

