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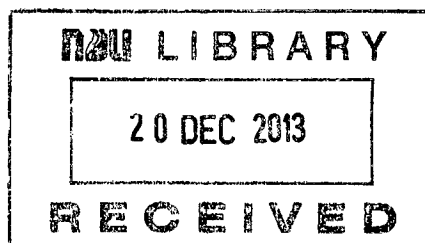
**Faculty of Political Science, Public Administration &
Diplomacy**

The Role of the United Nations and Human Rights
Organizations in Protecting the Human Rights of the
Palestinians and in Limiting Israeli Violations

M.A. Thesis

by

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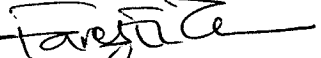
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Chapter One: Introduction

The promotion and protection of human rights has been a major preoccupation for the United Nations since 1945 in the same way that the respect for human rights and human dignity is the foundation for freedom, justice, and peace in the world.¹

The promotion and protection of human rights and fundamental freedoms is one of the main mandates of the United Nations as set out in its Charter. The origin of the human rights concept is preserved by the United Nations system.² The type of protection provided by the United Nations on issues of human rights is based either on its charter or on treaty-based mechanisms. Those mechanisms, also predicated on the United Nations Charter, include the Universal Declaration of Human Rights, the Commission on Human Rights established in 1946 which was substituted by the Human Rights Council created by the General Assembly on March 15, 2006, by resolution 60/251,³ and the sub-commission on the protection and promotion of human rights.⁴

The United Nations has created a global structure for protecting human rights consisting of three components. First, it establishes international standards through its legally binding treaties, nonbinding declarations, and other agreements and documents. Second, it mandates special rapporteurs, experts, and groups such as working groups,

¹ "The United Nations and Human Rights," *The United Nations*, The United Nations Department of Public Information, February 1996, Web. 7-08-2012. <<http://www.un.org/rights/dpi/1774e.htm>>.

² Anne F. Bayefsky, *The U.N. Human Rights Treaty System: Universality at the Crossroads*, Ardsley, NY, Kluwer Law International, 2001, 140. Print.

³ "United Nations Human Rights Council," *United Nations Human Rights Office of the High Commissioner for Human Rights*, Web. 7-08-2012. <<http://www.ohchr.org>>

⁴ "The United Nations Human Rights System," *Human Rights Education Associates*, Web. 7-08-2012 <http://www.hreo.org/index-php?doc_id 2430 >

committees and bodies to work in various manners for the promotion and protection of human rights. Third, it offers technical assistance through the voluntary fund for advisory services and technical assistance in the field of human rights.⁵

The Israeli occupation of the Palestinian territories has long been recognized as the root cause of the violation of the Palestinians' civil, political, economic, social, and cultural rights. Many of these violations as well as Israel's illegal occupation have been condemned by the United Nations system.⁶ These rights are in principle guaranteed by the Universal Declaration of Human Rights and protected by the provisions of humanitarian law, mainly the fourth Geneva Convention.⁷

The Israeli-Palestinian conflict has been an ongoing struggle between Israelis and Palestinians that began since the early twentieth century. Israeli violations and British violations of Palestinian human rights began as early as World War I and they have taken overtime numerous forms, ranging from killing, injuries, raids, arrests, home demolitions, attacks on property, home occupation, curfews, flying checkpoints, complete closure of crossing points around Palestinian towns, and settlers' violence.⁸ More recently, the siege on the Gaza Strip where Israel continues to limit the flow of vital goods and merchandise from entering Gaza has had even more devastating effects on the civilian population.⁹ Palestinians are denied free access to the holy places in

⁵ "The United Nations Human Rights System," *Human Rights Education Associates*, Web. 9-08-2012 <http://www.hrea.org/index.php?doc_id=437#intro>

⁶ "Palestine," *Center for Economic and Social Rights*, Web. 8-09-2012. <<http://www.cesr.org/section.php?id=24>>.

⁷ "Palestinian Human Rights under Israeli Rule," *The Jerusalem Fund*, The Center for Policy Analysis on Palestine, Web. 8-09-2012. <<http://www.the.jerusalemfund.org/ht/a/getdocumentaction/i/2934>>

⁸ "Israeli Human Rights Violations within the Occupied Palestinian Territory," *Negotiations Affairs Department*, January-May 2011, Web. 8-09-2012. <<http://www.nad-plo.org/> PLO Negotiations Affairs Department.>

⁹ Levy Gideon, *The Punishment of Gaza*, Brooklyn, NY, Verso, 2010, 44. Print.

occupied Jerusalem, and this access is tied to strict and erratic permits issued on and off by the Israeli authorities.

Since its occupation, Israel has been committing many violations that have affected the Palestinians' human rights: from land confiscation and settlement, to transferring its own civilian population into the occupied territories. From here, the focus of this research is on the role of the United Nations and human rights organizations in promoting the human rights of Palestinians and in limiting Israeli violations. The study will touch upon the issue of Palestinians' human rights and the extent to which the United Nations and human rights organizations could promote these rights and could limit Israel's violations.

Literature Review

In order to develop a deep understanding of the research topic, it was important to complete a wide literature review of several fields for analysis. The areas of focus include a historical background on the Israeli - Palestinian conflict and Israel's breaches of the basic rights of Palestinians, as well as the role of the United Nations in promoting these rights according to the United Nations Universal Declaration of Human Rights, and the roles and strategies of human rights organizations in sustaining these rights.

The United Nations Universal Declaration of Human Rights

For the purpose of this research, human rights will refer to the *basic* human rights which are the right to life and liberty, freedom of thought and expression, equality before the law, and socio-economic rights as well as the responsibilities as described by the United Nations Universal Declaration of Human Rights. The first international

attempt to create a universally defined list of human rights was initiated by the United Nations in 1948. This document became known as the Universal Declaration of Human Rights. These include the right to life, liberty, education, health, nationality, recognition, freedom of movement and residence within the borders of each state, security of person, and equality. The language of human rights is, therefore, the most widely recognized discussion pertaining to the treatment of peoples. Within a scaffold of rights, people around the world are given hope for achieving a state of peace and security. For example, Edward Said describes the protection that all people are afforded under this policy as follows: "each individual or collectivity, no matter of his or her social location, is to be protected from such horrific practices as starvation, torture, forceful transfer of populations, religious and ethnic discrimination, humiliation, and land expropriation."¹⁰

In order to clarify the commitments set out in the United Nations Universal Declaration of Human Rights two additional treaties opened for signature by the international community in 1966, the International Covenant on Political and Civil Rights and the International Covenant on economic, social, and cultural rights. According to Keith "three-quarters of the world's nation states have legally recognized a comprehensive set of human rights and have pledged to take appropriate action to protect and provide these rights."¹¹

¹⁰ Edward W. Said, "Memory, Inequality, and Power: Palestine and the Universality of Human Rights," *Alif: Journal of Comparative Poetics*, 24 (2004): 15-24, Print.

¹¹ Linda Camp Keith, "The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in Human Rights Behavior?" *Journal of Peace Research*, Volume 36, Number 1, (January 1999): 95- 118, Jstor, Web, 13-07-2013 <<http://jpr.sagepub.com/content/36/1/95.>>

A human right is defined by Ramesh Thakur as social, relational, and material entitlements that are, "universal – owing to every person simply as a human being; held only by human beings; held equally by every person; not dependent on the holding of office, rank, or relationship; and claimable against all governments."¹²

Amartya Sen discusses human rights in terms of resources and responsibilities, viewing human rights as “ethical demands” with a shared universal moral undertone attempting to ensure social justice for all people.¹³ Kiyotery Tsutsi and Christine Min Wotikpa discuss how human rights are afforded to people in four categories: political rights, economic rights, social rights, and cultural rights.¹⁴ These include such rights as holding parliamentary office, having the ability to find employment and receive fair pay for work, having the ability to claim a nationality and having the ability to leave one’s country and return to it.

The Paris Principle¹⁵

The Paris Principle lists particular obligations for Human Rights Institutions:

- To seek an agreeable settlement through conciliation, a binding decision or based on confidentiality.
- To inform about human rights’ violations and to provide remedies.

¹² Ramesh Thakur, “Human Rights: Amnesty International and the United Nations,” *Journal of Peace Research*, Volume 31, Number 2, (1994): 143-160, Jstor, web, 4-07-2013.

¹³ Amartya Sen, “Elements of a Theory of Human Rights,” *Philosophy and Public Affairs*, Volume 32, Issue 4, (September 15, 2004): 315-356, Web, 5-7-2013. < <http://onlinelibrary.wiley.com/athens>>

¹⁴ Christine Min and Kiyotery Tsutsi, “Global Civil Society and the International Human Rights Movement: Citizens Participation in Human Rights, International Non-Governmental Organizations,” *Social Forces*, Volume 83, Number 2, (December 2004): 567-820, Jstor, Web, 7-9-2012.

¹⁵ “Paris Principles: 20 years guiding the work of National Human Rights Institutions,” *United Nations Human Rights Office of the High Commissioner for Human Rights*, May 30, 2013, Web. 6-1-2013. <<http://www.ohchr.org/EN/NewsEvents/Pages/ParisPrinciples20yearsguidingtheworkofNHRI.aspx>>

- To hear complaints and transmit them to competent authorities and to make recommendations to competent authorities.

UN Human Rights Chief Navi Pillay said at the 26th session of the International Coordinating Committee of National Institutions for the promotion and protection of Human Rights (ICC) that: “the Paris Principle provides a unique opportunity to reflect on the National Human Rights Institutions’ (NHRI) achievements and to reiterate the importance of ensuring that NHRIs attain and maintain credibility at the national, regional and international levels.”

Human Rights Treaties

After the nonbinding Universal Declaration of Human Rights, many global and regional human rights treaties have been concluded. Critics argue that these are unlikely to have made any actual difference in reality. Others contend that international regimes can improve respect for human rights in state parties particularly in more democratic countries or countries with a strong civil society devoted to human rights and with transnational links. Neumayer’s suggest that rarely does treaty ratification have unconditional effects on human rights. Instead, improvement in human rights is typically more likely the more democratic the country or the more international nongovernmental organizations its citizens participate in. However, in a weak civil society, ratification can be expected to have no effect and sometimes even associated with more human rights violations.¹⁶

¹⁶ Eric Neumayer, “Do International Human Rights Treaties Improve Respect for Human Rights,” *The Journal of Conflict Resolution*, Volume 49, Number 6, (December 2005): 925-953, Jstor, Web. 5-7-2013.

Human rights treaties provide an ideal starting point for understanding state commitment decisions because they constitute the paradigmatic hard case. Human rights treaties do not offer states any reciprocal, as do many other treaties. The formal international legal enforcement of the treaties is minimal to nonexistent. International institutions do not authorize any substantial legal sanctions against nations for violations of universal human rights treaties. The human right treaties support the claim that human rights treaties are most likely to be effective where there is legal enforcement of treaty commitments.¹⁷ Human rights represent self-imposed restraints on the behavior of a government. These limits signify both a domestic norm and a state that has decided to settle political disputes through nonviolent methods. The respect for human rights decreases the probability of conflict. States that respect human rights at home tend to have more peaceful interactions with other states that respect human rights.¹⁸

According to Jack Donnelly, human rights in the contemporary world are universal in another sense: they are almost universally accepted at least in word or as ideal standards. All states regularly proclaim their acceptance or adherence to international human rights norms, and charges of human rights violations are among the strongest complaints that can be made in international relations. He added that three quarters of the world's states have undertaken international legal obligations to implement these rights by becoming parties to the International Human Rights Covenants, and almost all other nations have otherwise expressed approval or commitment to their content. He calls the substantive

¹⁷ Oona A. Hathaway, "Why Do Countries Commit to Human Rights Treaties?" *The Journal of Conflict Resolution*, Volume 51, Number 4, Sage Publications, Inc, (August 2007): 588-621, Jstor, web. 4-2-2013.

¹⁸ David Sobek, M. Radwan Abou harb, and Christopher G. Ingram, "The Human Rights Peace: How the Respect for Human Rights at Home Leads to Peace Abroad," *The Journal of Politics*, Volume 68, Number 3, Cambridge University Press, (August 2006): 519-529, Jstor, Web. 4-2-2013.

theory of human rights, the Universal Declaration model in recognition of the central role of the 1948 Universal Declaration of Human Rights in establishing the contours of contemporary consensus on international human rights. He adds that the conceptual theory of human rights delimits a field of inquiry and provides a relatively uncontroversial starting point for analysis.¹⁹

The effectiveness of the treaty system must be assessed by how successful the system has been in providing states with authoritative guidance on the meaning of treaty provisions, preventing human rights violations, and ensuring effective action in cases where such violations occur.

Human Rights Organizations

International involvement in human rights is increasing and the number of international organizations has risen. It is through international human rights organizations around the globe that human rights customs have been legitimized. International human rights organizations have assumed the role of spreading and promoting human rights' principles. According to Amartya Sen, international organizations have been involved in advancing human rights through public discussions and support, on the one hand, and publicizing and criticizing violations, on the other.²⁰

Alessandro Ferrera sees the responsibility of the fulfillment of human rights as belonging to everyone. With the development of internationally defined human rights

¹⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Ithaca, NY, Cornell University Press, 2003, 3. Print.

²⁰ Amartya Sen, "Elements of a Theory of Human Rights," *Philosophy and Public Affairs*, Volume 32, Issue 4, (September 15, 2004): 315-356, Web, 5-7-2013. < <http://onlinelibrary.wiley.com/athens>>

standards and the increase in global relationships, the divide between nation-states is made invisible by our commitment to uphold certain standards of living for all.²¹

Thakur points to grass roots human rights organizations as, "a people movement" made up of millions of individuals around the world engaged in a variety of work to raise consciousness about human rights. He states that, "While the United Nations may be better qualified to set international norms, non-governmental organizations are better able to investigate human rights abuses at the grassroots level."

Keck and Sikkink suggest that when NGOs are unable to influence policy through domestic political structures they frequently seek support from outside to exert greater pressure.

Shelly supports the claim that international involvement in human rights is increasing, arguing that the number of international organizations has risen dramatically over the last decade, with transnational organizations operating almost everywhere in the world.²²

Nickel views the international system for the promotion and protection of human rights as part of "normative globalization" and the shrinking of world politics.²³ It is through International Human Rights Organizations and their work towards the fulfillment of human rights around the world that human rights norms have been

²¹ Alessandro Ferrara, "Two Nations of Humanity and the Judgment of Arguments for Human Rights," *Political Theory*, Volume 31, Number 3, (June 2003): 392-420, Jstor, Web. 5-3-2013.

²² Louise Shelley, "Human Rights as an International Issue," *Annals of the American Academy of Political and Social Science*, Volume 506, Sage Publications, inc (November 1989): 42-56, Jstor, Web. 5-3-2013.

²³ James W. Nickel, "Is Today's International Human Rights System a Global Governance Regime?" *The Journal of Ethics*, Volume 6, Number 4, Published by Springer, (2002): 353-371, Jstor, Web. 9-3-2013.

legitimized. With a growing number of nations committing to international treaties such as the United Nations Universal Declaration of Human Rights, International Human Rights Organizations have assumed the role of diffusing and promoting human rights principles.²⁴

Major human rights organizations maintain extensive websites documenting violations and calling for remedial action. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by a strong public advocacy. Human rights organizations such as Amnesty International and Human Rights Watch investigate and expose human rights violations, hold abusers accountable and challenge government and those who hold power to end abusive practices and respect international human rights.²⁵

According to Golan, human rights organizations translate international human rights norms on the one hand and the suffering of the victims on the other, into the conceptions and legal language commonly employed by the state that violates these rights.²⁶

NGOs can play an effective role in promoting and protecting human rights in societies, especially where democracy is going through a turbulent period of consolidation. Human rights activists and organizations serve as the voice for the oppressed and the underprivileged, organizing them, taking collective action on their behalf and fighting for their rights. The NGOs in Bangladesh helped in promoting and

²⁴ Emilie M. Hafner- Burton and Kiyoteru Tsutsui, "Human Rights in a Globalizing World: The Paradox of Empty Promises," *American Journal of Sociology*, Volume 110, Issue 5, (March 2005): 1373-1391, Jstor, Web. 7-3-2013.

²⁵ "Human Rights Organizations," *United for Human Rights*, Web. 7-3-2013. <<http://www.humanrights.com/voices-for-human-rights/human-rights-challenges.html>>

²⁶ Golan Daphna, "Translating Human Rights of the "Enemy"; The Case of Israeli NGOs Defending Palestinian Rights," *Human Rights Quarterly*, Volume 46, Issue 4, (December 2012): 781 -814, Jstor, Web, 8-3-2013. <<http://onlinelibrary.wiley.com/dai/10.1111/1540-5893>>

safeguarding human rights issues relating to social and economic development. However, Bangladesh has hardly achieved positive results over the last thirty years. Democratic norms and civil liberties have been difficult to establish due to frequent military intervention into state affairs.²⁷

According to Todd Howland, NGOs contribute to the transformation and application of human rights. He said EL Rescate, a Salvadoran NGO, worked for years to advocate for a peace process that would measurably improve the human rights in El Salvador.

El Rescate facilitated the work of the negotiators as well as the Commissioners so that they took concrete steps to improve the human rights situation in Salvador and lead to the signature of a final agreement in the Salvador peace process.²⁸

According to James Ron, Howard Ramos, and Kathleen Rodgers, human rights language is increasingly used in debates over military intervention, foreign aid, and globalization, and as the volume of human rights talk has grown, so the number of human rights organizations has grown too.²⁹

The test of effectiveness for national institutions is not how far they make uninterrupted progress towards a society in which all human rights are respected, protected, and fulfilled. Many NHRIs operate in an environment in which human rights are not an official priority, or worse are under attack. They have limited powers; their

²⁷ Habib Mohamad Zafarullah, "Human Rights, Civil Society, and Nongovernmental Organizations: The Nexus in Bangladesh," *Human Rights Quarterly*, Volume 24, Issue 4, (November 2002): 1011-1034, Web. 7-3-2013. <http://muse.jhu.edu/journals/hrq/summary/v024/24.4_Zafarullah.html>

²⁸ Todd Howland, "How El Rescate, a Small Nongovernmental Organization Contributed to the Transformation of the Human Rights Situation in El Salvador," *Human Rights Quarterly*, Volume 30, Number 3, (August 2008): 703 – 757, Web. 7-3-2013.

²⁹ James Ron, Howard Ramos, and Kathleen Rodgers, "Transnational Information Politics: NGO Human Rights Reporting 1986-2000," *International Studies Quarterly*, Volume 49, Number 3, (September 2005): 557-588, Jstor, Web. 8-3-2013.

first responsibility may be to hold the line by continuously monitoring government behavior and keeping awareness of human rights alive in society. National institutions are more effective when they work in conjunction with other organizations.³⁰

According to Kim Cameron, it is difficult to measure the effectiveness of human rights organizations due to the following points:³¹

- Inadequacy in identifying indicators of effectiveness;
- Over-reliance on single indicators of effectiveness and ignoring the relationships among multiple indicators;
- Under-specified models and ignoring the time frame of the criterion variable;
- Over-generalization to dissimilar organizations ;

According to Hans Peter Schmitz, Evaluating the effectiveness of human rights organizations is challenging because various non-governmental and other organizations developed different understandings of how to apply a rights-based framework in the development context.³²

Israeli / Palestinian Conflict

The Israeli-Palestinian conflict is the ongoing dispute between the Jewish and Arab populations in the former Ottoman Empire region of Palestine, consisting of the state of Israel, the West Bank, and the Gaza Strip. Since the establishment of the state of Israel

³⁰ "Assessing the Effectiveness of National Human Rights Institutions," *Office of the United Nations High Commissioner for Human Rights*, International Council on Human Rights Policy, Web.8 -3-2013. <<http://www.ohchr.org/>>

³¹ Kim Cameron, "A Study of Organizational effectiveness and its Predictors," *Management Science*, Volume 32, Number 1, (January 1986): 87 – 112, Jstor, Web. 6-3-2013.

³² Hans Peter Schmitz, "A Human Rights-Based Approach in Practice Evaluating NGO Development Efforts," *Polity*, Volume 44, Number 4, (October 2012): 544 – 559, Jstor, Web. 8-3-2013.

in 1948, politicians and diplomats have attempted many times to create a two-state solution and establish an independent Palestinian state alongside Israel. However, substantial disagreements over issues including mutual recognition, borders, security, water rights, and control over the city of Jerusalem have prevented resolution.

According to Saree Makdisi, the occupation is merely a feature of an ongoing Israeli policy of slow transfer of the native Palestinian population from their lands. This policy predates the founding of the state and all of the various practices of the occupier: illegal settlement, land confiscation, and home demolition violate the human rights.³³ Similarly, Gideon Levy sees Israel's 2009 invasion of Gaza as an act of aggression that killed over a thousand Palestinians, violated their basic human rights, and devastated the infrastructure of an already impoverished enclave.³⁴

Sufian Mushasha and Louise Dear suggest that Israel is responsible for damage to a wide range of infrastructure necessary for the provision of such social services as charities, schools, clinics, and orphanages worsening an already dire situation for the Palestinian civilian population. Damage to water sanitation networks, energy supplies and facilities, irrigation networks, and other productive assets constitute additional examples of excessive force and collective punishment that prevent the Palestinian population from developing self-sustenance. Palestinians are subject to torture and violence against their basic rights by the Israelis.³⁵

³³ Saree Makdisi, *Palestine Inside*, New York: W.W. Norton and Company, Inc., 2010, 97. Print.

³⁴ Levy Gideon, *The Punishment of Gaza*, Brooklyn, NY, Verso, 2010, 44. Print.

³⁵ Louise Dear and Sufian Mushasha, "Occupied Palestinian Territory Investing in Human Security for a Future State," *United Nations Development Program*, Human Development Report 2009/2010, Web. 4-3-2013. < http://hdr.undp.org/en/reports/national/arabstates/palestine/NHDR_Palestine_En_2009-10.pdf.>

According to Lisa Hajjar, the Israeli/Palestinian conflict is a struggle over rights, opposing the privileges of the Israeli state against the national and human rights of the Palestinian population (self-determination, legal protections, and civil liberties).³⁶

According to Rita Simon, the Israelis continued occupation of the West Bank and Gaza is by itself a violation of human rights. She adds that the security forces may be violating due process in their treatment of suspects, in placing severe limitations on movement, invoking censorship and curfews. At the same time, those rights may still be honored with the body politics and among those who are an integral part of the society.³⁷

Sara Roy says that the Palestinian society and economy are slowly being dismembered. The transformations in land, labor, demography, and society have been striking. This context is defined by Israel's continued occupation of Palestinian lands. That context is also defined by the deterioration of the Palestinian economy, a humanitarian crisis characterized by levels of impoverishment and social decline. These conditions of loss and dispossession will not only preclude a peaceful resolution to the Palestinian-Israeli conflict but also seriously constrain Palestinian socioeconomic and development.³⁸

The renowned Israeli historian, Ilan Pappé, revisits the formative period of the State of Israel. Between 1947 and 1949, over 400 Palestinian villages were deliberately destroyed, civilians were massacred, and around a million men, women, and children

³⁶ Lisa Hajjar, "Human Rights in Israel/Palestine: The History and Politics of a Movement," *Journal of Palestine Studies*, Volume 30, Number 4, (Summer 2001): 21-38, Jstor, Web. 9-3-2013.

³⁷ Rita J. Simon, "Assessing Israel's Record on Human Rights," *Annals of the American Academy of Political and Social Science*, Volume 506, Sage Publications, (November 1989): 115 – 128, Jstor, Web. 9-3-2013.

³⁸ Sara Roy, "The Palestinian-Israeli Conflict and Palestinian Socioeconomic Decline: A Place Denied," *International Journal of Politics, Culture, and Society*, Volume 17, Number 3, (Spring 2004):365 – 403, Jstor, Web. 9-3-2013.

were expelled from their homes at gunpoint. Denied for almost six decades, had it happened today it could only have been called "ethnic cleansing". Ilan Pappé offers impressive archival evidence to demonstrate that, from its very inception, a central plank in Israel's founding ideology was the forcible removal of the indigenous population.³⁹

It is the role of the United Nations and International Organizations to limit these violations and promote the Palestinians' human rights and force their implementation. Human rights organizations and the United Nations contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict. Effectiveness of human rights organizations and the United Nations is tested according to the capability of producing desired results and doing the right thing. Civil society, especially human rights organizations, has been crucial in the process of defining and realizing human rights throughout the world. NGOs are helping to strengthen the international human rights system. The effectiveness of the work of the United Nations in the field of human rights depends on the collection and dissemination of accurate information. NGOs are a valuable link between the grass roots and the national and international levels of action.

The role of the United Nations in defending and promoting the human rights is clearly defined by all member states according to laws and specific norms that focus on the freedom and right of the individual to live in dignity with others in the society, nation, and the entire world. By signing the UN Declaration, states give the international community power to become involved in human rights promotion.

Local and international NGOs such as Amnesty International and Human Rights Watch have been always working on promoting the human rights although their

³⁹ Ilan Pappé, *The Ethnic Cleansing of Palestine*, One world Publications, 2006, Print.

efficiencies vary between a country and another. Human rights organizations appear to be more powerful and effective in democratic countries.

Based on the Universal Declaration of Human Rights and the subsequent treaties, international humanitarian law, and international law, human rights are theoretically the same all over the globe. However, the practices, applications, and measures are different especially in weak civil societies where the political and economic issues are dominating.

In the Israeli – Palestinian conflict, the political interests are marginalizing the human rights. The human rights organizations are paralyzed to a certain extent, and they are unable to fulfill their task. The human rights organizations' role is limited to report and cover certain issues. Palestinians are heavily reliant on aids in the form of both material and human resources. The United Nations and many human rights organizations advocate for the dissemination of resources in Palestine and an end to Gaza's blockade and Israeli settlements. As the information in the literature review suggests, there is a need for the involvement of the United Nations and human rights organizations to assist in promoting and sustaining Palestinians' human rights.

Research Question

This work aims to explore how the United Nations and human rights organizations have become engaged in the efforts to promote human rights for Palestinians living under Israel's control.

Human rights have little value if they are not implemented. The United Nations and human rights organizations conduct their work through searching, monitoring, reporting

and documenting Israeli human rights violations, as well as raising advocacy, awareness, and dialogue on behalf of Palestinians for the promotion of human rights and the acquirement of resources to fulfill human rights in the occupied territories. The research explores and discusses how the United Nations and human rights organizations work on human rights issues in the Israeli-Palestinian situation and how human rights can contribute to the improvement of human rights in this conflict.

The United Nations and human rights organizations play an important role in promoting and protecting human rights by enhancing cooperation and promoting the exchange and dissemination of experience and best practices.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law holds states responsible to act in certain ways or to abstain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

This case study, the Israeli-Palestinian conflict, aims to provide a better understanding of promoting human rights and limiting human rights violations. From this point, this research project aims to develop an understanding of the work of the United Nations and human rights organizations in the areas of promoting Palestinians human rights and limiting Israeli violations.

Why the United Nations and human rights organizations? Since its creation, the United Nations has been engaged in promoting human rights throughout the globe. This is stated clearly in the United Nations charter of 1945 in the following articles:

Article 1 (3) which states: “To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Article 55 which states: “With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”

Article 56 which states: “All members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.” Also many human rights organizations are increasingly engaged in activism and other grass roots activities aimed at promoting peace and human rights within the occupied territories of Palestine.

The case under study is the role of civil society especially human rights organizations and the United Nations in sustaining, promoting, and protecting Palestinian’s human rights and in implementing fairness, and justice in society. The civil society organizations act as a third sector which plays a role between the society and government in which they help in solving many economic, political, education, environment, and health issues. They help the individuals and groups inside the

community to face and change the difficulties facing them. According to Anheier, a civil society is defined as the sphere of institutions, organizations, and individuals in which people connect voluntarily to advance common interests. The modern view observes the sphere of the civil society as a protection zone between the state and the market so it prevents each from becoming too powerful and dominating.⁴⁰ Hickman stresses that the factors that cause social tensions are: “identity and meaning, resource availability and distribution, power, and ethics.” Most of these problems exist in absence of a strong civil society.⁴¹

Civil society is composed of autonomous associations which develop a dense, diverse, and pluralistic network. As it develops, civil society will consist of a range of local groups, specialized organizations, and linkage between them to amplify the corrective voices of civil society as a partner in governance and in the market.

The human rights organizations are assisting and supporting different communities throughout the world to promote human rights. Many different leading organizations in human rights such as *Human Rights Watch*, *Amnesty International*, and many other INGOs operate in different and diverse ways to promote and protect the Palestinians’ human rights against Israel’s breaches. Israeli occupation poses the greatest threat to human rights in the Occupied Palestinian territory, while there has been a decrease in the number of suicide attacks on Israel; the Israeli governments is exploiting security concern to squeeze Palestinians into ever tightening areas, consolidate settlements in the West Bank, expel Palestinians from East Jerusalem and seize Palestinian land.

⁴⁰ Helmut K. Anheier, *How to Measure Civil Society*, UK, Earthscan, 2004, eBook.

⁴¹ Gill Hickman, *Leading Change in Multiple Contexts: Concepts and Practices in Organizational Community, Political, Social and Global Change Settings*, Thousand Oaks, CA: Sage, Publishers, Inc. , 2010, Print.

Methodology

This research assumes the universality and fairness of the United Nations Universal Declaration of human rights and the subsequent treaties of civil, political, economic, social, and cultural rights. The Universal Declaration of human rights was selected as the primary basis to evaluate and comment on the Israeli/Palestinian conflict. From this point of view, all people regardless of their social or geographic location deserve certain basic rights.

It is the responsibility of each state, in corporation with the international community at least those who are signatories of this agreement to ensure that the human rights of all people are respected.

According to the Paris Principle,⁴² the United Nations' human rights institutions should make recommendations and proposals to governments (Israel and Palestine) on various matters relating to human rights, including existing and proposed laws, human rights violations and the national human rights situations in general.

The United Nations plays an important role in promoting the Palestinians human rights, through sending different missions to Palestine to investigate on human rights and the various resolutions drafted by the General Assembly, the Security Council, and the Human Right Commission. However, Israel has violated many resolutions that included condemnation or criticism of the governments.

⁴² Adopted by National Human Rights Institutions at an international workshop held in Paris in 1991.

In order to assess the United Nations and human rights organizations responses to promote Palestinians human rights and limit Israeli's violations, qualitative methodology and textual analysis were used.

The interdisciplinary literature on the role of human rights organizations either focuses on the ways in which individual human rights organizations work to achieve the goal or how human right organizations operate collectively within the civil society.

This research is a qualitative, exploratory study of the work of the United Nations and human rights organizations in promoting, sustaining, and protecting human rights in the occupied territories of Palestine. Since the objective of the research is to increase the understanding of the role of the United Nations and human rights organizations in enhancing Palestinians' human rights and limiting Israeli breaches, the qualitative research methods would allow the flexibility needed to examine such a complex issue. Rather than beginning with a predetermined hypothesis, qualitative research methods start off with no preconceived concepts and are more hypothesis-generating in nature.⁴³ Whipp recommends qualitative research methods for studies seeking to "draw attention to the ability of social actors to influence behavior of other premises of action and how interest groups form around issues and compete for resources."⁴⁴ The qualitative methods allow explicating what is happening within a setting or a particular event.

The Qualitative case study methodology of the Palestinian / Israeli conflict is used to gather an in-depth understanding of the United Nations and human rights organizations

⁴³ Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, 3rd edition, Thousand Oaks CA., Sage Publications, Inc. , 2008, Print.

⁴⁴ William R. Whipp, "Qualitative Methods: Techniques or Size? Researching the World of Work Strategies and Methods in Studying Industrial Relations," in K. Whitfield and G. Strauss eds., 1998, 51-63, Print.

in promoting the Palestinians' human rights and in limiting Israeli breaches. It aims to explore the situation and to describe the real life context in which it occurs.

An online search was conducted to determine the role of the United Nations in promoting Palestinians' human rights and limiting Israeli breaches by referring to the United Nations information system on the question of Palestine and through the different resolutions that deal with the right of Palestinians to self-determination, Israeli settlements and practices in the occupied Palestinian territory, and Gaza blockade. In addition to the reports, commissions, and rapporteurs sent to Palestine to examine and put into practice Palestinians human rights.

Also, an online search of human rights organizations was conducted and the organizations were chosen based on their website's promotion of Palestinian human rights within their vision and mission statements. Two international human rights organizations were selected Amnesty International and Human Rights Watch due to their leading role in defending and protecting human rights around the globe. Two Israeli human rights organizations B'Tselem and Machsom Watch were chosen due to their daily presence, monitoring, reporting, and leading role to ensure that Israel respects human rights in the Occupied Territories. In addition, B'Tselem works in the United States to provide accurate, reliable information to policy makers, opinion shapers, and the public about the reality on the ground. Two Palestinian human rights organizations are Al-Haq and The Palestinian Human Rights Monitoring Group (PHRMG). These two human rights organizations were selected since they maintain strategies with international human rights groups, media, and donors. Al-Haq has special consultative status with the United Nations Economic and Social Council. It is the West Bank

affiliate of the International Commission of Jurists-Geneva and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), The World Organization against Torture (OMCT), The International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), and the Palestinian NGO Network (PNGO). The Palestinian Human Rights Monitoring Group (PHRMG) cooperation and partnership with international human rights organizations and groups has proved vital to PHRMG's outreach and support internationally. As illustrations; Amnesty International, Human Rights Watch, and Reporters without Borders regularly utilize PHRMG unpublished and published research for their reports.⁴⁵

Another method is textual analysis of books that describe the human rights and the role of the United Nations in promoting these rights as well as the violations of Palestinians' rights in occupied Palestine. The reports dealing with Palestinians human rights and articles that report the day-to-day human rights problems in occupied Palestine. Textual analysis is used to describe and interpret specified characteristics of a message. The purpose of textual analysis is to describe the content, structure, and functions of the messages contained in texts. Textual analysis provides an opportunity to gain tremendous insight into a case. In the Palestinian / Israeli case study, it enables to gather data from a variety of sources and to converge them to illuminate the case. Earl Babbie defines textual analysis as "the study of recorded human communications, such as books, websites, paintings, and laws."⁴⁶ Ole Holsti defines textual analysis as

⁴⁵ "PHRMG Relationship with the International, Local Community," *The Palestinian Human Rights Monitoring Group*, Web. 7-4-2013. <about us <http://www.phrmg.org/Aboutpage.htm>>

⁴⁶ Earl R. Babbie, *The Practice of Social Research*, California U.S.A., Wadsworth Cengage Learning, 2010, 530, Print.

“any technique for making inferences by objectively and systematically identifying specified characteristics of messages.”⁴⁷

Proposed Organization of the Thesis

This introductory chapter concentrates on the overall purpose of the research and gives an overview of the topics that will be dealt with in the course of study. It introduces the concepts of human rights based on the role of the United Nations and human rights organizations in sustaining these rights. It introduces the breaches of basic human rights of Palestinians under Israeli authorities.

Chapter two examines the conflict between Israelis and Palestinians from a human rights point of view. It examines also the Israeli violations of basic Palestinian human rights from land expropriation and the forceful transfer of people to practices such as house demolition, unjust permit systems, and control over access to resources. Further, through the process of settlement development and expansion, Israel has been involved in a process of taking over areas of Palestinian land and building its own settlements on them. Through excessive use of force and collective punishment, the Israeli occupation of Palestine constitutes a form of collective punishment as all Palestinians are persecuted through Israeli government and military policies. Human rights herein are discussed according to the role of the United Nations in sustaining them and limiting their violations.

Chapter three examines the different resolutions drafted by the United Nations to support and promote Palestinians' human rights, by the Human Rights Council, and the

⁴⁷ Ole R. Holsti, *Content Analysis for the Social Sciences and Humanities*, Philippines, Addison – Wesley, 1969, 105, Print.

General Assembly and the Security Council resolutions,⁴⁸ as well as the special commissions and rapporteurs sent to Palestine and the different UN agencies such as UNDP and UNRWA dealing with the Palestinian question.

This chapter also examines human rights with reference to the fundamental human privileges and responsibilities as set forth by the United Nations Universal Declaration of human rights, the international humanitarian law, and the Fourth Geneva Convention.

Chapter four highlights the role of different human rights organizations such as Amnesty International, Human Rights Watch, Machsom Watch, B'Tselem, The Palestinian Human Rights Monitoring Group (PHRMG), and Al-Haq in promoting Palestinians human rights and addressing Israeli breaches. The role these organizations share in giving a voice to victims of human rights violations and in attaining sustainable development through development of social, political, economic, and environmental systems. In order to increase this role, human rights organizations may increase their monitoring and reporting of violations, as well as supporting on behalf of Palestinians the promotion of human rights. They play a key role in raising awareness about human rights violations and providing support.

The last part of this chapter makes a general analysis of the previous chapters and presents concluding remarks and recommendations.

⁴⁸ Security Council Resolutions 194, 242, 446, 452, 465, 476, 478, 1397, 1402, 1403, 1435, 1515, 1850, and 1860.

Chapter Two: Human Rights and the Israeli/Palestinians Conflict

The Israeli-Palestinian conflict is the ongoing struggle between Israelis and Palestinians that began in the late 19th century and early 20th century. This section will examine the ongoing struggle in Israel/Palestine from a human rights perspective. Hence, the consequences of the military occupation of Palestine are outlined according to the United Nations Universal Declaration of Human Rights, the fourth Geneva Convention, and the International Human Rights Law.

a) Land Expropriation and the Forceful Transfer of People

Within the Israeli /Palestinian conflict, tension arises out of the Israeli acquirement of Palestinian land through forceful confiscation of Palestinians from their homes and communities. Dajani asserts that the practices of land acquisition by the state of Israel have been illegal under international law.⁴⁹ Through practices such as housing demolitions, unjust permit systems and control over access to resources, Israeli policies have segregated Palestinians in Israel and the Occupied Territories of Gaza, West Bank, and East Jerusalem.⁵⁰

Since 1967, many settlements were established on a huge area of land taken from the Palestinians in breach of international humanitarian law.⁵¹ The very existence of the settlements violates Palestinian human rights, including the right to property, equality, a decent standard of living, and freedom of movement.

⁴⁹ Burhan Dijani, "An Alternative to Oslo?" *Journal of Palestine Studies*, Volume 25, Number 4, (summer 1996): 5-19, Jstor, Web. 8-4-2013.

⁵⁰ Edward W. Said, "Memory, Inequality, and Power: Palestine and the Universality of Human Rights," *Alif: Journal of Comparative Poetics*, Volume 24, (2004): 15-24, Print.

⁵¹ "Land Expropriation and Settlements," *B'Tselem The Israeli Information Center for Human Rights in the Occupied Territories*, Web.8-4-2013. <<http://www.btselem.org/topic/settlements>.>

Israel created in the Occupied Territories a regime of separation and discrimination with two separate systems of law in the same territory, one system for the settlers, de facto annexes the settlements to Israel and awards settlers the rights of citizens of a democratic state. The other is a system of military law that systematically denies Palestinians of their rights and deprives them the ability to have any real effect on determining the policy regarding the land space in which they live and with respect to their rights. These separate systems reinforce a system in which rights depend on the national identity of the individual. These different actions violate the Universal Declaration of Human Rights article 1: “right to freedom and equality” and article 12: “right to freedom from interference with privacy, family, home, and correspondence.”

The number of Palestinian refugees who have fled Israel/Palestine and registered with the UNRWA is more than 4.3 million.⁵² The refugees’ problems and the Israeli settlers living in the occupied Palestinian territories are in flagrant violation of international law and international human rights law. Despite repeated condemnation from the international community, the settlements continue to expand with the full political and financial support of the successive Israeli government.⁵³ In addition, the settlements are and always have been a gross violation of article 49(6) of the fourth Geneva Convention which states that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

⁵² “The UN and Palestinian Refugees,” *United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Web. 4-1-2013. <<http://www.unrwa.org/userfiles/2010011791015.pdf>.>

⁵³ “Palestinian Land Observes Decades of Israeli Land Expropriation,” *Al-Haq Palestinian Organization*, Tuesday 12 June 2012, Web. 4-1-2013. <[http:// www.alhaq.org/10 yrs/advocacy/636-Palestinian-land-day-observes-decades-of-Israeli-Land-expropriation.>](http://www.alhaq.org/10_yrs/advocacy/636-Palestinian-land-day-observes-decades-of-Israeli-Land-expropriation.>)

Israel continues to claim Palestinian land as its own through the process of settlement development and expansion. Israel has consistently been involved in a process of taking over areas of Palestinian land and building its own settlements, exclusively for Israeli residence. According to Mushasha and Dear, Palestinians privately own approximately 40% of the land used for Israeli settlement.⁵⁴

Despite demands from the United Nations and much of the international community to stop the building of settlements and withdraw from existing settlements on Palestinian owned land, Israel continues to expand their settlement plans. According to the housing minister, Uri Ariel, the building of settlements will continue in accordance with what the government's policy has been thus far.⁵⁵ Pearlman explores past peace negotiations between Israel, occupied Palestine, and the international community arguing that peace negotiations have not been successful in stopping illegal settlement activity. For example, in the years following the signing of the Oslo agreement,⁵⁶ within which Israel agreed to stop settlement and withdraw from several settlement areas in Occupied Palestine, the Israeli settler population in the Occupied Territories doubled.⁵⁷

The settlement activity continues illegally in the Occupied Palestinian Territories, the number of settlers living illegally in the West Bank and East Jerusalem has increased

⁵⁴ Louise Dear & Sufian Mushasha, "Human Development Report 2009/ 10 Occupied Palestinian Territory: Investing in Human Security for a Future State," *United Nations Development Program*, 2010, Web. 5-3-2013. < http://204.200.211.31/contents/file/PHDR2010/PHDR_Book_Eng.pdf.>

⁵⁵ "Israel Settlements Will Continue to Expand, Says New Housing Minister Uri Ariel," *The Huffington Post Newspaper*, May 17, 2013, Web. 19-5-2013. <www.huffingtonpost.com/2013/.>

⁵⁶ The Oslo I Accord or Oslo I, officially called the Declaration of Principles on Interim Self-Government Arrangements or Declaration of Principles (DOP), was an attempt in 1993 to resolve the ongoing Israeli-Palestinian conflict. It was the first face-to-face agreement between the government of Israel and the Palestine Liberation Organization (PLO).

⁵⁷ Wendy Pearlman, "Spoiling inside and out, Internal Political Contestation and the Middle East Peace Process," *Internal Security*, Volume 33, Number 3, (Winter 2008/2009): 79-109, Web. 4-3-2013.

from approximately 426,487 in 2005 to between 480,000 and 550,000 in 2008.⁵⁸ Israel has continued its settlement activities in the occupied Palestinian territories, in violation of international humanitarian law, and Israeli settlers have continued to attack Palestinian civilians and property. For example, on Thursday, February 21, 2013, dozens of settlers from “Serger” settlement cut 50 olive trees and 20 grape trees in Jorat Mish’al area, west of Beit Awwa village, west of Doura, southwest of Hebron.⁵⁹

The naming of settlements differs according to Israelis and Palestinians highlighting the cruel reality of unequal and unjust power dynamics between the two populations. “Canadian for Justice and Peace in the Middle East” suggested that Palestinians refer to the settlements as colonies and settlers as colonizers whereas; Israelis refer to these settlements as neighborhoods.⁶⁰

For peace and human rights to be realized for Palestinians, the true nature of settlement activity has to be exposed in international media and Israel must stop settlement activity and withdraw Israeli residents from colonies in the Occupied Territories.

The practice of housing demolitions is also considered to be in violation of international human rights with regard to land expropriation and forceful transfer of peoples.⁶¹ Housing demolitions have led to mass homelessness and limits Palestinians’ ability to maintain residence in their communities.

Since 1967, the Israeli government has destroyed over 25,000 Palestinian homes in Gaza and the West bank. In this time, Israeli policies such as home demolitions have

⁵⁸ Louise Dear and Sufian Mushasa, *ibid.* p.30.

⁵⁹ A Palestinian city located in the southern West Bank.

⁶⁰ *Canadian for Justice and Peace in the Middle East*, Web. 4-3-2013. <http://www.cjpme.org>

⁶¹ Edward said, *ibid*

displaced at least 160,000 Palestinians.⁶² Palestinians in Gaza, West Bank, and East Jerusalem live in constant threat of having their homes demolished and their land expropriated for the purpose of continued Israeli settlements.

The Israeli government appears to have intentions to further fragment Palestinian society. Not only is there a geographical divide between the Palestinian Territories of Gaza and the West Bank, Israeli residential policies also have the power to create social divisions among Palestinians. For example, Palestinian families are often separated from each other because of an unjust permit system as well as laws governing residency rights based on social relationships.

b) Excessive Use of Force and Collective Punishment

The Israeli Occupation of Palestine represents forms of collective punishment as all Palestinians are mistreated through unjust Israeli government and military policies. The involved system of occupation employed by the State of Israel impacts negatively on every portion of ordinary Palestinian life through limiting freedom of movement and compromising individual and communal capacities to engage in economic and social life.⁶³

The situation in Gaza and West Bank is a conflict in which civilian Palestinian population is subjected to the construction of a fence/ wall by the Israeli authorities on Palestinian land separating thousands of Palestinian farmers from their land and water

⁶² Emily Schaeffer, "The Israeli Committee against Home Demolition, No Home, No Homeland: A New Normative Framework for Examining the Practice of Administrative Home Demolitions in East Jerusalem," *The Israeli Committee Against House Demolitions*, 2011, Web. 4-3-2013.

<[http://www.icahd.org/sites/default/files/No%20Home%20No%20Homeland%20V2.0%20\(3\).pdf](http://www.icahd.org/sites/default/files/No%20Home%20No%20Homeland%20V2.0%20(3).pdf)>

⁶³ Louise Dear and Sufian Mushasha, *ibid.* pp.19-20

resources.⁶⁴ The wall's construction imposed restrictions of movement leaving Palestinian civilians no chance of escape.

In violation of the Geneva Convention and the international humanitarian law, the excessive use of force by Israeli military has led to severe devastation of civilian land and infrastructure. The Israeli defense forces in the Occupied Palestinian Territories have been responsible for destroying hundreds of public, commercial, and industrial buildings, devastating farms and pastures as well as damaging a wide range of infrastructure necessary for the conditions of social works such as schools, clinics, and orphanages for the Palestinian civilian population.⁶⁵ In addition to Gaza's blockade, this prolonged humanitarian crisis faced by Gaza's residents who were dependent on humanitarian aid. The blockade as well as the above situations constituted excessive force and collective punishment in that they prevent the Palestinian population from developing self-sustenance.

According to Jaber Wishah from the Palestinian Center for Human Rights, damage to water sanitation networks, energy supplies and facilities, irrigation networks, and other productive assets, are a true meaning of the use of force and collective punishment.⁶⁶ For example, Israel uses 73% of the water available from West Bank aquifers whereas West Bank Palestinians use 17% and illegal Jewish settlers use 10%.⁶⁷

⁶⁴ "Israel and the Occupied Palestinian Territories, Amnesty Annual Report 2012," *Amnesty International*, Web. 4-03-2013. <<http://www.amnesty.org/en/region/israel-occupied-palestinian-territories/report-2012>>

⁶⁵ "According to the Canadian for Justice and Peace in the Middle East NGO Report 2009," *Canadian for Justice and Peace, Web*. 4-03-2013. <<http://www.cjpmo.org/DisplayDocument.aspx?DocumentID=580>> accessed on

⁶⁶ Eva Bartlett, "Israel's Threat to Cut Gaza Water Supply Would Be: Complete Catastrophe," *The Electronic Intifada*, December 9, 2011, Web. 5-03-2012. <<http://electronicintifada.net/content/israels-threat-cut-gaza-water-supply-would-be-complete-catastrophe/10675.>>

⁶⁷ "Water in Palestine," *if Americans Knew*, Web. 9-03-2013. <<http://www.ifamericanknew.org/cursit/water.html>>

Also 98% of industrial operations in Gaza are unable to function due to water supply shortage.⁶⁸

Under international law it is illegal for Israel to expropriate the water of the Occupied Palestinian Territories for use by its own citizens, and doubly illegal to expropriate it for use by illegal Israeli settlers. Also under international law, Israel owes Palestinians reparations for past and continuing use of water resources. This should include interest due to loss of earnings from farming.

Palestinians are subject to violence and torture practiced, by the Israeli military, especially within the prison system, constituting an additional violation of human rights in regards to excessive use of force.

Israeli forces used live fire and other excessive force against Palestinian demonstrators in the West Bank. The Israeli authorities held many Palestinians from the Occupied Palestinian Territories without charge or trial. The Israeli authorities continued to bar families from visiting Palestinian prisoners held in Israeli prisons.

Allegations of torture and other ill-treatment, including of children, continued to be reported. Among the most commonly cited methods were beatings, threats to the detainee or their family, sleep deprivation, and being shackled in painful positions for long periods. Jaber Wishah from the Palestinian Center for Human Rights reports that political prisoners are frequently beaten with sticks, have tear gas thrown into their cells, and isolated in solitary confinement in small underground cells.

The punishable crimes have included not only acts of violence and open rebellion against the occupation but also any expression of Palestinian nationalism and a range of

⁶⁸ Louise Dear & Sufian Mushasa, *ibid.* pp.19-20

non-violent activities related to public life.⁶⁹ Palestinians are also subjected to many abuses at the Israeli checkpoints. Human rights organizations as well as the U.N. have compiled thorough reports on checkpoint abuses: people being threatened by Israeli soldiers, people being intimidated, pushed around, and beaten.⁷⁰ The investigation published by the World Health Organization in 2005 found that many Palestinian women gave birth at Israeli army checkpoints due to the severe restrictions imposed by the Israeli forces.⁷¹

c) Barriers to Trade and Economic Progress

The Israeli blockade of the Gaza Strip constitutes a barrier to economic sustainability. Sanctions of the blockade consist of "withholding tax revenues collected in the occupied territories, cutting off international aid, imposing restrictions on Palestinians' freedom of movement and the movement of goods, and imposing US banking restrictions."⁷² Israel's military blockade on Gaza has left more than 1.4 million Palestinian men, women, and children trapped in the Gaza Strip, an area of land just 40 kilometers long and 9.5 kilometers wide. More than 80% of the residents of Gaza are refugees from other communities now inhabited by Israeli settlers. According to the United Nations Relief and Works Agency, the number of refugees living in hopeless poverty in the Gaza Strip has tripled since the blockade began.⁷³

⁶⁹ Lisa Hajjar, "Human Rights in Israel/ Palestine: The History and Politics of Movement," *Journal of Palestine Studies*, Volume 30, Number 4. (Summer, 2001): 21-38, Jstor, Web. 5-03-2013.

⁷⁰ Saree Makdisi, *Palestine Inside*, New York: W.W. Norton and Company, Inc., 2010, 48. Print.

⁷¹ Ibid. p. 50

⁷² Louise Dear & Sufian Mushasha, *ibid.* p.27

⁷³ "Suffocating Gaza - The Israeli Blockade's Effects on Palestinians," *Amnesty International*, 10 June 2010, Web. 5-03-2013. <<http://www.amnesty.org/en/news-and-updates/suffocating-gaza-israeli-blockades-effects-palestinians-2010-06-01>>

Israel controls the flood of international aid into the Occupied Territories of Palestine. The quantity of aid resources entering the Occupied Territories is insufficient to re-establish necessary infrastructure for effective economic functioning and fails to provide necessary life sustaining resources such as food and water to the people of Gaza.

The numerous Israeli roadblocks, restricted areas and growing settlements have cut the Palestinian communities into separate districts, which significantly raise transportation costs and limit the ability of Palestinian enterprises to achieve economies of scale.⁷⁴ Roads leading to places of work have been destroyed, leaving people unable to get to their place of employment. Many factories were turned to debris during the different operations, and resources necessary for rebuilding, such as cement and steel, are prevented from entering the Gaza Strip under the policies of the Israeli blockade. The Israeli Occupation of Palestine and the subsequent extensive Israeli control over resources in Gaza and the West Bank have limited the ability of Palestinians to develop and maintain their economy. Furthermore, the restrictions against movement in and through East Jerusalem prevent a main economic center for Palestinian businesses.

Israel controls Palestinian airspace, territorial water, natural resources, movement, and the macroeconomic instruments that enable economic autonomy. Palestinians have lost their ability to earn income within the occupied territories particularly in Gaza, leading to ever increasing inequalities between Palestinians and their Israelis' settler neighbors.⁷⁵

⁷⁴ "Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy," *World Bank Report*, 2007, Web. 4-03-2013.
<<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WestBankrestrictions9Mayfinal.pdf>>

⁷⁵ Eyal Weizman, "Strategic Points, Flexible Lines, Tense Surfaces, Political Volumes: Ariel Sharon and The Geometry of Occupation," *The Philosophical Forum*, Volume 35, Issue 2, (June 2004):221-224, Web. 5-07-2012.

The Palestinians working outside of the occupied territories in neighboring communities face a difficult time in maintaining employment due to Israeli security measures such as checkpoints and road segregation that restrict the mobility of Palestinians. In addition, the construction of the wall in 2000 constitutes a great restriction to Palestinian economy and trade. The wall consists of eight-meter high concrete defenses, often surrounded by additional sections of electric fencing, and barbed wire.

Several researchers such as Mushasha and Dear, Weizman, and Said identify physical separations between Israel and Palestine and between Palestinian communities in the Occupied Territories as a barrier to peace and the fulfillment of human rights for Palestinians. Israeli construction of the wall has destroyed a great deal of Palestinian farmland used in the production of food crops. This has led to increased economic insecurity for farmers who rely on food production for income through domestic trade as well as exporting goods.

Therefore, international human rights and social justice organizations can have a role to play in advocating domestic governments to see Palestine as a legitimate state and worthy of the development of sustainable international trade relationships.

Most of Palestinian trade is with Israel. However, with the ongoing deteriorating security situation Israel has increasingly imposed barriers to trade. In addition, changes in the Israeli economy have reduced the market for traditional Palestinian goods. Furthermore, the search for international markets is subjected to Israeli security measures.

d) Lost Sense of Security

Palestinians living under Occupation, as a result of barriers to the fulfillment of human rights, are subject to ever increasing feelings of insecurity.

Article 25 (I) of the Universal Declaration of Human Rights (1948) states:

“Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing, medical care, and necessary social services.”

Palestinians are subject to financial insecurity as well as other human rights violations such as the failure to import food, construction supplies, medical equipment, and other materials and financial resources. This has left Palestinians with increasing food and health insecurities.

According to the United Nations Report on Human Development in the Occupied Territories, food insecurity is a growing concern, affecting the population in Gaza and the West Bank. With a large number of Israeli settlements in the Occupied Territories located on prime agricultural land, Palestinians are unable to promote the necessary food resources to carry on the population. People's physical access to food and farmers' physical access to the inputs and assets to produce food have been severely affected by restrictions on the movement of people and goods and the damages to personal property. The massive loss of jobs, earnings, assets, and incomes sharply reduced access to food. The exhaustion of managing strategies and the incapability of the social safety net have

resulted in reductions in the quantity and quality of food consumed. These are all factors that place the Palestinian population at-risk of being food insecure.⁷⁶

The blockade of Gaza worsens the situation as it increases the inability of Palestinians to import supplementary food resources. The construction of the wall increases the risk of food insecurity, evacuating acres of olive groves and limiting both food and income resources for Palestinians.⁷⁷

Water is another resource in decreasing supply for the Palestinians. Palestinians experience one of the highest levels of water insecurity in the world, with only one third of Palestinian communities connected to water networks. Israel controls the mountain aquifer below Palestinian and Israeli settlers use most of the water extracted. The cost of water for Palestinians is nearly five times that for Israeli settlers. The Israeli government views its uncompromising position on water resources as necessary to maintain its security, as Israel has become highly dependent upon the water beneath and above land it occupied in 1967, which today constitutes about 60% of Israel's total water supply.⁷⁸

Since the Six-day War of 1967, Israel has controlled both the mountain and coastal aquifers, which it previously shared with Gaza and the West Bank respectively. Israel controls approximately 85% of the region's water supply. According to Amnesty International in 2009, Israeli daily water consumption was four times as much as the Palestinian average, with some 180,000-200,000 Palestinians living in rural

⁷⁶ "Report of the Food Security Assessment West Bank and Gaza Strip," *Food and Agriculture Organization of the United Nations*, Web. 4-03-2013.
<<http://www.fao.org/docrep/006/J1575E/J1575E00.HTM>>

⁷⁷ Julie Peteet, "Words as Intervention s: Naming in the Palestine-Israel Conflict," *Third World Quarterly*, Volume 26, Number 1, (2005): 153-172, Jstor, Web. 7-03-2013.

⁷⁸ Martin Sherman, *The Politics of Water in the Middle East: An Israeli Perspective on the Hydro-Political Aspects of the Conflict*, New York, Saint Martin's Press, Inc., 1999, 128. Print.

communities having no access to running water and having to purchase water, of often poor quality, from mobile water tankers at a much higher price.⁷⁹ The Israeli policy in the occupied territories concerning food security and water resources is a direct violation of human rights.

In addition, the result of the Israeli occupation of the Occupied Territories is health insecurity. The physical and mental health of Palestinians is at risk because of the financial cuts by Israel and other donor countries.⁸⁰ Many medical supplies continue to be denied to Palestinians. The destruction of hospitals, clinics, and other health services during the different operations increased deterioration in both physical and mental health. Health services face a full scale emergency because of the financial cuts by Israel and donor countries. Palestinian youth residing in the Occupied Territories suffer from depression due to Israeli restrictive practices.

Palestinians living under Israeli occupation suffer from human rights violations in all aspects of their daily life. The following chapter outlines the mechanics of the United Nations' human rights system and the UN involvement in the promotion of human rights within the Palestinian society.

⁷⁹ "Palestine: The Water Security Crisis," December 11, 2012, Web. 4-07-2013.

<<http://internationalportrait.wordpress.com/2012/12/11/palestine-the-water-security-crisis/>>

⁸⁰ Donald Macintyre, "Human Rights Group Calls on Israel to Save Palestinian Health Services," *British Medical Journal*, Volume 332, Number 7552, (May 27, 2006): 1231, Web. 4-07-2013.

Chapter Three: International Response of UN Mechanisms

Israel has significantly violated the human rights of the Palestinian people within the occupied territories with its system of political domination, economic development and inhumane law enforcement especially in response to the Palestinian rebellion against the above exploitations and oppressions. The protection of human rights is one of the basic principles of the international community. The United Nations plays an important role in sustaining human rights. This chapter outlines the human rights principles and mechanisms set up by the United Nations. Secondly, it details how the organization and its agencies have fared in their response to Israeli human rights violations in the occupied territories.

a) The Mechanics of the United Nations Human Rights System

The United Nations Charter, which established the United Nations in 1945, committed the institution and its members to promote and protect human rights and fundamental freedoms.⁸¹ The Universal Declaration of Human Rights, adopted by the U.N. General Assembly in December 10, 1948, soon followed the charter. The General Assembly proclaimed this Universal Declaration of Human Rights as a common standard of achievement for all people and all nations. The Universal Declaration of Human Rights, though not a legally enforceable document, articulates a specific and comprehensive set of rights social, economic, cultural, civil, and political which all U.N. members pledge to uphold.⁸² Following the Universal Declaration of Human Rights,

⁸¹ United Nations Charter article 55 (c) Universal respect for and observance of human rights and fundamental freedoms for all without distinction of to race, sex, language, or religion.

⁸² Christine Min and Kiyotery Tsutsi, "Global Civil Society and the International Human Rights Movement: Citizens Participation in Human Rights, International Non-Governmental Organizations," *Social Forces*, Volume 83, Number 2, (December 2004): 567-820, Jstor, Web, 7-9-2012.

U.N. member countries drafted, negotiated, and adopted a series of agreements or treaties articulating these rights in detail.⁸³ The two types of U.N. mechanisms that emerged to promote and monitor compliance with human rights are U.N. treaty-based mechanisms and U.N. Charter based mechanisms.

U.N. Human Rights Treaties: Treaty Based Mechanisms.

A set of international human rights treaties along with regional human rights agreements makes up the core of human rights law. The Universal Declaration of Human Rights takes the full range of rights; however, economic, social, cultural, civil, and political rights were grouped into separate core treaties.⁸⁴

Thus, in order to clarify the commitments set out by the United Nations Universal Declaration of Human Rights, two additional treaties opened for signature by the international community in 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The core U.N. treaties are in force to protect and promote human rights. Along with the Universal Declaration of Human Rights these three fundamental UN documents are referred to as the International Bill of Human Rights. The following section outlines all the pertinent conventions that hold the state of Israel accountable for its human rights violations against the people of Palestine. The international covenant on economic, social, and cultural rights is the principal human rights treaty on economic and social

⁸³ Michael Freeman, *An Interdisciplinary Approach: Human Rights*, Cambridge, Polity Press, 2011, 32, Print.

⁸⁴ "UN Treaty-Based Mechanisms," *The Advocates for Human Rights*, Web. 7-04-2013. <[http:// www.theadvocatesforhumanrights.org/un-treaty-based-mechanisms-2.html](http://www.theadvocatesforhumanrights.org/un-treaty-based-mechanisms-2.html)>

rights. It protects the rights to housing, work, social security, highest attainable standard of health, and continuous improvement of living conditions. It prohibits all forms of discrimination in enjoyment of these rights.⁸⁵ Israel has signed this treaty on December 19th, 1966 and it has ratified it on October 3rd, 1991.

The international covenant on civil and political rights protects a broad range of civil and political rights such as the right to life, freedom, right to be free from torture and slavery, nondiscrimination and fair trial rights. This treaty has been signed by Israel on December 19th, 1966 and has been ratified on October 3rd, 1991.

The international convention on the elimination of all forms of racial discrimination prohibits discrimination in housing, property, education, security, and employment. This treaty has been signed by Israel on March 7th, 1966 and has been ratified on January 3rd, 1979. The convention on the elimination of all forms of discrimination against women provides equal access to women in private, political, and public life. This treaty has been signed by Israel on July 17th, 1980 and has been ratified on October 3rd, 1991. The convention on the rights of the child is the principal human rights treaty on rights of children. This treaty has been signed by Israel on July 30th, 1990 and has been ratified on October 3rd, 1991. The convention against torture and other cruel, inhumane, or degrading treatment or punishment requires states to take measures to prevent and punish torture under any circumstances. It prohibits acts of cruel, inhumane, or degrading treatment by public officials. This treaty has been signed by Israel on October 22nd, 1986 and it has been ratified on October 3rd, 1991.

⁸⁵ "United Nations Treaty Collection," *United Nations Treaty Collection*, Web. 7-04-2013. <[http://treaties.un.org/pages/details.aspx? Mtdsg-no IV-3 and chapter 4.](http://treaties.un.org/pages/details.aspx?Mtdsg-no IV-3 and chapter 4.)>

The convention on the rights of persons with disabilities promotes disabled person rights to equal protection, equal participation, and accessibility. Israel signed this treaty on March 30th, 2007 and ratified it on September 28th, 2012. In addition, there are the convention on the protection of the rights of all migrant workers and members of their families and the international convention for the protection of all persons from enforced disappearance. One of the states' obligations when they ratify a human rights treaty is a periodic reporting to a committee of independent experts.

U.N. Charter Based Mechanism

Besides the treaty specific monitoring bodies, the U.N. human rights system has bodies created by the U.N. Charter, which includes the human right bodies and special procedures.

The Human Right Council is an inter-governmental body within the U.N. system made up of 47 states responsible for strengthening the promotion and protection of human rights around the globe. The council was created by the United Nations General Assembly in March 2006 to replace the commission on human rights and to address situations of human rights violations. Among the council's monitoring and review mechanisms are the universal periodic review (UPR) and the design of special procedures. It is a process of review of human rights records of all the UN member states once every four years. The universal periodic review is a state-driven process under the auspices of the Human Right Council, which provides the opportunity for each state to declare what actions they have taken to improve the human rights situation in their countries and to fulfill their human rights obligations. Over the years, the U.N. has also developed an independent system of fact finding which is referred to as "special

procedure”. The special procedure is the general name of mechanisms to address specific country situations. Special procedure’s mandate usually calls for the examination, monitoring, and reporting on human rights situations in specific countries. They are either an individual called “special rapporteur” special representative of the secretary general or a working group usually composed of 5 members, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe and Western group. Mandate holders receive information or specific allegations of human rights violations and send appeals or letters of allegation to governments asking for clarification. They base their evaluations on standards drawn from the Universal Declaration of Human Rights and internationally recognized human right standards relevant to their mandates.

Based on the charter mechanism, special rapporteur investigates Israeli practices affecting the human rights of the Palestinian people. The special rapporteur focuses attention on concerns regarding the expansion of Israeli settlements, the consequences of the Israeli blockade of the Gaza strip, and the treatment of Palestinian children detained by Israeli authorities.⁸⁶ The U.N. charter-based mechanisms offer a way to measure the Israeli compliance with economic, social, and cultural rights.

b) The UN and the Humanitarian Impact on Palestinians of Israeli Settlements

The United Nations reports on Israel’s overall settlement policy describes it as “creeping annexation” of territory that violates the human rights of Palestinians, and

⁸⁶ Richard Falk, “Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/16/72),” *United Nations General Assembly*, 10 January 2011, Web. 10-3-2013.
<<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/101/90/PDF/G1110190.pdf?OpenElement>.>

calls for Israel to immediately stop such construction. The settlers are engaged in construction and infrastructure leading to a crawling annexation that prevents the establishment of a contiguous and viable Palestinian state and undermines the right of the Palestinian people to self-determination.

At the U.N. headquarters in New York, secretary-general Banki-Moon's office released a statement saying that he "... has repeatedly made his views on Israeli's settlements clear. All settlement activities in the occupied Palestinian territory, including east Jerusalem are illegal under international law."⁸⁷ According to the international criminal court's Rome statute and the fourth Geneva Convention, all Israeli settlement activities are considered to be war crimes.

The report by the UN Office of the Coordination of Humanitarian Affairs in the occupied Palestinian territory in 2007 examines the humanitarian impact on Palestinians from the construction of settlements and other Israeli infrastructure in the West Bank. The report demonstrates how roads linking settlements to Israel, in conjunction with the system of checkpoints and roadblocks, have fragmented Palestinian communities and separated them from each other. The report has underlined the fact that freedom of movement for Palestinians is essential to improve humanitarian conditions and restore socio-economic life in the West Bank.⁸⁸

The Human Rights Council established and mandated different fact-finding missions to investigate the implication of the Israeli settlements on the civil, political, social, and

⁸⁷ John Heilprin, "UN Panel: Israeli Settlements are Illegal," *The Huffington Post*, 31/1/2013, Web 15-3-2013. <<http://www.huffingtonpost.com/UN-panel-israeli-settlements-illegal-n-2589394.html>.>

⁸⁸ "Israeli Settlements and Other Infrastructure in the West Bank," *United Nations Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territories*, Web. 17-3-2013. <http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_Intro.pdf.>

cultural rights of the Palestinian people throughout the occupied Palestinian territory including East Jerusalem. The reports stress that Israel is bound, as a signatory member of the different human rights conventions, to respect, promote, protect, and fulfill the full range of economic, cultural, and political rights of all persons within its jurisdiction.

The report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on July 6, 2012 stresses that the Israeli governments have openly led and directly participated in the planning, construction, development, consolidation, and/or encouragement of settlements by including explicit provisions in the fundamental policy instrument, establishing governmental structures and implementing specific measures. These measures include building infrastructure, encouraging Jewish migrants to Israel to move to settlements, seizing Palestinians land and supporting settlements through public services delivery and development projects. The Israeli government has full security and administrative control over the settlement areas and effectively controls the external borders of the occupied Palestinian territories. The report indicates that distinct legal systems exist in the occupied Palestinian territory and are applied separately to Israeli settlers and Palestinians. The same law treats Israelis and Palestinians differently. For example, some military orders designate areas in the occupied Palestinian territories as closed military zones/areas, and Palestinians are prohibited from entering such areas unless they have a permit even if the area encompasses Palestinian land.⁸⁹

⁸⁹ "International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory," *United Nations Human Rights Office of the High Commissioner for Human Rights*, Web. 19-3-2013. <<http://www.ohchr.org/en/hrbodies/hrc/regularsessions/session19/pages/israelisettlementsintheopt.aspx>>

The Human Rights Council in its latest report March 18, 2013 highlights the situation of thousands of Palestinians detained and imprisoned by Israeli forces.⁹⁰ The report highlights the continuing Israeli refusal to cooperate with the council and other United Nations mechanisms and condemns the ongoing violation of civil, political, economic, social, and cultural rights of Palestinians by the Israeli occupying power. The report expresses great concern at the arbitrary detention of Palestinian citizens including children, the displacement of Palestinians and the destruction of their properties due to Israeli settlements.

Despite all the significant United Nations resolutions declaring that the existence of settlements is illegal and calling for their ending, the planning and growth of the settlements continues. The United Nations failed in ceasing the establishment and development of Israeli settlements and limiting the settlers' violations against Palestinians.

Israel in relation to the settlements is committing a series of breaches of its obligations under the right to self-determination and certain obligations under international humanitarian law. The United Nations Security Council resolutions determined that the policy and practices of Israel in establishing settlements in the Palestinian territories has no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.⁹¹

⁹⁰ "Human Rights Council Holds General Debates on Situation in Palestine and Occupied Arab Territories," *The United Nations System on the Question of Palestine*, March 18, 2013, Web. 20-3-2013. <<http://unispal.un.org/unispal.nsf/01955cae49024A6B:1985257B330042E80D>>

⁹¹ 446 adopted on March 22, 1979, 465 adopted on March 1, 1980, and 478 adopted on August 20, 1980.

c) The UN Involvement in Gaza Blockade and Other Humanitarian Aspects

For over five years in Gaza, more than 1.6 million people have been under blockade in violation of international law. More than half of this population is children. The government of Israel is facing growing international criticism for the Gaza blockade; this closure continues to have a serious humanitarian impact on civilians and it perpetuates an undesirable situation for the people of Gaza. In response to this situation, the spokesperson for secretary general Banki-Moon said that the UN chief has repeatedly called for the lifting of the blockade in line with Security Council resolution 1860, which stressed the urgency of an immediate, durable, and fully respected ceasefire leading to the full withdrawal of Israeli forces from Gaza. He has been consistently urging the government of Israel to allow the free movement of people into and out of Gaza to further liberalize imports, and in particular construction materials, to allow exports and to maintain a flow of approvals for further reconstruction works.⁹²

The UN Under Secretary General for Humanitarian Affairs Valerie Amos also called for the immediate lifting of the blockade citing the devastating impact it has had on the lives and livelihoods of the residents. She said that more than 80% of families in Gaza are dependent on humanitarian aid.⁹³ While some steps have been taken to ease the blockade's impact, Gaza remains subject to severe restrictions on imports, exports, and the movement of people by land, air and sea which amounts to a collective punishment

⁹² "UN Agencies Joined in Shared Call for End to Israeli Blockade of Gaza," *United Nations News Center*, June 14, 2012, Web. 23-3-2013. <<http://www.un.org/apps/news/story.asp?NewsID=4222>>

⁹³ "Top UN Humanitarian Official Urges Lifting of Israeli Blockade of Gaza," *United Nations News Center*, June 13, 2012, Web. 23-3-2013. <<http://www.un.org/apps/news/story.asp?NewsID=42213#.Uf0itLn-Ug>>

of all those living in Gaza and is a denial of basic human rights in contravention of international law.⁹⁴

The United Nations' 2013 Annual Report on the Humanitarian Situation in the Palestinian territories draws a dark picture that includes food insecurity, isolation, violence and failing health and education services. The report asserted that the number of civilian casualties rose by more than 30% in Gaza and the West Bank compared to 2010.⁹⁵ The report states that Israeli authorities continued to impose a blockade on Gaza, amounting to collective punishment of the population and affecting every aspect of life in Gaza Strip. It adds that the policies that restrict the Gazans' access to areas with viable agriculture and fishing prospects constrain their livelihoods. Moreover, restrictions on the movement of goods and people into Gaza compromise the region's health, education, and sanitation services.

The Human Rights Council has adopted many statements that condemn Israeli violations of Palestinians' human rights, the Gaza blockades, and the Israeli settlements. The Council has affirmed in its different resolutions the inalienable, permanent, and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable state. The critical humanitarian and security situation in the Gaza Strip was the Council's deep concern. The council's statements also express its deep concern at the Israeli policy of closures and the imposition of severe restrictions and

⁹⁴ "Five Years of Blockade: The Humanitarian Situation in the Gaza Strip," *UN Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory*, June 2012, Web. 23-3-2013. <<http://www.ochaopt.org/documents/ocha-opy-gaza-blockade-factsheet-June-2012-english.pdf>>

⁹⁵ "Annual Report on the Humanitarian Situation in the Occupied Palestinian Territory," *UN Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory*, 2013, Web. 6-7-2013. <http://www.ochaopt.org/documents/ochaopt_cap_2013_full_document_english.pdf>

checkpoints. Many of which have been transformed into structures akin to permanent border crossings, and a permit regime. All of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods. The Council also demands that Israel, the occupying power, cease all of its settlement activities which have a grave impact on the human rights of the Palestinian people.⁹⁶

In 2010 report of “*The Barrier on Health;*” UN OCHA and WHO (West Bank and Gaza) focuses on the impact of the Barrier on health, in particular on access to specialized medical facilities only available in East Jerusalem.⁹⁷

The report on the *Movement and Access; United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory*, 2010 provides data and analysis on the main trends concerning the system of internal movement and access restrictions in the West Bank between April 2009 and March 2010. Measures implemented by the Israeli authorities reduced the travel time between most urban centers thus improving access to services and livelihood. However, no significant improvement took place in the access of Palestinians to land and communities behind the barrier, including East Jerusalem. The Israeli settlements constitute the single major factor configuring the system of movement and access restrictions in the West Bank.⁹⁸

In spite of all the UN reports, statements, Israel obligations under the international human law as a signatory of the different human rights treaties, the United Nations was

⁹⁶ “Human Rights Situation in Palestine and Other Occupied Arab Territories,” *Human Rights Council*, A/HRC/22/L.44, March 19, 2013, Web. 23-3-2013.

<http://www.ap.ohchr.org/Documents/E/HRC/d_res_dec/A_HRC_22_L44.do>

⁹⁷ “The Impact of the Barrier on Health: UN OCHA and WHO (West Bank and Gaza),” *United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory*, 2010, Web. 24-3-2013. <http://www.ochaopt.org/documents/ocha_opt_special_focus_July_2010_english.Pdf>

⁹⁸ “West Bank – Movement and Access,” *United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory*, 2010, Web. 24-3-2013. <http://www.ochaopt.org/documents/ocha_opt_movement_access_2010_06_16_english.pdf>

not able to secure Palestinian human rights and to oblige Israel to comply with the fourth Geneva Convention. The United Nations failed to oblige Israel to comply with the different treaties, such as the international convention on the elimination of all forms of racial discrimination as well as other human rights. International humanitarian law conventions imposes that it is Israel's responsibility to respect the fundamental human rights of Palestinians living under its control, particularly those threatened with or having experienced the demolition of their homes and other properties.

For many years, United Nations experts and treaty bodies have been publishing reports of ill treatment of children who are processed by the Israeli military system. According to article 9 (1) and (2) of the international covenant on civil and political rights, all persons, including children should be provided reasons for their arrest at the time of arrest. Parents or legal guardians should be informed of the arrest within the shortest possible time. Article 15 of the convention against torture states that any statement established to have been made as a result of torture or ill treatment shall not be invoked as evidence in any proceeding. Israel as a party to the Convention shall take the appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse.⁹⁹ Israel violates the rights of the child under the treaties, and the United Nations does not have the power to enforce Israel to comply with its obligations.

The United Nations' Security Council expressed deep concern regarding the Israeli violations of Palestinians human rights and has issued many resolutions that condemn Israeli settlements and the excessive violations of human rights. Resolutions

⁹⁹ Elizabeth Yousefi, "Israel Criticized for Harsh Treatment of Palestinian Children," *Inter Press Service News Agency*, April 2, 2013, Web. 5-4-2013. < www.ipsnews.net/2013>

1515, 1402, and 1397 insist on the quick demand for an immediate cessation of all acts of violence including terrorism provocation, incitement, and destruction. Resolution 1435 alarmed at the reoccupation of Palestinian cities as well as the severe restrictions imposed on the freedom of movement of persons and goods and expressed grave concern at the humanitarian crisis being forced on the Palestinian people. Similarly, resolution 452 (1979) was on the issue of the Israeli settlements in Jerusalem, the West Bank, and Gaza Strip. It stated that the policy of Israel in establishing settlements has no legal validity and constitutes a violation of the fourth Geneva Convention relative to the protection of civilians. In the same way resolution 446 determined that the policy and practices of Israel in establishing settlements in the Palestinian territories has no legal validity and constitutes a serious obstruction to achieving a comprehensive, just, and lasting peace in the Middle East.

The United Nations issued statements and reports about the frequent violations imposed by Israel on occupied Palestine; it was effective according to the Paris Principle to report on the frequent Israeli violations. However the United Nations lacks the force to oblige Israel to stop these frequent violations.

d) United Nations' Agencies

The United Nations has been working on the question of Palestine since the first session of the General Assembly in 1947, which has set up a body to inspect the issue. Since then, the UN's work on the issue has continued to adapt to deal with changing realities on the ground. The United Nations has been working through its different agencies to promote and sustain the Palestinians human rights through its different agencies.

The United Nations Relief and Works Agency for Palestinian refugees (UNRWA) provides education, health care, social services, and emergency aid to Palestinians.¹⁰⁰ It provides basic education to Palestinian refugee children, as well as food aid, cash assistance, shelter repairs to many Palestinian families, and basic health needs.

In the aftermath of the Israeli military Operation “Cast Lead”, UNRWA developed a comprehensive plan to reconstruct Gaza, promote economic recovery and address the long-term development needs of Palestinian refugees, including educational infrastructure.

In recent years, the agency has improved its services in Gaza, especially in the field of health and education. UNRWA has worked towards improving the academic achievement, behavior, and values of school students. It has worked towards constructing needed infrastructure including schools and shelters. UNRWA has played an important role in improving the quality of food and in providing cash assistance for Palestinian families. UNRWA has worked towards promoting gender equality and human rights for all.

UNRWA is mandated to promote respect for human rights. It has been integrating human rights, conflict resolutions and tolerance in its schools. Basically UNRWA works towards enhancing education, health services and supporting Palestinians.

The United Nations Development Programme (UNDP) is a responsive development agency that works together with the Palestinian people to fulfill their aspiration for

¹⁰⁰ “United Nations Relief and Works Agency for Palestine Refugees in the Near East,” *Wikipedia, the Free Encyclopedia*, Web. 12-3-2013. <http://en.wikipedia.org/wiki/United-Nations-Relief_and_-_Works-Agency-For-Palestine-Refugees-in-the-Near-East>

sustainable human development based on self-determination, equality and freedom.¹⁰¹ UNDP has been working to improve the social and economic aspects of the Palestinians' life. For instance, it launched on May 6th, 2013 its second phase of the deprived families economic empowerment program.¹⁰² This program has changed the lives of thousands of Palestinian households by supporting them to become self-employed through seed capital, technical assistance and micro-finance. It also signed with the Institute of law at Birzeit University a partnership agreement aimed at reinforcing principles of good governance, transparency, accountability and anti-corruption.¹⁰³ According to Ms. Bahous, UNDP Assistant Administrator and Regional Director, UNDP has been able to positively contribute to improve the Palestinian people's livelihood and support their development through implementing programs and vital services for a total value of more than one billion U.S. dollars in total.

The World Food Program (WFP) mission is to provide humanitarian food assistance to the most vulnerable individuals in the West Bank and Gaza. WFP programs buy local food and support Palestinian private enterprise, build the economic resilience of families facing the threat of displacement, and increase the capacity of the Palestinian authority's social safety net programs.¹⁰⁴

¹⁰¹ "UNDP's Program of Assistance to the Palestinian People Derives its Mandate from the United Nations General Assembly resolution 33/147 of December 20, 1978," *United Nations Development Programme*, Web. 21-5-2013. <<http://www.undp.ps/en/index.html>>

¹⁰² "Providing Opportunities for the Poor," *United Nations Development Programme*, May 6, 2013, Web. 12-5-2013. <<http://www.undp.ps/en/newsroom/pressreleasespdf/2013/7.pdf>>

¹⁰³ "The Government of Belgium and the United Nations Development Program Sign an Exchange of Letters in Support of Climate Change in the occupied Palestinian territory," *United Nations Development Programme*, Ramallah May 3, 2013, Web. 12-5-2013. <<http://www.undp.ps/en/newsroom/pressreleasespdf/2013/6.pdf>>

¹⁰⁴ *World Food Programme State of Palestine*, Web. 13-5-2013. <<http://www.wfpal.org>>

The UN office for the Coordination of Humanitarian Affairs is a UN body formed in December 1991 by General Assembly resolution 46/182. Its mandate includes the coordination of humanitarian response, policy development and humanitarian advocacy. The UN office for the coordination of humanitarian affairs plays a critical role in coordination on promotion and analysis to improve Palestinians' lives and livelihood. This includes working towards improving the freedom of movement and addressing "access" and "forced- displacement" issues.

Israel's continuing conflict and occupation of the Palestinian territory and the lack of abiding by international humanitarian law have resulted in serious humanitarian consequences. The United Nations through its different agencies is playing a major role in sustaining Palestinians human social and economic rights yet they do not have the power to limit the frequent violations imposed by Israel.

The United Nations has a limited role in encouraging and pertaining Palestinians' human rights and in enforcing these rights. Article 2 (7) of the United Nations charter declares that nothing contained in the present charter shall authorize the U.N. to intervene in matters which are essentially within the domestic jurisdiction of any state. The United Nations and human rights organizations collaborate in order to sustain the Palestinians' human rights and limit Israeli violations. The following chapter explores and discusses how human rights organizations work on human rights issue in the Israeli-Palestinian situation, and how their work can contribute to the improvement of human rights in this conflict. It focuses on the goals, work, and activities of human rights organizations in supporting Palestinians human rights.

Chapter Four: Human Rights Organizations

Human rights have little value if they are not implemented. States recovering from conflict or lacking human rights expertise often need help in implementing their human rights obligations by translating them into laws and practices.¹⁰⁵ Local and international human rights organizations play a major role in transferring human rights concepts into practices. According to Tsutsui and Wotipka, international human rights organizations, because of their flexibility and their ability to work across borders have been able to aggressively push the international human rights movement forward.¹⁰⁶

a) Goals of Human Rights Organizations

Within the Israeli/Palestinian conflict, Palestinians being the less dominant population, rely on the influence of the international community to assist in building a voice for their cause. Human rights organizations share several common goals.

A fundamental goal of Human Rights Organizations is to give voice to victims of human rights violations. These victims often experience limited voice, decision-making power, and status.¹⁰⁷

Human Rights Organizations address different areas of injustice. For example, organizations may work to confine the official conduct of unjust power

¹⁰⁵ "Human Rights in Action Promoting and Protecting Rights around the World," *The Office of the United Nations High Commissioner for Human Rights*, Web. 12-5-2013.
<<http://www.ohchr.org/Documents/Countries/terrain.pdf>>

¹⁰⁶ Tsutsui and Wotipka, *Ibid.* page 613.

¹⁰⁷ Alicia Ely Yamin, "The Future in the Mirror: Incorporating Strategies for the Defense and Promotion on Economic, Social, and Cultural Rights into the Mainstream Human Rights Agenda," *Human Rights Quarterly*, Volume 27, Issue 4, (2005): 1200-1244, Web. 15-5-2013.

systems/governments.¹⁰⁸ In order to achieve this, organizations may increase their supervising of human rights violations committed by unjust power systems and report these violations to international governing bodies such as the United Nations, thereby creating pressure for change. Another common goal of human rights organizations is sustainable development.¹⁰⁹ This involves development of social, political, economic, and environmental systems that can be maintained once the organizational involvement ends.¹¹⁰ This involvement covers different areas such as education, teaching the population and the government new skills and ways of interacting with one another to promote continued advancement of human rights. By strengthening civil society, organizations are able to assist population in advancing human rights while simultaneously promoting their self-determination.

Human rights organizations can play a key role in raising awareness about human rights violations and in increasing support of human rights among international audience.

Human rights organizations work has provided aid relief to Palestinians and meaningful participation in order to ensure that their efforts work to improve Palestinian life. Human rights organizations promote Palestinian human rights through fundraising and aid, education and awareness raising and encouragement. The organizations measure success based on the amount of money raised as opposed to what the money is providing Palestinians. They donate the money to support Palestinians basic needs such

¹⁰⁸ Leonard S. Rubenstein, "How International Human Rights Organizations Can Advance Economic, Social, and Cultural Rights: A Response to Kenneth Roth," *Human Rights Quarterly*, Volume 26, Issue 4, (November 2004): 845-865, Jstor, Web. 16-7-2013.

¹⁰⁹ David Armstrong, "Law, Justice, and the Idea of a World Society," *Journal of International Affairs*, Volume 75, Issue 3, (July 1999): 547-561, Web. 16-7-2013.

¹¹⁰ "Human Rights Approaches to Sustainable Development," *United Nations Non-Governmental Liaison Service*, Web. 16-7-2013. < <http://www.un-ngls.org/orf/pdf/ru90hrsd.pdf>.>

as clothing, food, water, and anything they need since many homes get raided everyday and many people cannot satisfy those needs.

The goal of Israeli organizations is to provide information and contribute to the debate about the occupation whereas the goal of Palestinian organizations is to focus on human rights internally in the Palestinian society. International organizations aim to influence the behavior of Israeli and Palestinian governments in addition to the grass root level.

The local and international organizations work to provide information, knowledge and experiences to create awareness locally and internationally to contribute to the realization of a greater diversity of human rights in the Israeli-Palestinian conflict. The following section briefly outlines the work and programs of randomly selected human rights organizations such as *Machsom Watch*, *B'Tselem*, *The Palestinian Human Rights Monitoring Group (PHRMG)*, *Al-Haq*, *Amnesty International*, and *Human Rights Watch* before assessing their ability to attain the expected objective.

b) Work and Activities of Human Rights Organizations

Human rights organizations work on gathering and distributing information, experience and knowledge. The different human rights organizations dealing with the Palestinian and Israeli situation share common activities: observing and monitoring, conducting research, and collecting data concerning human rights violations, documenting these violations by writing reports that are published on their websites. Their work and activities target the society, media, community, and individual.

This section emphasizes on the work and activities of selected human rights organizations and what they focus upon.

Machsom Watch

It was established in January 2001 by Ronnee Jaeger, previously a human rights' worker in Guatemala and Mexico; Adi Kuntsmen, who arrived in Israel from the former Soviet Union in 1990, and Yehudit Keshet an Orthodox Jewess, in response to allegations of human rights violations at IDF and border police checkpoints. Machsom Watch has 400 members.¹¹¹

The organization stated goals are: “ to monitor the behavior of soldiers and police at checkpoints; to ensure that the human and civil rights of Palestinians in the Occupied Territories are protected; to record and report the results of the observations to the widest possible audience, from the decision-making level to that of the general public.”

It is a movement of Israeli women, peace activists from all sectors of Israeli society, who oppose the Israeli occupation and the denial of Palestinians' rights to move freely in their land. The organization is engaged in observing and reporting on incidents that the women in the organization experience and they get information about what takes place at the military checkpoints, on roads, and along the separation barrier in the occupied Palestinian territories.

The women in Machsom Watch are organized in teams of Two and Three which are present at checkpoints in the morning and afternoon rush hours where they monitor and write reports that are published. The checkpoints that are monitored by the women in

¹¹¹ *Women for Human Rights*, Web. 18-7-2013.
<<http://archive.machsomwatch.org/eng/aboutUsEng.asp?link=aboutUsEng&lang=eng>>

Machsom Watch are in Jenin Area, Tulkarm Nablus Area, Ramallah Area, Jerusalem, and Hebron Area. The women monitor the behavior of the soldiers. They observe what they do and how the checking is going.¹¹² They focus on the daily life at the checkpoints, behavior of the soldiers and the Palestinian population, how the system and rules are applied and human rights violations.

The women in Machsom Watch have conducted daily observations of IDF checkpoints in the West Bank, along the separation fence, and on the main roads as well as in the offices of the Civil Administration and in military courts. They always document what they see and hear. Their observations are published on the Machsom Watch site, and sent to public officials and elected representatives. Through the documentation which discloses the nature of everyday reality, they are attempting to influence public opinion in the country and in the world.¹¹³

Machsom Watch deals with specific human rights violations. It focuses on the Israeli separation policy and control regime in the occupied Palestinian territory, the separation barrier, the military checkpoints, the permit system, and the freedom of movement which is obstructed due to these policies. Machsom Watch focuses on the situation in the Jordan Valley and the South Hebron Hills where the army causes demolition of homes and dispossession of the Bedouins living there.

B'Tselem

It is the Israeli information center for human rights in the occupied territories. It was established in February 1989 by a group of prominent academics, attorneys, journalists and Knesset members. The organization's executive director is Jessica Montell. The

¹¹² *Women for Human Rights*, Web. 14-5-2013. <<http://www.machsom.org/en>>

¹¹³ *Women for Human Rights*, Web. 14-5-2013. <<http://www.machsomwatch.org/en/daily-reports/checkpoints>>

organization's staff has 38 employees in a Research Department, a Data Coordination department, a communications department, and an administration department. The organization's mission is to document and educate the Israeli public and policymakers about human rights violations in the Occupied Territories, combat the phenomenon of denial prevalent among the Israeli public and help create a human rights culture in Israel.¹¹⁴ B'Tselem also maintains a branch of the organization in Washington, D.C., called B'Tselem USA.

B'Tselem focuses on documentation, since its objective is to provide as much information as possible to the Israeli public. The organization promotes respect for human rights in Israel and the occupied territories through a variety of means. They document both specific incidents and systemic problems influencing human rights. B'Tselem maintains extensive communication with Israeli authorities to ensure that individual cases are addressed and to encourage a rethinking of policies that are out of step with Israel's legal obligations. B'Tselem's members use creative public education and support to generate public discussion and encourage a positive change. B'Tselem acts primarily to change Israeli policy in the Occupied Territories and ensure that its government which rules the occupied territories protects the human rights of residents there and complies with its obligation under international law. The organization's main goal is to increase Israeli awareness of human rights and protection issues in the occupied Palestinian territories and to introduce changes in policies and practices that violate human rights. It deals specifically with special human right violations such as home demolitions, the planning regime, and the separation barrier. It supports all

¹¹⁴ *B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories*, Web. 14-5-2013. <http://www.btselem.org/about_btselem>

policies that would substantially decrease or end the violation of human rights under the occupation.

B'Tselem recognizes the need for a creative and dynamic approach to engage the Israeli government. It acknowledges and criticizes the human rights violations by Israeli government's policies and practices in the occupied Palestinian territories.

B'Tselem conducts research and fieldwork on human rights implications of the Israeli policies in the occupied Palestinian territories linking to such issues as demolitions, the separation barrier, and preparing comprehensive reports on the subject. B'Tselem issues reports concerning the different violations. These reports are published in Hebrew and English and distributed to some 26,000 individuals including Israeli policymakers, diplomats and international decision makers, and journalists. The reports serve as the basis for support efforts to promote accountability. In addition, B'Tselem issues and publishes on its website videos that show the human rights violations imposed by Israel.

The Palestinian Human Rights Monitoring Group, PHRMG

The Palestinian Human Rights Monitoring Group (PHRMG) was established in 1996. The organization was founded by a diverse group of Palestinians; ranging from human rights activists, religious leaders, newspaper editors, journalists, a union leader, to members of the Palestinian Legislative Council. The organization's headquarters is located in Beit Hanina, East Jerusalem.

The Organization's main goals are to monitor, register and publicize all human rights violations in Palestine, regardless of the perpetrator, to increase Palestinian awareness about violations taking place in their homeland, to provide legal assistance to victims of

human rights violations, and to participate in the building of Palestinian democratic institutions.¹¹⁵

The Palestinian Human Rights Monitoring Group (PHRMG) examines all human rights violations regardless of what party is responsible. The organization's members believe that the strength of democracy and civil society in Palestine will be determined by the Palestinian people.

According to Bassem Eid, Executive Director of PHRMG, the organization is conducting research, collecting information and documenting specific issues, and the field workers and researchers write reports and publish nationally and internationally. Field workers are carrying out interviews and meeting with organizations and individuals that experience incidents and violations of human rights in the Palestinian territories. PHRMG participates in seminars, engages in media work and publishes several reports every year. The organization publishes several reports yearly about specific human right violations.¹¹⁶

The organization focuses its research on specific phenomena in the society that could be representing human rights violations in Palestine. The director Bassem Eid claims to have conducted field research about the impact of the wall on the Palestinian environment. PHRMG directs attention to the issue of violence; torture in prisons, killings, and unfair trials and capital punishment when people have been sentenced to death. The Human Rights Monitoring Group conducts field work and research to collect information. It meets with organizations and people, documents and writes reports

¹¹⁵ "The Palestinian Human Rights Monitoring Group Annual Narrative Report, 2007," *The Palestinian Human Rights Monitoring Group*, Web. 16-5-2013.
<[http://www.phrmg.org/annualnarrativereport2007\[2\].pdf](http://www.phrmg.org/annualnarrativereport2007[2].pdf)>

¹¹⁶ *The Palestinian Human Rights Monitoring Group*, Web. 16-5-2013.
<<http://www.phrmg.org/Aboutpage.htm>>

about human rights violations. PHRMG publishes reports nationally and internationally and it collaborates with other organizations.¹¹⁷

Al-Haq

Al-Haq is an independent Palestinian non-governmental human rights organization based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organization has special consultative status with the United Nations Economic and Social Council.

Al-Haq's vision is to see the rule of law and standards of international human rights and humanitarian law implemented and adhered to, so that Palestinians can enjoy equal treatment with respect to their human dignity, free from occupation and with the full realization of their right to self-determination.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international organizations and by holding the violators accountable. The organization conducts research; prepares reports, studies, and interventions on breaches of international human rights and humanitarian law in the OPT. Al-Haq also cooperates with Palestinian civil society organizations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies.¹¹⁸ In addition, the organization undertakes advocacy before local, regional, and international bodies.

¹¹⁷ http://www.ngo-monitor.org/article/palestinian_human-rights-monitoring-group-phrmg

¹¹⁸ *AL HAQ Defending Human Rights in Palestine since 1979*, Web. 15-4-2013.

<<http://www.alhaq.org/about-al-haq/about-al-haq>>

Amnesty International

Amnesty International is a global movement of more than 3 million supporters, members and activists in over 150 countries and territories who campaign to end grave abuses of human rights.¹¹⁹ The vision is for every person to enjoy all the rights of the Universal Declaration of Human Rights and other international human rights standards. Amnesty is independent of governments, economic interests and religions. The organization is funded by membership and public donations. The work includes peaceful demonstrations, lobbying, and are aimed to influence decision makers. The organization focuses on protecting human rights. It takes action in support of victims of human rights violations and promotes awareness of human rights. It is working on housing rights of Palestinians and educational programs focusing on international issues such as violence against women and an international campaign on death penalty. Amnesty International calls upon Israel through its different reports to lift the blockades and restrictions on Palestinians, which constitute collective punishment, and ensure that restrictions imposed in response to specific security threats only target the individuals' concerned not entire communities. It identifies the construction of the fence/wall inside the West Bank as illegal and urges Israel to remove the sections already built there. The organization also deals with the construction or expansion of Israeli settlements and home demolition. The organization also reiterates its call on Palestinian armed groups to end immediately attacks on civilians and on the Palestinian Authority to take effective action to stop and prevent such attacks and bring to justice those responsible.¹²⁰

¹¹⁹ *Amnesty International*, Web. 15-4-2007. <<http://www.amnesty.org/en>.>

¹²⁰ "Amnesty International: No Security without Basic Rights," *The Electronic Intifada*, 3 June 2007, Web. 15-4-2007. <<http://electronicintifada.net/content/amnesty-international-no-security-without-basic-rights/3254>>

Human Rights Watch

Human Rights Watch was established in 1978. It is a nonprofit, nongovernmental human rights organization made up of more than 280 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities.¹²¹

Human Rights Watch publishes reports and briefings on human rights conditions in some ninety countries, generating extensive coverage in local and international media. The organization collects and issues reports about human rights violations in the occupied territory especially homes demolition, non-violent protesters, and built unlawful settlements in occupied territory.¹²²

Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions to press for changes in policy and practice that promote human rights and justice around the world.

Human Rights Watch believes that building respect for human rights and the rule of law will help ensure the dignity to which every individual is entitled and will stem tyranny, extremism, intolerance, and violence.

c) The Human Rights Issues that Local and International Organizations Focus on

The local and international organizations focus on different issues in the Israeli-Palestinian conflict that violate human rights. The issues are the military occupation; the house demolitions and dispossession of people; the separation barrier, checkpoints and

¹²¹ "Who We Are," *Human Rights Watch*, Web. 15-4-2013. <<http://www.hrw.org/node/75136>>

¹²² "Human Rights in Israel/Palestine," *Human Rights Watch*, Web. 15-4-2013. <<http://www.hrw.org/middle-east-africa/israel-palestine>>

permit system; the use of violence, detention and arrests, Israeli settlements, and the Gaza blockade. This section focuses on how human rights organizations deal with human rights issues specifically the Gaza blockade and Israeli settlements.

Amnesty International considers Gaza blockade and siege to be acts of collective punishment that breach international law. The organization in its 2009 report following Operation Cast Lead, stated that the prolonged blockade of Gaza, which had already been in place since 2007, amounts to collective punishment of its entire population.¹²³

Amnesty International criticized Israel for its blockade of the Gaza Strip in its annual report on the state of the world's human rights. According to Amnesty International Report 2012, Israel is "prolonging the humanitarian crisis" in Gaza Strip with its blockade. In addition, the human rights group criticized Israel for its expansion of settlements in eastern Jerusalem, which the group considers as a breach of international law.¹²⁴ Amnesty stresses that the blockade prohibits most exports and restricts the entry of basic goods, including food and fuel. Amnesty International has condemned the comprehensive closure regime imposed by Israel on the Gaza Strip since June 2007 as collective punishment, in violation of Israel's obligations as an occupying power under international humanitarian law. Amnesty International report 2012 notes that the humanitarian situation in Gaza is "unsustainable", and it calls on Israel to "continue with its efforts to ease its restrictions on movement of goods and persons to and from Gaza."

In addition, the organization condemns the expansion of Israeli settlements. According to Ann Harrison, Deputy Director for the Middle East and North Africa at

¹²³ "Gaza Blockade and Other Restrictions Fuelling Humanitarian Hardship," *Amnesty International*, 2009, Web. 16-4-2013. < <http://report2009.amnesty.org/en/regions/middle-east-north-africa/israel-occupied-territories>.>

¹²⁴ "Israel and the Occupied Palestinian Territories," *Amnesty International*, 2012, Web. 16-4-2013. <<http://www.amnesty.org/en/region/israel-occupied-palestinian-territories/report-2012>>

Amnesty International, settlement construction is the cause of forced displacement, and is a flagrant violation of international law. Israel must immediately halt all construction of settlements and related infrastructure as a first step towards removing all settlers from the occupied territories.¹²⁵ Article 49 of the Fourth Geneva Convention prohibits an occupying power from transferring its own civilian population into the territory it occupies.

Amnesty International in its report on May 2nd, 2013 stresses that the Israeli authorities must immediately halt and remove all kind of settlements. In this report, Ann Harrison adds that the Israeli government's long-running policy of settling civilians in occupied territory violates international humanitarian law. Such a policy, under the Rome Statute of the International Criminal Court, constitutes a war crime. The organization argues that Israel's settlement policy is discriminatory and a violation of Palestinian human rights.¹²⁶

Human Rights Watch calls on the international community to press Israel to meet its international obligations to remove unlawful restrictions on the flow of goods into Gaza, and to lift unnecessary restrictions on exports and the free movement of people. According to Joe Stork, Acting Director of Human Rights Watch's Middle East division, "Israel's rightful self-defense against unlawful rocket attacks does not justify a blockade that denies civilians the food, fuel and medicine needed to survive, a policy amounting to collective punishment." The organization condemns the acts by the Israeli authorities that violate human rights such as demolished homes and property, and built unlawful

¹²⁵ "Israel Must Halt Construction of West Bank Settlements," *Amnesty International*, December 3, 2012, Web. 15-5-2013. <<http://www.amnesty.org/en/news/israel-must-halt-construction-west-bank-settlements-2012-12-03>>

¹²⁶ "Israel Must Remove New Settler Outpost in the West Bank," *Amnesty International*, May 2, 2013, Web. 15-5-2013. <<http://www.amnestyusa.org/news/news-item/israel-must-remove-new-settler-outpost-in-the-west-bank>>

settlements in occupied territory. The organization reports on “settlers’ violence” referring to stoning and shooting incidents involving Israeli settlers.

According to B’Tselem, Israel must evacuate the settlements since these settlements are illegal and violate the Palestinian basic human rights. In its report, the organization considers Gaza blockade as a collective punishment of the civilians’ population, and as such, it is unlawful. It constitutes harsh restrictions on imports and a complete prohibition on exports. Accordingly, it severely impairs complete prohibition on exports. Israel’s severe restrictions on Palestinians’ freedom of movement in the West Bank are enforced by a system of fixed checkpoints, surprise flying checkpoints, physical obstructions, roads on which Palestinians are forbidden to travel and gates along the separation barrier. The organization reported a monthly average of 310 flying checkpoints in 2010. The organization claims that Israeli travel restrictions impact on Palestinian freedom of movement and Palestinian human rights have been violated in Hebron due to the presence of the settlers within the city. B’Tselem argues that over 50% of West Bank land expropriated from Palestinians has been used to establish settlements and create reserve for their future expansion.

Al-Haq, makes the following recommendations concerning Israeli settlements. States must ensure that they are not aiding or assisting in the construction or expansion of settlements. They must not allow economic cooperation with Israel that furthers settlements, or permit domestic corporations to sell Israel equipment that is used to build settlements. In addition, the states must work towards the dismantling of the settlements. The states that are party to bilateral agreements with Israel, such as the EU-Israel Association Agreement and scientific and technical agreements, should make use of these agreements, and in particular their human rights clauses, to induce Israeli

compliance with international law. Accordingly, those states involved in the efforts to achieve a political solution to the Israeli-Palestinian conflict must ensure that the foundation of this solution is international law, including the International Court of Justice's (ICJ) Advisory Opinion, which clearly states that Israeli settlement construction in the OPT, including East Jerusalem, is unlawful.

The organization states that the Gaza blockade severely restricts the people's freedom of movement and trade, and violates their basic human rights, including the right to life, health, education, food, water, standard of living, and adequate housing.

The local and international human rights organizations focus on the humanitarian situation in the Palestinian occupied territory related to Israeli practices. They monitor and report the different human rights violations imposed by Israeli authorities. The organizations participate in the daily life and work of Palestinian and Israeli civil society. They are visibly present in communities' events or locations, near Israeli settlements, the wall/fence, schools, homes, fields, listen to local people's experiences and give voice to people suffering under Israeli occupation. They speak or write about these experiences in their reports. However, they do not have the power to limit Israeli violations and stop human rights violations.

d) Advocacy Targets of Human Rights Organizations

The local human rights organizations aim to influence their own local societies, the Israeli's organizations in the Israeli society and the Palestinian's organizations in the Palestinian society. Local organizations consider that it is important to contribute to a positive development in their own local societies, for the societies to be more

accountable and for the people to take responsibility and to stimulate the change from the inside.

The Israeli's human rights organizations find it is important to contribute to spreading knowledge about human rights violations in order to be aware and interested in the situation. For example B'Tselem endeavors to document and educate the Israeli public and policymakers about human rights violations in the occupied territories and combat the phenomenon of denial prevalent among the Israeli public and help create a human rights culture in Israel. Machsom Watch speaks to the Israeli public and aims at influencing the Israeli society as well as the international audience. The organization participates in seminars abroad to speak about the situation and its work. The organization considers that the pressure from outside is important because other governments can put pressure on Israel to end the occupation. The result that Machsom Watch has achieved is to be an eyewitness with Palestinians and soldiers.

The Palestinian's human rights organizations want to focus on internal issues and to influence the Palestinians because they want to build the basis for the future in the Palestinian society. The Palestinian Human Rights Monitoring Group (PHRMG) aims at achieving respect, knowledge, and awareness for human rights in the Palestinian society. The organization favors a change to a less violent approach and that nothing will be achieved with violence. The "Al-Haq" organization aims at building a stronger Palestinian society. The organization envisions the end of the occupation, but its work did not aim towards the specific solution of the situation. The Israeli and Palestinian

organizations aim at influencing at a grass root level and work towards the civil society, the education system, individuals, media, organizations, and non-state actors.¹²⁷

International organizations aim at influencing and changing the behavior of the responsible authorities, both the Israeli and Palestinian governments and highlight the responsibility of Israel as an occupying power in the Palestinian territory. The international organizations are working with media and other organizations and individuals locally and internationally and are also aiming at influencing the Israeli and Palestinian authorities. International organizations work towards the political level by establishing relations with the Israeli and Palestinian authorities and aiming at influencing the behavior and accountability of the responsible governments.

According to Michael Freeman, non-governmental organizations play an increasing role as sources of information, and NGOs have played an increasing role in human rights politics at local, national, and international levels.¹²⁸ Human rights institutions in the United Nations depend on information from NGOs. The most important functions of international NGOs are the provision of consistent information to governments, inter-governmental organizations, politicians, news, media, academics and the public.¹²⁹

It is difficult to measure the influence of NGOs but they have made an important contribution to the development of international law and institutions. They have raised world consciousness about human rights. The increasing numbers of local and

¹²⁷ Hania Bekdash, "Grassroots Reconciliation in Palestine and Israel," *The Jerusalem Fund*, Web. 12-4-2013. < <http://www.thejerusalemfund.org/ht/a/GetDocumentAction/i/6668>.>

¹²⁸ Michael Freeman, *Human Rights: An Interdisciplinary Approach*, Cambridge, UK, Polity, 2nd edition, 2011, p.142. Print.

¹²⁹ *Ibid.* page 145

international organizations dealing with the Israeli/Palestinian conflict and human rights violations have managed to broadly raise this awareness.¹³⁰

According to Freeman, everyone, who is familiar with human rights politics, acknowledges the significant influence of NGOs including many governments whom they have criticized. He adds that human rights violators may feel little shame, but the publicity that NGOs give to the violation of international norms, which the offending government may have supported publicly through declarations and ratification of covenants, may damage their standing in the international community.¹³¹

The local and international organizations dealing with the Israeli/Palestinian conflicts work within their specific mandates that state the tasks and goals of the organizations. NGOs are important since they work with local context and human rights issues and are doing funding, technical assistance, training, networking, political solidarity information and advocacy.

Human rights organizations in Palestine are engaged in activities concerned with monitoring violations of international human rights standards, civil, political, economic, social and cultural.

The international presence of human rights organization has a protective role, a responsiveness role, a facilitation role, a mediation role, and a fact-finding and a fact confirmation role. The international attention can ensure a self-regulating and a realistic eye on what is going on and ensures that what takes place is reported outside in a consistent manner. The international attention raises awareness about the need for political solutions and about human rights violations.

¹³⁰ Ibid. page 149

¹³¹ Ibid. page 145

Concluding Remarks and Way Forward

The United Nations' promotion of national human rights institutions is a recognition that the United Nations cannot function alone. Relevant stakeholders have to work together, and the role of national institutions should complement those of the international system.

The United Nations, local and international organizations share similar goals in promoting Palestinian human rights and limiting Israeli breaches. They are involved in performing activities and work related to observing the human rights breaches, documenting and reporting these breaches, collecting information and experiences, conducting lectures and guided tours, publishing articles, and participating in media and seminars. As mentioned, human rights organizations and the United Nations' area of attention are: military occupation; separation barrier; military checkpoints and permit system; demolition of Palestinian houses and building of Israeli settlements; and the use of violence, detentions and arrests... Both were effective in reporting and documenting human right breaches. Human rights organizations are eyewitnesses that report violations and breaches on daily basis. They help in promoting these rights through reporting and introducing them to the international community unlike the United Nations which sends missions and special rapporteurs to check on special cases and then issues statements and resolutions that condemn these violations and calls for the direct application of these resolutions and statements. The United Nations has the power, authority, and influence to apply and execute the UN resolutions against any injustice and unfairness. International politics however remains more powerful in influencing the execution and implication of such resolutions leaving the UN paralyzed and playing the

role of an observer in front of this crisis. Moreover, neither the United Nations nor the human rights organizations have the power to enforce these rights.

Comparatively, the human rights organizations were able to help in sustaining Palestinian human rights through the aid provided to prolong life but they were not able to limit or halt the Israeli violations. Although the United Nations considers Israeli settlements as illegal under International law, the number is still increasing. Since January 2006 Gaza has been under siege. Minimal amounts of basic goods are allowed in including construction materials, essential equipment and raw materials. People have no shelter and they rely on temporary facilities provided by human rights organizations. Although the United Nations calls frequently for the lifting of the blockade, Israel is still imposing the blockade and perpetrating a severe crisis.

Israel repeats the same human rights and humanitarian violations over years of occupation. It features illegal settlements, checkpoints, demolition of houses, torture, closure of crossings, military incursions and targeted killings using Palestinians as human shields. Neither the United Nations nor the human rights organizations examined were able to force Israel to guarantee the population's welfare and to promote human rights. Israel is in constant breach of its obligation to abide by the international laws it has ratified, the Universal Declaration of human rights, and the 4th Geneva Convention. Under the Paris Principle, human rights organizations succeeded to inform about human rights' violations, hear complaints, and transmit them to competent authorities. However, they were unsuccessful in providing remedies and bringing violations to an end.

The United Nations' member states, its political organs and individuals have accused Israel of constant, regular, and gross violations of human rights and humanitarian law in

the occupied Palestinian territories over many years. Self-determination which is a legal humanitarian right that has been recognized by the Security Council, General Assembly, International Court of Justice, and even Israel, has been denied in the occupied territories. Israel's closed zone violates Palestinians free movement rights and their right to work, health, education, and adequate standard of living.

In order to promote Palestinian human rights, the United Nations and human rights organizations have to work towards forcing Israel to abide by its obligations under international law and to abide by the United Nations' resolutions. They have to work towards solving the different human rights issues that serve as obstacles to peace negotiations. They have to force Israel to refrain from collectively punishing innocent persons and communities and to respect the basic rights of detainees held in its facilities.

By thinking globally and acting locally, organizations will be able to use their power within the Israeli and Palestinian society to reduce violations of human rights occurring as a result of the Israeli occupation. Neither the United Nations nor the local and international human rights organizations were able to enforce respect for legal norms and reduce human rights violations.

Further research is needed to address the effectiveness of human rights organizations and to determine connections, new strategies, methodologies and potential synergies between local organizations, international organizations, and the United Nations to promote human rights.

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