



# THE RIGHTS FORUM

## FACT-FINDING MISSION GAZA FINDINGS AND CONCLUSIONS

October 2011



## I. INTRODUCTION

A delegation of The Rights Forum visited the occupied Gaza Strip from 3 to 7 October 2011. The objective of the trip was to establish facts and circumstances that constitute serious violations of the human rights of the people of Gaza, that damage the humanitarian situation and the economy in Gaza and that pose a threat to the prospects of a lasting peace between Israel and the Palestinians.

The Rights Forum visited Gaza as an independent delegation. The visit was facilitated by the UN organisations UNRWA and OCHA and the Palestinian human rights organization al-Mezan.

On behalf of the board, chairman Andreas van Agt, former Prime Minister of the Netherlands, and Jules Hosman took part in the fact-finding mission. Members of the advisory council who participated were former government ministers Laurens Jan Brinkhorst, Jan Pronk and Bert de Vries, and professors of international law Marcel Brus and Liesbeth Zegveld. Martin Siepermann, director of The Rights Forum, also joined the delegation.

## II. MEETINGS

While in the Gaza Strip, the delegation had talks with senior officials of the UN organisations UNRWA, OCHA, OHCHR and UNDP, experts from human rights and development organisations, academics and representatives of the private sector.

The delegation made field trips to various places in the Gaza Strip, including Rafah, Khan Younis, the refugee camps al-Shati and Jabalya, the north bordering on Israel and the former Israeli settlement Neve Dkalim, dismantled in 2005.

The delegation also held a number of political meetings, including a meeting with Ismail Haniyeh, Prime Minister of the Hamas government in the Gaza Strip. In the al-Shifa hospital the delegates were received by Dr. Basem Na'im, Minister of Health. They also had talks with Osama al-Farra, governor of Khan Younis and a Fatah leader.

After the visit to Gaza the delegation held talks in Cairo with Nabil Elaraby, Secretary-General of the Arab League, Deputy Foreign Minister Bahaa Desouky and presidential candidate Amr Moussa. Finally, the delegation visited Susan Blankhart, the Netherlands' Ambassador in Egypt.



### III. CONCLUSIONS

Based on their own observations and talks with officials of UN organisations, experts from human rights and development organisations, academics, business representatives and politicians, the delegation reached the following conclusions:

1. The Israeli blockade of the Gaza Strip must be lifted immediately and fully, as has also been demanded by the European Union. The blockade is in contravention of international law and is causing great suffering among the civilian population of Gaza.
2. The blockade and other Israeli policies are deliberately and permanently disrupting vital sectors of Gazan society and economy and prolonging the total dependence of the Gaza Strip on international humanitarian aid. Israel is accountable for the consequences of this.
3. Despite Israel's promise to relax the blockade, the living conditions of the civilian population of Gaza have not improved. On the contrary, senior UN officials and experts report a worsening of the situation.
4. The blockade is the direct cause of the development of the "tunnel economy" on the Egyptian-Gazan border. This tunnel economy undermines the regular economy and is increasing social inequality in Gaza.
5. As the occupying power of the Gaza Strip, Israel is seriously failing to live up to its obligations under international humanitarian law and human rights conventions. There are signs that Israel is trying to shift its responsibility for Gaza onto Egypt.
6. The international community needs to talk to Hamas. Hamas has the actual power in Gaza and will have to be involved in any search for a political solution. Peace will be impossible as long as the refusal to talk to Hamas continues.
7. The international community should actively support the process of national reconciliation between Fatah and Hamas. Israel's attempts to exacerbate the territorial fragmentation and political divisions of the Palestinians are unacceptable.
8. If the Israeli-Palestinian conflict escalates, this will have adverse consequences for the internal situation and stability in Arab countries and consequently also for Europe. The persistent stagnation in the Middle East peace process will lead to a hardening of positions and violence.
9. As the UN is a member of the Middle East Quartet, it is not above the parties and its credibility is at stake. The participation of the UN in the Quartet is misconceived. Due to the extreme pro-Israel policy of the US and the passivity of the EU, the Quartet is not effective.
10. Through its one-sided Middle East policy, the Netherlands is becoming increasingly isolated in Europe. If the Netherlands continues to support Israel unconditionally, at the expense of the rights of the Palestinians, this could damage Dutch interests in the Arab world.



## IV. FINDINGS

The delegation draws these conclusions on the basis of the findings below, clustered around core themes from its fact-finding mission's programme:

### Israeli blockade

The Gaza Strip has been subjected to extreme Israeli restrictions for decades. The hermetic blockade that Israel put into operation in 2007 has dramatically worsened the situation. All discussion partners, including senior UN officials, were in agreement that the blockade must be lifted immediately and fully. This demand has also been made by the European Union, but is not enforced.

The blockade amounts to collective punishment and contravenes Israel's obligations under international humanitarian law and human rights conventions. Based on its meetings, the delegation concludes that the blockade is intended to hit vital sectors of Palestinian society and economy and permanently to disrupt civilian life in the Gaza Strip. Israel is accountable for the consequences of this.

Five of the six border crossings between Gaza and Israel are now virtually completely closed. This includes Karni, the most important crossing for the supply of goods and humanitarian aid. The only crossing point remaining, Kerem Shalom, has a maximum handling capacity of 300 trucks per day. Karni was able to deal with around 800 trucks.

The blockade is also being used as an instrument to push Gaza into the arms of Egypt, the delegation concludes. The blockade decouples Gaza not only from Israel, but also from the West Bank, strongly reducing the feasibility of the two-state solution. The decoupling from Israel is incompatible with Israel's obligations as occupying power for the welfare of the civilian population of Gaza. A clear sign of the permanent nature of this decoupling is that Karni has not merely been closed, but has actually been dismantled.

Since the fall of the Mubarak regime in Egypt, which had closed the southern border of the Gaza Strip under American and Israeli pressure, opportunities for people to travel out of the strip have improved. However, because of the limited capacity of the Rafah crossing, only 400 people per day can pass through the Egyptian-Gazan border. Tens of thousands of citizens of Gaza are waiting for permission to cross the border.

One issue that the delegation focused on was the sea blockade imposed by Israel. Contrary to the assertions of the Palmer report, the sea blockade cannot be viewed separately from the land blockade and it is tantamount to collective punishment of the civilian population in Gaza, in contravention of international law.

The delegation was also informed about the effects of the curtailment of the fishing territory of the Palestinians to 3 nautical miles from the coast. 85% of the fishing grounds that the Palestinians are entitled to under the Oslo Accords have been taken from them. 90% of the original 3,000 fishermen no longer go out to sea – a disaster for the 65,000 Gazan citizens who are dependent on the fishing industry. Many fishermen and their families live in great poverty and are forced to rely on food aid.

The delegation spoke to fishermen about the humiliation and shooting to which they are subjected by the Israeli navy. The fishermen reported incidents where they had been sprayed with filthy water, forced to undress and swim naked in the sea to Israeli patrol boats, where they were subjected to humiliation and mistreatment. One of them was arrested and spent 13 days in an Israeli prison.





*Palestinian fishermen telling the delegation about being shot at by the Israeli navy. In contravention of agreements which have been concluded, the fishermen are only allowed to go 3 nautical miles out to sea.*

## Refugees

Around 70% of the 1.6 million Palestinians in Gaza are refugees. Half of them are under the age of 18. The first generation fled from territory in which Israel was founded in 1948.

The UN organisation UNRWA was founded in 1949 to provide relief for their most serious needs and temporary support. Meanwhile, UNRWA aid has become a permanent condition for the survival of over a million refugees in Gaza who Israel, in contravention of international law, refuses to allow to return to their places of origin. They have become completely dependent upon international humanitarian aid.

The delegation observed the consequences of this in the refugee camps al-Shati and Jabalya, where refugees are living in very poor conditions, with no prospects of a decent life.

## Humanitarian aid

Around 800,000 citizens in Gaza live in poverty and are dependent on food aid. According to discussion partners, the persistent humanitarian crisis in the Gaza Strip is a direct consequence of Israeli policy. A senior UN official said: "Gaza is not Sudan, nor is it Somalia. The situation is the result of the closing off of the occupied Palestinian territories, including Gaza, under the guise of security, as a result of which the Palestinians are denied their basic rights and protection under international law."

The Israeli blockade has made the humanitarian situation much worse in recent years. The delegation was told about projects, financed by Sweden and intended among other things to improve access to water for hundreds of thousands of citizens, which have been held up for two years, because Israel is blocking the supply of necessary materials. Only 12% of UNRWA projects are approved by Israel.

Despite Israel's promises to ease the blockade, no meaningful improvement can be seen on the ground, according to senior UN officials. A number of sources even reported that the situation now is worse than it was.



A quarter of the Gazan population struggle to survive, despite humanitarian aid. Education has also been seriously affected. 260 schools have either not been built or cannot be extended because of the blockade.

Donor money generally goes to emergency aid projects. Strategic projects are not being carried out; a structural approach is missing.



*Palestinian children in a refugee camp.*

## Economy

Gaza and Israel have been an economic entity for decades. The Gazan economy was centred on Israel, far more than that of the West Bank. In recent years, those economic ties have been severed by Israel.

Around 100,000 Palestinians were working in Israel in the 1990s. This employment, on which a large proportion of the Gazan population was dependent, is now completely gone because of the closure of the borders.

The blockade has made the situation worse. Since July 2007, an almost total block on exports has been in force, in contravention of Israel's obligations under agreements it has entered into. Since May of this year, flowers and strawberries destined for export to the Netherlands have no longer been allowed through, experts reported. The volume of imports is merely 40% of the pre-2007 level. Around 120,000 jobs have been lost in the past two years. Unemployment is about 40%.

The private sector has been as good as destroyed due to the halt on exports and the import ban on basic materials. The textile industry has been especially badly affected: of an estimated 37,000 Palestinians who worked in this sector before the blockade, only 4% still have a job. Only 10% of the 600 textile businesses have managed to survive.



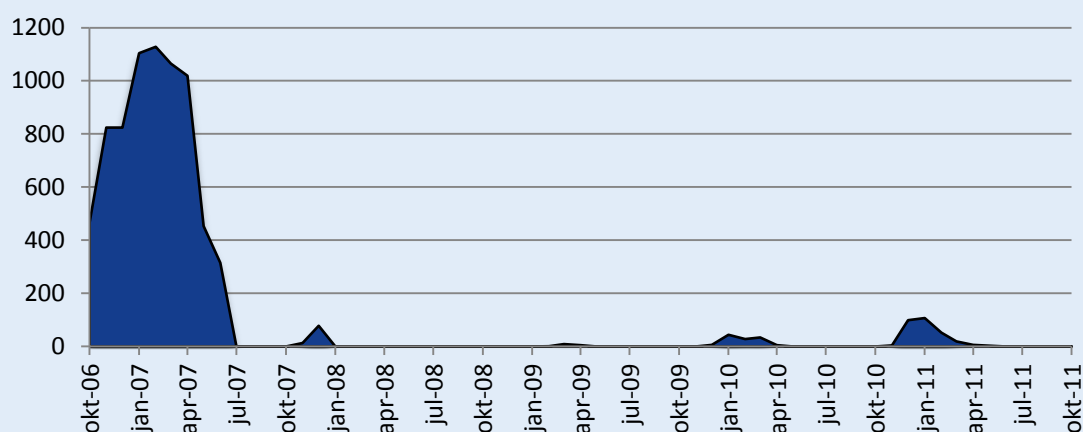


Table 1: Exports from Gaza in number of truck loads, 2006 - 2011 (source: UNSCO)

Restrictions imposed by Israel on Gazan territory exacerbate the situation. Israel has set up no-go zones along the border which are up to 500 metres wide. On top of that there are various high-risk zones, varying from 500 to 1,500 metres wide. Added together these areas take up around 17% of the Gaza Strip, as a result of which around 35% of the usable agricultural land is no longer available. Over a hundred thousand people have been harmed by this. The economic loss is estimated at over € 35 million annually.

Because of the limited access to water and energy, the ban on the import of many basic materials, the destruction of vital infrastructure by Israel and the devastation of the private sector, including the fishing industry, experts have described the situation as one of de-development.

The delegation visited a cement factory, which is dependent on supplies from Israel. Due to the blockade this factory is having to cope with serious shortages, at the expense of vital projects which urgently need to be carried out.

It also visited the location where a harbour should have been built in the 1990s with Dutch development aid funds. This site was bombed by Israel in 2001. Israel has never paid compensation for the damage running into millions, which it caused.

Furthermore, it visited a plantation close to a former settlement. The Jewish settlements in Gaza, inhabited by 8,000 settlers, were dismantled in 2005. Before they were removed, they covered 40% of the agricultural land of the Gaza Strip; 1.5 million Palestinians had to make do with the rest. The Palestinian authorities are developing sustainable agricultural projects on the land where the settlements used to be.

The delegation was reminded during this visit that many settlers from Gaza were transferred to settlements in the West Bank, contrary to the demands of the European Union among others that they should not be settled in occupied territory again.



An important point of focus was the tunnel economy, which has developed on the Egyptian-Gazan border. This economy is the direct result of the Israeli blockade. The delegation visited one of the tunnels, where construction materials were being brought into Gaza.

Because of the serious shortages in Gaza, the tunnels have become a lifeline for the supply of essential products. However, the delegation observed that the tunnel economy has many negative consequences. It undermines the regular economy and increasingly ties Gaza to the Egyptian economy. This link reduces the opportunities for economic integration with the West Bank, a necessary condition for achieving a viable two-state solution. Furthermore, the tunnel economy is susceptible to corruption and is increasing social inequality in Gaza. A new class of rich people is being created who make large profits from the tunnels.

The Hamas authorities are actively involved in the tunnel economy and profit from it, but they do not have full control over it. This paves the way for trade in weapons and drugs and fosters crime. The tunnels also bring with them the risk of infiltration by undesirable people, including extremists from other countries. This may not only be harmful to the security of Israel, but also to the internal security of Gaza.

Another aspect of the dark side of the tunnels is the large number of fatalities, presently over two hundred, caused by the collapse of tunnels, partly due to bombing by the Israeli army.

## Healthcare system

The healthcare system in Gaza is struggling with serious shortages, caused by the blockade. The delegation was briefed about the consequences during a visit to the al-Shifa Hospital, the most important hospital in the Gaza Strip.

Doctors informed the delegation about a list of 420 essential medicines. The stocks of 38% of these medicines are exhausted. Even some anaesthetics and disinfectants have run out. Because of this, many patients are not getting the care that they need.

One doctor said that around 500 patients had died because of the shortages. Around 1,000 patients had died due to causes for which the shortages are indirectly to blame. Usually, it is not possible to transfer patients to hospitals in the West Bank because of the blockade.

The shortage of medicines is accompanied by a lack of equipment, spare parts and specialist staff. Power cuts make the problems worse. Frequent power cuts reduce the useful life of equipment and cannot always be compensated by power from generators. Repairs often cannot be carried out because of the shortage of parts. Moreover, the healthcare system is having to contend with a shortage of fuel for generators.

The delegation also visited a private clinic that provides specialist help for stoma patients. This clinic is having to struggle with serious shortages of stoma bags, caused by the blockade, and shortfalls in funding.

Extreme stress is one of the main causes of stoma complaints. Among the 300 patients being treated in the clinic are a remarkably large number of children: 150. A doctor said that a frequent cause of this is bullet wounds in the abdomen, after firing by the Israeli army.





*The delegation visited the al-Shifa Hospital. In the background a boy of 15 who urgently needs a kidney transplant, but cannot get one because of the shortage of funds.*

Finally, the delegation visited the Gaza Community Mental Health Programme (GCMHP), set up by Palestinian psychiatrist Eyad al-Sarraj. This programme works with the many Gazans who are severely traumatized, including many children. A member of staff explained that 20-25% of school-age children are suffering from mental illnesses, the majority of which can be attributed to traumatic experiences, such as torture of their father, extreme violence and severe poverty.

The traumas are expressed in a number of ways including numbness and isolation, with all the consequences that has for social interaction. Hopelessness and despair are an acute problem, especially among schoolchildren and students who have finished their studies and have no future. Symptoms are often suppressed by the intensive use of painkillers. In many cases, this leads to serious addiction to medication.

The representative of the GCMHP said that the psychological consequences of the Israeli offensive in 2008-09 (Operation Cast Lead) are expected to last for two to three generations. The effects of the hermetic and prolonged blockade by Israel are in his words “one of the most traumatic experiences that people have had to endure.”

The delegation was astonished to learn that the Dutch government has suddenly stopped its grant to the GCMHP, without any transitional arrangements. In a situation where the healthcare system in Gaza is in a severe crisis and hundreds of thousands of people have been traumatized, this decision has exacerbated the need. The GCMHP is dependent on the Dutch grant, which it has received for many years, to implement various programmes.

## Water and environment

Before the Israeli settlements were dismantled in 2005, the population of Gaza had little water. The distribution of the available water among around 8,000 settlers and one and a half million Gazans was very inequitable. The Israeli authorities allowed a large share of the water in the Gaza Strip to go to the settlers, or to Israel. The Palestinians could buy back their own water from Israel at a high price, while the water supply to the settlers was subsidised.

The situation has not improved with the disappearance of settlements. Now in the year 2011, there is an acute water crisis in the Gaza Strip. Experts informed the delegation that around 95% of the water in Gaza is polluted and that in five years time there will be no freshwater at all. The ground water contains about twenty heavy metals. Water that would normally flow to Gaza and top up the groundwater level there is being drawn off on a large scale by Israel. A representative of the local water authority summarised the situation as follows: "Gaza is a dead body. Without water there is no life."

The water purification capacity in Gaza is far below the minimum needed. The delegation visited the site where more than 50 million litres of sewage water flow into the sea every day. This sewage has had only minimal treatment. At another sewage outlet, to the south of Gaza city, 12-15 million litres of raw sewage flow into the sea every day. The third sewage outlet, in the south of the Gaza Strip, discharges water that has had better purification treatment.



*Because of the Israeli blockade there is a shortage of materials and equipment for water purification. As a result of this raw sewage or sewage which has had minimal treatment flows into the sea, seriously polluting the seawater.*

The severely inadequate sewage treatment is a result of the blockade. It is not possible to install, improve or expand water treatment plants, as every part that the authorities want to import has to obtain approval from Israel in advance. Large-scale projects do not get off the ground.

This has grave effects on public health. Because the seawater is badly polluted, swimming is dangerous. Many Gazans who do go into the water get skin rashes. Fish living close to the coast are diseased.



Parts of Gaza without basic sanitary facilities are struggling with serious problems. This includes the al-Zarqa district in Gaza city. A recent research study there found that 64% of the respondents were suffering from parasitic infections and 61% had skin disorders. 53% of the children were suffering from diarrhea.

The only long-term solution to the water crisis is desalination, according to an expert. The delegation visited a desalination plant in the middle of the Gaza Strip. This is a pilot project, financed by Austria, UNDP and Unicef among other sponsors, that provides clean drinking water to 110 houses.

A larger desalination project is planned for the south of the Gaza Strip, but building it depends on the ending of the blockade, the manager of the pilot project said.

### Israeli offensive 2008-09

The delegation was briefed about the large-scale Israeli offensive against the Gaza Strip in December 2008 and January 2009 (Operation Cast Lead). More than 1,400 Palestinians were killed during this offensive, the majority of them civilians.

At that time it was not only military targets that were attacked, but also civilian installations and infrastructure that are vitally important for the functioning of the economy and society of Gaza. Discussion partners claimed that the aim behind this was to break the spirit of the civilian population and undermine the internal support base for the Hamas government.

The delegation visited the Samouni family, who lives in the al-Zeitoun district in the north of the Gaza Strip. 29 members of this family were killed by Israeli firing and shelling in a house where they had sought refuge on the orders of the Israeli army. Many of them bled to death because the army obstructed medical help for a long time.

The delegation visited another family that is still in temporary accommodation three years after the offensive. This family's house was destroyed during the war. The father spoke about the shelling with white phosphorus, the long-term health effects of which are uncertain. He complained about the total lack of protection for civilians: "We pay the highest price, even though we have nothing to do with the conflict."

In addition, the delegation was briefed by UN organisations OCHA and UNDP about the physical damage to the civilian infrastructure, including sanitary facilities, schools and houses, caused by the 2008-09 offensive. This damage was mapped by the UN one month after the offensive. The following figures from UN sources illustrate the scale: 30 km of water pipelines destroyed, 11 water wells destroyed, more than 200 schools destroyed or severely damaged, 6,000 houses destroyed or severely damaged and more than 50,000 houses with minor damage.

While the international community responded quickly by providing funds, the reconstruction has been seriously delayed as year after year Israel has refused to allow construction materials in. Affected citizens have often had to rely on support from family and neighbours, who are themselves in need.





*A member of the al-Samouni family who survived the Israeli bombardment gives his account.*

## Human rights situation in Gaza

The delegation was briefed about the internal human rights situation. During and after the takeover of power by Hamas in 2007, serious violations of human rights took place. The human rights situation has improved since then, the delegation was told.

Human rights violations do continue however. Concerns of local human rights organisations, which lobby the authorities, include the freedom of civil society organisations, the position of women, application of the death penalty and the treatment of prisoners.

One point of concern is that the UN human rights organisation OHCHR is not allowed to monitor conditions in the prisons of the Hamas government. This is because OHCHR is not allowed to maintain contacts with Hamas, because the UN is a member of the Middle East Quartet that boycotts Hamas. Discussion partners believed that Hamas would open up the prisons to inspectors, if OHCHR were to request that.

Another point of concern is the quality of the justice system in Gaza, in particular of the High Judiciary Council. Judges appointed after Hamas assumed power had little professional experience. Lawyers representing clients have little confidence in the justice system and in many cases refrain from appearing in court.

## Reconciliation between Hamas and Fatah

The delegation held many talks about the internal divisions between Hamas and Fatah. All discussion partners, including senior UN officials, agreed that national reconciliation on the Palestinian side is a necessary condition for progress and is therefore extremely urgent.

The delegation heard from independent sources that Hamas had not planned to monopolise power in Gaza in 2007, but that its action was a defensive manoeuvre when the Fatah movement was pushed by foreign powers to stage a military coup aimed at driving Hamas out. This was despite the

fact that Hamas was the undisputed winner of the parliamentary elections in 2006, which had been conducted fairly according to international observers.

Discussion partners pointed out that divisions among the Palestinians play into Israel's hands and are stirred up by Israel. The polarity 'peace or reconciliation' that has been created by Israel and the US is a failure to appreciate the reality that Palestinian reconciliation is in fact a condition for peace.

At the meeting that the delegation had with Ismail Haniyeh, the Prime Minister of the Hamas government, Haniyeh underlined Hamas's commitment to the process of Palestinian reconciliation. President Abbas's approach to the UN, to obtain international recognition for the Palestinian state, has delayed this process, but not brought it to a standstill. Prime Minister Haniyeh was optimistic about the outcome of the reconciliation process.

Hamas is following the initiative at the UN with suspicion, because it has been taken without consulting Hamas and other Palestinian factions, because the consequences on key issues such as the Palestinian refugees are unclear and because it is not part of an integrated national strategy. While Hamas is critical, it nevertheless does not want to undermine the efforts of President Abbas, the delegation was told.

## Conflict with Israel

An estimated 3,000 Palestinians have been killed in Gaza since 2005, including the casualties of the Israeli offensive of 2008-09. Israeli attacks on Gaza continue and keep causing new casualties, including among the civilian population. For that reason, the International Red Cross, which briefed the delegation, classifies the situation in Gaza as armed conflict.

The situation in Gaza is characterised by an acute protection deficit: civilians live in great insecurity and are at the mercy of firing and shelling by Israel. This is how one of the discussion partners put it: "Even more than humanitarian aid, the civilian population of Gaza needs human dignity and protection of their fundamental rights."



*Palestinians show injuries caused by Israeli attacks.*

The delegation spoke to a family in an area that is regularly fired upon by Israel. It was confronted with deep disappointment and bitterness, when the mother of the family said : "You come and go, and I stay here with my children, right behind the front line."

The continuing firing at Palestinian fishermen, even within the 3 mile zone set by Israel, is another symptom of the insecurity to which Gaza citizens are exposed.



The attacks on the civilian infrastructure are also a symptom. The delegation visited a pumping station that was bombed by Israel in July 2011. This pumping station, funded by Japan and almost complete, was to pump sewage from the central part of the Gaza Strip to sewage treatment plants in the north.

The pumping station is situated next to the only power station in the Gaza Strip, which was severely damaged by Israeli attacks in 2006. The power station was severely damaged once again during the 2008-09 offensive.



*The damage caused by an Israeli attack on a pumping station in July 2011. In the background the only power station in Gaza, which was shelled in 2006 and again during the offensive of 2008-09 by the Israeli army.*

The Red Cross brought to the attention of the delegation the fate of the more than 5,000 Palestinian prisoners in Israeli prisons. In contravention of international humanitarian law, Israel transferred them out of the occupied territory to Israel. More than 200 prisoners are being held in administrative detention.

Around 650 of the prisoners come from Gaza (situation before the prisoner exchange). Since 2007 they have not been allowed any family visits. This causes a great deal of suffering to both the prisoners and their families. Sometimes the families do not even know where the prisoner is being held.

The fate of the Israeli soldier, Gilad Shalit, who had been held in the Gaza Strip since 2006 and was released on 18 October 2011, was also discussed during the meeting. In contravention of international humanitarian law, the Red Cross had not been given access to Shalit during his imprisonment. He was denied contact with his family.

With Ismail Haniyeh, Prime Minister of the Hamas government, the delegation discussed the use of violence, such as the firing of rockets from Gaza into Israel. These rocket attacks, which are in

contravention of international humanitarian law, have killed around thirty Israelis since 2001. During a fact-finding mission in May 2010, a delegation from The Rights Forum visited the Israeli city Sderot and spoke to civilians who were suffering under the rocket attacks.

Prime Minister Haniyeh assured the delegation that his government has made a conscious decision to go for de-escalation, as a result of which a unilateral ceasefire has been in place for some time now. The government is making efforts to stop the rocket attacks and has been largely successful in this. Sporadic attacks by splinter organisations which continue, in many cases following acts of violence by Israel, are carried out outside the direct control and against the instructions of the Hamas government, the delegation was told.

Prime Minister Haniyeh stressed that Hamas is willing to accept a Palestinian state within the '67 borders, with East Jerusalem as its capital. The Prime Minister pointed out that it is Israel which rejects these borders and that the Israeli government is doing everything it can to prevent East Jerusalem from becoming the Palestinian capital.

Prime Minister Haniyeh also stressed that there is no conflict with Jews. The problem is the Israeli occupation, Haniyeh said, who stated that he often receives Jewish visitors.

### International diplomacy

The delegation spoke to many discussion partners about the role of the international community, specifically in relation to Gaza. A point of particular concern was the participation of the UN in the Middle East Quartet, the other members of which are the US, the EU and Russia.

By participating in the Quartet, the UN is no longer above the parties and has become politicised. The credibility of the UN is severely at stake, the delegation concludes, and its room for manoeuvre is substantially curtailed, mainly because it is unable to maintain direct contacts with the Hamas government, which is boycotted by the Quartet. Because of this boycott, it is virtually impossible for UN organisations to coordinate the reconstruction of Gaza and the provision of humanitarian aid. This is gravely impeding opportunities to get the acute humanitarian, economic and ecological crisis in Gaza under control.

In any case, humanitarian aid is not the main problem, various discussion partners emphasised. The main problem is the lack of protection for the civilian population, due to the continued occupation by Israel and the failure to reach a just and sustainable political solution.

All discussion partners were of the opinion that it is necessary to talk to Hamas. The isolation of Hamas in a situation in which Israel persists with serious violations of international law is completely incredible, undermines the chances of Palestinian reconciliation and increases Hamas's dependence on Iran.

The delegation noted great disappointment about the approach of the US, which supports the policy of the Netanyahu government unconditionally, at the expense of the prospects for peace. The US is part of the problem, not part of the solution, and will not show any leadership, was the message from many discussion partners.

Meanwhile there is no political support in Israel for a just solution and Palestinian leaders are becoming increasingly frustrated. President Abbas has done everything that was expected of him, without getting anything in return. A high-ranking discussion partner argued that Abbas is the last Palestinian leader who is willing to enter into a peace agreement in which the Palestinians would relinquish some of their rights.



The signal that the delegation received time and time again was that the European Union will have to take the initiative and take on the responsibility, if a breakthrough is to be achieved. By doing this, the EU would also be serving its own interests, because instability and insecurity caused by stagnation in the peace process affects Europe, too. The delegation noted that confidence that Europe can bring about a breakthrough, is waning among many.

Many discussion partners expressed great surprise at the position of the Netherlands. The Dutch government is widely perceived as supporting Israel unconditionally, and therefore also to be endorsing the anti-peace policy of the Netanyahu administration. One high-ranking discussion partner questioned how it can be that the country which presents itself as the legal capital of the world believes that international law applies at all times and in all places, except in the case of Israel. The credibility and international position of the Netherlands is in jeopardy through this, the delegation concludes.

A senior UN source stressed that the window for establishing a Palestinian state is closing. All the important indicators are pointing in the wrong direction: the expansion of settlements in the West Bank continues unabated and East Jerusalem is being physically annexed. Gaza is being pushed into the arms of Egypt, increasing the separation between Gaza and the West Bank. Warnings that the clock ticking down for the two-state solution is at five minutes to twelve are over-optimistic, according to this UN source.



## BACKGROUND OF THE DELEGATION

### Board

**Andreas van Agt** (CDA) was Prime Minister of the Netherlands from 1977 to 1982. Consequently, he was the Queens' Commissioner (Governor) of the province of North Brabant and European Union Ambassador to Japan and the United States. Van Agt is chair of the board of The Rights Forum.

**Jules Hosman** (VVD) worked for the Dutch Ministry of Foreign Affairs and was Head European and International Public Affairs of Hoogovens and Corus.

### Advisory Council

**Laurens Jan Brinkhorst** (D66) has been State Secretary of Foreign Affairs, EU Ambassador to Japan, Minister of Economic Affairs and Deputy Prime Minister of the Netherlands.

**Marcel Brus** is Professor of International Law at the University of Groningen and Secretary of the Netherlands branch of the International Law Association. Brus has taught at the universities of Leiden and Oxford.

**Jan Pronk** (PvdA) has been Minister for Development Cooperation, Minister of Housing, Spatial Planning and Environment, and a member of the Lower House of the Dutch Parliament. Pronk held the position of special UN Ambassador to Sudan. He is Emeritus Professor at the Institute of Social Studies, chair of the Interchurch Peace Council (IKV) and chair of the Society for International Development (SID) in Rome.

**Bert de Vries** has been Minister of Social Affairs and Employment and chair of the Christian democratic party CDA.

**Liesbeth Zegveld** is a lawyer, specialized in international law and human rights. Zegveld is a member of the Committee for Compensation for War Victims of the International Law Association and Professor of International Humanitarian Law at the University of Leiden.

### Management

**Martin Siepermann** is a political scientist who specialises in the Israeli-Palestinian conflict. Siepermann is director of The Rights Forum.



The Rights Forum was launched on 10 December 2009, the International Day of Human Rights, and promotes a just Middle East policy of the Netherlands and the European Union.



[WWW.RIGHTSFORUM.ORG/ENGLISH](http://WWW.RIGHTSFORUM.ORG/ENGLISH)