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## Human Rights Council

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### Human rights situation in Palestine and other occupied Arab territories

## Written statement\* submitted by The Next Century Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

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\* Issued as received, in the language(s) of submission only.

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## **The basis for a fair Middle East Peace Process**

The Next Century Foundation stresses the urgent need for a dialogue between the government of Israel and that of the Palestinian Authority to achieve a lasting peace agreement in the Middle East on the basis of the two-state solution.

The most recent peace initiative was the ‘Deal of the Century’ unveiled by the government of the United States of America on the 28th January 2020.

While the Palestinian Authority’s decision to step away from talks on the basis of this deal is understandable, it is the view of the Next Century Foundation that the Palestinian Authority could and indeed should respond by presenting Israel and the international community with a transparent and realistic counteroffer that could serve as the basis for further negotiations. In such a scenario, any outright refusal by Israel to negotiate would attract significant international attention.

When the government of Israel floated the prospect of a de jure annexation of the West Bank, the Palestinian Authority severed ties with Israel. Now, the risk of immediate annexation has dissipated as a consequence of the formation of the latest coalition government in Israel. In light of the COVID-19 pandemic, the continuance of this refusal to collaborate is undermining both nations’ efforts to contain the coronavirus. Furthermore, the Palestinian Authority’s hospitals lack crucial medical equipment, a situation that might be ameliorated were discussions ongoing. The Next Century Foundation calls on the Palestinian Authority to return to civilian cooperation with Israel as soon as possible not merely to avoid unnecessary suffering in the wake of the pandemic but arguably more importantly to empower the State of Palestine by placing the consequent burden of any refusal to discuss peace on the shoulders of Israel.

Multiple obstacles to a fair peace prevail, including Israel’s unilateral policy of continued settlement construction with the lukewarm approval of the White House, but the weakness and the lack of agency shown by the Palestinian leadership is itself an obstacle to peace.

The recent normalisation agreement with the United Arab Emirates (UAE) has, in the view of some observers, seemed to have forestalled the issue of Israel’s annexation of the West Bank. The reality is that that threat no longer existed in the short term. What is a cogent longer term problem is the inevitable inability of Israel to accept a one state solution and the consequent long term probability of an imposed peace, i.e. a settlement unilaterally imposed by Israel. While the Next Century Foundation applauds efforts towards reconciliation in the region, the Foundation is also preoccupied with an increasing normalisation of the grim reality of Israel’s de facto occupation of a considerable proportion of the West Bank and blockade of Gaza.

Now more than ever, Palestinian voices must be heard, yet the weakness of the Palestinian Authority arguably remains a crucial obstacle to such endeavours. During its years of independent existence, the Palestinian Authority has struggled to control the entirety of the Palestinian territory it theoretically administers, significantly undermining the chances of any peace agreement between Israel and Palestine. While the Palestinian Authority has been more open to working and cooperating with Israel on many grounds, for many years it has refused to talk peace whilst settlement building has been ongoing. The Hamas leadership has also repeatedly refused to engage in peace discussions. This is of course a moot point since Israel has also refused to engage in discussions with Hamas on anything other than short term “Hudnas” or “ceasefires” that do nothing to further the Palestinian cause but that Hamas often eagerly accepts. The most notable example of Hamas rejectionism would be Hamas’ short sighted rejection of the Arab Peace Initiative of 2002, which was accepted by the Palestinian Authority.

For peace to be achieved, a united Palestinian front must be presented. The Next Century Foundation believes that the time for dialogue is now, and that postponing talks indefinitely undermines the Palestinian cause. The status quo undoubtedly favours Israel, which is able to continue its settlement policy without any credible Palestinian or international opposition. Israel gained control of the West Bank in 1967 following the Six-Day war. Since 1967, the number of Israeli settlers in the West Bank has risen to some 430,000. On the settler issue, the Next Century Foundation concurs with the United Nations (UN) on what it believes to

be the risks of such demographic alteration of the West Bank, as per UN Security Council Resolution 2334 which condemned continued settlement building.

When trying to justify its claims to the West Bank, the Israeli political right often points to the previous peace deals that have been rejected by the Palestinian leadership. This allows Israel's government to weaponize Palestinian refusal to negotiate as an excuse for its settlement policy, the ongoing blockade in Gaza and even the threat of outright annexation. Crucially, the Authority's preconditions for negotiations still, even now, include Israel putting a halt to its settlement construction. In light of the situation on the ground, the Next Century Foundation urges the Palestinian leadership to return to negotiations without such preconditions, which are currently both an obstacle to talks and a blessing for Israel's hawks.

A prominent issue in the conflict remains Israel's refusal to accept a clear border. As of today, Israel continues to capitalise on the acquiescence of the White House, the passivity of the Palestinian Authority, and the lack of a clear internationally backed strategy for peace. As long as Israel's settlement policy in the West Bank does not place any burden on the Israeli State, such a policy is likely to continue.

If to negotiate directly, the Palestinian Authority is waiting for a change in circumstances, such as a new United States of America president, or a new Israeli government, it is unlikely that the Palestinian Authority is going to have an easier time advancing the Palestinian case in the future. The UAE-Israel normalisation agreement, which the Palestinian Authority condemned, can among other things serve as a worrisome sign of the marginalisation of the Palestinian leadership and the Palestinian issue.

The Next Century Foundation suggests that the time to act is now, when the perceived threat of Israel's annexation of the West Bank has once again raised the Palestinian issue to the top of the world's agenda.

Last but not least, the Palestinian leadership must also strengthen the Palestinian institutions. This is no easy task, and Israel's role has been far from constructive in this regard. A stronger, more cohesive and more vocal Palestinian state will be required in order to serve as a credible representative of Palestinian interests. Many young Palestinians feel disenchanted and apathetic, and some are beginning to view the Palestinian Authority as nothing more than "Israel's puppet administration". In order to create a credible voice of opposition to the Israeli abuses of Palestinian rights, a strong revitalisation and reform of the Palestinian Authority's structure is necessary.

If the Palestinian Authority shows openness to engaging in negotiations, the Next Century Foundation calls for strong international pressure on Israel, placing an emphasis on the need for an immediate return to peace talks. However, significant reforms within the Palestinian Authority will also be required to make it actually representative of Palestinian aspirations to statehood and prosperity. On 29 October 2018, the Palestinian Central Council suspended the recognition of Israel and halted security and economic coordination in all its forms with Israel. This retrograde step has served the interests of the Palestinian people poorly. The Next Century Foundation believes that the Palestinian Authority, ideally in conjunction with Hamas, must be ready to advance a Palestinian case for an independent Palestine. Self-evidently, only if both Israel and Palestine return to the negotiating table can a fair peace finally stand a chance.

And finally, the Next Century Foundation cannot in all conscience fail to add a postscript in regard to Gaza. Whatever the reprehensible actions of individuals, groups, or factions, within Gaza – and clearly the launching of rockets, an action that fosters a climate of fear amongst civilians in Israel, is reprehensible regardless of the provocation endured – that does not give carte blanche to Israel and Egypt to engage in the collective punishment of Gaza. We fully understand concerns in Israel over positions taken by Hamas. It would be interesting to see Hamas actually challenged with an invitation to negotiate peace rather than mere invitations to negotiate ceasefires. They have never been faced with having to step up to the mark in this regard. Regardless of which, collective punishment is regarded as a crime against humanity for very good reason. The siege of Gaza in most all of its aspects is collective punishment.