HUMANITARIAN
AND DEVELOPMENT
PROGRAMME

OCCUPIED PALESTINIAN TERRITORIES Deterioration of the Status Quo

January 2016

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KEY OBSERVATIONS

- As Israel's occupation of Palestinians in the West Bank, Gaza and East Jerusalem enters its 48th year, ensuring effective humanitarian access remains problematic.
- 2. Under international law Israel is obligated to respect, protect, and fulfill the human rights of populations living in occupied Palestinian territory. International humanitarian law also obligates Israel to administer occupied Palestinian territories for the benefit of the protected Palestinian population, and to provide for Palestinian needs. As a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, Cultural Rights (ICESR), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC) and others, Israel is bound by the Geneva conventions and human rights provisions particular to each of the previous international instruments.
- 3. Variables that may alter the trajectory and parameters of the current balance of power are the following: the collapse of the PA, the resignation of leader Mahmoud Abbas, the organization of a popular uprising under political leadership, the potential dissolution of the Israeli Knesset governing coalition¹ and the impact of Salafi-jihadist movements in Israel or the occupied Palestinian territories are.





¹ Already a fragile majority of 61 seats out of 120.

RATIONALE

Context Introduction

The highest recorded number of conflict-related casualties since 2005 and the highest level of Israeli fatalities since the first Intifada have prompted concerns that this violence marks the beginning of a third intifada². Since mid-September 2015, Israel and the occupied Palestinian territories have witnessed a surge in Palestinian acts of violence characterized by stabbings, shootings and vehicle rammings predominantly in the occupied West Bank and Jerusalem. Widespread protests

October to December 2015:

- 142 Palestinian deaths, more than 15,620 injuries (direct conflict), according to the Palestinian Ministry of Health.
- 21 Israeli deaths; 156 injuries (direct conflict), according to UNOCHA.
- At least 2,500 Palestinians arrested
- 19 structures demolished in the West Bank; 101 people displaced.

have also led to a high numbers of injuries in this period, in addition to allegations of Israeli forces using asymmetrical force³; and in the case of the deaths of many attackers, criticisms of unlawful

AREA C

- 60% of West Bank, under full Israeli administrative and military control
- Home to 300,000 Palestinians and 356,000 Israeli settlers.
- According to UNOCHA, 1% of Area C land has been planned for Palestinian Development. Only 1.5% of Palestinian permit applications in 2010-2014 were accepted.
- Planned area per Israeli settler is more than 13 times that for a Palestinian (790m2/settler; 60m2/Palestinian).
- More than 14,000 demolition orders for Palestinian structures since 1988, more than 11,000 still 'outstanding'.
- Majority of demolition orders for structures acknowledged to be legally owned by Palestinians.
- Israeli government: "Illegal construction ...harms the local population, given the fact that it does not take into consideration planning policies that will ensure a reasonable quality of life, and public needs."

killings⁴.Frustration caused by the perception of the impossibility of a two-state solution, punitive measures carried out by the Israeli state and a lack of legitimacy from Palestinian leadership has fueled recent violence. While Israeli politicians claim that Palestinian leaders have incited this wave of violence, what makes this period unique is the lack of affiliations attackers had with political parties⁵.

The random nature of these incidents places Palestinian leadership in a difficult position: the PA and Hamas are currently able to maintain security in the occupied territories without openly

criticizing, and occasionally encouraging incidents. Both parties have said that it is not in their interests to entice an Israeli military response; as such, the PA has conducted numerous raids and for the most part directed protests away from Israeli military checkpoints. Hamas has done similar⁶. In a briefing to the UN Security Council on 22 October, UN Deputy Secretary-General stated that the current wave of violence would not have erupted, "if Palestinians did not still live

⁶ Protestors have been directed away from Gaza Strip wall to centers of Gaza.



²<u>Al Monitor</u>, "Will Israel's military intervene in the West Bank?" 7 December 2015.

³B'Tselem, "Settler violence: Lack of accountability," 19 October 2015. <u>Amnesty International</u>, "Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings," 27 October 2015.

⁴ See joint statement by the United Nations Special Rapporteurs on the situation of human rights in the OPT, and on summary executions. <u>UNOHCHR</u>, "UN rights experts express deep concern about ongoing bloodletting in the Occupied Palestinian Territory," 16 November 2015; <u>B'Tselem</u> (November 2015): "Letter to PM Netanyahu on Extrajudicial Killings."

⁵<u>Middle East Eye</u>, "Party politics irrelevant to Palestinian youth in new uprising,"12 October 2015.

under a stifling and humiliating occupation that has lasted almos t half a century. Nowhere is the frustration and anger at the current situation more evident than among young people"7. This is borne out by recent polls that have shown that higher numbers of Palestinians support armed uprising as an alternative to political stalemate⁸. The year 2014 was marked by the floundering of peace talks, a new war in Gaza, and marked settlement expansion. Palestinians perceive that the Israeli government has made few overtures to address their grievances. Indeed, the majority of Knesset cabinet members and Prime Minister Benjamin Netanyahu have publicly disavowed a though two-state solution. Netanyahu backtracked on his comments following electoral victory.

Internationally, fewer powers wish to take the diplomatic risk of engaging on the issue when there are greater challenges in the region, and as the US has publicly stepped back from diplomatic efforts. Western fears of the Islamic State and other jihadist extremists have galvanized the actions of the most conservative Israeli cabinet in the country's history under the rhetoric of counter-terrorism. In light of these factors, the humanitarian situation for the estimated five million Palestinians9 currently living under occupation in the West Bank, Gaza and East Jerusalem, and their rights to basic goods, services and security under Israeli occupation according to humanitarian law have been severely compromised and could deteriorate further. Commensurate with the deterioration of

East Jerusalem

- 142km of the Separation Barrier and an entry permit regime separate East Jerusalem from the West Bank.
- 75.4% of Palestinians live under the poverty line.
- Palestinians are permitted to build in only 17% of East Jerusalem.
- Palestinians face difficulties in connecting to the urban water system, facing a shortage of around 50km of sewage pipes.1/3 of residents are not connected to the municipal water grid.
- Unemployment for men stands at 40%; 80% for women. Wages are low for most jobs, with most in construction, agriculture and services sectors.
- An estimated shortage of 1,000 classrooms in municipal schools.
- 107 Palestinian residency permits were revoked in 2014.

Gaza

- Population of 1.8 million; 8 refugee camps.
- 43% unemployment rate: the highest in the world. 60% for young people.
- 40% living below poverty line
- <u>80% of the</u> population dependent on international assistance.
- One-third of children showed signs of posttraumatic stress disorder before Gaza's 2014 war.
- 140,746 Palestine refugee houses impacted during the 2014 conflict; 9,117 of them are considered totally demolished. 5,300 shelters have suffered severe, 3,700 major and 122,629 minor damages.
- Aggregate was removed from "dual use" list of banned materials; wood thicker than 1cm was recently added.

humanitarian conditions is the deterioration of humanitarian space more generally, with the demolition of structures, targeted confiscations of relief goods and assets and the nature of the planning and permit regime in Area C and East Jerusalem. Recent statements made by Israeli

⁹ Though demographic data is very sensitive, numbers were collected based on the following statistics: 2008 Palestinian Central Bureau for Statistics reporting number of Palestinians in East Jerusalem at 208,000; 2,785,366 Palestinians in the West Bank July 2014.1,869,055 (July 2015 est.) for Gaza East Jerusalem approx. <u>CIA World Factbook</u> (2015): "West Bank;" <u>New York Times</u>, "U.N. Seeks End to Razing of Homes in East Jerusalem,"1 May 2009; <u>Institute for Middle East Understanding</u> (March 2013): "Quick Facts: The Occupied Palestinian Territories: An Overview."250,000



^{7&}lt;u>UN Deputy Secretary-General Statements</u>: "Briefing to the Security Council on the Situation in the Middle East," 22 October 2015.

⁸Palestinian Center for Policy and Survey Research. "Poll: Growing majority of Palestinians support armed intifada," 15 December 2015.

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officials have also suggested that humanitarian access could be increasingly vulnerable to political efforts to advocate for Palestinians living under occupation. In the summer of 2015, two NGO bills were drafted by the Jewish Home party to classify NGOs as "foreign agents" to monitor and potentially obstruct organizations receiving funds from external governments¹⁰.

The publication of EU guidelines on the labelling of settlement products was followed by a suspension of communications with EU bodies, and a potential cessation of EU-funded organizations' work in Area C¹¹, with the statement that the foreign ministry would carry out "a reassessment of the involvement of EU bodies in everything that is connected to the diplomatic process with the Palestinians"—something that could—and has arguably already begun to¹²—impact the operations of NGOs receiving EU funding.

Though a humanitarian emergency in the occupied territories is not in Israel's interests, the political and security climate empower the Israeli government to take increasing latitude and scope for measures that ultimately affect the implementation of a two-state solution.

STAKEHOLDER ANALYSIS

Palestinian Parties

Hesitation; but room for convergence: The greatest challenge for the Palestinian Authority (PA) and Hamas is their own survival. Plagued by financial insolvency and growing popular discontent, both organizations are walking a fine line between tacitly supporting violent incidents while maintaining a tight control over security. Recognizing that the current wave of violence occurred without the coordination of political parties, Hamas and the PA, in addition to smaller parties like the Popular Front, Democratic Front and even Islamic Jihad¹³ are presented with a challenging opportunity: capitalize on the movement by making advances towards popular representation, or risk losing any remaining vestige of their legitimacy. Representatives of Fatah, Hamas and others have pushed for elections of the Palestinian Legislative Council¹⁴—seen as an inclusive alternative to the divisive PA and toothless PLO that could potentially represent all Palestinians¹⁵, to harness the popular uprising into more concerted forms of broad-based representation. Yet Palestinian leader of the PA and Fatah, Mahmoud Abbas is holding back. Despite his recent address at the UN threatening to dissolve the PA, and his symbolic resignation from the PLO Executive Committee, he continues to cling to the helm of Palestinian leadership, postponing meetings for the Palestinian National Council and Fatah—which was rumored to lead

¹⁵Al Monitor, "Why hasn't Abbas called for a meeting of the Palestinian Legislative Council?" 8 December 2015.



¹⁰ EU Observer, "Israeli MPs to resume work on NGO gag laws," 12 October 2015.

¹¹The Guardian. "Israel suspends contact with EU bodies over labelling of West Bank produce," 29 November 2015.

¹² A recent report by the NRC OPT Protection and Advocacy Team entitled "Destruction of Property including Humanitarian Assistance: Bi-Annual Comparison 2014-2015" shows a 17% increase in the proportionate destruction of donor-funded humanitarian assistance and a 62% increase in the destruction of Eu-funded humanitarian assistance in 2015 compared to 2014, destroying an estimated EUR 212,783 worth of EU-funded humanitarian aid in 2015, and putting at risk EUR 4,068,000 worth of assistance in pending demolition orders. In a follow-up report, the "Destruction of Property including Humanitarian Assistance: 22 January 2016" compares destruction in January 2016 with a monthly average from 2015, and finds a 74% increase in the destruction of property and a remarkable 200% increase in the destruction/seizure of donor-funded humanitarian assistance.

¹³ Though this party can only run in local elections.

¹⁴ <u>Palestine News Network</u>, "Members of the Fatah parliamentary bloc call on the President to hold a Legislative Council session and Unite," 4 November 2015.

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to the appointment of a Vice President and potential successor. It's a comfortable perch, and also in the interests of Israeli, US and international powers as a potent stopper for the chaos that could erupt out of a political vacuum in the West Bank. However, without firm steps taken to gain popular support from Palestinians, the PA risks internal and external erosion for Abbas' intransigence that could presage a greater uprising. If this movement to create a credible Palestinian body gains momentum, Abbas would be forced into holding elections, which he would likely lose¹⁶. But both Fatah and Hamas are accused of no longer representing young Palestinians—a reason why so many attackers have not claimed affiliation with a group. Elections—due to the representation of the parties involved—could be considered illegimate anyways.

As parties jostle to claim the uprising under their own banners, pressure is building for greater synchronization between Hamas and the PA, and renewed attempts at a unity government. Small steps have been taken in this direction, and the recent support of the Qatari government could jumpstart the stunted project¹⁷. Deputy Hamas Chief Ismail Haniyeh recently told journalists that Hamas was willing to hand over control of Rafah to the PA, on the basis of "political partnership, not replacement¹⁸"—a precondition for the opening of a crucial lifeline out of Gaza's isolated strip. Fatah has made similar conciliatory statements. If such efforts fail, increasingly belligerent acts from military wings of Fatah and Hamas to attempt to lead the violent intifada could escalate the situation in an unpredictable way. Efforts to maintain calm in the West Bank have led to the arrest of numerous Hamas operatives by PA security forces¹⁹. Any slight intensification during this period could dangerously tip the balance towards hostilities between the two parties, and could prevent chances for a constructive and united voice for Palestinians for years to come. Alternately, if efforts look likely to succeed, the possibility of the Israeli government making independent overtures to Hamas and easing the blockade would hinder any possible unity government.

Competition in the Gaza Strip: Hamas is in a precarious predicament. The burden of governance has worked against popular support for the group, and deteriorating conditions in the strip have led to support of more extremist actors committed to violent resistance. As the prospects for unity government or steady ceasefire decrease, the political fortunes of Palestinians who advocate compromise in negotiations with Israel will wane, and those of increasingly militant groups pushing for violent conflict will ascend. Split over how to interact with Islamic State, relate with Egypt and Iran, bolster funds and govern Gaza, the party must manage competing threats with weakening capabilities. Internally, one of the biggest threats to Hamas' monopoly on force and tenuous peace with Israel is the growth of Salafi-jihadist movements and increasing extremism within the ranks of its own. Islamic Jihad, al-Sabireen, the Sheikh Omar Hadid Brigade and other irregular actors have been challenging Hamas, and so far, Hamas has been able to control their growing belligerence. Yet Salafism is expanding across the strip more generally: with military



¹⁶ A survey held 15 December 2015 showed that 65% of Palestinians want Abbas to resign from legislative and presidential roles. Palestinian Center for Policy and Survey Research, "General Palestinian Opinion Survey #58".

¹⁷ *Times of Israel*, "Qatar said pushing Fatah-Hamas reconciliation deal" 25 January 2016.

¹⁸Middle East Monitor, 'Hamas ready to hand over control of Rafah crossing," 10 December 2015.

¹⁹Al Monitor, "Is Fatah planning the intifada?" 13 December 2015.

wings of the Islamic Jihad and the Popular Resistance Committee conducting movements in the strip, which has led to a summary purging²⁰.

Hamas is now left with the difficult feat of maintaining its military predominance over the strip in the midst of diminishing military and administrative capacities due to a dearth of financing. Following disagreements between Hamas and Iran over support of Syrian President Assad, Hamas' biggest backer has cut support for the organization²¹. Egypt's concerted efforts to destroy Hamas' tunnel economy have also drastically impacted the group's finances. Slow rebuilding following the 2014 Israeli offensive, a rise in inflation and a salary freeze to the government's 40,000 employees have increased vulnerability in Gaza. In the meantime, Iran has begun to fund another challenger in the arena—the Shi'i Sabireen militia²². Islamic Jihad and Hamas, attempting to encourage Iran to fund their operations again, have abstained from serious acts of aggression against the organization, yet new Salafist extremist groups have recently launched limited attacks against all three groups and the prospects for rocket attacks against Israel instigating an Israeli military offensive are increasing²³. The complete destabilization of the strip is not only against Hamas interests, it is also against Israeli interests. A further loss of power could not only lead to jihadist elements playing a greater role in Gaza, but it could also trigger stronger coordination with the PA, and a greater push for a unity government. Israel will subvert the possibility of a united Palestinian group for peace by preventing the unity government, and might allow for a slight easing of restrictions associated with the blockade to allow Hamas to reconsolidate control.

Political opportunism of the Islamic State: While Palestine's struggles have historically been framed as a secular-nationalistic, rather than a religious issue, the growing appeal of Salafist rhetoric²⁴ and the Islamic State's recent mentions of Palestinian conflicts in its own messaging²⁵could point to the potential expansion of IS in Gaza—something that would provoke military interventions from both Israel and Egypt. A uniquely democratic threat, IS creates an unusual convergence in security interests for Hamas, the PA, Israel and unconventional external powers, allowing Hamas to portray itself as a better alternative to more chaotic elements. Hamas and Hezbollah leaders recently met to discuss the growing threat with how to fight IS²⁶. In the past, the influence and proliferation of extremist groups have been managed. Yet whether or not Hamas can control IS militancy with decreasing capabilities remains to be seen. Recently an IS affiliate fired a grad rocket at Israel²⁷, and Israel responded by destroying a Hamas training camp. There have also been reports of the Sheikh Omar Hadid Brigade allying itself with the Islamic State to conduct attacks against Israeli military targets threaten to upset the fragile peace that Gaza currently benefits from²⁸.

Complicating Hamas positioning on IS is Hamas' reliance on the few remaining tunnels out of the strip. This could explain Hamas efforts to contain IS elements through cautious dealings and the

²⁸ [IB Times, "Islamic State Group in Gaza: ISIS Affiliate Gains Foothold in Palestine Amid Attacks on Israel," 12 September 2015.



²⁰ Breitbart, "Islamic State Supporters Expelled for Palestinian Terror Groups in Gaza," 11 December 2015.

²¹Al lazeera, "Analysis: Hamas, Islamic Jihad Redefining Relations with Iran," 20 December 2015.

²²Israel National News, "Meet Iran's new Gaza terror group," 29 October 2015.

²³New York Times. "Explosions in Gaza Destroy Vehicles of Hamas and Islamic Jihad Officials," 19 July 2015.

²⁴*Haaretz*, "Poll: ISIS Viewed Positively by 24 Percent of Palestinians," 13 November 2015.

²⁵Foreign Affairs, "What ISIS talks about when it talks about Palestine," 28 October 2015.

²⁶Jerusalem Post, "Hamas and Hezbollah leaders meet in Beirut to discuss Palestinian 'intifada'," 22 November 2015.

²⁷ A weapon considered more advanced than conventional Hamas weaponry.

maintenance of trades and arms relations with IS in Sinai. In mid-December the leader of IS in Sinai held meetings in Gaza and was, unusually, allowed to be seen—possibly to calm internal IS sympathizers who threaten the status quo in Gaza. In this state of flux and in an attempt to consolidate its power, Hamas is enforcing unpopular policies to decelerate a popular uprising, compounded by popular discontent towards other elements of its rule, like the expansion of state apparatus and ineffectiveness of providing basic services²⁹. The strip has been allowed to recover from the previous war, albeit at a very slow pace, and another offensive would be devastating. In the fallout of the 2014 war, Operation Defensive Edge, Hamas and Islamic Jihad worked to broker a truce on August 26 2014 as partners. If either group feels challenged by growing calls to instigate violent resistance, the situation in the strip would escalate quickly. For now, Hamas is likely attempting to avoid direct confrontation with other Salafist elements unless it proves necessary, while maintaining a limited working relationship with Islamic State in the Sinai around the tunnel trade. IS Sinai leader al-Manei' was spotted in Gaza in early December 2015, meeting with Hamas officials. Nevertheless, any coordination is framed by Hamas' unwillingness to upset the status quo in Gaza by instigating a new war. Still, both forces have suffered especially with reports that IS affiliate stole from Hamas weapons cache in 2014³⁰.

Nevertheless, considering the grievances between these parties and the willingness of external actors to exploit them, in addition to Hamas itself, it is likely that the relationship between Hamas and more extremist factions will remain precarious and at risk of dangerous and uncontrolled escalation.

Israeli Governance

Right-wing incitement precludes negotiations: Benjamin Netanyahu (Likud) has never been considered a dove of the Israeli political sphere, and yet, the formation of a coalition with Naftali Bennett's right-wing Habayit Hayehudi party, two ultra-Orthodox parties (Shas and United Torah Judaism) and a centrist party (Kulanu), has placed him on the left of his cabinet. The representation of settlers, religious nationalists and the religious orthodox in the ruling coalition has created a climate inhospitable for peace, and will likely push for tougher security restrictions on Palestinians. Most of the ministers in Netanyahu's cabinet and the Prime Minister himself are on the record opposing the two-state solution, are pushing to increase settlement building, with some calling for the building of the third temple on Al-Aqsa and pushing for the annexation of the West Bank due to recent violence. Using counter-terrorism as a justification for laws lowering the age of arrest to 10, allowing for the use of live fire against rock-throwers, and increasing the number of Palestinians held in administrative detention to 2,500 in the last two months alone. Palestinians perceive a lack of accountability for the IDF and settlers who perpetrate acts of violence or act with a disproportionate degree of force³¹. The Oslo paradigm might have insulated Israel, but it created conditions that are unlivable for many Palestinian citizens. The stalled final negotiations following Oslo have given pro-settler Israeli groups time and space to increase their activity. This has led to friction between the two populations. Increased vigilantism on the part of

³¹ Amnesty International stated that Israeli forces have "ripped up the rulebook and resorted to extreme and unlawful measures" in their response to Palestinian attackers and suspected attackers. <u>Amnesty International</u>, "Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings," 27 October 2015.



²⁹Breitbart, "Islamic State supporters expelled from Palestinian terrorist groups in Gaza," 11 December.

³⁰ Israel National News, "Inside Hamas's internal tug-of-war over ISIS," 12 November 2015.

the settlers and the seemingly futile political wrangling of the Palestinian parties are reaching a critical pressure point. Palestinians see no hope in politics as usual: despite lack of leadership, they will no longer be deterred from large-scale protests³².

International Powers

Realignment as US distances itself from peace process: Greater regional challenges—namely Syria—have pulled attention away from the stagnating peace process to fight the greater threat of the Islamic State and the deterioration of the situation in Syria and Iraq. US officials have stated that President Obama will not attempt to push for peace talks before the end of his term. These distractions have benefited Israel as it remains a bastion of relative stability and security coordination, allowing Russia to cross its airspace when conducting bombardments with a hotline³³, and potentially replacing Turkish imports to Russia in the fallout over Turkey's attack on a Russian fighter jet³⁴. Even Sunni-majority countries have increasingly aligned interests. At the end of November Israel opened a diplomatic mission for renewable energy in Dubai, and reports show that Israel and the UAE are engaged in high level security coordination, with regular flights moving between Tel Aviv and Dubai³⁵. Netanyahu pushed an adversarial position with the US since the brokering of the Iran nuclear deal. Even when it succeeded, Netanyahu did not immediately set a more conciliatory tone; instead he sought allies with converging interests, like Saudi Arabia. Israel has also chosen to act in a way contrary to US interests, by joining the Chinaled Asian Infrastructure Investment bank and abstaining from the US-led UN vote condemning Russia's annexation of Crimea. This is part of a pattern of Netanyahu increasingly cultivating other bilateral relations to be less dependent on US support. In recent months, visits between India, to China and Saudi Arabia have showed Israel's willingness to become more accepted by the international community, and more integrated in terms of trade³⁶. Israel has fewer security concerns than ever, with an impressive military advantage, the Iron Dome system and a security fence. Furthermore, the chaos that has roiled the Middle East has made quick work of Israel's conventional enemies, like the Saddam and Qaddafi regimes, and has drastically reduced the power of the Syrian Assad regime. Conventional enemies like Hezbollah and Hamas have also been weakened: Hezbollah, by its involvement in regional conflicts, and Hamas for a split from its supporter, Iran, over Syria. The biggest threat to Israel at the moment is unconventional forces, like the leaderless Palestinian attacks that are taking place in Israel and Palestine.

The Iran nuclear deal and changing regional and domestic realities have pushed Netanyahu to develop Israel's relations with rising powers through trade, arms sales, and diplomacy in an effort to diversify Israel's portfolio of international partners, including India and China³⁷. Shared interests have also created a convergence of interests with Gulf powers in countering the growing power of Iran in the region and Islamist extremism. This has increased security coordination and



³² Foreign Affairs, "Intifada's Revenge: Don't rule out a third one," 21 October 2015.

³³ Wall Street Journal.</sup> "Russia and Israel Establish Syria 'Hotline'," 15 October 2015.

³⁴Y Net News, "Russia: No Turkish imports, we will import from Israel," 27 November 2015.

³⁵Middle East Eye, "Secret flight linking Israel to the UAE reveals 'open secret' of collaboration," 22 December 2014.

³⁶Foreign Affairs, "The Israel That Can Say "No"," 3 November 2015.

³⁷China Daily, "China, Israel to begin FTA talks," 18 March 2015.

even raised the possibility of selling the Iron Dome system³⁸. Israel's new allies are also less vocal over the issue of Palestine, and even Arab neighbors do not see it as a priority for their strategic interests. After Netanyahu's visit to Washington in November to discuss a ten-year military aid package, Israel and the US are experiencing a cold peace until the end of Obama's tenure.

New Zealand drafted a UN Sec Council resolution in 10 Nov 2015 to promote renewed Israeli-Palestinian negotiations by cutting out the International Criminal Court, calling on Israeli and Palestine to "refrain from referring... a situation concerning Israel or the Occupied Palestinian Territories to the International Criminal Court". Taking up New Zealand's tack could be a new method to push Palestinians to a more favorable negotiating position.

ONE-YEAR SCENARIOS

Scenario Forecast

Although there are a number of variables that will have a discernible impact on the trajectory of the situation, ranging from nuanced localized dynamics to relational intricacies on the international scene, likelihoods affecting humanitarian response can be deduced by comparing multiple elements of the contexts in Israel and the occupied territories. While Israeli military intervention and occupation can be considered as the main driver of developments, the key uncertainty remains this current period of violence and whether or not it can become organized enough to constitute a Third Intifada, and the levels of civil unrest which would follow. Assuming that eruptions of violence could transpire in Israel and in the occupied territories, three potential scenarios representing continuation, deterioration and a slight improvement to the situation in Israel and the occupied Palestinian territories have been written to gauge prospective NGO positioning.

Assumptions

- Political impasse between the Israeli government and the Palestinian Authority, increasing acts of violence committed by Palestiniansand Israeli settlers; but also the likely disproportionate use of force by Israeli Security Forces (Private Security, IDF and others) and growing conservativism within Israeli civil society will impede any peace process and intensify humanitarian needs.
- Area C in the occupied West Bank will face increasing operational challenges for NGOs due to its strategic importance for settlement construction and gradual annexation of Palestinian territory, which obviously does not conform to the Oslo agreements.

³⁸Sky News, "Gulf States Set To Buy Iron Dome System," 13 October 2015.

- Gaza, under military and economic blockade, will continue to deteriorate as its residents use more drastic coping strategies and prepare for the possibility of another war.
- For some NGOs, activities in Area C and Gaza and their ability to deliver an effective response will be reliant on the maintenance of coherence and compatibility between the Israeli government's political and humanitarian agendas.

Israel's 'Managed' Peace

The Israeli government responds to an escalation of violence with increasing force, while maintaining the strategic role of Hamas and the Palestinian Authority to prevent chaos. Responding to violent attacks within Israel and the West Bank, the Israeli government deploys additional battalions in the West Bank and along Gaza border with occasional and limited incursions on the Access Restricted Area (ARA) of Gaza territory or bombardments on Hamas' and Islamic Jihad' military training camps; implementing more restrictive controls to impede movement around Palestinian villages and settlements that becomes more permanent. Both the Palestinian Authority and Hamas contain protests within their territories to prevent Israeli a bigger intervention/escalation of hostilities and their own internal collapse. Israel follows its right wing contingent in parliament, legitimating an asymmetrical use of force against Palestinian protestors and attackers, expanding settlements across the country, increasing punitive demolitions of attackers' homes and in Area C; and implementing more restrictive movement controls under the rubric of counter-terrorism and security measures.

Scenario signals:

- Israeli forces manage attacks with increasing movement controls in the West Bank around Palestinian villages, but East Jerusalem is less controlled by movement. Checkpoints and obstacles become more permanent.
- Use of excessive force against Palestinian attackers stays stable or decreases slightly to avoid greater uprising.
- PA control over West Bank weakens due to increasing intervention of IDF in Areas A and B.
- The Temple Mount remains stable; controls for MKs and settlers/activist groups visiting.
- Implicit international support of Israel's more stringent security measures against Palestinians and a lack of movement on peace negotiations, as Israel strengthens other bilateral relations.
- Growing incitement from Israeli cabinet ministers opposing a Palestinian state and the annexation of the West Bank.
- UNRWA funding to Palestinian refugees in the West Bank and Gaza continues to decrease.
- US does not engage in peace efforts until the end of Obama's rule, and it does not feature as a priority for the incoming President.

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• Following the EU guidelines on labelling settlement goods, EU member state policy becomes increasingly fractured, without upsetting the status quo.

Humanitarian Impact

Israeli efforts to manage the escalation of violence in Israel and the occupied territories will continue to have a deleterious effect on beneficiaries in the West Bank and Gaza. Utilizing the rhetoric of securitization, Israeli forces will negatively impact movement in the West Bank and East Jerusalem, disrupting access to educational and health services, workplaces and religious sits. The use of force in protests and demonstrations will continue to fuel and exacerbate Palestinian grievances; as will settlement activity and the enforcement of demolition orders, used by right-wing cabinet members to justify the annexation of the West Bank. This will increase the protection needs of various NGOS' most vulnerable beneficiaries, in addition to economically impacting Palestinians in a way that increases food insecurity, the needs for cash assistance and livelihoods. It is unlikely however that such a scenario would significantly affect access or safety concerns of NGOs enough to prevent programming. If blocks on movement are sustained, already high rates of unemployment in the West Bank could increase and potentially destabilize political dynamics further. As Israel uses the EU guidelines on the labelling of settlement goods to create a diplomatic impasse with EU representatives, threatening the access and operational implementation of organizations receiving financing from EU donors. Even without making good on this threat, EU-funded NGOs will face pressure to retreat on advocacy points and may face increasing difficulties to work in Area C of the West Bank and East Jerusalem, and could potentially be targeted by its work in assisting vulnerable communities to improve their quality of life.

Gaza's population has been made increasingly vulnerable by nearly a decade of blockade, as citizens implement ever more drastic coping mechanisms. The necessity of broad-reaching infrastructure projects to deal with access to clean water and sanitation, in addition to economic livelihoods projects—will be felt more keenly than ever, even without the launching of a new war. Even without substantial destabilizing of the situation, UNRWA is facing chronic funding shortages, and reducing assistance to the one million people it assists in Gaza and the West Bank. The implications of this on the general quality of life in the occupied territories, as a potential destabilizing factor for the occupied territories and Israel and on humanitarian response will need to be answered in long-term contingency planning. Running a USD 65m deficit in 2014 alone³⁹, the continuing erosion of the quality, access and availability of UNRWA education, health, relief and social services to refugees will dramatically impact quality of life and could create a

³⁹UNRWA (2015): "Who We Are: Frequently Asked Questions."

humanitarian emergency. Already, UNRWA has launched appeals for emergency food assistance, employment and cash assistance.

"Defensive Shield 2": Stick, no carrot

Efforts to calm down what many are calling the beginning of the third intifada lead to an increasing polarization among Palestinians and Jews in Israel and the occupied West Bank and East Jerusalem. Israeli politicians disregard military counsel and push for the continuation of house demolitions, the deportation of families of terrorists to Gaza, the closure of villages where assailants have emerged, and harsher restrictions, including the revoking of work permits of laborers from areas where assailants have conducted attacks, injuries caused by live fire at protests, raids and mass-arrests of young Palestinians. Israeli police officials condone the personal use of weapons by civilians and the unlawful killing of suspected Palestinian attackers increases. The strong approach radicalizes and exacerbates violence, and the Palestinian Authority finds it increasingly difficult to fulfil its security coordination with Israel and experiences the erosion of its capacities. The international community is waiting for the US to take the diplomatic lead to ease tensions, but increasingly, the US is more preoccupied with wars in Syria and Iraq and steps back from efforts to unite the two parties. Russia, benefiting from improved relations with Israel, attempts takes the lead in decreasing tensions, but any change to the status quo for Palestinians is elusive with US support, and conditions for Palestinians degrade. Salafist-jihadist organizations are able to expand and threaten the stability of Gaza under Hamas control. The possibility of another war looms over Gaza.

Scenario Signals:

- Violence increases in the West Bank, with attempts by Fatah and Hamas-led military wings to co-opt the escalation. PA attempts to clamp down on it are hampered by growing popular support of the uprising.
- A terrorist attack in the West Bank causes retributive attack on Gaza, as Hamas focuses violent resistance to the West Bank to avoid casualties, and Israel uses Gaza offensive as pressure valve for popular dissatisfaction with government's response to Palestinian violence. Israel's actions in Gaza threaten to start a war and risk a significant number of civilian casualties.
- Israel and US consider withholding support and tax revenue, weakening PA.
- Israeli forces use punitive measures to discourage Palestinian violence, expediting Palestinian home demolition, increasing numbers held in administrative detention, and the use of live fire and tear gas at protests; deaths of young Palestinian attackers and protestors increase, fueling popular protest.
- The justification of policies under the rubric of counterterrorism allows for widespread tacit support across international community.

- Lack of elections for PLC, PLO, PA, Fatah and Hamas continue to decrease popular legitimacy of Palestinian leadership. PA head Abbas steps down and a political vacuum sends the West Bank into chaos.
- Israeli political and social climate gives more space to vigilantism, settler violence and threats to status quo of Temple Mount that increasingly frame conflict as religious, rather than political.
- Hamas attempts to coordinate violent acts of resistance within the West Bank and sets the scene for concerted Israeli intervention in the West Bank.
- Iranian support for Shi'i extremist movements like al-Sabireen and IS-allied movements destabilizes Hamas and the Gaza strip and provokes an Israeli military support.
- Possibility of IDF military intervention supported by Richard Perle⁴⁰, Naftali Bennett and others; the deployment of tens of thousands of soldiers in the West Bank.
- Prospect of PA collapse allow right-wing parties to push for annexation of West Bank and harsher security measures.

Humanitarian Implications

A broadly-supported uprising in the West Bank will have a drastic effect on Palestinian quality of life, and could further erode the possibility of Palestinian statehood. Destabilization of the West Bank could lead to two outcomes with significant humanitarian implications: military intervention in the West Bank, and another war in Gaza. Acts of violence in the West Bank will create a climate that allows for more aggressive settlement construction and security measures to protect settlements and security interests in Area C, which could drastically impact NGO access to vulnerable communities in the area, increase settlement violence and risk the speeding up of outstanding demolition orders. Displacement, forced transfer and the disruption of livelihoods for Area C residents will increase their dependency on aid, increasing needs regarding food aid, shelter, WASH and protection. The provision of this aid could also increasingly place NGOs at odds with the Israeli government, and access could be denied on the grounds of greater political maneuvering at the level of the Israeli government and EU bilateral agreements, targeting NGOs who work with EU funds. The possibility of increasing poverty and unemployment caused by movement restrictions and compounded by decreasing support from UNRWA for Palestinian refugees could threaten the economic stability of the West Bank, which would require the provision of cash assistance and livelihoods programming for a broad cross-section of West Bank constituents, with the most severe needs in West Bank refugee camps—already more effected by poverty-induced food insecurity than West Bank urban or rural dwellers41. Renewed violence across the occupied territories would multiply the persistent needs for mental-health and psychosocial support for children and adults, due to chronic, regular nature of violence, damage caused by night raids, administrative detention⁴². Other protection needs, like monitoring and documentation, legal and a protective presence would also increase.

⁴²MSF, "Hebron: MSF attends five times more patients than in regular activities after peak in violence," 22 October 2015.



⁴⁰ Outlined in Richard Perle's "A Clean Break: A New Strategy for Securing the Realm," 1996.

⁴¹UNRWA, "Food Insecurity in Palestine Remains High," 3 June 2014.

In Gaza, any violent escalation could prove drastic, and also seriously impede humanitarian access and movement in the strip. The effects of the economic blockade have steadily increased the vulnerability of residents, and led to negative coping strategies used by households. With some of the highest unemployment rates in the world, PA destabilization in the West Bank could impact the nearly 70,000 Gaza-based staff still on the PA payroll, not to mention the 40,000 Hamas public sector employees who have not received wages in 18 months. Adding to the mix the decreasing capability of Hamas to suppress well-funded extremist elements from provoking an Israeli response, and the likelihood of another war increases dramatically. The needs that Gazan residents already face regarding food aid, cash assistance, livelihoods, shelter and protection are substantial, but these sectors could increase dramatically, increase in complexity and have serious long-term repercussions on the resilience of Gazan residents.

Israel Bolsters PA to prevent disintegration

Attempts to maintain security in the West Bank in the face of growing calls for a popular uprising and greater political legitimacy create a crisis for the Palestinian Authority. Fearing collapse over the security and administrative functioning of the PA, the Israeli military lobbies the government to take steps to strengthen the PA and its security forces to prevent a deterioration of the security situation. Israel also works to stabilize PA finances through backdoor lobbying of the US and EU, economic liberalization and a push on energy independence; while increasing incentives for Palestinians to abstain from violence. Israel quietly backs a more democratic social process of Palestinian bodies to restore popular legitimacy. A decrease in violence is met with a slight easing of movement restrictions in the West Bank and East Jerusalem, and a promise for work permits to bolster the Palestinian economy and an improvement in service provision by the PA. The balance of power benefits the PA, but pushes Hamas into a difficult situation. A fragile peace over the Gaza strip holds, but agitation pushes the de facto government to fight for more space to fulfil its governance functions. The PA and Hamas consider the possibility of a unity government again, or at the very least, elections within the PLC.

Scenario Signals:

- With violence spreading in the West Bank and Israel, the Israeli government steps in to prevent the collapse of the PA, through security support and condoning greater international financial support for administration.
- PM Abbas maintains control for coming year, and begins to prepare for elections.
- PA security forces acquire firearms and armored vehicles, in exchange for the release of some Palestinian prisoners held on light offenses.
- PA parliamentarian and PFLP member Khalida Jarrar arrested by IDF receives a pardon⁴³.
- Reduces demolitions in West Bank of suspected attackers' homes.
- Push to re-engage with Paris Protocols for economic cooperation

⁴³ Haaretz, "Military Court Hands Palestinian Lawmaker KhalidaJarrar 15-month Jail Sentence," 7 December 2015.



- Hamas agrees to PA control over Rafah border to create lifeline out of the strip, PA agrees to take responsibility of the crossing.
- Preparations for PLC, PLO elections to represent all Palestinian factions.
- Israel eases movement restrictions for geographically contiguous Palestinian communities.
- In the last two months of Obama's term, he undertakes final efforts for peace by allowing the Security Council to pass a resolution outlining the terms for a potential Palestinian-Israeli solution.

Humanitarian Impact

Israeli support for PA capacity will increase humanitarian space and potentially ease movement restrictions to Area C and East Jerusalem, if not drastically changing the policy of settlement building. Improved and regularized movement around the West Bank will have a positive impact on economic indicators and create greater inducements for peace-building on both sides. Advocacy positioning could build on the momentum to pressure the Israeli government and PA for greater cooperation and coordination. Building the capability of PA security forces could either lead to a general easing across the West Bank, or an easing in Areas A and B, consolidating forces in Area C. Economic liberalization and an increase in access in the occupied territories would dramatically increase the resilience of Palestinians, lowering the numbers of households living in abject poverty, particularly in Gaza, and experiencing high vulnerability to shocks, food insecurity and shelter issues. Signals of economic improvements would be positive faith-building measures to ease the living conditions of Palestinians. Even a slight respite or perceived change to Area C policies, beneficiaries would experience growing resilience in terms of food security, shelter and protection. NGOs could target beneficiaries with more permanent developmental assistance without fear of demolition, and focus aid in a more strategic and long—term capacity. NGOs would experience a widening of humanitarian space across the occupied territories, especially in programming focused on economic development, livelihoods and cash assistance. Such cooperation is also important for the possibility of long-term conflict resolution, because it helps diminish the fear and distrust that come from active conflict and that are central to the current diplomatic impasse.

CONCLUSION

Regional dynamics have shifted the spotlight away from Israel and Palestine. The protracted war in Syria, the Islamic State and a concerted flow of migrants to Europe has shunted the peace process far down the list. Too diplomatically costly for most countries to shoulder the fallout and with few rewards, status quo has led to a deteriorating quality of life for Palestinians living in East Jerusalem, the West Bank and the Gaza strip and increasingly impedes the possibility of a genuine two-state solution for Israelis and Palestinians living under occupation. A recent surge of violence

in Israel, the occupied West Bank and East Jerusalem has reignited international attention momentarily, sparking intense debate as to whether these acts mark the beginning of a third intifada. Yet with few diplomatic efforts to bring both sides to the negotiating table and little movement on the part of Palestinian leadership to capitalize on growing popular discontent to organize a political representative movement, it is likely that such low levels of violence in the occupied territories could become the new status quo in the region. This instability will march alongside continued settlement construction in the West Bank and East Jerusalem, forced transfer and displacement of Palestinian households in Area C, a deterioration of human rights and protection and economic deprivation characterized by high unemployment rates, low wages, unequitable access to infrastructure, water and electricity and severe and restrictive controls on the movement of goods and people. These challenges will be further compounded by the continued weakening of Palestinian governance capabilities, administered through the Palestinian Authority and Hamas—both invariably crippled by the limits of governing under Israeli occupation—and the expansion of more extreme and chaotic jihadist elements. The control of humanitarian space factors into this status quo.

Under the current Netanyahu government, humanitarian space is constructed to be both unstable and precarious. The permit regime in the West Bank and East Jerusalem not only puts the property of Palestinians at risk, but it also affects the stability and durability of NGO interventions and programming. Operating in Gaza is limited by the orchestration of the Gaza Reconstruction Mechanism—monopolizing access to materials, and by extension, the ability to carry out necessary projects for the assistance of beneficiaries. Even this inhibited access faces further constriction. In 2015, Knesset cabinet members have tabled NGO bills intended to decrease access and impartiality for NGOs receiving international funding by labelling them: "foreign agents", hindering their ability to implement projects assisting Palestinians. Preventing humanitarian access has also been championed as a tool to pressure the EU following the publication of new guidelines on settlement products. Therefore, some NGOs have had to carefully examine their positioning in the region—bearing in mind that abstaining from advocacy will not protect operations or access in the current Israeli political climate, as humanitarian organizations in the field can be used as a potent tool for larger bilateral or multilateral posturing, and it is unlikely that the US under a new president would be willing to reign in its ally.

In a longer five to ten-year time frame, shifting international and regional dynamics could increase the possibility for change in the Israel and occupied Palestinian territories context. Demographic trends show an increasing proportion of religious orthodox Jews and Arab-Israelis within Israel; harnessing their political voice will dramatically change national politics. However, the greatest driver affecting the quality of life of Palestinians living under occupation is and remains the positioning of the Israeli government and civil society and their perceptions of security vis-à-vis a Palestinian peace process. There are few incentives for the current Israeli

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government under Netanyahu to offer concessions to Palestinians, and the increasing conservativism, nationalism and vigilantism of the Knesset and of ruling parties suggests that the time is not ripe for negotiations. Yet certain policies, including the expansion of Israeli settlements in the occupied West Bank and East Jerusalem and the subsequent displacement of Palestinian communities, are also actively contributing to a situation that deprives Palestinians of contiguous territory—something crucial to the possibility of a future Palestinian state. It will be increasingly difficult to ignore how this configuration will question either the Jewish or the democratic nature of the state of Israel^[1]. At its core, it is the establishment of these "facts on the ground" that will continue to fuel Palestinian grievances and resistance, and will likely require a greater and greater use of force to suppress it.

^[1]Center for Mellemoststudier News Analysis (January 2015): "Quo Vadis Palestine?"



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