'The Palestinian Threat'

A Study of Israel's Contemporary Security Discourse
in a Human Rights Context

Abstract

This thesis is a case study of how Palestinians are depicted as a threat in Israel's security discourse. Applying Securitization Theory, a broad definition of security is adopted, whereby what may constitute an "existential threat" depends on the referent object which is purported to be existentially threatened.

Apart from exploring the process of how Israel depicts Palestinians in its security discourse, the study aims to understand the implications of this broad security perspective for the human rights of Palestinians, in particular with regard to the right of self-determination.

The study was carried out on the basis of speeches held by the Prime Ministers of Israel in the period of 2005-2014. Having collected and analyzed the data, one thing appeared to be abundantly clear: Israel's securitization with regard to the Palestinians is multifaceted. This means that there is a variety of ways whereby certain objects are presented as being existentially threatened, and where the Palestinians, as a whole, or parts thereof, are portrayed as the existential threat. Dominating the discourse of existential threats is a non-imminent non-military demographic Palestinian threat. On the one hand, this result lends empirical support to strengthen the relevance of Securitization Theory. On the other, it suggests dire outlooks for the realization of the Palestinian right of self-determination.

<u>Acknowledgements</u>

Abbreviations

CERD – Convention on the Elimination of All Forms of Racial Discrimination
FM – Foreign Minister
GCIV – Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (a.k.a. The Fourth Geneva Convention).
HCJ – High Court of Justice (of Israel)
HRC – Human Rights Committee
HRW – Human Rights Watch
ICESCR – International Covenant on Economic, Social and Cultural Rights
ICC – International Criminal Court
ICCPR – International Covenant on Civil and Political Rights
ICJ – International Court of Justice
IGO – Inter-Governmental Organization
IHL – International Humanitarian Law
ILC – International Law Commission
LoR – Law of Return
NGO – Non-Governmental Organization
NSGT – Non-Self-Governing Territories
OCHA – (United Nations) Office for the Coordination of Humanitarian Affairs
OPT – Occupied Palestinian Territory
OT – Occupied Territory
PA – Palestinian Authority (led by the PLO)
PM – Prime Minister
PLO – Palestine Liberation Organization
RoR – Right of Return
UDHR – Universal Declaration of Human Rights
UN – United Nations
UNGA – United Nations General Assembly
UNGAR – United Nations General Assembly Resolution
UNHCR – United Nations High Commissioner for Refugees
UNSC – United Nations Security Council
UNSCOP – United Nations Special Committee on Palestine
UNSCR – United Nations Security Council Resolution
UNRWA – UN Relief and Works Agency for Palestine Refugees in the Near East
US – United States (of America)
WWI – World War One
WWII – World War Two

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1. Introduction

1.1. Historic Background

The Israel-Palestine conflict is rooted in the aftermaths of WWI when Britain and the League of Nations sought to create a Jewish national homeland in Palestine.[1] To this end, they set up the British Mandate for Palestine aimed at facilitating Jewish mass immigration to the country. Although the aim of the Mandate was to be achieved without prejudice to the "rights" and "positions" of the local Arab population, it conflicted with the Palestinian aspiration of attaining self-determination.[2] During the two-and-a-half decade long Mandate, the tension between the Arab-Palestinians and the Jews grew into a full-fledged conflict, owing in part to Britain's inability to satisfy the wishes of both sides.[3]

Over time, the Jewish call for a national homeland turned into a demand for an independent Jewish state, either in part or in the whole of Palestine.[4] The Palestinian-Arabs rejected this idea and called for the independence of Palestine, which would ensure Arab majority rule. After WWII, Britain referred the Palestine question to the UN which set up the UNSCOP. The ensuing investigation landed in a proposal to partition Palestine into a Jewish and an Arab state.[5] It envisaged Jerusalem having a separate international status and reserved 55 percent of the land for the Jewish minority (see Annex I). Both states would undertake to guarantee "to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms."[6] In November 1947, the partition plan was accepted at the UN by 25 votes to 13 with 17 abstentions.[7] The Palestinian-Arabs denounced the decision and protests broke out.[8] The situation escalated and the country plunged into a civil war which resulted in the displacement of more than 700,000 Palestinian-Arabs and the establishment of Israel.[9]

Despite ongoing hostilities, Britain terminated its mandate on the 14th of May. The Jewish People's Council immediately declared independence for the state of Israel based on the UN partition plan's territorial provisions.[10] The Arab League, which had rejected the plan,[11] responded by militarily intervening purportedly to "help [Palestine's] inhabitants restore peace and security and the rule of justice and law to their country, and in order to prevent bloodshed".[12] However, during the course of the war, Israel reversed the Arab offensive and expanded its territorial control to West Jerusalem and half of the land allotted to the Palestinian-Arab state

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1   See League of Nations,. Mandate for Palestine. 12 Aug 1922. See also the Balfour Declaration, 2 November, 1917, United Kingdom.
2   Ibid. See also the Balfour Declaration, 2 November, 1917, United Kingdom.) at art. 6. Approximately 700 000 people lived in Palestine at the time, 76 000 of whom where Jewish. See League of Nations. *An Interim Report on the Civil Administration of Palestine*, 21 March, 1921. See also Morris, B. (2004, p. 10)
3   See Command paper 3692 a.k.a. "The Passfield White Paper". October, 1930. paras 16; 19; 27; 28; Sir John Hope-Simpson. Command paper 3686, a.k.a. "The Hope-Simpson Report". U.K. October 1930. see under section 129; Annual report to the Council of the League of Nations. U.K. 31 December, 1930, paras. 23-24: Annual report to the Council of the League of Nations. U.K. 31 Dec, 1933, para 9; United Kingdom, Command Paper 5974, 16 March 1939; United Nations Conciliation Commission for Palestine.. The Future of Arab Palestine and the Question of Partition (Working paper prepared by the Secretariat), 30 July, 1949, para 2; The 1939 White Paper (Statement of Policy). Command Paper 6019. U.K. 1 May, 1939. Para. 13
4   Declaration adopted by the Extraordinary Zionist Conference at the Biltmore Hotel of New York City, 11 May 1942; Morris (2004, p. 11-12); Fraser (1988, p. 678); See also British High Commissioner of Palestine (1945-1948) - Cunningham (1948, p. 485)
5   UNGA, A/Res/181(II), 29 November 1947
6   Ibid, at Part I (B), article. 10 (d)
7   Division for Palestinian Rights. The Origins and Evolution of the Palestine Problem: 1917-1988 . 30 June, 1979. See under "III. THE AD HOC COMMITTEE ON PALESTINE".
8   Cunningham (1948, p. 487-488)
9   See Division for Palestinian Rights. The Origins and Evolution of the Palestine Problem: 1917-1988 . 30 June, 1979. See under "III. THE AD HOC COMMITTEE ON PALESTINE", at p.10; Morris (2004, p. 589)
10   The Declaration of the Establishment of the State of Israel, 14 May, 1948
11   UNGA, A/AC.21/7, 29 January 1948
12   Response Statement by the Arab League States Following the Establishment of the State of Israel. May 15, 1948: http://www.jewishvirtuallibrary.org/jsource/History/alpart.html (visited 2013-10-16)

under the UN scheme. Israeli rule thus came in effect in 78 percent of the territory of the Palestine Mandate.[13] The state of belligerency ended with the signing of the 1949 armistice agreements between Israel and its neighboring Arab states. During the 18 years that followed, the West Bank and East Jerusalem remained under Jordanian control while the Gaza Strip was occupied by Egypt. Relations between Israel and its Arab neighbors remained hostile, in spite of the armistice agreements.[14] In June 1967, Israel launched a full-scale attack against Egypt, purportedly to preempt an imminent Egyptian offensive.[15] Although Jordan and Syria joined in to support Egypt, Israel defeated its Arab adversaries within a week. In the process, the remaining 22 percent of Historical Palestine fell under Israeli control. Israel has since retained control over those territories.[16]

In 1993 and 1995, Israeli and Palestinian representatives signed two interim agreements (Oslo I and II) which afforded Palestinians a limited form of self-governance in some of the occupied areas (see Annex V). However, the process – often called the Oslo peace-process – eventually broke down due to the parties failure to live up to their agreed upon obligations and reach a permanent solution.[17]

Since Israel's 2005-disengagement from Gaza and Hamas's electoral victory and takeover of Gaza in 2006-07, the Strip has been put under siege by Israel, while thousands of rockets have been fired into Israel. Parallel to this, the security of Israeli citizens – in terms of protection from bodily harm – have significantly improved.[18] As for the Palestinians, the situation has become all the more dire, in particular for those living in Gaza. Since 2008, the Gazans have endured three major Israeli ground assaults, all of which have resulted in immense devastation for the civilian population and infrastructure.[19] Those operations combined with the Israeli/Egyptian blockade on Gaza, as well as internal political issues, have resulted in what NGOs and UN-reports describe as a "humanitarian crisis".[20] In the West Bank, the situation of recent years has been characterized by a relative calm, but also increased settlement activity,[21] and the restriction of Palestinians' freedom of movement which, according to the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem), flows from Israel's security strategy to separate Palestinians from Israeli settlers.[22] Israel's separation policies in the West Bank include "Israeli-only" roads and infrastructure, and the application of different legal systems to the Jewish settlers (civil law) and to the Palestinians (military law) who are living in the same territory.[23] The last two UN Special Rapporteurs have criticized those measures saying they amount to racial segregation and possibly apartheid.[24]

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13   See Annex II
14   United Nations. Middle East-UNEF I Background. http://www.un.org/en/peacekeeping/missions/past/unef1backgr2.html (visited 2014-02-23). For academic literature which reflects the situation see Warner (1991); Shlaim (1997, p. 509-530); Kurtulus (2007, p. 220-221).; Chomsky (1983, p. 100)
15   See Israeli FM Abba Eban's address to the Security Council; UNSC S/PV.1375, 13 November 1967, from para. 4 and onwards.
16   It is sometimes suggested that the Gaza Strip is not under Israeli control due to the disengagement of the occupying forces from that territory in 2005. However, as planned, Israel retains control Gaza's borders, territorial waters, partial territory (security zone), air space, electromagnetic field, electricity-, water-, gas- and fuel-supply. See The Knesset, "Disengagement Plan of Prime Minister Ariel Sharon", April 16, 2004
17   See Pundak (2001)
18   See Israel Ministry of Foreign Affairs. "Victims of Palestinian Violence and Terrorism since September 2000": http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/victims%20of%20palestinian%20violence%20and%20terrorism%20sinc.aspx (visited 2014-12-28)
19   See e.g. "Report of the United Nations Fact-Finding Mission on the Gaza Conflict", 25 September 2009; Amnesty International, "Operation 'Cast Lead': 22 days of death and destruction," 2 July 2009; B'Tselem, "Human Rights Violations during Operation Pillar of Defense – 14-21 November 2012", May 2013; OCHA, "Occupied Palestinian Territory: Gaza Emergency – Situation Report (as of 4 September 2014, 08.00 hrs)
20   See e.g. HRW "Deprived and Endangered – Humanitarian Crisis in the Gaza Strip", January 2009, no. 1; International Crisis Group, "Next Round in Gaza", Middle East Report no. 149, 25 March 2014; ICRC, "Gaza – 1,5 million people trapped in despair", June 2009; "Report of the United Nations Fact-Finding Mission on the Gaza Conflict", 25 September 2009
21   UNGA , A/HRC/25/38, 12 February 2014
22   B'Tselem, "Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank", August 2007
23   UNGA, A/HRC/22/63, 7 February 2013, Para 39-46; Badil Resource Centre for Palestinian Residency and Refugee Rights/ E. Schaeffer, "Separate Legal Systems for Jewish-Israeli Settlers and Palestinians in the Occupied Territories", Autumn 2011.
24   UNGA, A/HRC/4/17, 29 January 2007, p. 3; A/HRC/25/67, 13 January 2014, paras. 51- 80

1.2. Problem Orientation: Israeli Security v. Palestinian Human Rights?

As with all complex situations, the problems above are the aggregated result of countless factors. However, in broad terms, most of those who are familiar with the conflict would probably agree that there is a fundamental issue which captures the most important determinants of the historical evolution of the conflict. That is that for the Palestinians, the struggle has always concerned what they consider to be their legitimate right to self-determination. For their adversaries, corresponding claims underpin the establishment of the state of Israel, and the safeguarding of what is considered to be the national interests and rights of the Jewish people.

Although the self-determination of peoples was merely a political norm at the time when the conflict began,[25] it has now evolved into a "fundamental principle governing international relations".[26] It is also a human right which the Human Rights Committee (HRC) consider to be essential for the effective attainment of *all* human rights.[27] As a legal standard, it has provided support to peoples suffering from systematic human rights abuses under colonial domination and alien subjugation.[28] Yet, despite the fact that nearly all Non-Self-Governing Territories (NSGT) have become independent states,[29] there is a small number of territories still forcibly governed by foreign powers and where people are denied self-determination.

While the state of Israel is often expressed as the realization of the Jewish people's right to self-determination and statehood,[30] Palestinian self-determination has remained the subject of debate ever since the conflict began. In 2004, the ICJ reaffirmed the long-standing position of the UN that Palestinians are entitled to self-determination.[31] Yet, this right continues to be impeded by Israel,[32] which, for its part, argues that its forceful control of what the UN refers to as occupied Palestinian territory (oPt) is crucial to safeguarding its existence as a sovereign state (an expression of the right to self-determination). It therefore conceives the Palestinian struggle for self-determination as a challenge against its own security.[33] Supporting this position, some scholars have suggested that any form of Palestinian self-determination is conditioned on the recognition of, and complete adherence to, Israel's right to exist within secure and recognized boundaries; consequently giving precedence to Israel's security. In other words, what they suggest is that although violence and terrorist attacks targeting Israel do not negate the rights of the Palestinians, the impediment of the exercise of those rights is justifiable due to the legitimacy of Israel's security concerns.[34] Whereas such reasoning is based on various assessments of the "actual" security situation, in reality, Israel determines its own security policies.[35] The implication of this is that as long as Israel continues

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25 See Gayim (1990, p. 3); Selassie (1997, p. 92-93)
26 Cassese (2005, p. 46-47)
27 Human Rights Committee, General Comment 12, The Right of Self-Determination (Art, 1), 1984, at para 1.
28 Selassie (1997, p. 98); Cardenas, E.J. & Canas, M.F. (2002, p. 104); Klabber, J. (2006, p. 191)
29 See Gayim (1993, p. 569) and "Decolonization" - United Nations: http://www.un.org/en/globalissues/decolonization/index.shtml (visited 2014-4-09)
30 See Gavison (2003)
31 For the Court decision, see *I.C.J. Reports 2004,* p. 136, at paras. 118, 162. Since 1974, the UN General Assembly has adopted an annual resolution called "Peaceful settlement of the Question of Palestine" which affirms the right of Palestinians to their own State. See e.g. A/Res/3236 (XXIX) November 22, 1974
32 See *I. C. J. Reports 2004,* p. 36 at para. 87; UNGA document A/HRC/20/32 "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967", Richard Falk. 25 May 2012
33 Israel Ministry of Foreign Affairs: "Which Came First – Terrorism or Occupation – Major Arab Terrorist Attacks against Israelis prior to the 1967 Six-Day War" March, 2002.
34 See e.g. Pomerance (2011); Kelly (2005); Berliner (1986, p. 592); Rowstow, N. "The Historical and Legal Contexts of Israel's Borders" p.75-83, and Lapidoth, R. "The Misleading Interpretation of Security Council Resolution 242", p. 85-95, in *Israel's Rights as a Nation-State in International Diplomacy* (ed. Amb. Alan Baker), Jerusalem Center for Public Affairs – World Jewish Congress, 2011
35 For instance, the UNSC issued an early demand that Israel must withdraw from West Jerusalem, and later that it must revoke its Basic Law (1980) which provide the legal basis for the annexation of East Jerusalem. Moreover, the ICJ has ruled that its barrier in the West Bank is illegal and must be taken down. Israel refuses to abide by such decisions for security reasons. See e.g. Israel Ministry of Foreign Affairs: "5 Statement to the Knesset by Prime Minister Ben-Gurion", 5

to *feel* insecure, and retains capacity to act as it deems necessary, Palestinian self-determination will suffer. Therefore, it seems that the Israeli sense of security is indeed, if not *the*, then one of the most central elements of the conflict, and one which the exercise of Palestinian rights has become dependent upon.[36]

1.2.1. Security in a Broad Context

The line of reasoning above suggesting that Israeli security is best understood through its, meaning Israel's, own security discourse (as opposed to some purportedly objective notion of a security threat which can be obtained by analysts) leans on the theoretical foundations of constructivist security studies.[37] Most prominent of them all is perhaps the Copenhagen School which focuses on how actors aim to "securitize" various issues through so called "speech-acts", and how security is shaped and defined by the subjects involved in that discursive practice. This notion does not imply that threats that have not been subject to securitization acts, and thus do not exist within any discourse, do not exist at all. Rather, it means that when analysts attempt to reveal undiscovered threats (unsecuritized issues), they shift from their role as analysts and become securitizing actors – meaning i.e. that they themselves become part of a security policy discourse.[38] Besides their constructivist approach challenging the traditional thinking, the Copenhagen School's Securitization Theory has contributed to a more comprehensive perspective on security. Accordingly, securitization studies are not fixed on military capacity and objective militant threats, but facilitate a much more inclusive approach where different sectors, such as the societal one, form a central part of the analysis.[39]

As implicitly suggested above, there are several justifications for considering Securitization Theory in the context of the problem at focus in this study. First, since the conflict is essentially one between two ethno-religious groups scattered over a territory which is supposed to host two separate nation-states – hence denoting a highly complex setting – a multilayered and inclusive approach seems indispensable to understanding Israeli security vis-à-vis the Palestinians.

Second, as Palestinian rights have become dependent on Israeli security concerns, the actor-oriented approach offered by Securitization Theory will help elucidate the prospects of the realization of Palestinian self-determination and human rights.

Finally, there is scant empirical material from securitization studies in this setting. Although its proponents have supported the use of Securitization Theory in the context of this case – suggesting it is highly relevant when studying security in the Middle East[40] – the case of Israel has been described as being curiously absent from securitization scholarship.[41]

Hence, since it is argued herein that the focus of study ought to reflect – from a broad perspective – how Israel shapes and employs the concept of security in

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December 1949; Israel Ministry of Foreign Affairs: "7 Statement to the Knesset by Prime Minister Ben-Gurion", 13 December 1949; UNGA, A/Res/194 (III), 11 December, 1948, article 8; UNGA A/Res/2253 (ES-V), 4 July 1967; UNGA A/Res/2254 (ES-V), 14 July 1967; UNSC S/Res/476, 30 June, 1980; S/Res/478, 20 August 1980; *I.C.J. Reports 2004,* p.136

36 As long as Israel feels threatened, the occupation will almost certainly continue, as will human rights abuses which are "inherent in any long-standing military occupation". Amnesty International – Israel/Occupied Palestinian Territories/ Human Rights Concerns: http://www.amnestyusa.org/our-work/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories (visited 2014-08-30)

37 See Buzan et al. (1998, p. 31, 205-6)

38 Ibid, p. 40

39 Traditionalist security theories narrowly focuses on the military sector of states.

40 Proponents of the theory have suggested that the societal approach is highly relevant when studying security in the Middle East. See Waever, Buzan, Kelstrup, Lemaitre, with Carlton et al (1993), See also Buzan and Waever (2003, p. 217)

41 See Lupovici (2014)

relation to the Palestinians, and because of the apparent absence of empirical securitization studies dealing with the case of Israel, applying the securitization approach to study Israel's security is as relevant as it should be contributive in providing new insights on both Securitization Theory and the conflict between Israel and the Palestinians.

1.3. Purpose and Research Question

While applying a securitization perspective, the primary aim of this thesis is to explore the state of Israel's security discourse with regard to the Palestinians, i.e. how and what Israel securitizes in the context of its conflict with the Palestinians. The secondary aim is to add to the discussion of security as understood in a broad context; concerning both the discourse of security itself on a general, theoretical level, but also the case-specific implications for the prospects and challenges facing the human rights of the Palestinians, in particular the right of self-determination. The main research question is as follows:

- *How and What Does Israel Securitize with Regard to its Conflict with the Palestinians?*

1.4. Delimitations

1.4.1. Time Period

Historic injustices undoubtedly affect the current conflict. But while historic documents of the past could contribute to important explanatory research, this thesis focuses on the present, and in some respect the future (seeing as the result should say something about the prospects of Palestinian self-determination). Contexts change and the impediment of Palestinian self-determination today cannot be attributed to Israel's past policies, but rather how the past and the present is interpreted in its current security discourse.
The inquiry is therefore delimited to the period from when Israel withdrew from Gaza in 2005.
   The basis for making this delimitation – except for the obvious reasons that a line must be drawn somewhere – depends on the notion that the conflict entered into a new phase which currently stands. For one thing, since the end of the Oslo-process, and following the second intifada, which ended any hope placed on the Oslo-agreements, some say Israel's policy towards the Palestinians changed drastically, a change that involved going from direct negotiations to isolation. Nevertheless, when Israel decided to negotiate with the Palestinian leadership in the first place, it meant something that could not be retracted. It meant that the PLO was recognized, not just as a matter of formality, but as an entity which exists to represent the quirls of the Palestinian people (for a general discussion on this type of recognition, see Buzan et al (1998)) This would imply that in the new security situation following the breakdown of the Oslo-process, Israel would not be able to construe the conflict merely as a fight against terrorists. Recognition of "the other"

contravenes such over-simplistic delineations.

However, secondly, after Israel's disengagement in 2005, a new security situation arose with respect to Gaza, but also with respect to the West Bank. One example of the latter is the construction of the barrier. Since the withdrawal, Israel has retained control over Gaza's borders, airspace, territorial waters etc., and placed the territory under siege. In the West Bank, Israel continues to retain control of areas as was agreed under the *interim* Oslo-agreements. Thus, it is argued, that the limitation of the period from 2005 and onwards (until the end of 2014), is justified based on these overall security arrangements being settled at that time.

1.4.2.   The Subjects of the Study

Another delimitation concerns the choice of unit to study. Although securitization takes place in sectors beyond state involvement, and despite the fact that this is one of the major elements of Securitization Theory, this study is only interested in the *official* Israeli discourse. There is no tension in applying the securitization approach with a narrow focus on the state as a securitizer (see Buzan et al, 1998, p. 37), but it does disregard other parallel securitization processes which may take place through other units of Israel's civil society. Yet, the state focus is relevant because the conflict, although multilayered, is an international conflict, and the impediment of Palestinian self-determination is a direct consequence of actions undertaken by Israel acting in the capacity of a state. The multilayered aspect of Securitization Theory will nonetheless provide a lens relevant to understanding how Israeli security functions as exactly *what* and *how* Israel securitizes remain in the open.

The context of this study is based on the conflict between the state of Israel and the Palestinian people. Thus, studying Israel's security discourse regarding the Palestinians is herein delimited to three categories involved in the conflict; (1) Palestinian Arabs living in the territories occupied by Israel since 1967, (2) Palestinian Arabs living in Israel within the 1967 borders since the time of partition, and (3) Palestinian refugees scattered in camps of neighbouring countries who are denied return to their homes in either Israel or the occupied territories.

2. Background: A Human Rights Context

The following sections provide a background concerning the human right of self-determination which this thesis suggests in this case is dependent on Israeli security policies. It begins with some general precepts associated with the principle of self-determination in international law, and ends with a discussion of the various views of UN institutions and those within academia

In the previous chapter, the relationship between Israeli security and Palestinian self-determination is presented as a central issue of the century-long conflict. This is not an attempt to simplify the multi-dimensional character of the conflict, but to frame it in a way that is representative for the subjects involved, and thus – in some respect – to the core of the conflict. However, self-determination is often discussed in a somewhat different context, where sovereignty rather than security is considered in relation to the self-determination principle. While it is often proposed that these are interlinked and inseparable principles , the conflict between Israel and the Palestinians raises new questions. Most importantly, perhaps, is the role of security as an extension of sovereignty and its implications for self-determination. For instance, while Israel calls the occupied Palestinian territories "disputed", it does not retain sovereignty over those territories, nor does it claim to (with East Jerusalem as a rare exception). Instead, the oft repeated security threat underpins many of Israel's arguments for controlling the oPt by force. In international politics, Israel's "right to defend itself" is often cited. Therefore, this background chapter discusses the right of Palestinian self-determination in relation to state sovereignty and the right to security flowing therefrom.

The perspective is based on international law.[42] One advantage with using legal definitions is that they allow for coherent understandings of the relevant rights and obligations that flow from the concepts at focus. Another advantage is that international law, to some extent at least, is supposed to represent an offset against the subjectivity of politics.[43]

2.1. The Right of Self-Determination in International Law

As mentioned in the previous chapter, the self-determination of peoples evolved during the twentieth century from having the status of a political principle to becoming a legal right. It first emerged as a legal principles through articles 1(2) and 55 of the UN Charter.[44] Another section (Chapter XI) of the Charter addresses the principles governing the relationship between Non-Self-Governing Territories (NSGT) and those administering them. It proclaims that the "interests", "well-being" and "self-governance" of the inhabitants of those territories must be advanced by the administering powers.[45]

Despite those proclamations, most researchers have noted a lack of precision regarding the content of self-determination in international law, especially at the

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42   International law is primarily based on conventions (treaty law), and customs (customary international law). The latter stems from a combination of the practice of states and *opinio juris* which means that if states act out of the conviction that what they practice constitute an obligation under international law, it becomes the law. If an *opinio juris* is displayed strongly enough it may be sufficient to establish a customary international law. See Statute of the International Court of Justice (1945) article 38; *I. C.J. Reports 1996* p. 226 at paras 70-71; Cassese (2005, p. 157, 169); Kirgis, Jr. (1994, p. 306)
43   See Koskenniemi (1990, p. 4)
44   See Selassie (1997, p. 92-93)
45   Charter of the United Nations (1945) at Chapter XI, Article 73

time of its inception.[46] But as state practice began to change in line with the Charter's general principles, a more detailed, explicit and uniform international recognition of a right of self-determination eventually emerged in the 1960's. Since then, the self-determination of peoples has become one of the "major developments" of international law, according to the ICJ.[47] The Court has also described it as "one of the essential principles of contemporary international law.",[48] while many international legal experts virtually equate it with peremptory norms of international law.[49] Nonetheless, ambiguity regarding the limits of the law still exists. Cassese (2005) notes that "[s]elf-determination appears firmly entrenched in the corpus of international law in only three areas: as an *anti-colonialist standard*; as a *ban on foreign military occupation*; and as a requirement that all *racial groups be given full access to government*."[50] This view is accepted herein as defining the extent of the legal force of self-determination. In both research as well as international political and legal institutions, the areas described are commonly taken to reflect an external and internal aspect of the law. As will be discussed in the following sections, these two aspects seem to entail different implications concerning both the beneficiaries of the law, but also the means available to enforce it.

2.1.1.   External Self-Determination

According to Quane (1998), external self-determination is defined as "the right of a people to determine their international status".[51] As prescribed by the 1970 Declaration, which the ICJ has recognized as an authoritative source of international law,[52] this includes "[t]he establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people".[53] At the same time, this right is usually not understood to challenge, but rather as separate from, the sovereignty and territorial integrity of already existing independent states.[54]

   Under the UN Charter, all member states enjoy sovereign equality.[55] Pursuant to two of the most fundamental UN instruments addressing the self-determination of peoples, this principle means that the territorial integrity and political independence of states are inviolable, and thus that "[a]ny attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the [UN] Charter".[56]

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46   See e.g. Quane (1998, p. 539). For a discussion on the dispute amongst jurists regarding the legal force of self-determination under the Charter, see Gayim (1990, p. 21-26)
47   *I.C.J. Reports 2010*, p. 403 at para. 83
48   *I.C.J. Reports 1995,* p.90 at para. 29.
49   See Introductory note to Resolution 1514 (XV) by Prof. Edward McWhinney: http://legal.un.org/avl/ha/dicc/dicc.html (visited 2014-05-09); Antonio Cassese, late Professor of international law and former President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) – Cassese (2005, p. 203); Rafael Nieto-Navia, Judge of the Appeals Chamber for the ICTY and International Criminal Tribunal for Rwanda (ICTR) – Nieto-Navia "International Peremptory Norms (*Jus Cogens*) and International Humanitarian Law", at p. 15 – http://www.iccnow.org/documents/WritingColombiaEng.pdf (visited 2014-04-29). As early as 1966 the ILC suggested that self-determination may constitute a norm of *jus cogens* (that is a peremptory legal norm). See Yearbook of the International Law Commission, 1966, Vol. II, p. 248
50   Cassese (2005, p. 61) (emphasis supplied)
51   Quane (1998, p. 538)
52   The declaration was adopted by the UNGA in Resolution 2625 (XXV) as the "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations". Regarding its legal force, see *I.C.J. Reports 2010* , p. 403 at para.80; *I.C.J. Reports 1986,* p. 14
53   UNGA A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970)".
54   See Ker-Lindsay, J. (2013)
55   Charter of the United Nations (1945), Chapter I, article 2(1)
56   UNGA A/Res/25/2625 (XXV), 24 October 1970, see under section "The Principles of sovereign equality of States"; For quote, see UNGA A/Res/1516 (XV), 15

Accordingly, the generally accepted notion of external self-determination supports Cassese's understanding of external self-determination as being based on the free choice of the people, not in already existing states, but of non-self governing territories which are defined by colonial entities or those under foreign military occupation.[57] The definition is clearly embodied in the UN "Declaration on the Granting of Independence to Colonial Countries and Peoples" (from hereon Resolution 1516) which – similar to the ICCPR and the ICESCR – declares that "all peoples have the right to self-determination",[58] but more crucially places emphasis on peoples in Trusts and NSGT, as well as all peoples living under "alien subjugation, domination and exploitation".[59] There is thus a distinction to be drawn between peoples of territories (or territories and their people), and the foreign rulers of those territories. The ICJ has substantiated this by expressing that the right of self-determination belongs to "all territories whose peoples have not yet attained a full measure of self-government".[60] Included therein are UN-mandates such as Trusts emerging out of the League of Nations mandated territories, since it has been determined that no Trust can be "presumed to lapse before the achievement of its purpose [i.e. the self-determination of the people[61]]".[62] The right cannot be forfeited by any event. In the 1970 Declaration, the unchangeable status of all NSGTs is firmly stipulated:

> The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination.[63]

From this and all other legal instruments addressing self-determination, it is clear that the territorial component of the right of peoples to self-determination is crucial. External self-determination is, according to the generally accepted definition (Cassese), connected to various forms of NSGTs. The only valid change in the status of such territories is based on the freely expressed will of the people belonging to the territory.

2.1.1.1. A Right to Territory and Sovereignty

The territorial component is a key element to the harmonization of the right of peoples to external self-determination with the sovereignty and territorial integrity of states. The scope and limits of the right of "the people of a territory" to external self-determination is therefore, in general at least, defined by already existing states and former colonial entities with international recognition. The general rule is that a people cannot claim to have a right to external self-determination in a

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December 1960,

57 Cassese (2005, p. 61). See also Hunnum (1998, p. 775); Quane (1998); Chowdhury (1977, p. 81)
58 Regarding the Legal Force of the Declaration, see Edward McWhiinney, "Declaration on the Granting of Independence to Colonial Countries and Peoples", *United Nations Audiovisual Library of International Law*; *I.C.J. Reports 1971,* p.16, at para. 52; *I.C.J. Reports 1975*, p.12, at paras. 55-57, 162; *I.C.J. Reports 1995,* p.90, at para. 31; *I.C.J. Reports 2004,* p.136 at para. 88. See also article 1 common to both International Human Rights Covenants (the ICCPR and the ICESCR).
59 UNGA A/Res/1516 (XV), 15 December 1960, at article 1
60 *I.C.J. Reports 1971,* p. 16 at para 52. From the Charter of the United Nations (1945), art. 73
61 See *I.C.J. Reports 2004,* p. 136 at para.88
62 *I.C.J. Reports 1971,* p. 16 at para 55
63 UNGA A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970)", see under the chapter "The principle of equal rights and self-determination of peoples"

territory which stretches into the territory of a sovereign state.[64] As noted by Franck (1992), this territorial limitation also applies to former colonies since, as the basis for a claim to statehood and independence, the right of self-determination did not extend to "minorities *within* a colony".[65]

ICJ jurisprudence seems to support the notion that external self-determination, as a legal title to territory, is afforded, not to various minorities, but to the people of a distinct territory as a single unit.[66] The "single-unit" link between people and territory has been attributed by the ICJ to the principle of *uti possidetis* which "upgrades former administrative delimitations, established during the colonial period, to international frontiers".[67] Accordingly, once such an entity (or any other for that matter) gains independence and sovereignty, the right to external self-determination in that territory has been exhausted:

> By becoming independent, a new State acquires sovereignty with the territorial base and boundaries left to it by the colonial power. This is part of the ordinary operation of the machinery of State succession. International law - and consequently the principle of uti possidetis - applies to the new State (as a State) not with retroactive effect, but immediately and from that moment onwards. It applies to the State as it is, i.e., to the "photograph" of the territorial situation then existing.[68]

The territory gaining independence is thus commonly defined by the international recognition it enjoyed as an administrative unit during the colonial period. The ICJ has ruled that boundaries defined by the "critical date" of secession can be revised only by adjudication, or through agreement, and possibly recognition, between the relevant international parties, i.e. the new state and its neighbors.[69]

2.1.1.2. State Obligations

In its general comments, the HRC (which monitors state parties' compliance with ICCPR) has emphasized that all states are obliged to respect and promote the right of a people to self-determination and that this applies without exceptions.[70] Consequently, in the words of the ICJ, the right prescribes an obligation *erga omnes* under international law.[71] This obligation cannot be suspended or postponed. According to Resolution 1514, self-determination must be achieved without delay, and any pretext for impeding the independence of the relevant territories based on political, economic, social or educational unpreparedness is invalid.[72] The same resolution states that

> [i]mmediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance

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64 See Ker-Lindsay (2013)
65 Franck (1992, p. 54) emphasis supplied
66 See *I.C.J. Reports.1986* p. 554 at paras 20 and 63
67 Ibid at paras 20-26. For quote see para 23
68 Ibid, at para. 30
69 *I.C.J. Reports, 2005,* p.90 at para. 26; *I.C.J. Reports, 1992,* p.351 at para. 67
70 Human Rights Committee, General Comment 12, The Right of Self-Determination (Art, 1), 1984, at para 1; Human Rights Committee, General Comment 29, States of Emergency (art. 4), 2001
71 *I.C.J. Reports 1995,* p.90 at para. 29. An obligation "erga omnes" means an obligation "towards all".
72 UNGA A/Res/1516 (XV), 15 December 1960, at article 3

with their freely expressed will and desire/.../ in order to enable them to enjoy complete independence and freedom.[73]

Any armed action or repressive measure targeting "dependent peoples" must therewith cease so that "their right to complete independence" can be exercised "peacefully and freely".[74] As expressed in the 1970 Declaration as well as the UNGA's "Definition of Aggression" (Resolution 3314), states must refrain from "any forcible action" that has a negative impact on the realization of the right of peoples to self-determination. Instead, they are duty-bound to recognize and support legitimate struggles for self-determination.[75]

This duty has implications for norms related to the interstate sphere. The principal rule pertaining to the territorial integrity and sovereign equality of states is closely related to the principle of non-use of force, laid down in Article 2 (4) of the Charter.[76] That principle obliges all UN-members to refrain from the threat or use of force aimed against the political independence, "the partial or total disruption of the national unity and territorial integrity of any other State or country".[77]

The prohibition against aggression constituted by the non-use of force principle has been interpreted by the ILC as norm of *jus cogens*.[78] From this follows also a general duty not to intervene in the domestic affairs of other states.[79]

However, core UN documents which recognize and reinforce these general rules, e.g. the 1970 Declaration and UNGAR 3314, clearly proclaim that the rights and obligations flowing from the prohibition of aggression cannot prejudice the right of peoples to self-determination, or their right to seek support and assistance for their cause.[80] Thus, while states are required not to interfere in the domestic affairs of other states, their support for peoples' legitimate struggles for self-determination seems to be regarded as a separate issue.

2.1.2.   A Right to Use Force?

In case the right of a people to self-determination, and the corresponding duties of states, are ignored, a right of the people to resort to armed struggle may arise. Cassese (1995) notes that many countries in the Third World and the Socialist Bloc argued in favor of such a right. The argument was based on a notion of self-defense against armed aggression and imposed control mechanisms in the colonies. Advocates of this theory relied on the argument that the requirement of respect for the sovereignty of states, as stipulated under article 2(4) of the Charter, only concerns states and "leaves peoples unaffected".[81]

This view corresponds to many of the findings in the advisory opinions of the ICJ, wherein it has been established that "the scope of the principle of territorial

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73   Ibid, Cited in *I.C.J. Reports 1975*, p.12 at para. 55
74   Ibid at article 4
75   See UNGA A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970)".; and "Definition of Aggression", UNGA A/Res/29/3314 (XXIX), 14 Dec, 1974. This was reaffirmed in *I.C.J. Reports 2004,* p.136 at para. 88
76   *I.C.J. Reports 1986,* p. 14 at para 212
77   See *UNGA* A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations *(1970)"*.under "The Principle of Equal Rights and Self-determination of Peoples": "Definition of Aggression", UNGA A/Res/29/3314 (XXIX), 14 Dec, 1974
78   See Commentary of the ILC to article 50 of its draft Articles on the Law of Treaties, *ILC Yearbook,* 1966-II. p.247
79   See *UNGA* A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations *(1970)"*, under "The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter"
80   "Definition of Aggression", UNGA A/Res/29/3314 (XXIX), 14 Dec, 1974, at article 7
81   Cassese (1995, p.150-151)

integrity is confined to the sphere of relations between States".[82] Furthermore, a significant number of UNGA resolutions have recognized the right of peoples, in their legitimate struggle for self-determination, to use "all available means, including armed struggle" to rid themselves of foreign domination and alien subjugation.[83] While those resolutions are not binding in and of themselves, they may reflect customary international law.[84]

Hence, Cassese notes, while customary international law generally prohibits states from using force in all but a few exceptional cases, there is no explicit ban for peoples waging a legitimate struggle for self-determination. Instead, there is a "legal entitlement that is less than a *right* proper, but more than the absence of any authorization whatsoever" for these peoples to use force.[85] Of course, similar to the right of states to self-defense, resorting to force is valid only once all other alternatives have been exhausted, and is thus connected to the aim of exercising a right in a situation which cannot be remedied by other means.[86] In addition, the lawfulness of any armed action is determined by its conformity with IHL,[87] which constitutes customary and for the most part peremptory norms of international law (*jus cogens*).[88]

2.1.2.1. The Right of States to Self-Defense in Context

The previous section elicit the question that if peoples, in their *legitimate* struggle for self-determination, are entitled to use force, do states have a right to respond?

Cassese (2001) suggests that before the 9/11-attacks, the right of self-defense was strictly seen as the right of one state to defend itself against an attack from another state. He notes, however, that UNSCR 1368 which was adopted in response to the terrorist attacks, has inflicted some uncertainty concerning the application of self-defense under international law.[89] But the ICJ has since elucidated the issue.

In 2004, Israel invoked the relevant resolution(s) to support its separation barrier in the West Bank as a measure of self-defense in accordance with article 51 of the UN Charter. The ICJ then dismissed that invocation on grounds that the case did not concern a threat from another state and emanated from within the territory Israel occupies. It therefore concluded that the situation was "different from that contemplated by [those] resolutions".[90] Moreover, the Court argued that article 51 only applies in cases where a state is the victim of an armed attack "imputable to a foreign state".[91]

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82   See *I.C.J. Reports 2010* p. 403 at para.80
83   e.g. UNGA A/Res/3246, 29 November 1974 ; A/Res/32/14, 7 November 1977; A/Res/33/24, 29 November, 1978 ; A/Res/34/44, 23 November, 1979; A/Res/35/35, 14 November 1980; A/Res/36/9, 28 October 1981; A/Res/41/101, 4 December 1986 ; A/Res/42/95, 7 December 1987
84   See *supra* note 42
85   Cassese (1995, p. 153) emphasis supplied. See also Cassese (2005, p. 63)
86   See Charney (2001, p. 464): All legitimate measures of force are submissive to the conditions of necessity and proportionality which are part of customary international law and cannot be ignored. See *I.C.J. Reports 1986,* p. 14 at para 176; *I.C.J. Reports 1996,* p. 226 at para. 41. For more on what these principles constitute see Schmitt (2003, p.530): Van den Hole (2003, p. 81-83) (with notes); *I.C.J. Reports 1986,* p. 14, at para 195 ; 1.C.J. Reports 1996, p. 226, at paras 41-42
87   *1.C.J. Reports 1996,* p. 226 at para 42
88   See ICTY. *Prosecutor v. Kupreškić et al.(IT-95-16)"Lašva Valley",* para 520. The ICJ has described these laws as "elementary considerations of humanity", and as "intransgressible" rules of *erga omnes* nature. See *I.C.J. Reports 2004* p. 136 at para 157; *I.C.J. Reports 1996,* p. 226 at para 79. See also.Human Rights Committee, General Comment 29, States of Emergency (art. 4), 2001, at para. 11
89   Cassese (2001, p. 993-1001)
90   *I.C.J. Reports 2004* p. 136 at para. 139
91   Ibid. Several ICJ judges involved in the case, along with many legal scholars, object to the poor exposition in connection to the Court's assertion. (e.g. *Judge Buergenthal, para. 5-6; Judge Higgins, para. 33; Judge Kooijmaans, para. 35; Franck (*2001, p. 839-843); Ronzitti (2006, p. 348); Murphy (2005, p. 64) However, as Judge Higgins noted in her separate opinion, while the UN Charter does not entertain such limitations as indicated by the Court's decision, the narrow application of the article is attributable to the ICJ's previous jurisprudence and thus "represents a statement of the law as it now stands". *I.C.J. Reports 2004* p. 136, Judge Higgins, Sep.op. para 33. Her reference to ICJ jurisprudence was based on the Court's previous interpretation of article 3 (g) of UNGAR 3314 as reflecting customary international law. See *I.C.J. Reports 1986,* p. 14 at para. 195

2.1.2.2. Armed Conflict and Belligerent Occupations

To analyze the legitimacy of the measures undertaken by Israel, the Court instead turned to the law of armed conflict, or International Humanitarian Law (IHL), as it applies independently of the reasons for the occurrence of hostilities.[92] In other words, regardless of who the aggressor was, and irrespective of why the conflict arose, the law is applicable to all parties at all times.[93]

The main purpose of IHL is to protect civilians during hostilities, and as such, it stipulates a set of conditions for undertaking armed actions. Thus, for instance, what may be expected in terms of civilian casualties as well as damage to civilian objects must not be excessive in relation to the military gains.[94] This provision is closely related to the IHL-principle of distinction which includes obligations such as non-targeting of civilians,[95] minimizing civilian losses,[96] and refraining from indiscriminate attacks,[97] as well as any form of collective punishment.[98]

IHL continue to apply during military occupations. According to article 42 of the Hague Regulations (1907), a "territory is considered occupied when it is actually placed under the authority of the hostile army".[99] The Occupant then has a duty to "take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.[100] In the fourth Geneva Convention (GCIV), this is translated into the right of the Occupant to subject the occupied population to such provisions that are necessary to "maintain orderly government" of the territory, and ensure the security of the occupying forces, *in order to enable the fulfilment of its obligations under the convention.*[101]

For these purposes, international law includes a number of regulations that aim to strike a balance between the rights of civilians under occupation and the military necessity of upholding the security of the Occupant. For instance, with regard to restrictive measures concerning the right to freedom of movement, the HRC defines the proportionality principle as a requirement that the measures undertaken "must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected".[102] According to article 46 of the GCIV, restrictive measures regarding civilians should "[i]n so far as they have not been previously withdrawn... be cancelled as soon as possible after the close of hostilities."[103] Article 49 of the Convention emphasizes that any evacuation or forcible transfer of peoples may only be lawful insofar as the security of the occupied population or military necessity so demands. Upon termination of hostilities, they

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92 Bugnion (2003)
93 See ICRC Commentary (1958)– art.1 part.I, General Provisions: Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949. Note that this often considered authoritative commentary addresses the "contracting parties", but that IHL since has become an obligation *erga omnes* as reflected in *supra* note 88
94 International Committee of the Red Cross/Henckaerts, J-M. (2005), Rule 14
95 Ibid, Rule 1
96 Ibid, Rule 15
97 Ibid, Rule 11
98 Ibid, Rule 103
99 Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, art. 42
100 Ibid, art. 43.
101 Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War of 12 August 1949,, art. 64. Emphasis added to point out the conditions of the provision.
102 Human Rights Committee, General Comment 27, Freedom of Movement (art. 12), 1999. at para 14; Human Rights Committee, General Comment 29, States of Emergency (art. 4), 2001, at para 5
103 The wording "close of hostilities" does not refer to the end of the state of belligerency but to when the actual fighting has ceased. See ICRC Commentary (1958)- art. 46, part. III: Status of Treatment of Protected Persons. Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

shall be transferred back to their homes. The occupying power is, according to the same article, prohibited at all times from transferring or deporting parts of its own population into the territory it occupies. Under the Statute of the International Criminal Court (ICC), actions violating that provision qualify as "war crimes".[104] Evidently, the limits of suppressive forceful measures are defined by their dependency on imperative security reasons.

Thus, these paragraphs reveal that military occupation, and the use of force associated therewith, can be justified only insofar as the Occupant acts in good faith to fulfill its obligations under the Geneva Convention and IHL. Logically, if the Occupant acts in good faith to fulfill its obligations in accordance with international law, the same doctrine cannot simultaneously afford the occupied people a right to forcibly resist. Yet, as was discussed in the previous section, such a right (or entitlement rather) does exist. The only reasonable conclusion available therefore seems to be that, as an unconditional right, the use of force (by the occupied) would conflict with the Occupant's right to maintain the orderly government of the territory. However, it appears as though a conciliatory factor can be found in the reciprocity of the conditions governing each right: provided the Occupant does not live up to its international obligations, its "right to occupy" is forfeited to the benefit of the right of the people to use force.[105]

2.1.3.   Internal Self-Determination

Self-determination as a requirement that all racial groups be given full access t0 g0vernment represents the internal aspect of the law. The 1970 Declaration proclaims that governments must represent "the whole people belonging to the territory, without distinction as to race, creed, or colour". Hence, while external self-determination is commonly defined as the right of the people of a territory to determine their international status,[106] the internal aspect regulates the conduct of governments *within* states, indicating that there is a close link between self-determination and general human rights law.[107] This has been observed by both the HRC and the CERD-Committee.[108] In its General Comment concerning the right of self-determination, the CERD-Committee stated that

> there exists a link [between the internal aspect of self-determination and] the right of every citizen to take part in the conduct of public affairs at any level/..../ In consequence, governments are to represent the whole population without distinction as to race, colour, descent, national, or ethnic origins.[109]

Notwithstanding this connection between individual human rights and the right of self-determination, the latter is deeply rooted in a view of peoples as collectives.[110] As expressed in the 1970 Declaration, the ICCPR and in the jurisprudence of the HRC, it is "peoples", i.e. collectives, that have the right to determine their own political status.[111]

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104 Rome Statute of the International Criminal Court (1998), article 8 (b)(viii)
105 Obviously, this use of force is dependent on the conditions described in *supra* note 86
106 Quane (1998, p. 538)
107 See e.g. UDHR at article 21; ICCPR at article 25
108 See Human Rights Committee, General Comment 12, The Right of Self-Determination (Art, 1), 1984, at para 1
109 CERD-Committee, General Recommendation No. 21: Right to self-determination, adopted on 23 August 1996, para. 4
110 Hunnum (1998, p. 774)
111 The Human Rights Committee declared itself incapable of reviewing individual complaints under the optional protocol when they concern collective rights. Only

Some legal scholars have suggested that the authoritative 1970 Declaration only affords equal access to government for all racial groups, but not equal individual rights.[112] According to this view, the internal aspect of self-determination confers a duty on states to provide no more than equal opportunity of governmental representation for those groups.[113] However, this notion differs from the CERD-Committee's view cited above as well as the actual text of the Declaration. Governments which represent "the whole people belonging to the territory without distinction as to race, creed or color", by definition, do not discriminate against groups based on these criteria. Therefore, any democratic regime must as a minimum represent all racial groups belonging to the territory, not just the majority that elected it.[114]

A more controversial issue regarding internal self-determination entails implications for the sovereignty of states and concerns the question of remedial secession. Defined in broad terms, remedial secession implies that sovereignty is conditioned on a state's respect for the most basic humanitarian principles. The issue is often traced back to the following paragraph of the 1970 Declaration:

> Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States *conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color.*[115]

This paragraph is a disclaimer attached to important proclamations of the rights of states and peoples. Crucially, it only exempts states which respect "the principle of equal rights and self-determination" in general, and in particular are not engaged in practices of racial or religious discrimination. Some legal experts suggest that this formulation is an implicit recognition of the right of peoples to secession beyond the colonial context.[116]

Obviously, the content does invite such reasoning. However, there is little or no evidence, suggesting that the above-cited waiver in and of itself has established a new norm that could potentially disrupt the principles of sovereignty and territorial integrity of independent states. For one thing, the ICJ has only recognized the right of self-determination of peoples in Trusts and other NSGT under alien subjugation and domination.[117] In its 2008 advisory opinion concerning Kosovo's declaration of independence the Court went out of its way to avoid having to determine the question of secession beyond that traditional context.[118] This may at most be regarded as indicative of an emerging norm, but certainly not one that has been established in law.[119]

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rights contained in Part III (art. 6-27) of the Covenant are admissible for review (thus art. 1 concerning the right of self-determination is regarded as a collective right). See Case no. 1134/2002 *Gorji-Dinka v. Cameroon*

112 See Lamberti (2012, p. 50)

113 This interpretation first appeared in Cassese (1995, p. 112) emphasis supplied

114 It might be worth repeating that the authoritative force of the Declaration has been recognized by the I.C.J. in jurisprudence: *I.C.J. Reports 2010* p. 403, at para.80; *I.C.J. Reports 1986,* p. 14, at paras 228-230 ; *I.C.J. Reports 2004,* p. 136 at para. 87

115 UNGA A/Res/25/2625 (XXV), 24 October 1970. "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970)". Cited in Kirgis, Jr. (1994, p. 304-310) emphasis supplied.

116 I.C.J. Judge Yusuf seems to have adopted this view in his *separate opinion* to the advisory opinion on Kosovo saying "[i]nternational law may support a claim to external self-determination in certain exceptional circumstances". See *Separate opinion of Judge Yusuf* - *I.C.J. Reports 2010* p.403. The *Separate Opinion of Judge Cançado Trindade* gave explicit support for this view, as did the Supreme Court of Canada in its opinion on Quebec, see Supreme Court of Canada (Reference re Secession of Quebec, [1998] 2 S.C.R. 217, para 126

117 E.g. in *I.C.J. Reports 1971* p.16*; I.C.J. Reports 1975* p.12*; I. C. J. Reports 2004* p. 136

118 *I.C.J. Reports 2010*, p. 403 paras 82-84

119 It is noteworthy that despite its absence from judicial opinion and case law, some legal scholars, experts and States have expressed support for the notion of remedial secession. Yet, because of the lack of treaties, state practice and *opinio juris* on this matter, this view is rejected in this thesis. For work on this, see e.g.

2.2. Palestinian Self-Determination and the UN

When the UN admitted Israel as a member state on May 11, 1949, it recalled previous UN Resolutions 181 (1947) and 194 (1948), the latter of which being adopted in the aftermaths of the creation of the state of Israel.[120] Even though it was clear then that Israel had decided not to comply with those resolutions, the UN remained silent on the issue.[121] It would take two decades and a regional war (Six-Day War of 1967) before the UN adopted a clear position on the question of Palestine and the right of the Palestinian people to self-determination.

In response to Israel's occupation of the territories it acquired during the Six-Day War, the UN Security Council adopted Resolution 242 which acknowledged the inadmissibility of the acquisition of territory by war.[122] The first operative paragraph of the resolution affirmed the necessity of Israeli withdrawal "from territories occupied in the recent conflict" and demanded an end to hostilities including "respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace" (see Annex III). The territories occupied by Israel included East Jerusalem, the West Bank and the Gaza strip in Palestine, but also the Egyptian Sinai and the Golan Heights in Syria. However, inserting some uncertainty as to the legal and political implications of the resolution, Israel and some other states claim that the omission of the definite article – *the –* in defining the territories from which Israel is ordered to withdraw was intentional, and that the resolution therefore does not envisage a full Israeli withdrawal to the 1967 borders.[123]

However, while the Security Council has been restrained from adopting any conclusive measures due to US support for Israel, the General Assembly has been very clear on the rights afforded to Palestinians by virtue of the law of self-determination: it has repeatedly recognized a right of the people to resist the occupation, including through armed resistance;[124] it has occasionally called for "total and unconditional withdrawal";[125] and crucially, it has accorded Palestine non-member State observer status and the right to sovereignty, based on the pre-1967 borders.[126]

The UNSC has not recognized Palestine as a State nor explicitly expressed its position on the issue of Palestinian self-determination. Nevertheless, it has adopted multiple resolutions which, considering the principles explained in the previous sections of this chapter, reaffirm the Palestinians' right to self-determination within the pre-1967 borders. Most importantly, it recognizes and refers to the Gaza Strip and the West Bank including East Jerusalem as "occupied Palestinian territory". As such, it recognizes the applicability of the Geneva Convention, and the illegality of the Jewish settlements, in that territory.[127] Israel's annexation of East Jerusalem has accordingly been dismissed as "null and void" and "illegal" under international

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Charney (2001, p. 455-468); Kirgis, Jr. (1994, p. 304-310)

120 See UNGA , A/Res/273 (III), 11 May 1949: UNGA, A/Res/194 (III), 11 December, 1948, article 8

121 See Israel Ministry of Foreign Affairs: "5 Statement to the Knesset by Prime Minister Ben-Gurion", 5 December 1949: Israel Ministry of Foreign Affairs: "7 Statement to the Knesset by Prime Minister Ben-Gurion", 13 December 1949. Note the timing of these declaration and that of UNGAR 194 (1948) above.

122 S/Res/242 (1967), 22 November 1967

123 See Israel Ministry of Foreign Affairs: "Statements Clarifying the Meaning of UN Security Council Resolution 242", 22 November 1967: UNSC, S/PV.1375, 13 November 1967, articles 47-49: S/PV-1377 15 November 1967, paras. 64-65

124 Many of the resolutions refer specifically to the Palestinian people and their right to resort to armed struggle.   e.g. UNGA A/Res/3246, 29 November 1974 ; A/Res/32/14, 7 November 1977; A/Res/33/24, 29 November, 1978 ; A/Res/34/44, 23 November, 1979; A/Res/35/35, 14 November 1980; A/Res/36/9, 28 October 1981; A/Res/41/101, 4 December 1986 ; A/Res/42/95, 7 December 1987

125 A/Res/37/123, 16 December 1982, at para. 11; A/Res/39/146, 14 December 1984, at para. 1.

126 A/Res/67/19, 4 December 2012

127 See e.g. S/Res/446, 22 March, 1979; S/Res/592, 8 December 1986; S/Res/605, 22 December, 1987; S/Res/1322, 7 October 2000; S/Res/1544, 19 May 2004

law based on the principle of non-acquisition of territory by war.[128] The Security Council clearly distinguishes Israel, as the administrating occupying power, from the dependent territories referred to as oPt, and has rejected all Israeli attempts at changing the status of those territories.[129]

The International Court of Justice (ICJ), which functions as the court of the UN, issued an advisory opinion in 2004. In it, the applicability of the Geneva Convention is reaffirmed, and the occupied territories, including East Jerusalem is referred to either as "occupied Palestinian territories" or "Palestine". The settlements and the barrier erected by Israel inside that territory – and its "associated regime" – are considered to be illegal, and the responsibility of both Israel and Palestine to respect IHL is reiterated.[130]

In a more recent decision, following the UNGA's decision to afford Palestine observer status, the ICC launched a preliminary inquiry into war crimes in the oPt, hence formally accepting Palestine as a state.[131] These decisions reveal the position of international judicial bodies on the question of the right of Palestinians to external self-determination. It is also noteworthy that all relevant UN institutions have supported a negotiated settlement of the conflict.

2.3. Palestinian Self-Determination in Scholarly Opinion

The precept of self-determination in international law has elicited scholars to conclude differently on the Palestinian right of self-determination, although virtual consensus seems to support a two-state solution. Rayday (2002) is of the opinion that the Palestinians have a right to both internal (in Israel proper) and external self-determination (in the oPt), but that they were wrong not to accept an Israeli settlement proposal in 2000, despite the fact that it severely limited the realization of territorial rights afforded to the Palestinians according to the previous sections.[132]

Most other scholars have been more forthright on what the Palestinian right of self-determination would include. Norman Finkelstein and Noam Chomsky, for instance, have repeatedly acknowledged that the Israeli proposal did not provide the basis for a viable Palestinian state and falls way short of the rights afforded to Palestinians in international law.[133] Most legal scholars recognize that the oPt is the territory designated for the exercise of Palestinian external self-determination,[134] while some have gone further suggesting that the UN Partition Plan is the only valid legal document separating Israel from Palestine.[135]

Nevertheless, in recent times, many scholars have started advocating for what is known as "the one state solution", which would see Israel incorporating the oPt and subsequently affording equal rights for all Jews and Palestinians living within its borders. This solution resembles the early Arab ambition of a unified Palestine and

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128 UNSC S/Res/476, 30 June, 1980; S/Res/478, 20 August 1980
129 See S/Res/298, 25 September 197; otherwise see e.g. UNSC S/Res/252, 21 May 1968; S/Res/267, 3 July 1969; S/Res/271, 15 September, 1969; S/Res/298, 25 September, 1971; UNGA A/Res/35/169 (A-E), 15 December 1980; A/Res/36/15, 28 October 1981; A/Res/42/160 (A-G), 8 December 1987; A/Res/42/209, 11 December 1987; A/Res/44/42, 6 December, 1989; A/Res/67/23, 28 February 2013; UNGA A/Res/67/24, 28 February 2013; and also, UNSC S/Res/252, 21 May 1968; UNSC S/Res/465 (1980) 1 March, 1980. For Israel's attempts of changing the status of those territories, see Israel Ministry of Foreign Affairs:"16 Letter From Foreign Minister Eban to Secretary-General U Thant on Jerusalem" 10 July 1967; Basic Law: Jerusalem, Capital of Israel (1980) (Knesset.gov.il)
130 *I.C.J. Reports 2004* p. 136, see especially, paras 159 and 161-2
131 International Criminal Court, Press Release, "The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination of the situation in Palestine", 16 January 2015
132 Raday readily admits as much. The offer meant that the Palestinian state would include only a minor part of East Jerusalem and the major settlement blocks would be kept, thus creating a discontiguous and dissected state. 12% of the West Bank would be annexed by Israel without territorial compensation. See Pundak, (2001, p. 41)
133 See Finkelstein (2006/2007) and Chomsky (2004, p. 228)
134 See e.g. Crawford, (2007); Falk and Weston (1991, p. 138-144); Dugard (1973, p. 458); Dugard and Reynolds (2013, p. 896); Quigley (1990)
135 See D'Amato (2007)

has resurfaced in scholarship as a reaction to the territorial fragmentation of the West Bank and the increase of the Jewish settlement population inside the oPt (presently exceeding 550 000)[136] which presumably represent insurmountable obstacles to a two-state solution.[137] However, many Israeli scholars have criticized this line of reasoning for several reasons, perhaps foremost because they believe that it would negate Jewish self-determination by consequence of the disposal of Israel's character as a Jewish state.[138]

In any instance, it seems uncontroversial to propose that the surfacing of the debate regarding the one-state solution is a clear sign of the urgency of bringing new light on solutions which can bring an end to the now almost century-long conflict.

In the following chapter, the theoretical foundation and conceptual framework of securitization is presented and discussed with the aim that this – towards the latter part of the thesis – will add yet another perspective to the stalemated conflict and contribute to further elucidation of some of the current prospects and obstacles.

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136 See B'Tselem – "Statistics on Settlements and Settlement Population." Jan 1, 2011. See also Annex IV
137 See Edward Said in *the New York Times,* January 10, 1999; Tilley (2010); Makdisi (2010); see also Israeli Historian Ilan Pappe's position in Chomsky and Pappe (2015). Even former right wing FM of Sweden, Carl Bildt, recently tweeted: "With two state solution blocked it might be wise to start thinking about one state solution for Israel/Palestine.". See twitter.com/carlbildt/status/634257220532858880 (August 15, 2015). Retrieved in September 29, 2015
138 See e.g. Gavison (2003); Yakobson and Rubinstein (2009, p. 11)

3. The Concept of Securitization

This chapter presents Securitization Theory in two parts. In the first part, its content and development is discussed in the context of other security disciplines. In the second part, the defining concepts of the theory are put forth in a conceptual framework, which will be used as the basis of analysis in Chapter 5.

3.1. Securitization Theory in Context

Since the Cold-War Era, a range of different critical security theories have emerged, signifying a departure from the traditional state-centric security theories. The Human Security concept, for instance, has begun to shift the rhetoric of security from describing it as something belonging exclusively to the state, to a concern for the security of the individual. It represents a normative view of security which obliges states to conform their security policies to internationally recognized human rights standards.[139] However, the theory has been widely criticized because of its "all-encompassing" nature and ill-defined boundaries. For instance, it reaches well beyond the human rights inscribed in the UDHR, and includes not only freedom from fear but also freedom from want.[140] From the traditional realist perspective, this normative approach to security is sheer utopian.[141] The problem, as Floyd (2007) puts it, is "*who* is to provide human security?".[142] Barry Buzan and his colleagues, in what has become known as the Copenhagen School, offer an alternative to Human Security and more traditional security theories. Similar to Human Security theory, the Copenhagen School rejects the exclusively state-centric approach of realists and it includes a dimension of social constructivism.[143] It questions realist theories which aim to examine "real" threats since determining which threats actually exist would require a full measure of objectivity which no security theory has ever been able to provide.[144] Instead, a view of security as something which is created through social interaction is preferred.[145] This preference means that although the Copenhagen School acknowledges the normative force of Human Security, it places "collectives" at the center of security studies and rejects the reductionist thinking which makes individuals the focus of security studies[146]:

> Reductionism in security thinking eliminates the distinctiveness of international security being about interaction among social collectivities. While a moral case for making individuals the ultimate referent object can be constructed, the cost to be paid is loss of analytical purchase on collective actors both as the main agents of security provision and as possessors of a claim to survival in their own right.[147]

According to Floyd (2007), the Copenhagen School with its Securitization Theory is virtually "unrivalled in terms of its analytical utility" but does not have the normative utility of Human Security.[148] Nevertheless, as will be discussed further in the methodological chapter, securitization is closely related to discourse analysis. As

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139 Newman (2010, p. 78)
140 Paris (2001, p. 87-102)
141 See Chandler (2008, p. 430)
142 Floyd (2007, p. 40) emphasis added
143 Williams (2003, p. 511-512)
144 Buzan et al. (1998, p. 30)
145 Ibid, (Buzan et al. (1998, p. 31)
146 Ibid, p. 207
147 Buzan (2004, p. 370). Cited in Floyd (2007, p. 40)
148 Floyd (2007, p. 44)

such, the theory may help reveal predominant power structures which language and discourse represent.[149]

Moreover, security theory is not used herein to fill a normative gap but rather to understand the security factor from a descriptive perspective. Nonetheless, while the securitization approach elucidates what is going on, that might in and of itself have prescriptive effects. As one scholar has noted, "[w]here we find description/..../ prescription is never far away. Built into the descriptive vocabulary and the theoretical relationships is the potential for practical use."[150] Moreover, as noted by Waever (1995) and Buzan et al (1998), it is preferable if issues can be dealt with in the normal way, rather than being securitized.[151]

3.2. The Conceptual Framework

3.2.1. A New Definition of Security

The Copenhagen School, with Barry Buzan and Ole Waever at the forefront, defines security as "survival in the face of existential threats" thus suggesting that "[s]ecurity is about priority, about elevating issues to absolute priority."[152] It is by this definition that the School has been able to expand the concept of security beyond the traditional military-political agenda. In Buzan et al (1998), five different sectors are identified as major platforms for securitization, namely the military, political, societal, economic and environmental sectors.[153] This wider perspective is what most clearly sets securitization analysis apart from traditional security perspectives.[154]

In the political sector, the referent object – that is, the object that needs to be securitized (protected from existential threats) – is usually the "constituting principle" of the state, i.e. the sovereignty and ideology connected to a geographical territory. In the societal sector, nations, religions, and other social collective identities are subjects of securitization,[155] whereas in the military sector, the referent object is often, but not exclusively, the state and its territorial integrity.[156] To justify securitizing measures, threats against these referent objects are described as "existential". By consequence, a threat must be understood in view of the specific character of the referent object which is threatened by extinction. Because the "essential quality of existence will vary greatly across different sectors [...], so will the nature of existential threats.".[157]

Waever (1995) argues that when political actors use the word "security", they adduce a state of emergency to justify any means necessary to block a threatening development.[158] In this regard, Securitization Theory differentiate between politicized issues that demand the attention of the political leadership, and securitization issues that are given priority over everything else due to existential threats.[159] Whereas an issue becomes 'politicized' if it is "part of public policy,

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149 More on the relationship between language and power relations in the chapter Design and Methodology
150 Kunda (2006, p. 8-9)
151 See Buzan et al. (1998, p. 4, 29)
152 Ibid p. 27, 176
153 Ibid p. 22-23
154 Ibid p. 207
155 Ibid, p. 22)
156 Williams (2003, p. 513)
157 Buzan et al. (1998, p. 21-22)
158 Waever, O. (1995). See also *Ibid (*Buzan et al. 1998, p. 21)
159 Buzan et al. (1998, p. 24)

requiring government decision and resource allocation", it becomes a securitization issue when it is presented as an existential threat which requires urgent action.[160] When the reverse process occurs, it can be defined as desecuritization.[161]

The process of securitization does not necessarily involve a correct assessment of the threat by the securitizer nor that the message sits perfectly with the audience. It rather depends on passive acceptance of what is conveyed. The securitizing move has to gain just "enough resonance for a platform to be made from which it is possible to legitimize emergency measures or other steps that would not have been possible had the discourse not taken the form of existential threats...".[162]

3.2.2.   The Process of Securitization: Who Securitizes and How?

The level of success, which explains if securitization has actually occurred, depends on the reactions of the audience.[163] Through a, with the audience, "negotiated security act", called a speech-act, the securitizer is able to override rules otherwise inviolable.[164] This becomes possible through the implicit or explicit referral to a threat as someone or something which cannot be dealt with in the normal way. By the securitization of an issue, the threat will be dealt with so that it cannot be sustained as an existential threat against the referent object. In the most extreme case (war) the justification for eliminating the opponent is primarily motivated by fear that the other party will not let the referent object survive as a subject.[165]

The securitization speech-act reveals how the securitizer, in his speech or act, uses security to gain legitimacy from an audience whose reaction determines the outcome. Because it is within the "intersubjective" relationship of the audience and the securitizer that authority lies, and thus the ability to carry out a successful securitization, the "study [of] securitization... [concerns] the power politics of a concept".[166]

A successful speech-act is "a combination of language and society. Of both intrinsic features of speech and the group that authorizes and recognizes that speech".[167] The conditions for a successful speech-act can be divided into an internal and external category. The former deals with "the grammar of security" and includes the condition of the characterization of the threat as "existential". The speech-act must also address the particularities of the referent objects which are dependent on which sector is being securitized. For instance, in the societal sector the identity of the group will be addressed. In the political sector, it is recognition and sovereignty of the state that becomes the central theme of the securitizing act.[168]

The external category has two main conditions. The first concerns the authority of the securitizing actor, which must be in a position enabling him to carry out the acts implicated by his speech. The other category addresses the threat and the possibility of the threatening objects to be exposed as such. These must in some way have some qualities which facilitate the characterization of them as a threat.[169]

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160 Ibid p. 23-24
161 Ibid p. 4, 29
162 Ibid p. 24-25
163 Ibid p. 31
164 Ibid p. 26
165 Ibid p. 23-24
166 Ibid p. 32-33. Citation on p.33
167 Ibid p. 32
168 Ibid p. 32-33
169 Ibid p.32

Thus, in short, the conditions for a successful securitization include

(1) the demand internal to the speech-act of following the grammar of security,

(2) the social conditions regarding the position of authority for the securitizing actor, that is, the relationship between speaker and audience and the likelihood of the audience accepting the claims made in a securitizing attempt, and

(3) features of the alleged threats that either facilitate or impede securitization.[170]

3.2.3.   Securitizing Different Sectors: What Can be Securitized?

As was mentioned above, different sectors entail different referent objects, and thereby different threats. But they also involve different securitizing actors. The importance of distinguishing referent objects and securitizing actors was underlined when societal security first emerged as a field of study.[171] In the military and political sectors, where the referent object is usually the state, and/or its constituting principle, the authority to speak on its behalf is exclusively reserved for the government. In the societal sector, where national, religious, and other identity groups are referent objects, it is often less clear who is able to speak on their behalf, and hence the distinction between securitizing actor and referent object becomes more ambiguous.[172]

But regardless of the nature of the securitizer, it will use methods to facilitate the security act. Apart from characterizing the opposition as an existential threat, such methods may involve denying the opponent equal status, or even refusing to recognize its political status altogether. Political threats of non-violent nature may generally be just as feared as militant threats since the state itself is "an essentially political entity".[173] However, states may also securitize the political sector in terms of democratic norms, such as racial equality and fundamental human rights.[174]

Securitization of human rights occurs in the societal sector too. In this and many other ways, societal security is closely related to political security. However, one important distinction made between them is that the state and society of the same people are two different things, and as referent objects for security, they generate two different logics". While the state – by definition – refers to a geographical territory, societal security with its focus on identity can sometimes transcend the spatial dimension altogether.[175] In ethno-territorial conflicts, the relevant issues can thus be located on the intersection of societal and political security.[176]

In order to clearly understand how security is enacted, it is important to closely observe the three central elements of the securitization process; the securitizer, the referent object, and the threat, as well as their qualities and interrelationship. "Wideners must keep an open mind about the balance among the sectors, the cross-linkages between them, and the types of threat, actor, and referent object that might be dominant in any given historical time".[177]

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170 Ibid p. 33
171 Buzan and Waever (2003, p. 71)
172 Buzan et al. (1998, p. 41-42)
173 This is particularly pertinent if the referent object is a weak state. See Buzan (2007, p. 109)
174 Buzan et al (1998, p.141-149)
175 Ibid p. 119
176 Buzan and Waever (2003, p. 384)
177 Buzan et al (1998, p. 207)

4. Design and Methodology

In the following sections, the methodological foundations of the thesis are contextualized, and the source selection, source criticism and analytical approach of the study are discussed.

4.1. Case Studies and Qualitative Research

As can be inferred from reading the introduction chapter, this is a case study focusing on Israel's security discourse from a securitization perspective. A case study constitutes a "detailed and intensive analysis of a single case",[178] and is therefore suitable when the research deals with complex and intricate issues. Critique against the case study as a research method or design is similar to that raised by quantitative researchers against qualitative methods in general, namely, that it is either problematic or impossible to make generalizations based on their findings.[179]

However, Flyvbjerg (2006) suggests that this is one of the major misunderstandings of case studies. He suggests that the extent to which the results of a case study can be generalized depends on the case and how the inquiry is constructed, arguing that the choice between the case study and other methods must depend on the research problem under study and its circumstances.[180] Similarly, Bryman (2012) attaches the "external validity or generalizability" to the type of case being studied. Cases which are critical with regard to the theory or hypothesis being tested may be chosen as a possible target of inquiry.[181] This category of "critical cases", Bryman seems to suggest, is more generalizable and stronger in terms of external validity than other categories when it comes to theory-testing.[182]

More generally, however, Bryman argues that the scientific contribution of case studies depends primarily on "how well the researcher generates theory out of the findings", thus asserting that the case study spans over the categorical division of inductive and deductive research.[183] In support of this view, Flyvbjerg suggests that "formal generalization" is overrated as the main source of scientific progress and that knowledge does not have to be generalizable to contribute to the accumulated knowledge within a given field of study.[184]

Seen in this context, the contribution of this thesis, in scientific terms, will be to add to the "accumulated knowledge" of studies on the Israel-Palestine conflict, as well as the field of Securitization Theory. Accordingly, it excludes the testing-hypothesis-approach which Bryman suggests is most desirable in terms of external validity, along with the strictly inductive approach which has the purpose of producing new scientific theory.

This departure from the rigid either-deductive-or-inductive approach does not contain new implications for the role of theory in research.[185] As a matter of fact,

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178 Bryman (2012, p. 66)
179 Stark and Torrance (2005, p. 33). In Somekh and Lewin; Denzin and Lincoln (2011, p. 9)
180 Flyvbjerg, (2006, p. 225-226)
181 Bryman (2012, p. 70)
182 Ibid
183 Ibid, at p. 71
184 Flyvbjerg, B. (2006, p. 226-227)
185 In fact, theory can serve many purposes in a research process including as a means by which new research data can be interpreted and coded for future use; as a way of telling us that certain facts among the accumulated knowledge are important and which facts are not; as a means of providing members of a professional discipline with a common language and a frame of reference for defining boundaries of their profession; and as a means to guide and inform research so that it can, in turn, guide research efforts and improve professional practice. See Torraco, R. J. "Theory-Building Research Methods." In Swanson R. A. and E. F.

many scientists have pointed to the convergence of the two methods:

> In brief, it is unlikely that any researcher could genuinely separate the two processes of induction and deduction - "both are always involved, often simultaneously," and "it is impossible to go theory-free into any study" (Richards 1993, p 40) - that is, all data are theory-loaded (Popper, 1972). For example, Miles and Huberman, 1994, p 17) conclude that induction and deduction are linked research approaches, although trade-offs might be made between "loose" and "tight" initial frameworks. That is, some prior theory can have a pivotal function in the design of a research project (Parkhe, 1993). Pure induction with no prior theory might prevent the researcher from benefiting from existing theory, just as pure deduction might prevent the development of new and useful theory. Thus Parkhe (1987, p.253) argues that "both extremes are untenable and unnecessary" and that the process of ongoing theory advancement requires "continuous interplay" between the two.[186]

Hence, combining induction and deduction, in contrast to what most traditionalists might think, does not necessarily distort the methodological force of the research, but may be just what is needed to acquire a better understanding of the phenomenon under study. As suggested above, this study adopts the interchanging relationship of empirical data and theory with the aim that something is to be gained, both in terms of increased knowledge regarding the presumed main component governing the conflict (Israeli security), and the implications that this new data carries for Securitization Theory.

4.2. Trustworthiness and Transparency

The general critique within social science leveraged against qualitative research is strongly influenced by the quantitative research criteria and concerns the subjectivity and replicability of the research process.[187] A lot of this critique, however, stems from a lack of transparency. For instance, the problem of subjectivity involves the open-ended way in which qualitative research begins and is narrowed down without giving the readers a chance to understand why one focus area was chosen over another.[188] This, in turn, has negative implications for the possibility of replicating the research process, according to the quantitative researchers.[189] Thus, researchers conducting qualitative studies can alleviate some of their shortcomings by being as transparent as possible about the research process and the choices being made.

Many qualitative researchers, especially within the post-positivist field, have adopted an alternative scheme whereby the traditional measurements of quantitative research (reliability/internal and external validity) are replaced by assessment of the "trustworthiness" of the research. Commonly, this includes a reference to qualities such as dependability, credibility and transferability.[190]

Credibility implies that the findings should give an accurate account of the social group or phenomena being studied.[191] Some researchers suggest that this can be

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Holton III (1997, p. 114-137); Sutton et al. (1995, p. 371-384).
186 See Perry and Jensen (2001)
187 Bryman (2012, p. 405-6)
188 Ibid p. 405
189 Ibid
190 See e.g. Rolfe (2006, p. 305); Jackson et al. (2007, p. 26); Cho and Trent (2006, p. 326); Seale (1999, p. 468)
191 Bryman (2012, p. 390)

tested through either member-checks (where the respondents examine whether the result of the data analysis is consistent with their view) or expert-review.[192] As this is a Master's thesis based on transcripts of speeches it cannot be tested through peer-review nor member-checks. Thus, in some regard, this might be considered to be a methodological weakness. On the other hand, some researchers have pointed to the shortcomings of that approach. Seale (1999) for instance, argued that "reliance on norms of communal assessment has the potential to support a rather conservative approach", and that researchers come from "particular cultural backgrounds", and bring "specific, exclusive prejudice" to their research, indicating that findings presented as "truths" are distorted by such a presetting.[193] In a different critique, Sandelowski (1993) raised the point that if reality is assumed to be multiple and constructed – as suggested by most post-positivists – it would be contradictory to expect the analyst and the "members", or experts, to arrive at the same themes.[194]

As a general critique, both Seale (1999) and Sandelowski (1993) argue against rigid methodological techniques in qualitative studies and suggest that validation of the research is "ultimately a matter of judgment".[195] Accordingly, validity is "achieved through consensus on each individual study rather than the blanket application of predetermined criteria."[196] In line with this, the transferability of the findings, which has to do with their generalizability, depends not on the original analyst, but on the one who seeks to make the transfer.[197]

Tending to agree with the notion that validation is *ultimately* a matter of judgment, one should also point out that qualitative studies depend a great deal on what Jackson et al (2007) calls "the responsibility of every researcher to approach each study with as much objectivity, ethical diligence, and rigor as possible".[198] Yet, if trustworthiness is to be established by others reviewing the research, there must be transparency and clarity regarding the approach and method used. Given that the work is transparent, the dependability (reliability) of the research can be assessed by readers who are able to ask themselves whether they would arrive at the same overall conclusions reading the same type of documents under similar conditions.[199] Hence, although peer-review and member-check are not available alternatives, transparency about how the inquiry is conducted provides an alternative way in which the trustworthiness of the research can be assessed. In subsequent sections I therefore try to explain, as clearly as possible, the approach used herein for collecting and analyzing data.

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192 Jackson et al. (2007, p. 26)
193 Seale (1999, p. 471)
194 Sandelowski (1993, p. 3)
195 Ibid, p. 2. Cited in Rolfe (2006, p. 305)
196 Rolfe (2006, p. 305)
197 Wesley (2010, p. 5)
198 Jackson et al. (2007, p. 27)
199 Wesley (2010)

4.3. Analytical Approach

According to Buzan et al. (1998), the obvious analytical method of choice for undertaking securitization studies is discourse analysis. The logic behind this is that securitization studies aim to show how something is established by someone as a security threat and that the defining criterion of security is a specific structure that has to be located in discourse.[200]

The authors acknowledge that there might be underlying motives for various policies which confidential sources could help reveal, and admit that discourse analysis is useless as a method for revealing such hidden security agendas.[201] However, the point of discourse analysis, they argue, is not to get at something else but discourse. At first look, these arguments could be taken as a critique of the common assumption of discourse as a container of underlying power structures and in this respect as a carrier of opportunity for social change.[202] But this is not the case. The point made by Buzan et al. (1998) that the purpose of discourse analysis is to reveal discourse and not something else in fact takes for granted that discourse constitutes a form of power structure. For one thing, discourse analysis assumes that discourse not only reproduces reality, but shapes it, and thus produces something else than merely existing in its own right.[203] Securitization Theory with its intersubjective approach is based on a similar logic as it is the discourse between subjects which presumably reproduces and shapes security issues.[204] Moreover, according to Securitization Theory, when security is invoked in discourse it has to do with prioritizing an issue over everything else.[205] This exclusionary practice, which determines the content of the discourse, is a power indicator in the sense that it reveals what someone in a certain position is able to say, and simultaneously, what that someone is able to omit from the discourse.[206] These examples reveal that Securitization Theory is based on the same basic premise as the discourse analysis in that discourse is not something which is neutral, but rather reflects a social process. As expressed by Fairclough's (1989) critical discourse analysis, this is reflected in the "internal and dialectical relationship [existing] between language and society".[207]

According to Buzan et al (1998), the actual technique for analyzing texts is simple. It only requires one to read selected texts while "looking for arguments that take the rhetorical and logical form defined here as security".[208] Their definition of security is discussed in the conceptual framework of the thesis (see section 3.2.). Thus, adhering to this analytical approach, the definitions and concepts embedded in the "loose" conceptual framework of this thesis is used as a basis for analyzing the selected material. Following this approach, with "each document, a search for security argument is carried out, and each finding is investigated as to its context, the referent object, the threat, and – not least – its connection to the other sections, that is, whether the security nature of the issue is derived from the fact that the source of the threat is already securitized in another sector".[209]

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200 Buzan et al. (1998, p. 176)
201 Ibid, p.177
202 See Van Dijk (1989); Bryman (2012, p. 336-537)
203 Mills (1997, p. 17)
204 See Buzan et al. (1998, p. 31)
205 Ibid, p. 24-26, 33, 176
206 See Mills (1997, p. 20); Bryman (2012, p- 230-231)
207 Fairclough (1989, p. 38)
208   Buzan et al. (1998, p. 177)
209 Ibid p. 178

4.4. Source Selection

To fulfill the aim of this thesis, I have gone through the record of all "speeches" and "addresses" made by the Prime Minister of Israel between the years 2005-2014 contained on the Israeli Ministry of Foreign Affairs's (MFA) website. The time period is discussed in section 1.4.1. For delimitation purposes, and under the assumption that these are the most significant political speeches, only Prime Minister policy speeches are considered. Interviews, short remarks, "statements", "briefings", "communiques" etc., have thus not been included. Also excluded are those addresses and speeches which did not address the Palestinian issue. With regard to the shorter addresses, there *are* benefits associated with concentrating on addresses with a specific focus, according to Buzan et al (1998). However, as apparent from their own study on the EU, texts of an overall nature can also be selected, as long as they are not obscure. They explain that a disadvantage with focusing on broad speeches is that the measure advocated or legitimated may be less clear than when texts are focus around a specific issue.[210] Arguments concerning an existential threat and urgency are then likely to appear as less clear than calls for explicit or implicit emergency measures. One must therefore be observant on this.

While the researchers suggest that a limited set of data is preferable, two reasons for this are given. First, maximizing structural (sector-related) cross-determination is easier in a very limited timeframe. Second, is the importance of minimizing arbitrariness in the selection of securitization instances. To the extent that the data set used in this thesis exceeds that which is used in their case, I have made sure to pay extra attention to cross-determination over sectors with regard to different time periods. The response to the second point is that even though the data set is comparatively voluminous, a detailed analysis of the documents used have been conducted, with the aim of accounting for all 0f the securitization instances (with regard to Palestinians) occurring throughout those texts. Perhaps it may be fair to criticize this, sense there is still an obvious trade-off between breadth and focus, but a larger data-set serves the purpose of the thesis which is to explore how Israel securitizes with regard to the Palestinians in a broad sense. Under this assumption, the benefit derived therefrom outweighs the benefit of extreme focus on some details that could be found in a more sporadic data-set.

4.5. Source Criticism

To assess the quality of the documents, Scott (1990) proposes four criterions. The first is *authenticity*. It reflects whether the evidence is genuine and of unquestionable origin. The authenticity of the material used in this thesis is guaranteed by the fact that they have been collected from an official online source.

The second criterion is the *credibility* of the material, that is, if it is free from error and distortion. This criterion is attached to the model used for data analysis. Since the discourse analysis is not used to describe something other than what the discourse represents in its own right, the risk of distortion is largely averted.

The third criterion is the material's *representativeness* which has to do with its

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210 Ibid p. 177

typicality. Although the same logic as in the paragraph above applies, the fairly large number of speeches studied closely reveal similarities and differences. This may strengthen the perception of the material as representative of the official Israeli discourse,[211] which is anyway assumed to be represented by the Prime Minister.

The fourth and final criterion considers the *meaning*. That is if the evidence is clear and comprehensible.[212] To ensure the quality of the analysis, I decided prior to the data collection that I would exclusively use material that fulfills the requirement concerning clarity. In other words, speeches containing a lot of ambiguity regarding their message and meaning would have been excluded from the study, had they been any such samples.

4.6. The Research Process and Ethical Considerations

The background section is "heavily" developed due to a shift in research focus. The focus of the study from the beginning was on international law and human rights. Due to formal requirements, this approach needed to be revised which is why a different perspective and research objective was chosen. The material previously collected nevertheless serves to provide the human rights context required herein.

With regard to ethical issues, I think that since this topic is highly debated and controversial, I should make clear my personal stance. My own understanding of the conflict before going into this study was terribly incomplete. Although I felt that terrorist attacks, and attacks on civilians, could never be condoned or accepted, I tended to sympathize with the Palestinians as being the most victimized. Due to my lack of insight, I did not have any opinion as to whether the occupation and Israel's security measures were lawful or justified. Choosing this topic was the result of a genuine will to learn more of the conflict, and how the international human rights instruments could be applied. To the extent possible, I have attempted to provide an "accurate" and objective account of that which I have scrutinized, and as far as I am aware, I have successfully remained impartial throughout the study.

I think I have provided sufficient arguments to why the focus fell on *Israeli* speeches rather than something more balanced or vice versa. Nevertheless, it is important to remember that this one-sided focus can have both positive and negative effects for the one side being heard. On the one hand, only one side's arguments and truth claims are presented which could be seen as giving that side preferential treatment. On the other hand, it is that side which is being critically examined, and in a human rights context at that.

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211 Using multiple sources has been shown to increase readers' belief in the trustworthiness in the research. See Bowen (2009, p. 30)
212 Scott (1990, p. 6-7)

5. Results

Based on the central components of Securitization Theory, I have analyzed the discourse of speeches held by Israeli Prime Ministers between the years 2005-2014 published on the website of the Israeli Ministry of Foreign Affairs. The result is presented below.

5.1. The Multiplicity of a Threat

While traditional security theory would emphasize the military/militant threats posed against Israel as a sovereign state, the securitization approach allows for a much broader definition of what constitute security threats. This does not mean, of course, that military threats are absent from securitization practices in general, nor so in the case of Israel. On the contrary, as suggested in the following text, the characterization of Palestinians as a militant threat is not only explicit with regard to Palestinian armed groups such as Hamas, but is implicitly infused in the overall exposition of the Palestinian people.

The juxtaposition of the implicit and explicit levels of portraying Palestinians as a threat seems crucial in order for them to appear as an existential threat to the various referent objects in the Israeli discourse. As mentioned in the conceptual framework, in order for someone or something, such as the Palestinian people, to be successfully depicted as a constituting a threat, there must be some characteristics or features that "facilitates" that depiction.[213]

As will be presented below, how Israel devises existential threats in its discourse depends on a mixture of arguments based on the historical, cultural and national interlinkedness between the Jewish people and the nation state of Israel. Israel as a Jewish state, or as the nation state of the Jewish people, is identified as the overarching referent object, facing a multitude of existential threats, not least with regard to the Palestinians.

5.2. The Militant Threat

Not every part of the Israeli securitization discourse internalizes the existential language, but nonetheless contributes to support the doctrine of an existential threat. This can be noted in the way Israel seems to warn of radical groups like Hamas and the threat they constitute to the citizens of Israel without explicitly and immediately relating it to an existential threat against the state, although the latter is also a recurrent theme. The militant threat posed by these groups therefore seem to often elicit different responses depending on what it is that is being presented as the referent object. On the micro level, for instance, the security of Israeli citizens living near Gaza is said to be constantly under threat from missile attacks, creating an "intolerable" situation,[214] "taking the joy away from thousands of Israelis".[215] The threat, which is concrete, is not always immediately elevated to the existential level, but still helps to foster the image of an enemy that is

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213 *Supra* note 169
214 Address by PM Ehud Olmert to the AIPAC Policy Conference 2008, 03 Jun 2008)
215 Address by PM Ehud Olmert to the Conference of Presidents of Major Jewish Organizations 17 Feb 2008

fundamentally different. Yet, without the implicit or explicit *existential* threat embedded in the speech, extraordinary measures are usually not advocated. On the contrary, a more "soft", contextualized, approach is possible:

> We're dealing with very cruel and wicked people who are having an entirely different set of values than we do. It's not easy to move forward with these guys. Most of the time they're engaged in shooting Kassam rockets in the south part of Israel against Israeli citizens, certainly taking the joy of life from thousands of Israelis; children and their parents who live in the south part of the country, and their priorities are different than ours. For us, to return back one soldier is an enormous challenge that we are so anxious to achieve. For them, the possibility of killing as many Israelis as possible is the first priority and therefore what is natural for us is not natural for them. What is obvious for us is not obvious for them. What they want is not what we want and therefore, even though sometimes we are having hopes because we make efforts in this direction, we should still have patience and understand that it is more difficult than what sometimes the headlines in the media may suggest.[216]

The absence of an existential threat in the speech does not imply, however, the absence of legitimation of repressive measures, such as continuing the blockade of Gaza, accelerating the construction of the "security barrier" in the West Bank, and other military actions.[217] But, when seemingly concrete threats, like the rockets launched from Gaza, are instead incorporated in the language with reference to some type of existential threats, e.g. the attackers' *intentions* of "the destruction of the state" or "at undermining the very foundations of the state",[218] the "soft" approach involving an appeal to the patience of the audience appears to be less frequent. On the contrary, under the conditions of an existential threat in the discourse, the link between the threat and concrete measures or demands purportedly necessitated by it seems to be more explicit.[219] As will be discussed in the next subsection, notwithstanding the tangibility of the actual threat, the mere use of the terminology of existential threats seems to serve as legitimation for large-scale constraining and repressive security measures. This involves defending the idea of the constant pressing need to continue the occupation until the existential threat has been contained. It is argued that to contain the threat, it is insufficient to merely reach a peace agreement. Instead, future preventive measures is advocated as a major condition for any peace.[220]

5.2.1. Connecting Urgent Non-Existential Threats to Non-Urgent Existential Threats

According to Securitization Theory, presenting something as an existential threat is the fundamental component of any securitizing act. This is done in order for something to be prioritized over everything else, which requires a sense of urgency.

Speech-acts pertaining to the threat of Israel's destruction are infused with urgency by reference to the imminent but non-existential threat of rockets launched

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216 Address by PM Ehud Olmert to the Conference of Presidents of Major Jewish Organizations 17 Feb 2008;. See also Address by PM Ehud Olmert to the opening of the Knesset winter session, 08 Oct 2007; Address by PM Olmert to the Institute for National Security Studies, 11 Dec 2007

217 Address by PM Ehud Olmert to the AIPAC Policy Conference 2008, 03 Jun 2008; Address by Acting PM Ehud Olmert at 6th Herzliya Conference, 24 January 2006

218 Excerpt from Address by PM Ehud Olmert to the Board of Trustees of the Jewish Agency 26 Jun 2006

219 See e.g. Excerpt from Address by PM Olmert to the 35th Zionist Congress 20 Jun 2006; Excerpt from Address by PM Ehud Olmert to the Board of Trustees of the Jewish Agency 26 Jun 2006; PM Netanyahu at the opening of the Knesset winter session, 27 october 2014

220 On how security is contrasted with peace, see e.g. PM Netanyahu Addresses opening of Knesset winter session, 31 Oct 2011

from Gaza, to ascertain the need for any future Palestinian state to be demilitarized. Thus, while the rocket attacks from Gaza are not in and of themselves presented as an existential threat against the state, they seem to facilitate the argument that Israel would be existentially threatened by a non-demilitarized Palestinian state.[221] Consider the following statements:

> It is impossible to expect us to agree in advance to the principle of a Palestinian state without assurances that this state will be demilitarized. On a matter so *critical to the existence of Israel*, we must first have our security needs addressed. [This includes clear] commitments that in a future peace agreement, the territory controlled by the Palestinians will be demilitarized: namely, without an army, without control of its airspace, and with effective security measures to prevent weapons smuggling into the territory - real monitoring, and not what occurs in Gaza today. And obviously, the Palestinians will not be able to forge military pacts. Without this, sooner or later, these territories will become another Hamastan.[222]

The term "Hamastan" here is a reference to how the situation in Gaza has become after Israel's military withdrawal and Hamas subsequent takeover of the Strip. Hamas, like the Lebanese Hezbollah, is described as an Iranian proxy and the Hamas-governed Gaza as an "Iranian backed terrorist base" that is used to launch rockets at Israel,[223] with the ultimate aim of destroying Israel.[224] The wider argument that rests on these descriptions is that if Israel withdraws from all of the oPt it would lead to a situation that will jeopardize the security of the state, given its small size and hostile surroundings:

> Small countries are not necessarily insecure. Belgium and Luxemburg are small but they today are not insecure. Yet if their neighbors included radical regimes bent on their *conquest and destruction* with terror proxies firing thousands of missiles on their people, believe me, they would feel insecure. Anyone would. Because of our small size and the radical and violent neighborhood in which we live, *Israel faces security threats like that of no other nation* /…/ Israel's security therefore requires that any territory vacated in a future peace agreement must be effectively demilitarized.[225]

These arguments above seem to contain an implicit rejection of the idea that the rocket attacks could be an effect of the occupation, that things would calm down if Israel ended the occupation. A facilitating condition here is the way Hamas is described. It is never referred to as a resistance movement, but as an "antisemite" Iranian proxy bent on Israel's destruction.[226]

Referring to Hamas, PM Olmert stated in 2006 that "Israel cannot accept a government led by an organization that denies our existence, actively pushes to destroy our society through unending terrorist attacks or refuses to even recognize former agreements signed upon by Israelis and Palestinians".[227] In accordance with this, the rocket attacks have been presented as the result of the enemy's desire to drive the Jews out of Israel, rather than a means to drive an occupier out of the

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221 See e.g. Address by PM Olmert to the TAU INSS Annual Conference 18 Dec 2008; PM Netanyahu addresses National Defense College graduates 28 Jul 2009; Excerpts from PM Netanyahu's speech at the Knesset Special Session 23 Dec 2009; PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010
222 Address by PM Netanyahu at Bar-Ilan University, 14 June 2009, emphasis added.
223 PM Netanyahu addresses the Saban Forum 15 Nov 2009
224 PM Netanyahu Speech at Bar-Ilan University, 6 October 2013; PM Netanyahu addresses the foreign press in Israel, 17 Dec 2014.
225 PM Netanyahu addresses the Jewish Federations of North America General Assembly 09 Nov 2009, emphasis added. For more on this see e.g PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010;; PM Netanyahu addresses Conference of Presidents of American Jewish Organizations 07 Jul 2010; Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011
226 Address by PM Olmert to a Joint Meeting of the US Congress 24 May 2006; Policy statement by PM Netanyahu at opening of Knesset winter session, 12 Oct 2009
227 PM Olmert addresses the United Jewish Communities General Assembly 14 Nov 2006

occupied territory. As expressed by PM Netanyahu, the enemy wishes to see Jews
"nowhere, in no part of Jerusalem and not in Tel Aviv either, not in Haifa, not in
Beer Sheba, nowhere".[228] Netanyahu has also stated that Hamas, given its means
and ends is no different than ISIS.[229]

5.2.2.   A Demand for Long-term Military Presence in the West Bank

The response to this threat is, as shown above, a call for the future state of
Palestine to be demilitarized. However, Israel under the leadership of Netanyahu
seems to express more explicit and far-reaching requirements than in the early
period included in this study. The response in the latter period is a demand for more
than mere insurances of a demilitarized Palestinian state. It involves such
preventive measures as a long-term Israeli military presence in "strategic areas" of
the West Bank, "critical" to Israel's security. These areas include the eastern border
of a future Palestinian state, hosting the Jordan Valley and the Jordan River.[230]
Again, reference is made to Israel's geographical size, while attention is also drawn
to UNSCR 242 which is suppose to serve as legitimation for this point:

> So how do you protect such a tiny country, surrounded by people sworn to its
> destruction and armed to the teeth by Iran? Obviously you can't defend it from within
> that narrow space alone. Israel needs greater strategic depth, and that's exactly why
> Security Council Resolution 242 didn't require Israel to leave all the territories it
> captured in the Six-Day War. It talked about withdrawal from territories, to secure
> and defensible boundaries. And to defend itself, Israel must therefore maintain a long-
> term Israeli military presence in critical strategic areas in the West Bank.[231]

Accordingly, the demand is that Israel and not the international community will
have responsibility for security. One reason for this is said to be the inability of
international forces to protect Israel, with UNFIL in Lebanon and UNDOF in Syria
given as examples of weak and inefficient peace-keeping forces.[232] The overall point
is to convey the message that Israel will not be safe if forced to withdraw to its
borders of 1967.

5.3. Securitizing Israel as a Jewish State

Supporting the argument that Israel "cannot abandon [its] future to the hands of
others",[233] and therefore must be the one in charge of security, is the focus on a
different referent object. Complementing the sovereign territory (territorial
integrity) of Israel as a referent object implicated by the speech-acts discussed
above, attention is brought to the Jewish people's dependence on the state of Israel
for their ability to defend themselves:

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228 PM Netanyahu at the opening of the Knesset winter session, 27 october 2014
229 PM Netanyahu addresses the UN General Assembly 29 Sep 2014
230 Address by PM Benjamin Netanyahu at AIPAC Conference 22 Mar 2010; Address by PM Netanyahu to the Jewish Agency Board of Governors-Excerpts 28 Jun
       2011; PM Netanyahu at the opening of the Knesset winter session, 27 october 2014 Address by PM Netanyahu at the Institute for National Security Studies 26
       Jun 2014
231 Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011 For other instances where Netanyahu refers to UNSCR to support his claim to
       incomplete withdrawal, see PM Netanyahu addresses the Saban Forum, 15 Nov 2009; Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23
       Sep 2011
232 Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011; "PM Netanyahu Speech at Bar-Ilan University", 6 October 2013; PM
       Netanyahu's address to the Saban Forum 08 2013; PM Netanyahu addresses 11th Annual Saban Forum, Excerpts 07 Dec 2014
233 See PM Netanyahu addresses Knesset session marking International Holocaust Remembrance Day, 24 Jan 2012. In this speech, the general threat against the
       Jewish state is addressed, with Iran being at focus. As discussed previously, the Iranian "proxy" threat is connected to the threat of demilitarization in Israel's
       security discourse.

The first and most terrible upheaval for the Jewish people was the reversal from a proud people who fought for its freedom in ancient times, to a downtrodden, stateless and helpless people in exile/.../ the dynamism of Jewish resistance began to fade when we lost our independence and our land. For almost 2,000 years of exile, the Jews lived as a defenseless nation, entirely at the mercy of others. We know the result: the fall from a deep pit into an even deeper pit, from tragedy to tragedy – until our very existence was put at risk. The second great reversal in the history of our nation took place with the establishment of the State of Israel. In the period leading up to the establishment of the state, the Jews rediscovered their ability to defend themselves: From the Shomer, Haganah, Irgun, Lehi and the Palmach, to the creation of the IDF, the Jewish people rediscovered their ability to defend themselves. And so I pledge: We will never return to a situation where we are unable to defend ourselves and our state.[234]

Accordingly, the survival of Israel as a Jewish state and the survival of the Jewish people are conflated to emphasize the vitalness of Israel's security. In fact, the Prime Minister (in his capacity of representing the government/the state) is acting as a securitizing agent not only for the state itself but also for the Jewish people which it identifies itself with.[235] Consider for instance the "we" in the following quote: "We've learned in our experience, the experience of the Jewish people, to take seriously those who speak about our annihilation, and we will do and I will do what is necessary to protect the Jewish state and the future of the Jewish people".[236] While the vulnerability of the Jewish people is a fundamental part of the securitization move, the referent object is the Jewish state as it purportedly serves to mitigate the threat. In accordance with this, it is claimed that "the fate of the Jewish people is the fate of the Jewish state", and that "[t]here is no demographic or practical existence for the Jewish people without a Jewish state".[237] Hence, the solution proposed to handle the alleged danger of the annihilation of the Jewish people is the survival of the Jewish state.[238] As apparent from the securitization speech-acts, this requires specific actions.

But having Israel as a Jewish state operating as the referent object in the securitization process is not exclusive to speech-acts addressing a militant threat. Although this threat, as will be discussed further on (see section 5.4.), is implicit in all other threats, the hazard most explicit in Israel's speech-acts regarding the survival of the Jewish state is the demographic threat constituted by Palestinians.

5.3.1.   The Demographic Threat

As expressed outright by PM Olmert in 2006, "[t]he term 'Jewish nation' is absolutely clear: it means a Jewish majority. With this, Zionism began, and it is the basis of its existence, it will continue to work towards its fulfillment or it will be lost."[239] Preserving a Jewish majority within the territorial borders of the state of Israel appears to be a crucial part of the Israeli securitization discourse. Consequently, it entails implications as to what is considered a threat and how this

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234 Policy statement by PM Netanyahu at opening of Knesset winter session, 12 Oct 2009. See also Address by PM Netanyahu at Bar-Ilan University, 14 June 2009; Address by PM Benjamin Netanyahu at AIPAC Conference 22 Mar 2010; PM Netanyahu addresses opening of Knesset winter session 31 Oct 2011; PM Netanyahu addresses Jewish Federations of North America 10 Nov 2013; PM Netanyahu addresses the UN General Assembly 29 Sep 2014
235 See e.g. Address by Prime Minister Ehud Olmert to the 8th Herzliya Conference 23 Jan 2008
236 PM Netanyahu's address to the Saban Forum, 08 Dec 2013
237 Address by PM Netanyahu at the Herzliya Conference 03 Feb 2010.
238 See e.g. PM Netanyahu addresses Knesset special session marking the 150th anniversary of Herzl's birth, 26 Apr 2010
239 Address by Acting PM Ehud Olmert at 6th Herzliya Conference, 24 January 2006

threat must be dealt with. While the Palestinian *militant* threat in the Israeli securitization discourse pertains to what may or may not be acceptable in the vicinity outside the borders of Israel, the Palestinian *demographic* threat to the Jewish state rather pertains to what may or may not be accepted inside its borders. In the latter case, a few specific issues appear vital to maintaining a Jewish majority in Israel, in other words vital to preserving Israel as a Jewish state without jeopardizing its character as a representative democracy.

5.3.1.1. The Border Issue

Since the total number of Palestinians residing both in Israel and in the occupied territories are virtually equal to the number of Jews living there, Israel's territorial claims in the West Bank and Gaza are limited. As recognized by PM Sharon who initiated the disengagement of Gaza, too far-reaching territorial claims would put Israel's existence as a Jewish state at risk:

> [An] essential step in ensuring the Jewish majority of the State of Israel is determining the borders of the state which will assure it an established Jewish majority, while also assuring the security of its citizens/.../It is obvious that we do not have the ability to ensure a Jewish majority in every area [of the oPt], and that we have no desire to rule over millions of Palestinians - to provide sanitation in Rafah, medical services in Gaza and veterinary services in Khan Yunis. We had the dream of a Jewish state in all the territories of the Land of Israel [Israel and the oPt], but, unfortunately, we do not have the ability to realize the entire dream/.../Out of this rationale, I also initiated the Disengagement Plan/.../ We are withdrawing from the Gaza Strip - an area in which there is no chance of establishing a Jewish majority, and which is clear to us all, will never be part of the State of Israel in any final agreement. At the same time, we are directing the majority of our efforts to the most important areas to ensure our existence - the Galilee, the Negev, greater Jerusalem, the settlement blocs and the security zones.[240]

While the passage is an argument of the necessity of limiting Israel's territorial claims, the final sentence refers to the future annexation of parts of the oPt as being important to ensuring the existence of the Jewish state. So while some settlements are deemed vital to Israel's future, others are problematized in the face of the Palestinian demographic threat. This existential threat to the Jewish state, which is never explicitly pronounced, is a recurrent theme in the discourse. Another clear yet implicit example of this threat can be found in Olmert's statement that the "continued dispersed settlement throughout Judea and Samaria [the West Bank] creates an inseparable mixture of populations which will endanger the existence of the State of Israel as a Jewish state". In the same speech the Prime Minister asserted that Israel's borders must be both "defensible" and "ensure a solid Jewish majority".[241]

 The urgency of resolving the border issue elicited by this demographic threat seems to take a much more prominent role in the discourse during the leadership of Sharon and Olmert (from hereon denoted as "the early period"), than under Netanyahu's time as Prime Minister (the latter period). While Netanyahu too

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240 Speech by PM Sharon to Jewish Agency Assembly, 28 June 2005.
241 Address to the Knesset by PM Olmert on presentation of 31st government 04 May 2006. See also see e.g.: Excerpt from speech by PM Sharon at the laying of the cornerstone of Nurit, 29 August 2005; Address by Acting PM Ehud Olmert at 6th Herzliya Conference, 24 January 2006; Address by PM Olmert to a Joint Meeting of the US Congress, 24 May 2006; Address by PM Olmert to the TAU INSS Annual Conference 18 Dec 2008 (cf. Address by PM Netanyahu to the Jewish Agency Board of Governors-Excerpts 28 Jun 2011, and PM Netanyahu addresses Institute for National Security Studies 29 May 2012)

acknowledges the need to avoid a binational state,[242] and, as apparent from the requirement above regarding long-term military presence in "strategic areas", also focuses on securitizing the acquisition of a *limited* part of the oPt, there are some diverging demographic-related demands between the periods. In other words, while the referent object, the Jewish state, remains the same, the specific requirements for safeguarding its existence has varied somewhat over time.

5.3.1.2. Same Question, Different Answers

In the early period, the priority and urgency of establishing borders was explicitly addressed by Olmert. Consider the following quote from 2006:

> [T]here is no doubt that the most important and dramatic step we face is the determination of permanent borders of the State of Israel, to ensure the Jewish majority in the country/.../ The existence of a Jewish majority in the State of Israel cannot be maintained with the continued control over the Palestinian population in Judea, Samaria and the Gaza Strip. We firmly stand by the historic right of the people of Israel to the entire Land of Israel. Every hill in Samaria and every valley in Judea is part of our historic homeland. We do not forget this, not even for one moment. However, the choice between the desire to allow every Jew to live anywhere in the Land of Israel to the existence of the State of Israel as a Jewish country - obligates relinquishing parts of the Land of Israel. This is not a relinquishing of the Zionist idea, rather the essential realization of the Zionist goal - ensuring the existence of a Jewish and democratic state in the Land of Israel.[243]

To maintain a Jewish majority, in order to preserve the Jewish state and protect Jewish culture and history (things that are threatened by extinction) the territorial issue must be solved in a way that conflicts with the supposed "historic right" of the Jewish people. Thus, securing a Jewish majority through determining Israel's permanent borders takes absolute priority in order to ensure the existence of Israel as a Jewish and democratic state. Moreover, the urgency of acting against the demographic threat by means of establishing the border is evident:

> The demographic balance between Jews and Arabs in the Land of Israel is not static. Time is not neutral in this case - it is acting against us. If we wish to ensure the existence and future of a Jewish and democratic Israel, we must act now, in the next few years, and shape the permanent borders of the State of Israel.[244]

> For 60 years, we fought with unparalleled courage in order to avoid living in a reality of binationalism, and in order to ensure that Israel exists as a Jewish and democratic state with a solid Jewish majority. We must act to this end and understand that such a reality is being created, and in a very short while it will be beyond our control.[245]

These paragraphs elucidate who is being threatened (us/we) and what the threat is. "Time is acting against *us*" is not a reference to Israeli citizens in general, but a reference to the Jewish majority. The polarizing words used are Jews and Arabs, as opposed to Israelis and Palestinians. Thus, here, Israeli-Arab citizens are at the other end of the securitization act, whom together with the Palestinians in the oPt,

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242 See e.g. PM Netanyahu addresses National Defense College graduates, 28 Jul 2009
243 Address by Acting PM Ehud Olmert at 6th Herzliya Conference, 24 January 2006
244 Excerpt from Address by PM Olmert to the 35th Zionist Congress, 20 Jun 2006
245 Address by Prime Minister Ehud Olmert to the 8th Herzliya Conference, 23 Jan 2008. See also Excerpts from address by PM Ehud Olmert to the Israel Business Conference, 10 Dec 2007

as well as the Palestinian refugees, constitute the existential threat against the Jewish majority. Accordingly, the need for imminent action to safeguard the Jewish state is overwhelming.

While the same imperative nature of avoiding a binational state permeates the securitization discourse of the latter period, the urgency of establishing a permanent border seems void, possibly signifying an instance of desecuritization of this issue. Although PM Netanyahu recognizes that there is some connection between peace and avoiding a binational state, the latter issue is considered to be "more important to Israel's survival [than the former]".[246] Furthermore, peace is not something which is considered urgent. Contrarily, it is presented as being subject to a set of conditions. The most fundamental condition according to PM Netanyahu is the recognition of Israel as a Jewish state, or the nation-state of the Jewish people:

> [T]he core of the conflict has always been and unfortunately remains the refusal of the Palestinians to recognize a Jewish state in any border.[247]

> In order for the current process to be significant, in order for it to have a real chance for success, it is essential that we finally hear from the Palestinian leadership that it recognizes the right of the Jewish people to its own country, the State of Israel/.../ This is the nation state of the Jewish people/.../Recognize the Jewish state. As long as you refuse to do so, there will never be peace. Recognize our right to live here in our own sovereign state, our nation state – only then will peace be possible.[248]

Accordingly, peace is not infused with urgency, but conditioned on Palestinian recognition of Israel as the state of the Jewish people. While Olmert advocated the need to find "other ways" of establishing a border in the absence of a peace agreement,[249] this seems to conflict with Netanyahu's securitization moves to prolong the occupation with reference to what happened to Gaza following the Israeli disengagements, and the existential threat implicated if this situation would be allowed to rise in all of the oPt.[250]

5.3.1.3. The Refugee Question

Securitizing the existence of Israel as a Jewish state entails more than advocating for the determination of a permanent border, or the demand for recognition of the right of Jews to have their own country. Whereas the border issue has been dealt with in different ways, an argument common to all demography-related speeches over the entire period is the necessity of refusing the return of Palestinian refugees. The right of Palestinian refugees (including descendents of refugees) to return to their homes in Israel is seen as a part of the Palestinian demographic threat based on the notion that "any demand for resettling Palestinian refugees within Israel undermines Israel's continued existence as the state of the Jewish people".[251] Such demands, which are considered to be connected to the refusal to recognize Israel as

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246 PM Netanyahu addresses Institute for National Security Studies 29 May 2012
247 Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011
248 PM Netanyahu Speech at Bar-Ilan University, 6 October 2013. Other instances addressing the importance of recognition: Address by PM Olmert to the TAU INSS Annual Conference 18 Dec 2008; PM Netanyahu addresses the Saban Forum 15 Nov 2009; Policy statement by PM Netanyahu at opening of Knesset winter session 12 Oct 2009; Excerpts from PM Netanyahu's speech at the Knesset Special Session 23 Dec 2009;PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010; PM Netanyahu addresses Conference of Presidents of American Jewish Organizations 07 Jul 2010; Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011; PM Netanyahu addresses 11th Annual Saban Forum Excerpts 07 Dec 2014
249 Excerpt from Address by PM Ehud Olmert to the Board of Trustees of the Jewish Agency 26 Jun 2006
250 See e.g. Address by PM Netanyahu at Bar-Ilan University", 14 June 2009;
251 Address by PM Netanyahu at Bar-Ilan University, 14 June 2009

the state of the Jewish people, are hence purported to represent an existential threat to the state:

> This [the demand for recognition of a jewish state] includes relinquishing any claim to a right of return – code for the destruction of the State of Israel – and an end to all other claims. This will guarantee that peace is genuine and not just a tactic to continue fighting.[252]

Consequently, the "clear stance" is that no Palestinian refugees will be allowed to enter Israel.[253] Instead, the Palestinian refugee problem must be "resolved outside the borders of the State of Israel".[254]

While Palestinian refugees are seen as a threat to the demographic balance in Israel, Jewish immigration is viewed in the opposite way. Emphasizing the vitalness of the demographic development in Israel and constituting a call for action to counter the threat is the argument that "Aliyah [the process by which Jews in the diaspora migrate to Israel] ensures not only the future of the State of Israel, but also the future of the Jewish people",[255] and that "the ability to have any Jew" come to the Jewish state is "fundamental" to its existence.[256]

5.4. Facilitating Conditions

In the majority part of this chapter focus has been on the referent objects and what kind of threats they face. In this final section, the facilitating conditions which underpin the securitization process are addressed.

With the risk of overstating the obvious, the militant threat is facilitated by the violent acts actually committed by Palestinian armed groups. But the demands for demilitarization and continued Israeli military presence are also facilitated by the address of an even bigger threat connected to the Palestinians, that is the threat of Iran. In other words, it would be difficult to argue for repressive measures had there been nothing there to facilitate these arguments. The Palestinian attacks (or armed resistance), as well as the support of Iran, creates the pretext for continuing repressive measures that underpin the Israeli securitization discourse.

With the Jewish state taking the role of referent object, the demographic threat constituted by the Palestinians is facilitated by the most evident fact that they are born as Palestinians within Israel or in its vicinity, thus threatening the Jewish demographic majority in the territories which Israel claims, or intends to claim, as its own. In relation to this, the territorial claims of Palestinians in the oPt, the Palestinian refugees' claim to a right of return, and the refusal to recognize Israel as the state of the Jewish people, are all referenced in order to indicate how the Palestinians (sometimes by intent) threaten the Jewish state. Although, as presented above, this generic threat constituted by Palestinians as such is contrasted with the more specific militant threat of Palestinian armed groups, the two are continuously connected. To claim a right of return, the right to sovereignty in accordance with the pre-1967 borders, or refuse to recognize Israel as a Jewish

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252 Excerpts from PM Netanyahu's speech at the Knesset Special Session, 23 Dec 2009. Cf. Address by PM Olmert to the TAU INSS Annual Conference 18 Dec 2008

253 Address by Acting PM Ehud Olmert at 6th Herzliya Conference", 24 January 2006

254 PM Netanyahu addresses National Defense College graduates, 28 Jul 2009. See also PM Netanyahu addresses the Saban Forum 15 Nov 2009; PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010; "PM Netanyahu Speech at Bar-Ilan University", 6 October 2013; PM Netanyahu at the opening of the Knesset winter session, 27 october 2014

255 Speech by PM Sharon to Jewish Agency Assembly, 28 June 2005

256 PM Netanyahu addresses Jewish Agency Board of Governors 18 Feb 2013

state (as opposed to merely recognizing Israel as a sovereign state) is portrayed as tantamount to an intention of destroying Israel and its character as a Jewish state.

> That's what peace is about. It's not to make a Palestinian state from which they continue the conflict to try to dissolve the Jewish state, either through the "right of return" or through irredentist claims on our territory in the Negev and the Galilee or anywhere else. It's to finally come to grips with something they have refused to come to grips with for close to a century – that the Jewish state is here by right/.../ And they must recognize that right and teach their children to recognize that right and to accept it.[257]

> ...this is our homeland; here is our country which was reborn. And the Palestinians must accept this. Otherwise, what we are being asked to do is allow for the establishment of a Palestinian state which will continue subvert the foundation for the existence of the Jewish state, which will try to flood us with refugees, which will advance irredentist claims from within the State of Israel's territory, territorial claims, national claims.[258]

Considering the demographic threat in the context of how Israel as a Jewish state is being securitized – i.e. as an absolute necessity for the survival of the Jewish people – the implicit message is that if Israel loses its Jewish majority, then the existence of the Jewish people will be threatened. This in turn, implies that a Palestinian majority would do anything but safeguard Jews, suggesting a lack of Palestinian benevolence when it comes to Jews in Israel. In support of this notion, Palestinian society is often portrayed in the latter period as either supporting or being agnostic about the threat Israel faces from armed groups:

> I believe even though Palestinian society is split now between those who actively are prepared to use force, violence, terror and war to wipe us out and those who refuse to stand up to that first half. That's basically the division there. This remains the heart of the problem.[259]

Hence, the problem of non-recognition and the conflict at large is not merely a problem with the Palestinian leadership, but with the wider Palestinian society.

> Even with ensurances and recognition [of Israel as the nation state of the Jewish people /.../ after years of incitement that still continues, we have no assurance that this recognition will filter down into all levels of Palestinian society and that is why we need very solid security arrangements.[260]

In other words, the prerequisite for any peace deal is recognition of Israel as the Jewish state, which allegedly would solve all the major problems of the demographic threat, on the diplomatic level at least. But because of the hostility towards this idea that permeates the Palestinian society, security arrangements are considered as a requirement. Thus, the Palestinian militant threat is not exclusive to the explicit threat from the armed groups. There is an implicit militant threat in the securitization discourse which is related to Palestinians in the wider sense, and the demographic issue.

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257 PM Netanyahu addresses Jewish Federations of North America, 10 Nov 2013
258 PM Netanyahu addresses INSS Annual Conference, 28 Jan 2014
259 Address by PM Netanyahu to the Jewish Agency Board of Governors-Excerpts 28 Jun 2011. See also PM Netanyahu addresses the foreign press in Israel, 17 Dec 2014
260 PM Netanyahu Speech at Bar-Ilan University, 6 October 2013. See also PM Netanyahu addresses the Jewish Federations of North America General Assembly 09 Nov 2009. See also PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010; PM Netanyahu Speech at Bar-Ilan University, 6 October 2013

6. Final Discussion

6.1. Securitization Theory and the Israeli Security Discourse

As proposed in the previous chapter, the Israeli securitization discourse focuses on two closely related referent objects. The first is the traditional security object in international relations, that is, Israel as a sovereign state with territorial integrity. The second is the character of the state, in other words, Israel as a Jewish state, or as the state of the Jewish people. The first of these two belong in the political-military sector, while the latter can be positioned in the political-societal sector, given its focus on identity.[261] Both involve different kinds of threats; the Palestinian militant threat and the Palestinian demographic threat.

From the results, we can see that when Israel addresses the explicit Palestinian militant threat, it often speaks of the need for secure borders and the necessity of security arrangements. These issues reappear in the context of the demographic threat, but then the explicit militant threat is absent and the armed threat to the Jewish people via the Jewish state seems to be merely implicit (as discussed in section 5.4.). Thus, this study offers support for the assumption embedded in Securitization Theory according to which the referent object determines the nature of the threat[262]: When Israel as the Jewish state is the referent object, the demographic threat takes front seat. When on other hand Israel as a sovereign state with territorial integrity is the referent object, the militant threat does. Israel's juxtaposing of these referent objects, that entail the social, political and military sectors, is indicative of the cross-linkages between the different sectors that are said to often exist.[263] The implicit Palestinian militant threat embedded in the demographic threat seems to strengthen the notion of the Jewish state as a necessity for the survival of the Jewish people, and thus facilitates its role as a referent object. Put differently, the need for the survival of the Jewish state is enabled by its role in mitigating the threat against the Jewish people, of which Palestinians form a central part.

Thus, the implication of the Palestinian demographic threat is that Jews would be existentially threatened in a binational state and that Israel therefore must remain a Jewish state. In this sense, the militant Palestinian threat serves as a facilitating factor in depicting the demographic development as an existential threat, directly against the Jewish character of Israel, indirectly against the Jewish people which the Jewish character of Israel purportedly protects. So in some sense, the "security nature of the issue [herein: the demographic threat] is derived from the fact that the source of the threat [herein: Palestinians] is already securitized in another sector [herein: the military sector]."[264]

Whereas Securitization Theory urges analysts to be aware of these cross-linkages between sectors, cross-linkages between threats of an urgent, non-urgent, existential and non-existential nature seem to be underdeveloped in theory. Existential and urgent threats are the basis of securitization moves, but as indicated by the findings herein (specifically section 5.2.1.) these may be intimately

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261 *Supra* notes 155-156, 168
262 *Supra* note 157
263 *Supra* note 177
264 *Supra* note 209

connected to threats of a different composition. The findings thus suggest that further theory-development is needed with regard to the linkages between different types of threats which when *combined* satisfies the criteria of urgent and existential threats.

Altogether, the findings serve to strengthen the wideners' point vis-à-vis traditionalists, as the explanatory power of Securitization Theory with its focus on the Israeli security discourse helped reveal important issues. It seems unlikely that a traditionalist focus, i.e. one that would attempt at analyzing objective security threats would be able to expose so forthrightly the overwhelming focus on Palestinians as a demographic threat in Israel's security policy shaping.

6.2. Reconnecting Israel's Securitization to Palestinian Self-Determination

The employment of Securitization Theory on the Israeli security discourse has revealed some important challenges facing the legal human rights of Palestinians, in particular the right of self-determination.

As discussed in the background chapter, Israel has a dual obligation to abide by the fourth Geneva Convention (GCIV) and to promote the full realization of Palestinian self-determination without conditions. Furthermore, international law requires *any* belligerent measure to conform with International Humanitarian Law (IHL) and the principles of necessity and proportionality.[265] The ICJ has asserted that Israel cannot invoke the right of self-defense and that any forceful measure in its capacity as an occupying power rests solely on entitlements afforded under IHL.

So called "strategic areas", that is, areas in the oPt that has a Jewish majority due to a large settlement population, form a central part of Israel's securitization discourse and are thus considered to be vital to Israel. However, these areas are part of the territory designated as *Palestinian* in accordance with the principle of self-determination and the rights and obligations flowing therefrom, as discussed in chapter 2 of the thesis. According to the relevant legal documents, the ICJ, as well as the general opinion of legal scholars, the territorial link between peoples and the territory to which they belong is fundamental to the realization of the right of self-determination. In other words, the full realization of the Palestinian right of self-determination requires the "freely expressed will" of the people in all of the territory implicated by this right.[266] With regard to this, the distinction between the territory in which Israel was established as a state, and that which it occupied in 1967, is crucial. This becomes evident when considering the principle of non-acquisition of territory by war as well as the distinct status of the Non-Self-Governing Territories (NSGT) and their administrators which shall remain until the people of the NSGT has exercised their right of self-determination.[267] Acknowledgements of these principles in the context of the conflict by the UNGA, the UNSC and the ICJ further assertain that the "strategic areas" are reserved for the exercise of Palestinian self-determination.

Thus, because Israel seeks to acquire occupied territories to which it has no title, it cannot invoke the right of occupants to use force in order to maintain the orderly government of the OT. This is due to the fact that Israel ignores the prerequisite

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265 See *supra* note 86, as well as 87 with accompanying text
266 See *supra* notes 53, 60 and accompanying text
267 *Supra* note 63

attached to that right which is to fulfill the purpose of the GCIV.[268] Contrary to that purpose, and to its obligation to take immediate steps to promote and realize the "complete independence and freedom" of the occupied territory,[269] Israel is solidifying the occupation and perpetuating the impediment of the Palestinian right of self-determination by securitizing the settlements that contravene IHL. Apart from the specific border issue, on the general level, the absolute military exigency required for the legality of repressive measures is impugned by the mere implicit character of a militant threat embedded in the securitization moves portraying Palestinians as a demographic threat. In other words, the fact that the existential Palestinian threat which serves as the basis for the securitization of various issues in the Israeli discourse is dominated by the demographic component – as opposed to an explicit and immediate military threat – contravenes the absolute military exigency necessary for legitimating repressive security measures in accordance with IHL.

Hence, the conditions which could *possibly* become relevant to legitimate the continued impediment of a people's right of self-determination (i.e. an imminent military threat comprehensive enough to elicit continued occupation) are in the Israeli discourse substituted by an existential threat to the demographic character of an expansionist state.

Moreover, as a distinct racial group, Arabs in Israel have the right to internal self-determination since this principle confers on the government a duty to represent "the whole people belonging to the territory without distinction as to race, creed or color".[270] Israel's *re*ference to this group as part of a demographic threat, and demanding the recognition of Israel as a Jewish state to counter this threat, gives the impression of a serious derogation from this duty. As a consequence, conditioning the realization of Palestinian external self-determination in the oPt based on this demand conflicts with Israel's responsibility to take immediate and unconditional measures to realize Palestinian self-determination in the oPt.[271]

Overall, Israel's juxtaposing of its security as a sovereign territorial entity with the security of the Jewish character of Israel and its expansionist regime entails serious implications for the Palestinian right of self-determination. It renders a sombre outlook for the advancement of a peace which would satisfy the legal human rights of the Palestinians. In other words, based on the findings of this study, the prospects of the full realization of Palestinian self-determination in accordance with international law are inhibited by the fact that this right conflicts with issues that are depicted as vital to Israel and that form part of a discourse of existential threats.

Conversely, the prospects of a *limited* form of self-determination (with regard to the border issue and the territorial question) are seemingly enhanced by the notion of the demographic Palestinian threat and Israel's desire to avoid a future binational state. However, such a limited form would preclude a part of the Palestinian population and transgress many of the basic principles of self-determination seeing as the Palestinians' rights includes complete "independence and freedom" in all of the oPt.[272]

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268 See *Supra* note 101
269 See *supra* note 73 and accompanying text
270 See *Supra* notes 109, 114
271 See *Supra* note 73 and accompanying text
272 See *Supra* notes 53, 63, 66, 73 and accompanying text

6.3. Concluding Remarks

This study essentially had three purposes. The main purpose was to explore the Israeli security discourse in order to understand how and what Israel securitizes with regard to the Palestinians. The second purpose was that this exploration would contribute to the "broad" theoretical field of security to which securitization studies belong. The third purpose was to address the prospects and challenges that the revelations of this broader perspective on security might entail for the human rights of Palestinians, particularly with regard to their self-determination.

First, the study has provided an account of what is being securitized by Israel in relation to the Palestinians and suggested two referent objects; Israel as a sovereign territorial entity, and Israel as a Jewish state, whereof the latter dominates. It has also shown *how* this is done by presenting different facilitating conditions in addition to what type of actions are implicated by the speech-acts.

Second, against the background of its findings, the study suggests that a broader view of security was necessary for understanding the different threats, particularly how the Jewish character of Israel is presented as existentially threatened by the Palestinian demographic threat in order to legitimate certain actions or policies. As such, the study offers empirical support for the broad constructivist approach to security studies. Furthermore, it is argued herein that the framing of the urgency and existential character of threats may result from the integration of non-urgent existential threats and urgent non-existential threats.[273] Accordingly, it implies that future research ought to take this issue into account to foster theory-development in the field of securitization studies.

Third, the broad focus of Securitization Theory has elucidated how the construct of threats in Israel's security discourse inevitably impedes Palestinian self-determination. Since existential threats of a non-imminent and non-military nature serve as primary legitimation in the securitization moves, this impediment involves detrimental consequences for the prospect of the realization of the human rights of the Palestinians in the oPt.

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273 See the first paragraph on p. 52

Sources

UN General Assembly Resolutions and Documents

A/Res/181(II), 29 November 1947 – A/AC.21/7, 29 January 1948 – A/Res/194 (III), 11 December, 1948 – A/AC.24/SR.45, 5 May 1949 – A/Res/273 (III), 11 May 1949 – A/Res/1516 (XV), 15 December 1960 – A/Res/1654 (XVI), 27 November 1961 – A/Res/2131 (XX), 21 December 1965 – A/Res/21/2200, 16 December 1966 – A/Res/2253 (ES-V), 4 July 1967 – A/Res/2254 (ES-V), 14 July 1967 – A/Res/25/2625 (XXV), 24 October 1970 – A/Res/2672, 8 December 1970 – A/Res/3236 (XXIX), 22 November 1974 – A/Res/3246, 29 November 1974 – A/Res/29/3314, 14 Dec, 1974 – A/Res/32/14, 7 November 1977 – A/Res/33/24, 29 November, 1978 – A/Res/34/44, 23 November, 1979 – A/Res/35/35, 14 November 1980 – A/Res/36/9, 28 October 1981 – A/Res/41/101, 4 December 1986 – A/Res/37/123, 16 December 1982 - A/Res/39/146, 14 December 1984 – A/Res/42/95, 7 December 1987 – A/Res/42/160 (A-G), 8 December 1987 – A/Res/42/209, 11 December 1987 – A/43/827, 18 November 1988 – A/Res/44/42, 6 December, 1989 – A/50/73, S/1995/83, 27 January 1995 – A/HRC/4/17, 29 January 2007 – A/HRC/20/32, May 25, 2012 – A/Res/67/19, 4 December 2012 – A/HRC/22/63, 7 February 2013 – A/Res/67/23, 28 February 2013 – A/Res/68/15, 26 November, 2013 – A/HRC/25/67, 13 January 2014 – A/HRC/25/38, 12 February 2014 – GA/PAL/1300, 4 June 2014 – A/69/624, 1 December 2014

UN Security Council Resolutions and Documents

S/766, 22 May 1948 – S/1264/Corr.1, 23 February, 1949 – S/1296, 23 March, 1949 – S/1302/Rev.1, 3 April 1949 – s/1353, 20 July 1949 – S/PV.1375, 13 November 1967 – S/PV-1377 15 November 1967 – S/Res/242 (1967), 22 November 1967 – S/Res/252, 21 May 1968 – S/Res/267, 3 July 1969 – S/Res/271, 15 September, 1969 – S/Res/298, 25 September 1971 – S/Res/425, 19 March 1978 – S/Res/446, 22 March, 1979 – S/Res/465 (1980) 1 March, 1980 – S/Res/476, 30 June, 1980 – S/Res/478, 20 August 1980 – S/Res/480, 20 August, 1980 – S/Res/487, 19 June 1981 – S/Res/520, 17 September 1982 – S/PV.2615, 4 October 1985 – S/Res/573, 4 October 1985 – S/Res/592, 8 December 1986 – S/Res/605, 22 December, 1987 – S/PV/2780, 5 January 1988 – S/20278, 18 November 1988 – S/Res/904, 18 March 1994 – S/Res/1073, 28 September 1996 – S/Res/1322, 7 October 2000 – S/Res/1544, 19 May 2004 – S/Res/1701, 11 August 2006 – S/2003/529, 7 May 2007 – S/2014/825, 1 December 2014 – S/PV.7354, 30 December 2014

ICJ Reports (sorted by year)

Nottebohm Case (second phase) , judgment of April 6th, 1955: I.C.J. Reports, 1955, p.4.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16

Western Sahara, Advisory Opinion, 1.C.J. Reports 1975, p. 12.

Frontier Dispute. Judgment, I.C.J. Reports.1986, p.554

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits, Judgment. I.C.J. Reports 1986, p. 14

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening), I.C.J. Reports, 1992, p.351

East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p. 90

Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1. C.J. Reports 1996, p. 226

Legal Consequences cf the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 p. 136 (including Separate Opinions)

Frontier Dispute (Benin/Niger), Judgment, I.C.J. Reports, 2005, p.90

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 p. 403 (including Separate Opinions)

Documents from Other Legal Sources

CERD-Committee, General Recommendation No. 21: Right to self-determination, adopted on 23 August 1996

CERD-Committee, Concluding Observations, CERD/C/ISR/CO/13, 14 June, 2007

CERD-Committee, Decision on Israel 2 (63), 22 August 2003

CERD-Committee, State Party Report, CERD/C/471/Add.2, 1 September 2005

CERD-Committee, State Party Report, CERD/C/ISR/14-16, 17 January 2011

Human Rights Committee, Case no. 1134/2002 Gorji-Dinka v. Cameroon

Human Rights Committee, General Comment 12, The Right of Self-Determination (Art, 1), 1984

Human Rights Committee, General Comment 27, Freedom of Movement (art. 12),

1999

Human Rights Committee, General Comment 29, States of Emergency (art. 4), 2001

International Criminal Tribunal for the Former Yugoslavia. Prosecutor v. Kupreškić et al.(IT-95-16)"Lašva Valley"

International Committee of the Red Cross Commentary (1958)– art.1 part.I, General Provisions: Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949

International Committee of the Red Cross Commentary (1958)- art. 46, part. III: Status of Treatment of Protected Persons. Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

International Law Commission. Commentary to article 50 of its draft Articles on the Law of Treaties, ILC Yearbook, 1966, Vol. II

International Law Commission. Yearbook of the International Law Commission, 1966, Vol. II

Research Articles and Scholarly Literature

Attride-Stirling, J."Thematic networks: an analytic tool for qualitative research" *Qualitative Research,* Vol.1, issue 3, 2001 pp. 385-405

Berliner, M.J. "Palestinian Arab Self-Determination and Israeli Settlements on the West Bank: An Analysis of Their Legality under International Law," *Loy. L.A. Int'l & Comp. L. Rev.* vol. 8 issue 551, 1986

Bowen, G. "Document Analysis as a Qualitative Research Method", *Qualitative Research Journal.* Vol. 9, iss. 2, pp. 27-40, 2009

Bryman, A. (2012) *Social Research Methods*, 4th ed, Oxford University Press

Bugnion, F. "Jus ad Bellum, Jus in Bello and non-international armed conflict" *Yearbook of International Humanitarian Law,* T.M.C. Asser Press Vol. VI, 2003, pp. 167-198

Buzan, B. (2007) *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era.* 2nd ed. ECPR Press,

Buzan, B. "A reductionist, idealistic notion that adds little analytical value" *Security Dialogue*, vol. 35 no. 3, 2004

Buzan, B. and Waever, O. (2003) *Regions and Power: The Structure of International Security.* Cambrige University Press

Buzan, B., Wæver, O. and de Wilde, J. (1998) *Security: A New Framework for Analysis*, Boulder, CO: Lynne Reinner

Cardenas, E.J. & Canas, M.F. "The Limits of Self-Determination". Published in Danspeckgruber, W.F., ed. (2002) *The Self-Determination of Peoples. Community, Nation and State in an Interdependent World.* Lynne Rienner publishers, London

Cassese, A. (2005) *International Law.* 2nd edition. Oxford University Press

Cassese, A. (1995) *Self-determination of Peoples: A Legal Reappraisal.* Cambridge University Press.

Cassese, A. "Terrorism is also disrupting some crucial legal categories of international law" *EJIL, 2001,* vol. 12, no. 5, pp. 993-1001

Chandler, D. "Human Security: The Dog That Didn't Bark", *Security Dialogue* vol. 39, no. 4, August 2008

Charmaz, K. "Grounded Theory Methods in Social Justice Research" In *The Sage Handbook of Qualitative Research,* Sage Pub. 2011

Charney, J.I. "Self-Determination: Chechnya, Kosovo, and East Timor." *Vanderbilt Journal of Transitional Law,* Vol. 34, 2001, pp. 455-468

Cho, J. and Trent, A. "Validity in Qualitative Research Revisited", *Qualitative Research,* Vol. 6, no. 3, 2006

Chomsky, N. (1983) *The Fateful Triangle.* South End Press. Boston, MA

Chomsky, N. (2004) *Middle East Illusions: Including Peace in the Middle East? Reflections on Justice and Nationhood,* Rowman & Littlefield

Chomsky, N. and Pappe, I. (2015) *On Palestine,* Penguing: UK.

Chowdhury, S. R. "The Status and Norms of Self-Determination in Contemporary International Law", *Netherlands International Law Review,*Vol. 24, Iss. 1-2, May 1977, pp. 72-84

Crawford, J. (2007) *The Creation of States in International Law ,* 2nd ed. Oxford University Press

Cunningham, A. "Palestine: the Last Days of the Mandate." *International Affairs (Royal Institute of International Affairs 1944-),* Vol. 24, No. 4., Oct., 1948, pp. 481-490

D'Amato, A. "Israel's Borders under International Law", *Northwestern Public Law Research Paper,* No. 06-34, Jan 2007

Denzin, N.K. And Lincoln, Y.S. "Disciplining the Practice of Qualitative Research". In *The Sage Handbook of Qualitative Research. Sage Pub.* 2011

Dugard, J. (1973) *The South West Africa/Namibia Dispute.* University of California Press.

Dugard, J. and Reynolds, J. "Apartheid, International Law and the Occupied Palestinian Territories", *The European Journal of International Law,* vol 24, no. 3

Engel, R.J. and Russell, S.K. (2009) *Fundamentals of Social Work Research.* Sage

publications

Fairclough, N. (1989) *Language and Power.* Harlow: Longman Group UK Limited.

Falk, R.A. And Weston, B.H. "The Relevance of International Law to Palestinian Rights in the West Bank and Gaza: In Legal Defense of the Intifada", *Harvard International Law Journal,* vol. 32, no. 1, Winter 1991

Farsakh, L. "The One-State Solution and the Israeli-Palestinian Conflict: Palestinian Challenges and Prospects." *The Middle East Journal* Vol. 65. Issue.1 (2011), pp. 55-71

Finkelstein, N. "The Camp David II Negotiations: How Dennis Ross Proved the Palestinians Aborted the Peace Process" *Journal of Palestine Studies,* Vol.36, No. 2, 2006/2007

Floyd, R. " Human Security and the Copenhagen Securitization Approach". *Human Security Journal,* Vol. 5, Winter, 2007

Flyvbjerg, B. "Case Study" in *The Sage Handbook of Qualitative Research, Sage Pub.* 2011

Flyvbjerg, B. "Five Misunderstandings of Case Study Research" *Qualitative Inquiry.* Vol. 12, No. 2, April, 2006

Forster, N. "The analysis of company documentation", in C. Cassell and G. Symon (eds.), *Qualitative Methods in Organizational Research,* London, Sage

Franck, T.M. " The Emerging Right to Democratic Governance" *The American Journal of International Law,* Vol. 86, No. 1, Jan., 1992, pp. 46-91

Franck, T. "Terrorism and the Right of Self-Defense" A*merican Journal of International Law*, Vol. 95, No. 4 Oct, 2001, pp. 839-843

Fraser, T.G. "A Crisis of Leadership: Weizmann and the Zionist Reactions to the Peel Commission's proposals." *Journal of Contemporary History,* vol. 23, 1988, pp. 657-680

Gayim, E. (1993) *The Eritrean Question: The Conflict Between the Right of Self-Determination and the Interests of States,* Swedish Institute of International Law, Studies in International Law, Vol. 12. Iustus Förlag

Gayim, E. "The Principle of Self-Determination: A Study of its Historical and Contemporary Legal Evolution", *Norwegian Institute of Human Rights.* Publication no. 5, December 1990

Gavison, R. "The Jews' Right to Statehood: A Defense", *Azure,* no. 15, Summer 2003

Hunnum, H. "The Right of Self-determination in the Twenty-First Century" *Washington and Lee Law Review,* vol. 55/3, June, 1998, pp. 773-780

International Committee of the Red Cross/Henckaerts, J-M. "Customary International Humanitarian Law" *International Review of the Red Cross,* Vol. 87, No. 857, March 2005

Jackson et al. "What is Qualitative Research?", *Qualitative Research Reports in Communication,* Vol. 8, No. 1, 2007

Klabber, J. " The Right to be Taken Seriously: Self-determination in International Law" *Human Rights Quarterly* Vol. 28, no. 1, February 2006, pp. 186-206

Kelly, M.J. "Critical Analysis of International Court of Justice Ruling on Israel's Security Barrier", *Fordham International Law Journal,* Vol. 29, Iss. 1, 2005, pp.181-228

Ker-Lindsay, J. "Preventing the Emergence as a Norm of Secession: An Assessment of the Kosovo 'Unique Case' Argument.", *Euro-Asia Studies,* Vol. 65, iss. 5, 2013, pp. 837-856

Kirgis, Jr., F.L. *"The Degrees of Self-Determination in the UN Era". The American Journal of International Law,* Vol. 88, No. 2, Apr., 1994, pp. 304-310

Koskenniemi, M. "The politics of international law", *European Journal of International Law,* Vol. 1 (1990), p. 4.

Kunda, G. (2006) *Engineering Culture.* Philadelphia: Temple University Press

Kurtulus, E.N. "The Notion of a "Pre-emptive War": the Six Day War Revisited". *Middle East Journal.* Volume 61, No. 2, Spring 2007; pp. 220-238

Lamberti, S. "The Dutch fight alone: The principle of self-determination" *Security and Human Rights. Vo*l. 23. Issue. 1, 2012

Lapidoth, R. "The Misleading Interpretation of Security Council Resolution 242", p. 85-95, in *Israel's Rights as a Nation-State in International Diplomacy* (ed. Amb. Alan Baker), Jerusalem Center for Public Affairs – World Jewish Congress, 2011

Lupovici, A. "The Limits of Securitization Theory: Observational Criticism and the Curious Absence of Israel" *International Studies Review*, Vol. 16, iss. 3, pp. 390-410, September 2014

Makdisi, S. (2010) *Palestine Inside Out: An Everyday Occupation*, W.W. Norton & Company

Marshall, C. and Rossman, G. B. (1998) *Designing Qualitative Research*. Sage Pub., 3rd ed

Mills, S. (1997) *Discourse.* London and New York; Routledge.

Morris, B. (2004) *The Birth of the Palestinian Refugee Problem Revisited,* Cambridge University Press, 2nd ed

Murphy, S.D. "Self-Defense and the Israeli Wall Advisory Opinion: An Ipse Dixit from the I.C.J.?" *The American Journal of International Law,* Vol. 99, 2005, pp. 62-76

Neuberger, B. "National self-determination: A theoretical discussion" *Nationalities Papers,* Vol.29, Iss.3, 2001

Newman, E. "Critical Human Security Studies". *Review of International Studies,* Volume 36, 2010, pp. 77–94

O'Connell, M.E. "Preserving the Peace: the Continuing Ban on War between States" *California Western International Law Journal,* Vol. 38, 2007

Paris, R. "Human Security: Paradigm Shift or Hot Air?" *International Security,* Volume 26, Number 2, Fall 2001, pp. 87-102

Perry, C., and O. Jensen (2001). "Approaches to Combining Induction and Deduction In One Research Study," Conference of the Australian and new Zealand Marketing Academy, Auckland, New Zealand.

Peräkylä, A. and Ruusuvuori, J. "Analyzing Talk and Text". In *The Sage Handbook of Qualitative Research, Sage Pub.* 2011

Pomerance, M. "The ICJ's Advisory Jurisdiction and the Crumbling Wall Between the Political and the Judicial", *The American Journal of International Law.* Vol. 99, no. 1, 2011, pp. 26-42

Pundak, R. "From Oslo to Taba: What Went Wrong?" *Survival,* vol. 43 no. 3, Autumn 2001, pp. 31-45

Quane, H. "Self-determination and the UN" *The international and comparative law quarterly,* vol. 47, No.3., July 1998

Quigley, J. (1990) *Palestine and Israel: A Challenge to Justice,* Duke University Press

Raday, F. "Self-Determination and Minority Rights", *Fordham International Law Journal,* vol. 26, iss. 3, 2002

Rolfe, G. "Validity, Trustworthiness, and Rigour: Quality and the Ideal of Qualitative Research", *Journal of Advanced Nursing,* Volume 53, Issue 3, February 2006

Ronzitti, N. "The Expanding Law of Self-Defence" *Journal of Conflict and Security Law*, Vol. 11, no. 3, 2006

Rowstow, N. "The Historical and Legal Contexts of Israel's Borders" p.75-83, in *Israel's Rights as a Nation-State in International Diplomacy* (ed. Amb. Alan Baker), Jerusalem Center for Public Affairs – World Jewish Congress, 2011

Rubin, H., & Rubin, I. (1995). *Qualitative interviewing: The art of hearing data.* Thousand Oaks, CA: Sage p. 72-73

Ryan, G.W. and Bernard, H.R. (2003) "Thank Heaven for Little Girls: "Girl Heaven" and the Commercial Context of Feminine Childhood", *Sociology,* 36: 619-37

Sandelowski, M. "Rigor or rigor mortis: the problem of rigor in qualitative research

revisited", *Advances in Nursing Science,* Vol. 16, issue 2, 1993, pp.1-8

Saul, M. "The Normative Status of Self-Determination in International Law: A Formula for Uncertainty in the Scope and Content of the Right?" *Human Rights Law Review,* Vol. 11, no. 4 (2011) pp. 609-644

Schmitt, M.N. "Preemptive Strategies in International Law" *Michigan Journal of International Law,* Vol. 24, no. 530, Winter, 2003, pp.513-548

Schneebaum, S. M. "What Is This Case Doing Here - Human Rights Litigation in the Courts of the United States" *Case Western Reserve Journal of International Law,* Vol. 44, 2011

Scott, J. (1990) *A Matter of Record, Documentary Sources in Social Research*, Cambridge: Polity Press.

Seale, C. "Quality in Qualitative Research", *Qualitative Inquiry,* Vol. 5 no. 4, 1999

Selassie, B.H. "Self Determination in Principle and Practice: The Ethipoian-Eritrean Experience." *Columbia Human Rights Law Review.* 29 Rev. 91. 1997: pp. 92-138

Shlaim, A. "The Protocol of Sevres, 1956: Anatomy of a War Plot". *International Affairs (Royal Institute of International Affairs 1944-),* Vol. 73, No. 3, Globalization and International Relations . Jul., 1997; pp. 509-530

Stark & Torrance, (2005). In Somekh & Lewin, *Research methods in the social sciences.* 2005

Sutton, Robert I. and Barry M. Staw. "What Theory is Not." *Administrative Science Quarterly* Vol. 40, September 1995, pp. 371-384.

Tilley, V. (2010) *The One-State Solution: A Breakthrough for Peace in the Israeli-Palestinian Deadlock.* University of Michigan Press

Torraco, R. J. "Theory-Building Research Methods." In Swanson R. A. and E. F. Holton III , editors. *Human Resource Development Handbook: Linking Research and Practice.* (San Francisco, CA: Berrett-Koehler, 1997)

Van den Hole, L."Anticipatory Self-Defence under International Law" *American University International Law Review,* vol 19, iss. 1, 2003, pp. 69-106

Van Dijk, T. A. "Structures of discourse and structures of power."*Communication yearbook, 12,* 1989, pp. 18-59

Waever, O. (1995) "Securitization and Desecuritization", in R.D. Lipschutz (ed.), *On Security,* New York: Columbia University Press

Waever, O., Buzan, B., Kelstrup, M., Lemaitre, P., with Carlton et al. (1993) *Identity, Migration and the New Security Agenda in Europe.* London: Pinter.

Warner, G. "The United States and the Suez crisis". *International Affairs (Royal Institute of International Affairs 1944-),* Vol. 67, No. 2, Apr., 1991, pp. 303-317

Wesley J.J. "Qualitative Document Analysis in Political Science" Working Paper, T2PP Workshop, 9-10 April 2010, Amsterdam

Williams, M.C. "Words, Images, Enemies: Securitization and International Politics" *International Studies Quarterly,* Vol. 47, 2003, pp. 511–531

Wodak, R. (2008). "Introduction: Discourse Studies – Important Concepts and Terms", in Wodak, R. and Krzyzanowski, M. (ed.) *Qualitiative Discourse Analysis in the Social Sciences.* Hampshire and New York: Palgrave Macmillan.

Yakobson, A. and Rubinstein, A. (2009) *Israel and the Family of Nations: The Jewish Nation-state and Human Rights,* Taylor & Francis

Young, I.M. "Self-determination as non-domination Ideals applied to Palestine/Israel" *Ethnicities.* 2005, vol. 5 iss. 2 pp. 139 -159.

Newspaper Articles

"A Jewish state? 'Definitely'" *Haaretz,* 18 June 2004

"Arafat Says P.L.O. Recognized Israel", *New York Times,* December 8, 1988

"Barak to Haaretz: Israel ready to cede parts of Jerusalem in peace deal", *Haaretz,* September 1, 2010

"If you recognise new Palestinian government you support terrorism, Benjamin Netanyahu tells world leaders", *The Independent*, 1 June 2014

"Israel 'deeply disappointed' U.S. will work with new Palestinian government", *Haaretz*, 3 June 2014

"Israel condemns US for backing Palestinian unity government", *The Guardian*, 3 June 2014

"Israel signals readiness to cede parts of Jerusalem to Palestinians", *The Guardian,* 15 October 2007

"Mahmoud Abbas outrages Palestinian refugees by waiving his right to return", *The Guardian,* 4 November 2012

"Netanyahu: Israel's Arabs are the real demographic threat", *Haaretz,* December 8, 2003

"Netanyahu: No peace until Palestinians accept Israel as Jewish state", *Haaretz,* 24 sept, 2009

"PA-official: We won't recognize Israel as a Jewish state"- *Haaretz.* 8 september, 2010

"Sticking Point in Peace Talks: Recognition of a Jewish State", *New York Times,* Jan 1, 2014.

"The One-State Solution" (Op. ed. E. Said) *The New York Times*, January 10, 1999.

Various Other Sources

Amnesty International, "Israel/Occupied Territories and the Palestinian Authorities: Five years after the Oslo Agreement: Human rights sacrificed for security", 31 August 1998

Amnesty International, "Operation 'Cast Lead': 22 days of death and destruction," 2 July 2009

Annual report to the Council of the League of Nations. U.K. 31 December, 1930.

Annual report to the Council of the League of Nations. U.K. 31 December, 1933

B'Tselem, "Human Rights Violations during Operation Pillar of Defense 14-21 November 2012", May 2013

B'Tselem, "Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank", August 2007

B'Tselem, "Statistics on Settlements and Settlement Population." Jan 1, 2011

Badil Resource Centre for Palestinian Residency and Refugee Rights/ E. Schaeffer, "Separate Legal Systems for Jewish-Israeli Settlers and Palestinians in the Occupied Territories", Autumn 2011.

Balfour Declaration, 2 November, 1917, United Kingdom.

Basic Law: Jerusalem, Capital of Israel (1980)

Charter of the United Nations (1945)

Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949.

Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907

Declaration adopted by the Extraordinary Zionist Conference at the Biltmore Hotel of New York City, 11 May 1942

Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993

Division for Palestinian Rights (DPR): "The origins and evolution of the Palestine problem: 1917-1988, 30 June 1979

Human Rights Watch, "Deprived and Endangered – Humanitarian Crisis in the Gaza Strip", January 2009, no. 1

Human Rights Watch, "Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians", October 2002

International Committee of the Red Cross, "Gaza – 1,5 million people trapped in despair", June 2009

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

International Covenant on Civil and Political Rights (1966)

International Covenant on Economic, Social and Cultural Rights (1966)

International Criminal Court, Press Release, "The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination of the situation in Palestine", 16 January 2015

International Crisis Group, "Next Round in Gaza", Middle East Report no. 149, 25 March 2014

Israel Ministry of Defence, Israel's Security-fence, News Briefs, "The Supreme Court and the ICJ", 15 September 2005

Israel Ministry of Foreign Affairs (sorted by date):

- M Peres Statement- Opening Winter Session of Knesset, 23 October 1995

- Israel's Settlements' Conformity with International Law, 1 December 1996

- Israeli Settlements and International Law, 20 May 2001.

- Do Palestinian Refugees Have a Right to Return to Israel (Ruth Gavison), 15 January 2001

- Which Came First – Terrorism or Occupation – Major Arab Terrorist Attacks against Israelis prior to the 1967 Six-Day War, March 2002

- Remarks by FM Peres to Delegation of the Conference of Presidents of Major American Jewish Organizations, 20 February 2002

- Disputed Territories: Forgotten Facts About the West Bank and Gaza Strip, 1 February, 2003

- Saving Lives – Israel's Security Fence, 26 November 2003

- PM Ariel Sharon's Address to the Fourth Herzliya Conference, 18 December 2003

- Statement by PM Ariel Sharon at the Sharm el-Sheikh Summit, 8 January 2005

- The Citizenship and Entry into Israel Law (Temporary Order) 2003, 23 March 2005

- Israel's Disengagement Plan – Renewing the Peace-Process, 20 April 2005

- Speech by PM Sharon to Jewish Agency Assembly, 28 June 2005

- Evacuation of Israeli Civilians from Gaza Strip Completed, 22 August 2005

- Excerpt from speech by PM Sharon at the laying of the cornerstone of Nurit, 29 August 2005

- PM Sharon Addresses the United Nations General Assembly, 15 September 2005

- Address by Acting PM Ehud Olmert at 6th Herzliya Conference, 24 January 2006

- Basic Guidelines of the 31st Government of Israel, 4 May 2006

- Address to the Knesset by PM Olmert on presentation of 31st government 04 May 2006

- Address by PM Olmert to a Joint Meeting of the US Congress 24 May 2006

- Excerpt from Address by PM Olmert to the 35th Zionist Congress 20 Jun 2006

- Excerpt from Address by PM Ehud Olmert to the Board of Trustees of the Jewish Agency 26 Jun 2006

- PM Olmert addresses the United Jewish Communities General Assembly 14 Nov 2006

- Address by PM Ehud Olmert to the opening of the Knesset winter session, 08 Oct 2007

- Excerpts from address by PM Ehud Olmert to the Israel Business Conference, 10 Dec 2007

- Address by PM Olmert to the Institute for National Security Studies, 11 Dec 2007

- Address by Prime Minister Ehud Olmert to the 8th Herzliya Conference 23 Jan 2008

- Address by PM Ehud Olmert to the Conference of Presidents of Major Jewish Organizations 17 Feb 2008

- Address by PM Ehud Olmert to the AIPAC Policy Conference 2008, 03 Jun 2008

- Address by FM Livni to the UJC GA, 19 November 2008.

- Address by PM Olmert to the TAU INSS Annual Conference 18 Dec 2008

- Address by PM Netanyahu at Bar-Ilan University, 14 June 2009

- PM Netanyahu addresses National Defense College graduates 28 Jul 2009

- Policy statement by PM Netanyahu at opening of Knesset winter session, 12 Oct 2009

- PM Netanyahu addresses the Jewish Federations of North America General Assembly 09 Nov 2009

- PM Netanyahu addresses the Saban Forum 15 Nov 2009

- Excerpts from PM Netanyahu's speech at the Knesset Special Session 23 Dec 2009

- Address by PM Netanyahu at the Herzliya Conference 03 Feb 2010

- PM Netanyahu addresses Conference of Presidents of Major American Jewish Organizations 17 Feb 2010

- Address by PM Benjamin Netanyahu at AIPAC Conference 22 Mar 2010

- PM Netanyahu addresses Knesset special session marking the 150th anniversary of Herzl's birth, 26 Apr 2010

- PM Netanyahu addresses Conference of Presidents of American Jewish Organizations 07 Jul 2010

- Address by PM Netanyahu to the Jewish Agency Board of Governors-Excerpts 28 Jun 2011

- Remarks by PM Benjamin Netanyahu to the U.N. General Assembly 23 Sep 2011

- PM Netanyahu addresses opening of Knesset winter session 31 Oct 2011

- PM Netanyahu Addresses opening of Knesset winter session, 31 Oct 2011

- PM Netanyahu addresses Knesset session marking International Holocaust Remembrance Day, 24 Jan 2012

- PM Netanyahu addresses Institute for National Security Studies 29 May 2012

- Israel's High Court of Justice and the Security Fence, November 2012

- PM Netanyahu addresses Jewish Agency Board of Governors 18 Feb 2013

- PM Netanyahu's address to the Saban Forum 08 2013

- PM Netanyahu Speech at Bar-Ilan University, 6 October 2013

- UNRWA: Israel Statement to UN Fourth Committee. 7 November 2013

- PM Netanyahu addresses Jewish Federations of North America 10 Nov 2013

- PM Netanyahu's address to the Saban Forum, 08 Dec 2013

-PM Netanyahu addresses INSS Annual Conference, 28 Jan 2014

- The Meaning of Israel as the State of the Jewish People (FM Avigdor Liebermann), 20 February 2014

- Address by PM Netanyahu at the Institute for National Security Studies 26 Jun 2014

- PM Netanyahu addresses the UN General Assembly 29 Sep 2014

- PM Netanyahu at the opening of the Knesset winter session, 27 october 2014

- Cabinet Communique, 23 November 2014

- PM Netanyahu addresses 11th Annual Saban Forum, Excerpts 07 Dec 2014

- PM Netanyahu addresses the foreign press in Israel, 17 Dec 2014

- 5 Statement to the Knesset by Prime Minister Ben-Gurion, 5 December 1949, *undated*

- 7 Statement to the Knesset by Prime Minister Ben-Gurion, 13 December 1949, *undated*

- 16 Letter From Foreign Minister Eban to Secretary-General U Thant on Jerusalem, 10 July 1967, *undated*

- 31 Address by Vice Premier and Finance Minister Peres to the Conference on Jewish Solidarity with Israel- 21 March 1989", Volume 11-12, 1988-1992, *undated*

- 109 Address by Prime Minister Netanyahu to AIPAC conference- Washington, 7 April 1997, Volume 16: 1996-1997, *undated*

- 316 Interview with Vice Premier and Foreign Minister Peres on Israel Television – 30 December   1987, Volume 9-10, 1984-1988, *undated*

- Statements Clarifying the Meaning of UN Security Council Resolution 242, 22 November 1967 *undated*

****

Israel-PLO Recognition: Exchange of Letters between PM Rabin and Chairman Arafat. 9 September, 1993

Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington, D.C., September 28, 1995

League of Nations. *An Interim Report on the Civil Administration of Palestine*, 21 March, 1921.

League of Nations,. Mandate for Palestine. 12 Aug 1922

Negotiations Affairs Department of the PLO (NAD-PLO.org):

- "Address of H.E. President Mahmoud Abbas to the PLO Central Council – April

30,   2014"

- "Conclusions of the PLO Central Council Meeting- April 30, 2014"

- "Jerusalem Non-Paper", June, 2010

- "Territory Non-Paper", May 2010

- "Refugees Non-Paper", June 2010

Palestine National Charter of 1964

Peace Treaty between the State of Israel and the Arab Republic of Egypt, signed in Washington D.C., March 26, 1979.

Pew Center Research, "Mounting Pessimism about Two-State Israeli-Palestinian Solution", 25 June 2014

"Report of the United Nations Fact-Finding Mission on the Gaza Conflict", 25 September 2009

Response Statement by the Arab League States Following the Establishment of the State of Israel. May 15, 1948

Rome Statute of the International Criminal Court (1998)

Supreme Court of Canada (Reference re Secession of Quebec, [1998] 2 S.C.R. 217

The 1939 White Paper (Statement of Policy). Command Paper 6019. U.K. 1 May, 1939

The Declaration of the Establishment of the State of Israel, 14 May, 1948

The Hussein-McMahon Correspondence, 1915.

The Knesset (Press release): "Prime Minister Netanyahu defends nation-state bill during heated plenary session", November 27, 2014

The Knesset, "Disengagement Plan of Prime Minister Ariel Sharon", April 16, 2004

UNISPAL, "President Mahmoud Abbas' Speech at the Sharm el-Sheikh Summit", 8 January 2005

United Kingdom, Command Paper 3686, October 1930

United Kingdom, Command paper 3692, October, 1930

United Kingdom, Command Paper 5974, 16 March 1939

United Nations Conciliation Commission for Palestine.. "The Future of Arab Palestine and the Question of Partition" (Working paper prepared by the Secretariat), 30 July, 1949

United Nations Department of Public Information, DPI/2157/Rev.1, March 2003

United Nations Department of Public Information, DPI/2499/Rev.1, 2008

United Nations Office for the Coordination of Humanitarian Affairs, "Israeli-Palestinian Fatalities Since 2000 – Key Trends", 31 August 2007

United Nations Office for the Coordination of Humanitarian Affairs "Occupied Palestinian Territory: Gaza Emergency – Situation Report (as of 4 September 2014, 08.00 hrs)

Vienna Covention on the Law of Treaties (1969)

Websites

Amnesty International – Israel/Occupied Palestinian Territories/ Human Rights Concerns:
http://www.amnestyusa.org/our-work/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories

Carl Bildt's Statement at Twitter.com:
http://twitter.com/carlbildt/status/634257220532858880

"Decolonization" - United Nations:
http://www.un.org/en/globalissues/decolonization/index.shtml

Introductory Note to Resolution 1516 (XV) by Edward McWhinney:
http://legal.un.org/avl/ha/dicc/dicc.html

Israel Ministry of Foreign Affairs: "Victims of Palestinian Violence and Terrorism since September 2000":
http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/victims%20of%20palestinian%20violence%20and%20terrorism%20sinc.aspx

Negotiations Affairs Department of the PLO: "Refugees": http://www.nad-plo.org/etemplate.php?id=12&more=1#3

Negotiations Affairs Department of the PLO: "Settlements": http://www.nad-plo.org/etemplate.php?id=11&more=1

Nieto-Navia, R. "International Peremptory Laws (*jus cogens*) and International Humanitarian Law" p. 15, at
http://www.iccnow.org/documents/WritingColombiaEng.pdf

Ratification statistics for ICESCR:
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en

Ratification statistics for ICCPR:
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en

The SAGE Encyclopedia of Qualitative Research Methods. Lisa M. Given, Pub. date: 2008 |DOI: http://dx.doi.org/10.4135/9781412963909

United Nations. Department of Public Information- Cartigraphic Section. Map no.

3243. Rev. 4. June 1993:
http://unispal.un.org/unispal.nsf/cf02d057b04d356385256ddb006dc02f/b08a2e4d1fd
e5cec85256b98006e752f?OpenDocument

United Nations. Middle East-UNEF I Background.
http://www.un.org/en/peacekeeping/missions/past/unef1backgr2.html

UNRWA.org "Palestine Refugees": http://www.unrwa.org/palestine-refugees

Annex I: Partition Plan of Mandate (Historic) Palestine
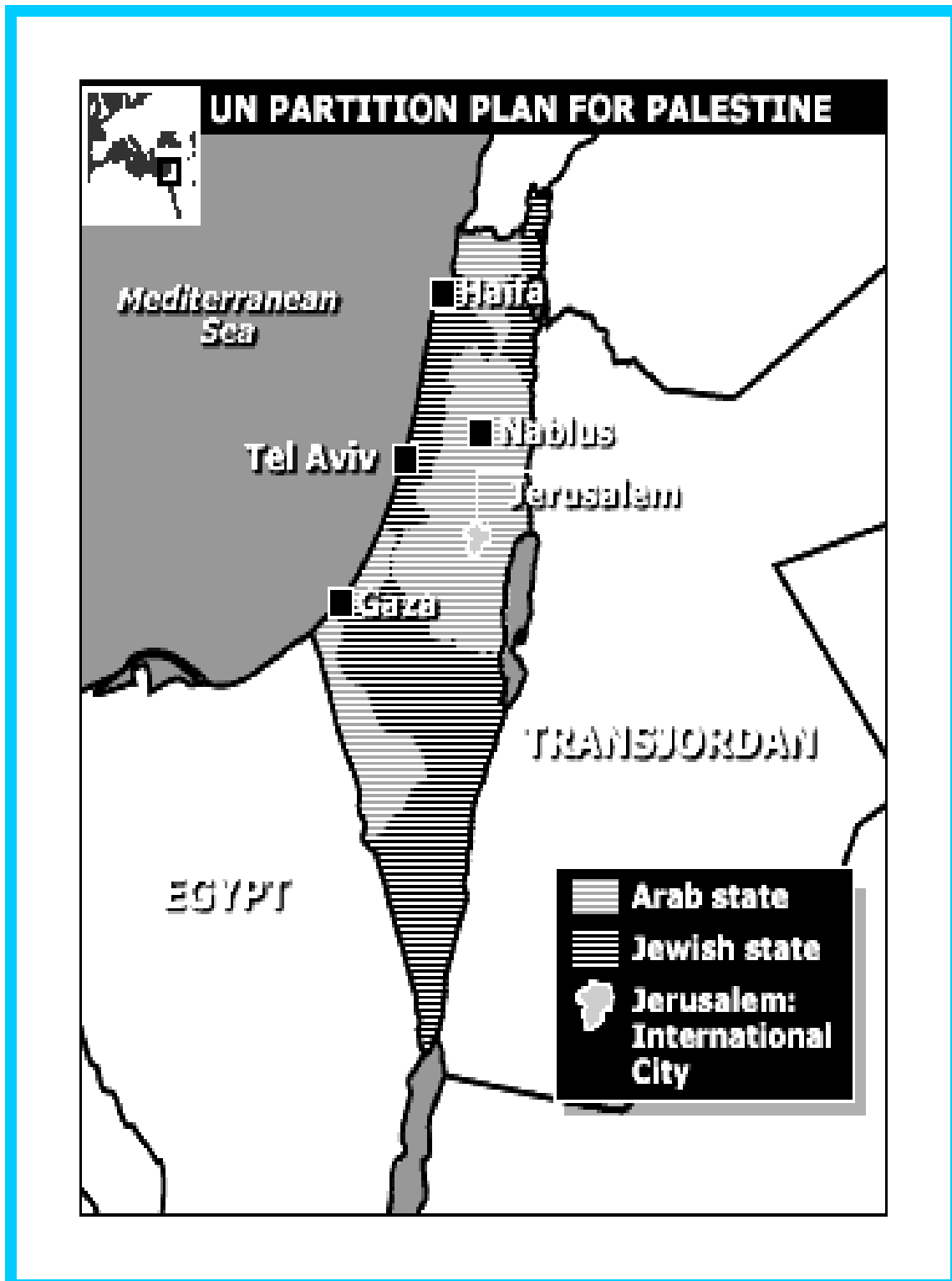
Annex II: The Demarcation Line and the oPt

TERRITORIES OCCUPIED
BY ISRAEL
SINCE JUNE 1967

LEBANON

Quneitra

Nahariyya

GOLAN

Nawa

Haifa

Tiberias

SYRIAN ARAB
REPUBLIC

Nazareth

MEDITERRANEAN
SEA

Jenin

Netanya

Tulkarm

Nablus

Qalqilya

Jordan

WEST BANK

Tel Aviv

Amman

Ramle

Jericho

Jerusalem

Bethlehem

Hebron

Dead
Sea

Gaza

GAZA

Rafah

Bersheeba

JORDAN

ISRAEL

EGYPT

SINAI

Armistice Demarcation
Line, 1949

Boundary of Former
Palestine Mandate

International Boundary

0   10   20   30   40 km
0   10   20   30 mi

The designations employed and the
presentation of material on this map do
not imply the expression of any opinion
whatsoever on the part of the Secretariat of
the United Nations concerning the legal status
of any country, territory, city or area or of its
authorities or concerning the delimitation of its
frontiers or boundaries.

Elat

Map No. 3243 Rev.4   UNITED NATIONS
June 1997

Department of Public Information
Cartographic Section

67

Annex III: UNSC Resolution 242 (1967)

UNITED NATIONS

S

Security Council

S/RES/242 (1967)
22 November 1967

Resolution 242 (1967)
of 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting.

Annex IV: West Bank Settlements
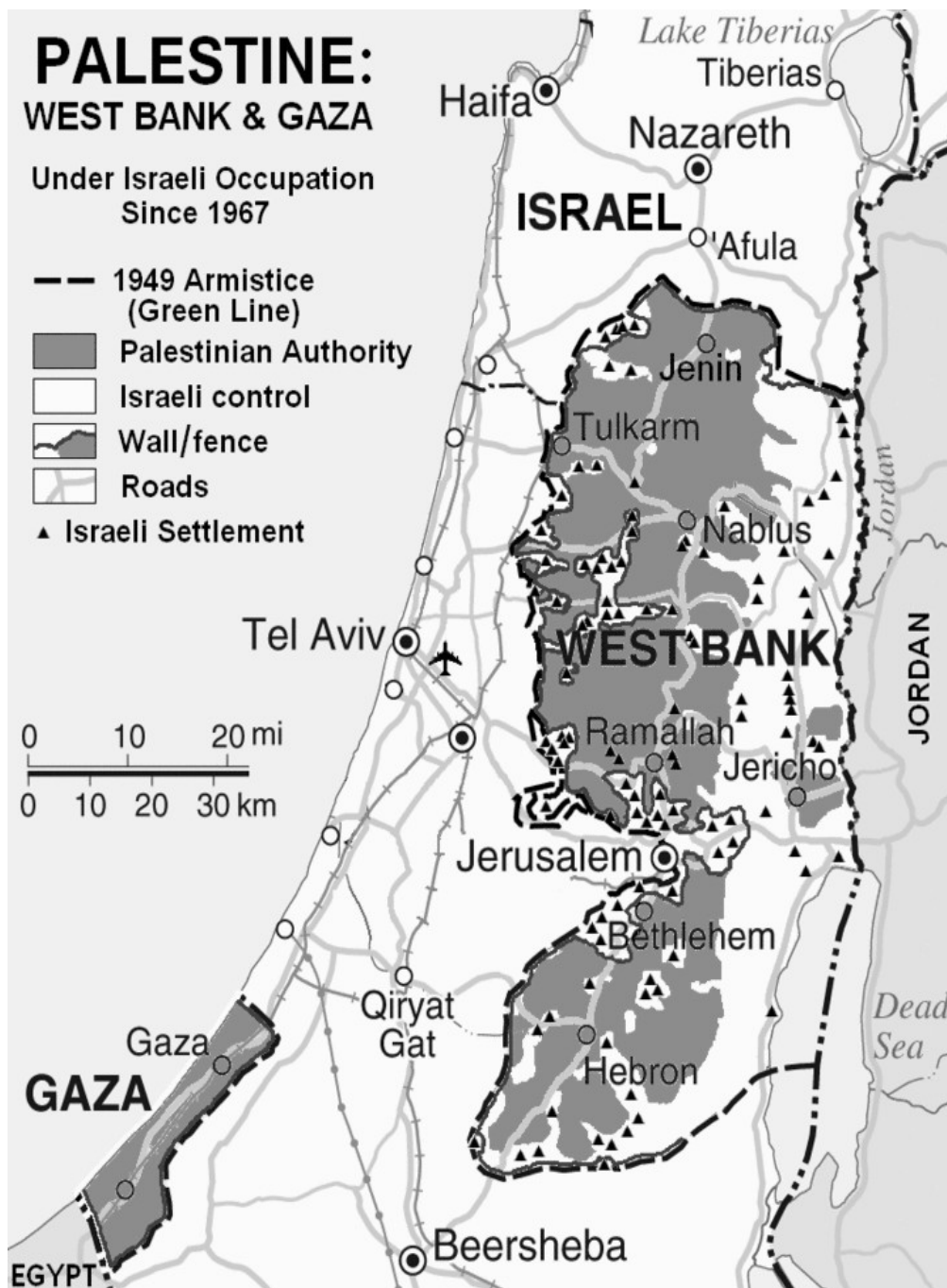
Annex V: Area C

United Nations Office for the Coordination of Humanitarian Affairs
occupied Palestinian territory
West Bank: Area C Map
February 2011

Border
--- International Border
--- Green Line

Israeli Unilaterally Declared
Municipal Area of Jerusalem[1]

1. In 1967, Israel occupied the West Bank and unilaterally annexed to its territory 70.5 km of the occupied area

Barrier
—— Constructed / Under Construction
----- Planned

Oslo Agreement[2]
Area (A), (B)
Area C & Nature Reserves

Oslo Interim Agreement
2. Area A : Full Palestinian civil and security control
Area B: Full Palestinian civil control and joint Israeli-Palestinian security control
Area C: Full Israeli control over security, planning and construction

Mediterranean Sea
West Bank
Gaza Strip
ISRAEL
EGYPT   JORDAN

Jenin
Tubas
Tulkarm
Nablus
Qalqiliya
Salfit
Ramallah
River Jordan
No Man's Land
Jericho
East Jerusalem
1949 Armistice Line (Green Line)
Bethlehem
Dead Sea
Hebron

Kilometers
0 2.5 5 10

United Nations Office for the Coordination of Humanitarian Affairs
Cartography: OCHA-oPt - February 2011. Base data: OCHA, PA MoP, JRC. update 08. For comments contact <ochaopt@un.org> or Tel. +972 (02) 582-9962   http://www.ochaopt.org