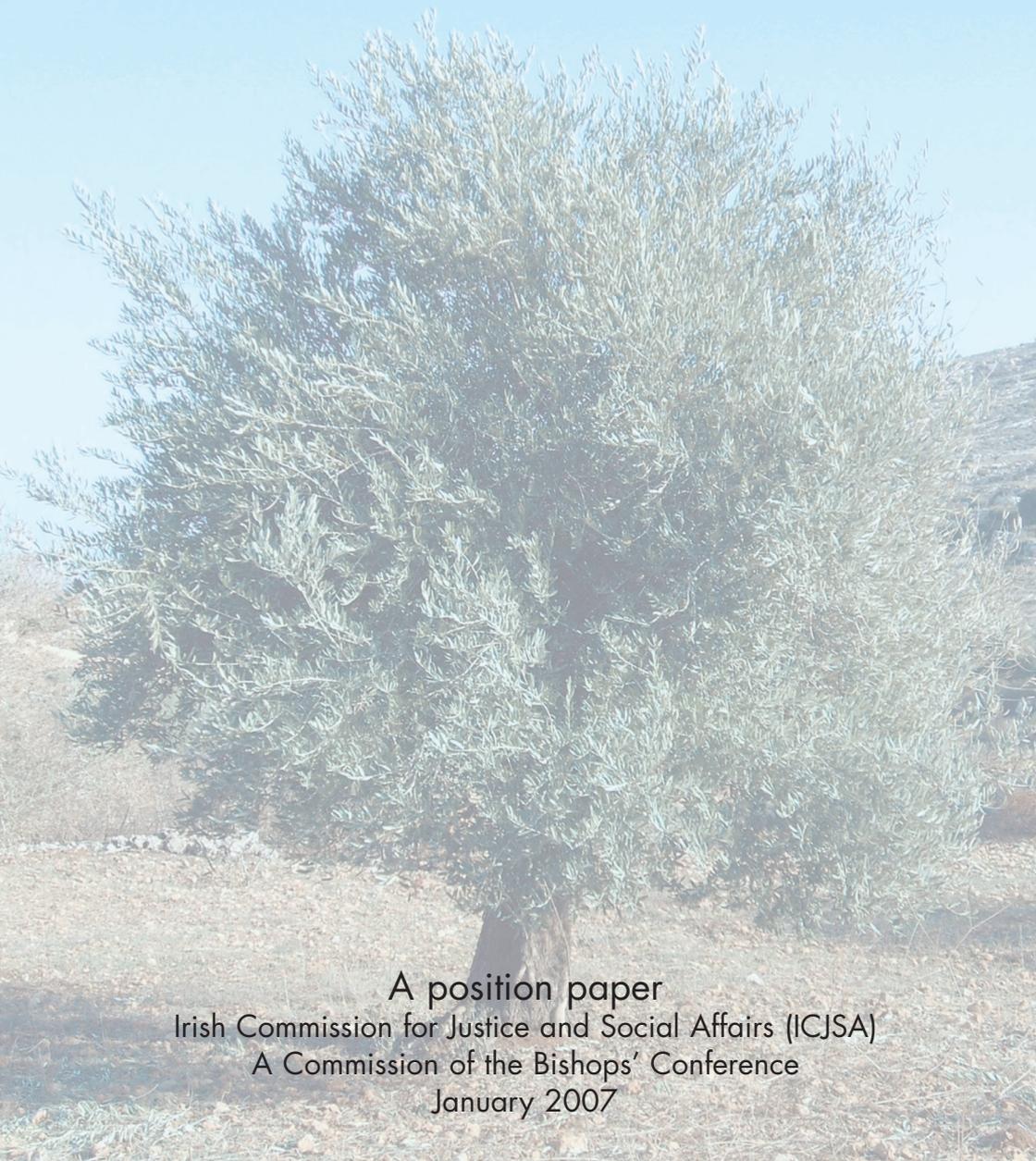


# **PALESTINE/ISRAEL**

## **PRINCIPLES FOR A JUST PEACE**



A position paper  
Irish Commission for Justice and Social Affairs (ICJSA)  
A Commission of the Bishops' Conference  
January 2007



# Israel and Palestine: Then and Now

**1967 Pre-Occupation Border**  
22% of Historic Palestine



**Israel and Palestine (2004)**



 Palestine Controlled Territory

## INTRODUCTION

The Holy See in Jerusalem established the Coordination of Episcopal Conferences in support of the Church in the Holy Land in 1998. This group, which met in January 2007 in the Holy Land, represents Catholic Bishops' Conferences in Europe, Canada and North America. As Chair of the Irish Commission for Justice and Social Affairs (ICJSA), a Commission of the Irish Bishops' Conference, I attended with my colleague Bishop John Kirby, Chairman of Trócaire, whose help and support made our visit as representatives of the Irish Bishops' Conference possible.

A communiqué issued by the Coordination Group highlighted just some of the main issues and our concerns surrounding our experiences at the end of the visit. We found that in the wake of a traumatic year for Israelis, Palestinians and the peoples of the Holy Land, the work of our Coordination of Episcopal Conferences in Support of the Church in the Holy Land seemed more important than ever before.

Here at home, and among Catholic people generally, there is enormous interest in and concern over the worsening situation of the peoples of the Holy Land, the suffering brought about by the Separation Wall, the departure of so many members of the Christian community from the Holy Land - along with the status of the Christian sites, which are of such importance to us all.

During our time there we visited Gaza and met members of the Christian community, visited Catholic schools where we were both uplifted and also saddened to see and hear the children sing and express in dance their hope for an end to their suffering and imprisonment. We were impressed by the rapport between the Catholic Church and Muslim leaders, as they shared a common hope for an end to the injustices they all experienced while living in poverty in Gaza.

In Galilee, the delegation met with members of the Christian communities and heard their stories of joy and suffering. A highlight was the visits to different parish communities, where we again were moved by the determination of the people to continue despite their situation. We shared in their liturgical celebrations and enjoyed their very generous hospitality. While hearing of their concerns we also heard of their plans and strategies to build a common future with persons of all faiths.

All expressed concern at the departure of the members of the Church who had left the Holy Land as a result of the conflict to build a new life elsewhere. Their going should be a concern for all Christians. We were greatly encouraged by the inter-faith dialogue we shared between representatives of the Jewish, Christian, Muslim and Druze communities.

It was clear to the delegation that the Christian presence is a moderating influence and is essential to achieving peace. While small in number, Christians are an integral part of the people of Israel and the Palestinian Territories. It was clear to the delegation that the future of all peoples of the Holy Land depends on securing a just and lasting peace.

As Pope Benedict stated recently in his address to the members of the Diplomatic Corps, "The Israelis have a right to live in peace in their state; the Palestinians have a right to a free and sovereign homeland." (8 January 2007). There is clearly profound suffering on both sides and mutual trust must be established through specific measures that build confidence.

The ICJSA here renews its call to both Jews and Palestinian leaders, along with the international community, to continue to work towards bringing all parties to the negotiating table and to securing a just and lasting peace for two peoples, Israelis and Palestinians – and the members of three religions – Jews, Christians and Muslims.

This document on Israel and Palestine is written in a spirit of solidarity with the Christians of the Holy Land, to help our understanding of the conflict, and with the earnest desire and the sincere hope that a just and peaceful solution to the ongoing crisis there will be achieved.

Bishop Raymond Field  
Auxiliary Bishop of Dublin  
Chair of the Irish Commission for Justice and Social Affairs  
*January 19 2007*

# PALESTINE/ISRAEL

## PRINCIPLES FOR A JUST PEACE

There can be no peace without justice, no justice without forgiveness.<sup>1</sup>

*"I appeal to Israeli and Palestinian leaders that, with the generous help of the international community, they may seek responsibly for that negotiated end to the conflict, which alone can ensure the peace to which their people aspire." (Pope Benedict XVI)<sup>2</sup>*

### INTRODUCTION: HEARING THE OTHER VOICE

In the course of their 2002 address to the Christian community in the Holy Land the Catholic Bishops of Europe and North America offered this reflective comment on the on-going cycle of violence in the Middle East.

*"The present cycle of violence is a tragedy for everyone. It is profoundly wrong to keep a people under occupation; it is abhorrent to hold millions of men, women and children confined in one enormous jail. It is likewise morally reprehensible to take vengeance or undertake resistance with random attacks on innocent people. ... We firmly believe that only an end to occupation and a just peace with the Palestinians will offer security to Israel and release its people from the weight of anxiety that hangs on them."<sup>3</sup>*

As this statement makes clear, the outlines of what would constitute a just peace in the Holy Land are not impenetrable. And yet, as events have all too tragically revealed, the cycle of violence over the past four years has if anything got worse, reflecting an inability to understand or even to hear the other's voice.

### Hearing the Palestinian voice

While never accepting the legitimacy of the terror that was unleashed by the *Intifada* one will only successfully counter its threat if one addresses the legitimate grievances of the Palestinians over a period of almost 60 years. The months leading up to the 1948 ceasefire between Jews and Arabs were preceded by the expulsion of over 750,000 Palestinians from their homes and the forceful expropriation of land which many had occupied for centuries.

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<sup>1</sup> Pope Benedict XVI quoting the late Pope John Paul II in the course of an address to the Diplomatic Corps accredited to the Holy See on the 9<sup>th</sup> January 2006

<sup>2</sup> Extract from the statement of Pope Benedict XVI, June 30, 2006

<sup>3</sup> A similar perspective is reflected in the following extract from the statement of Patriarch Michel Sabbah and Heads of Local Churches in Jerusalem (July 7, 2006), "Our sufferings, Israelis and Palestinians, will have an end when the truth on both sides is recognised. The right for Israel to have security must be recognised. At the same time, it must be recognised that the core of the conflict between Israelis and Palestinians is the deprivation of the Palestinian people of his freedom."

This was followed in 1967 by a 38-year occupation of Gaza, the continued occupation of the West Bank and the annexation of East Jerusalem which includes the Al Aqsa Mosque, Islam's third holiest site. During this period the Palestinians have had to endure the forceful expropriation of substantial portions of land in the occupied territories for the creation of illegal

Jewish settlements, the population of which has grown to more than 400,000, living in 144 settlements. Furthermore, the perceived need to protect these illegal settlements has led to a series of laws that have resulted in an unacceptably large number of Palestinians in Israeli prisons, the widespread use of detention without trial and a lengthy series of restrictions on the movement of Palestinians in the occupied territories. Together with numerous checkpoints and roadblocks and the building of the separation wall, basic human rights of the Palestinians were violated: freedom of movement, free access to holy places in Jerusalem, freedom for business and economic development and free access to adequate educational or medical facilities.



*An Israeli checkpoint outside Bethlehem*

Another issue that forms part of the contemporary Palestinian story is the 2003 nationality law, that amongst other things was designed to copperfasten the annexation of East Jerusalem and which in effect obliges many couples, married in some cases for many years, and living in East Jerusalem to live either apart or illegally together. For example, a Palestinian woman with a Jerusalem identity card legally married can be living with her husband in East Jerusalem 'illegally' because he has a West Bank identity card and is not allowed to live with her in East Jerusalem. If she has Israeli citizenship the situation is even more serious because she is not even permitted to leave Jerusalem with her husband to live in the West Bank as Israeli citizens do not have the right to reside in Palestinian territories. Other restrictions on the rights of Palestinians living in Jerusalem include the severe difficulty in obtaining planning permission to build houses in East Jerusalem and the fact that those who leave Jerusalem to study or work abroad lose any automatic right to retain their Jerusalem identity cards. From the Palestinian point of view, the restrictions on Palestinians living and making their home in East Jerusalem are perceived as part of a plan to ensure that Jerusalem becomes ethnically a Jewish city.

Finally, one has to acknowledge the utterly unacceptable nature of the present position in Gaza, a territory just six miles wide and 25 miles long and home to 1.3 million Palestinians. As things presently stand, Israel retains control of its land borders, airspace and territorial waters and imposes severe restrictions on the rights of Palestinians in Gaza to either enter or leave the territory.

This injustice is exacerbated by the restrictions that are placed on Palestinians engaged in a commercial activity such as fishing – a key source of income in a territory such as Gaza with a relatively long coastline.

## **Hearing the Israeli voice**

Every citizen has the right to belong to a state in peace and security, and one in which the freedoms and dignity associated with citizenship are respected. For far too long the rights of Israelis to be recognised as citizens of the state of Israel have been denied by their neighbours. Even as we write, the government of the Palestinian authority refuses to acknowledge the state of Israel. It is not alone; there are powerful countries in the region whose leaders advocate the destruction of the state of Israel.

This antagonism against the state of Israel understandably causes deep anxiety and insecurity amongst the Israeli population. However, the extent to which this is the case can only be judged in the light of the centuries-long history of anti-Semitism along with the obstacles that were placed in the path of full Jewish citizenship over many hundreds of years in countries on the continent of Europe as well as in North Africa and the Middle East with predominately Christian or Muslim populations. In this context, it could be argued that centuries of discrimination, pogroms and ultimately genocide left the Jewish people with little choice but to attempt to create their own state in what they regarded as their ancient homeland. It must be remembered that the *Holocaust* not only killed six million Jews but effectively destroyed the rich tapestry of Jewish culture in Europe.

Finally, one has to acknowledge the deleterious effect on the population of the endless series of wars of survival that Israel has had to withstand in less than 60 years since the UN-brokered ceasefire in 1948 that established its internationally recognised borders. These wars were followed by the two *Intifadas*, the second of which broke out in September 2000 with attacks which were designed to kill innocent human life and to sow fear and panic among the civilian Israeli population. Those who would seek to criticise as excessive Israel's current use of force against the Palestinians and the Lebanese need to attend to these very

difficult circumstances in which Israel expresses its right to defend its citizens. In this context, it is at least arguable that some restrictions on the movement of Palestinians in Israel and the occupied territories can be justified as a legitimate exercise of the right to self-defence.

## **BETHLEHEM: A VANISHING CHRISTIAN COMMUNITY**

Once a bustling cultural and spiritual centre hosting tourists and pilgrims from around the world, Bethlehem has become an isolated town with boarded up shops and abandoned development projects. The age old link between Bethlehem and Jerusalem – its spiritual, cultural and economic lifeline – has effectively been severed as a result of policies that include the



*A view of Bethlehem from behind the Wall*

erection of the separation wall and the expansion of illegal settlements in a ring-like formation around the city, on land confiscated by force or acquired by coercion. Furthermore, since July of this year, to reinforce the symbolic significance of the annexation of East Jerusalem, the main crossing between Jerusalem and Bethlehem is now closed to Palestinians who live in East Jerusalem. A simple journey from Bethlehem to Jerusalem, only 14 kilometres (less than 10 miles) apart, can now take an entire day. The person makes their way to the northern opening in the eight-metre (25 feet) high concrete wall that surrounds this historic city. The Wall cuts some four to five kilometres (2-3 miles) into the West Bank, far from the internationally recognised Green Line that delineates the borders separating Israel from the West Bank.

Difficult as it is to comprehend this restriction of movement which makes it extremely hard for Palestinian Christians from East Jerusalem to pray at the Church of the Nativity, the situation for Christians in Bethlehem to attend Sunday mass at the Church of the Holy Sepulchre in Jerusalem is even more difficult. No Bethlehem resident is allowed to visit Jerusalem without special permission from the Israeli army. In effect, the communities of Bethlehem and East Jerusalem which are intimately connected through family, work, education and religion are forced to live divided by a 25-foot wall that surrounds Bethlehem on three sides – unable to visit their friends and families, or go to their universities and places of worship. Although the restrictions are in part designed to provide security for the Israeli population of Jerusalem they nevertheless are in clear breach of

Article 12 of the International Covenant on Civil and Political Rights which obliges Israel to ensure access to Christian, Jewish and Muslim holy places that are under its control.<sup>4</sup>

The occupation is an ever-present fact in Bethlehem. Over the last few years, the city's borders have been dramatically redrawn by the expansion of illegal settlements. In a recent article from *Open Bethlehem* the implications of these developments are starkly outlined.

*"Only a few years ago, one could see shepherds roaming the biblical valleys, providing an uncanny counterpoint to the trappings of modern life in Bethlehem. Today, the sheep graze on urban refuse sites, a reminder of how little pastoral Bethlehem remains. Economic hardship has resulted in waves of emigration from the city and reports warn that the face of Bethlehem will change forever."<sup>5</sup>*

The emigration is particularly marked among Bethlehem's Christian communities. Not so long ago Christians made up more than 70% of the population of Bethlehem, but the most recent statistics put the figure at 30%. Since the year 2000 alone, more than 400 Christian families have left the area. This development means that the birth place of Jesus, home to the oldest Christian church and the oldest Christian communities in the world, will have nothing left of its history other than the cold stones of empty churches within a few generations. It is a sentiment echoed by the Latin Patriarch of Jerusalem, Michel Sabbah, when he says, "Jerusalem cannot be closed or regulated for security reasons, otherwise we risk the churches becoming museums. Jerusalem must be open for all religions."<sup>6</sup>



**Nativity Square holds one of Bethlehem's most famous Churches, the Church of the Nativity**

<sup>4</sup> *Costs of Conflict: The Changing face of Bethlehem*, UN publication, December 2004, p. 5. See also the following: "During the Christmas holiday in 2003, 2,785 permits were issued for Palestinian Christians residing in Bethlehem city – a number unable to satisfy all Christians wanting to travel to Jerusalem. Applicants also had no control of the dates on which they were allowed to enter – an Orthodox Christian could receive a permit to enter Jerusalem on 24 December rather than for 7 January, the Orthodox Christmas Day." Ibid. p. 6

<sup>5</sup> *Open Bethlehem* is a civic initiative founded in 2005 and based in Bethlehem University. It is designed to promote the interests of Bethlehem. The quotation is taken from the edition dated the 20/7/06.

<sup>6</sup> Stated in the course of a briefing on the 30<sup>th</sup> October 2006 to a member of the advisory committee of the ICJSA and representatives from Trócaire

Disturbing as it is to acknowledge that almost 10% of the Christian population of Bethlehem has emigrated since the year 2000, the decline of the Christian population in the totality of the Holy Land is even more striking. Today, it is estimated that there are more Christian Palestinians in Sydney, Australia than in Jerusalem and that there are more Christian Palestinians in North America than there are in the Holy Land. Christian Palestinians traditionally found employment in the tourism sector associated with the holy places. With the decline in tourism and the economic and social hardships of living in East Jerusalem and the West Bank, many have felt left with little option other than to emigrate. Christian Palestinians have traditionally greater links abroad than their Muslim compatriots, and as the statistics show, many have used these contacts to seek a new life outside of the Holy Land.

## **BARRIERS TO A PEACE PROCESS**

Whatever is envisaged as a satisfactory final outcome to the Israel/Palestine conflict it will not be achieved unless all enter into dialogue with openness and generosity that is the prerequisite for the beginnings of a peace process. Unfortunately, the very possibility of such an initiative hinges on a satisfactory resolution of both the current humanitarian crisis that grips the Occupied Territories and the circumstances that have given rise to the construction of the separation wall.

### **1. The Humanitarian crisis**

As the economic situation in the West Bank and Gaza continues to deteriorate at an alarming rate it is becoming increasingly clear that this humanitarian crisis is fast becoming one of the chief obstacles to peace in the region. One of the most penetrating analyses of the effects of the Israeli land policy – settlements, checkpoints and the security barrier – in the West Bank comes from Christian Aid's 2004 publication entitled *Facts on the ground: The end of the two-state solution?* One of the things highlighted is the manner in which this policy is impoverishing the Palestinians who live on the West Bank. In the five years from 1998 to 2003 the incidence of poverty in the West Bank has increased six-fold – a fact which Christian Aid attributes directly to the Israeli land policy. As it says,

*"Today, the loss of land, the inability of people to move freely or to get their goods to market, and the tightening of controls at checkpoints are heightening this humanitarian crisis even further. In the formerly prosperous areas close to the Green Line, such as Qalqiliya, the barrier is killing off the economy, strangling trade and commerce. Living standards are declining sharply as farmers lose their land, their greenhouses, their*

*citrus and olive groves and their access to markets. Some people cannot travel to work. Across the landscape on the other side of the huge concrete barrier, the abandoned greenhouses of Qalqiliya's former farmland are testimony to the economic crisis.*<sup>7</sup>

Since 2003 the situation has if anything got worse – unemployment, malnutrition, dependency on aid are the daily lot of Palestinians. In addition, Palestinian farmers near the line of the separation barrier live under the ever-present threat of the destruction of their precious olive groves. The most recent 2006 World Bank report estimates per capita income in 2005 to be about 31% lower than in 1999 and that some 44% of Palestinians in the West Bank and up to two-thirds of those living in Gaza are living below the official poverty line of US\$2.3 per person per day. In addition, the debilitating effect of large-scale unemployment is everywhere to be seen. In 2005, 27% of the Palestinians in the West Bank and 36% of those living in Gaza were unemployed. Finally, as if the economic situation was not already serious, the financial and trade sanctions imposed by Israel following the election of a Hamas-led government threaten to unleash what can only be described as a humanitarian disaster.

While all may agree on the extent of the crisis there is less agreement as to its causes. Many, not just Israelis would point to terrorism – in particular and the first and second *Intifada* as being responsible for the deterioration in both the economic and civic conditions in the occupied territories. They believe that it can be persuasively argued that the increased security measures that inhibit the free movement of Palestinians as well as restrictions on the commercial life of the area can be justified quite simply as a legitimate exercise of the Israelis' right to self-defence.<sup>8</sup> Furthermore, they would argue that those who would seek to criticise the robust Israeli response to Palestinian violence as a disproportionate use of force would need to attend to the very difficult circumstances in which Israelis live – in particular the absence of a stable and peaceful external political environment. On the other hand, there are those, and not just Palestinians who, while not excusing the terror unleashed by the *Intifada*, would nevertheless point to the fact that it only emerged as a consequence of the failure by the Israeli government to address legitimate Palestinian grievances. They would argue that Israel has never seriously addressed in any meaningful manner the core issues of economic and political sovereignty that alone would create the conditions for a stable society.

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<sup>7</sup> *Facts on the ground: The end of the two-state solution?*, Christian Aid, London 2004, p.32

<sup>8</sup> In a briefing to a member of the advisory committee of the ICJSA and representatives from Trócaire, the policy research unit of the Israeli Foreign Affairs Ministry in Jerusalem on 1<sup>st</sup> November 2006 made clear its view that it was terrorism which was ultimately responsible for the current humanitarian crisis because this violence gave rise to the security measures that in turn restricted economic and civic life.

Any attempt to address the causes of instability in the Middle East must take cognisance of the potential for political unrest that is caused by the social and economic chaos that is the lot of the Palestinians today. Unfortunately, there is little evidence that this advice is being heeded. In order to begin the process of restoring Palestinian economic prospects the World Bank (2006) calls for a radical easing of internal closures and concrete measures to facilitate trade. The UN Office for the Coordination of Humanitarian Affairs lists the different impediments to free movement that include: roadblocks, gates, fences, trenches, earth mounds and military checkpoints. Taken together they have a crippling effect on both the economic and social life of the Palestinian population because they are unpredictable – disrupting journeys to work and the transport of goods, all of which increases transportation costs and makes Palestinian goods less competitive. These conditions, as well as a lack of future prospects, undermine businesses and create a disincentive to invest. Most seriously, there is increasing evidence that these restrictions on normal social and economic life are fostering a level of political instability, which, unless checked, has the potential to lead to civic unrest of a most serious nature.

## 2. The Separation Wall

In the past six years no fewer than 171 people have been killed in 38 suicide bombings in the city of Jerusalem alone. This wanton destruction of human life has left scars that will take generations to heal. Furthermore, the random nature of these deadly attacks means that there is an understandable sense of insecurity among the Israeli



*Women walking past the wall*

population that has resulted in security concerns becoming paramount. In this context, the 670-km long separation wall is perceived by a majority of Israelis as an essential and legitimate tool in the struggle to combat terrorism.

While acknowledging the horrific nature of the attacks associated with the *Intifada* and the right of the Israelis to defend themselves by all legitimate means, nevertheless the construction of this particular separation wall clearly breaches international law. With almost unanimity, the advisory opinion from the International Court of Justice (2004) stated that:

*“Construction of the wall within the Occupied Territories severely impedes the Palestinian people’s right to self-determination and is therefore a breach of Israel’s obligation to respect that right.”<sup>9</sup>*

Furthermore, in some areas the route of the wall defies all security logic. For example, there are places in Jerusalem where the wall cuts through Palestinian neighbourhoods, at times literally running down the middle of busy, urban streets. In addition, the manner in which the line traced by the wall deviates from the ‘Green Line’ (the 1948 ceasefire line which is the internationally accepted de facto border between Israel and the Occupied Territories) and follows the contours of planned settlement expansion suggests that security concerns are not the only factors at play in its construction.

In a penetrating analysis of this development from Jewish Israeli human rights activists entitled *Under the Guise of Security*, the authors state:

*“Officially, the purpose of the barrier is to prevent attack, by means of a physical separation between the West Bank and Israel. However, only some 20% of the barrier’s route will run along the 1948 border between them – the so-called Green line. As a result, approximately 150,000 acres – almost 10% of the west Bank will ultimately be de-facto annexed by the State of Israel and approximately a quarter of a million Palestinians including those living in East Jerusalem will be separated from their neighbours in the West Bank. Furthermore, as a result of its winding route, the barrier will surround on at least three sides 50 more Palestinian villages, in which a further quarter of a million people live, that lie on the ‘Palestinian’ side of the barrier.” (p.5)<sup>10</sup>*

If the separation wall is completed as planned, it will leave the most fertile land and most productive areas of the West Bank in Israeli hands. In addition, its presence would inevitably influence any future negotiations by ‘normalising’ Israeli settlements to the west of the barrier. They would become a de-facto part of Israel. This would have the effect of breaking up the Palestinian West Bank into a series of semi-autonomous enclaves surrounded by Jewish settlements – reducing Palestine to a collection of Bantustans and thus effectively destroying any concept of a viable state.

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<sup>9</sup> International Court of Justice, The Hague, July 9<sup>th</sup> 2004

<sup>10</sup> *Under the Guise of Security: Routing the Separation Barrier to Enable the Expansion of Israeli Settlements in the West Bank* is a joint publication from BIMKOM, (Planners for Planning Rights) and B’TSELEM (The Israeli Information Centre for Human Rights in the Occupied Territories), Jerusalem December 2005. BIMKOM was established in May 1999 by Jewish Israeli planners and architects with the vision of strengthening the connection between the planning system in Israel and human rights. B’TSELEM was founded in 1989 by a like-minded group of Jewish Israeli academics, lawyers, physicians, journalists, and Knesset members who were keen to document human rights abuses in the Occupied Territories and bring them to the attention of policymakers and the general public.

The publication from the human rights activists mentioned above argue convincingly that the routing of the separation wall is to enable expansion of Israeli settlements in the West Bank with a view to them becoming part of the state of Israel in any final settlement. As they say,

*"If physical safety for Israeli citizens were the aim, simply building the barrier along the Green Line and within Israeli territory would suffice. However, senior government officials have broadly hinted that the real purpose is to prepare the land for annexation by Israel and there is plentiful evidence that the expansion plans of settlements remaining on the 'Israeli' side of the barrier have played a significant role in determining the barrier's route. This viewpoint is lent weight by the restrictive use of security gates to regulate the movement of Palestinians and the use of a permit system which severely limits Palestinian residence in these areas."*

*(Under the Guise of Security, p. 15)*

What is unarguable is that the present line taken by the separation wall effectively divides the Palestinian West Bank into a patchwork of municipal cantons with little or no possibility of a viable Palestinian state.

## CONCLUSION

*“The State of Israel has to be able to exist peacefully in conformity with the norms of international law and the Palestinian people have to be able to develop serenely their own democratic institutions for a free and prosperous future.” (Pope Benedict XVI)<sup>11</sup>*

Never far from the surface of the Israel/Palestine conflict is the issue as to which should take priority, namely security considerations or the rule of law and the protection of human rights. In this context, it is appropriate to be reminded of an important international protocol that sets limits to the legitimate use of force by an occupying power. The 1949 *Fourth Geneva Convention*, which relates to the protection of civilians in wartime, is the primary legal document governing the Occupied Palestinian Territories. Under this convention civilians are given special protection in a number of areas. For example, Article 3 explicitly prohibits violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture. Article 27 guarantees respect for persons, their honour, their family rights, their religious convictions and practices and their manners and customs. Finally, Article 147 explicitly prohibits amongst other things, the unlawful deportation or transfer or imprisonment of persons and the extensive destruction and appropriation of property, not justified by military necessity.<sup>12</sup> Just as the possibility of peace hinges on an end to wanton terror so also does it hinge on a full acceptance of the appropriateness of this protocol as a means of regulating the use of state power in the Occupied Territories. For Palestinians, Israel's refusal to recognise the applicability of the *Fourth Geneva Convention* to the situation in the West Bank and Gaza alongside the continued use of collective punishment, detention without trial and extra-judicial killings is a matter of the deepest concern.

The conclusions of this paper were signalled at the outset in the passage quoted from the 2002 report of the Catholic Bishops of North America and Europe, namely that only a just peace with the Palestinians will offer security to Israel and release its people from the weight of anxiety that hangs on them. Unfortunately, the situation in the intervening four years has if anything exacerbated the conflict.

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<sup>11</sup> An extract from Pope Benedict XVI's address to the Diplomatic Corps accredited to the Holy See on the 9<sup>th</sup> January 2006

<sup>12</sup> Many of these issues are covered in greater detail in articles 34, 42, 49, and 78.

We can only reiterate that a just compromise – and a solution is always going to be a compromise between conflicting series of rights – will only be found if and when the needs of the weak take priority over the wants of the powerful and both sides have the courage and the far-sightedness to hear the other’s voice and to recognise each other’s rights.

In the face of the tragic cycle of violence in the Middle East we call on the international community to continue in its efforts, hearing both ‘voices’, to help broker a workable peace that acknowledges the rights of all sides in the conflict. We also call on all people of goodwill to respond to Pope Benedict XVI’s urgent appeal for faithful and persistent prayers for peace:

*“May the Lord illuminate hearts and may no one evade their duty to construct peaceful coexistence, recognising that all [persons] are brothers [and sisters], whatever the people to which they belong.”<sup>13</sup>*

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<sup>13</sup> Pope Benedict XVI (16/7/2006)







*The Irish  
Commission  
for Justice &  
Social Affairs*