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# **Protecting Palestinian children from political violence**

The role of the international community

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# Forced Migration Policy Briefings

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Interviewer:

*'It seems that for people themselves it's not just about responding when damage has been done in terms of, you know, psychosocial services. It's actually about preventing that damage from happening in the first place.'*

Interviewee:

*'Well, that's a political agenda and one that I'm probably not best to go into with you here.'*

From interview with bilateral donor agency officer, Jerusalem, August 2009

*'We focus on doing things right, rather than doing the right things.'*

International aid worker, Jerusalem, August 2009

*'There is nowhere safe for us. The soldiers go everywhere, even into our houses.'*

Eleven year old boy, al-Askar refugee camp, Nablus, July 2009

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# Executive summary

Between December 2008 and January 2009 around 350 Palestinian children were killed and approximately 10,500 displaced during Israel's bombardment of Gaza (DCI/PS, 2009). For children living in the occupied territories of Gaza, the West Bank and East Jerusalem the extreme effects of political violence, such as witnessed at that time, are a tragically familiar feature of everyday life. Indeed, this violence has shaped the settings in which successive generations of children have grown up. Within this volatile setting numerous UN and international agencies have worked for many years with the aim of protecting children and realising their basic rights. Yet, the limits of their capacity to fulfil this aim have been made obvious time and again.

The failure of the donors, UN agencies and International NGOs (INGOs) to ensure proper protection of Palestinian children from the political violence of the Israeli government and settlers may be attributed to an array of factors that are conceptual, institutional and political in nature.

At the conceptual level two interrelated problems are evident. The first concerns the characterisation of the setting of the occupied Palestinian territory (oPt) as one of humanitarian crisis arising due to conflict between two more or less equivalent parties. This does not reflect realities on the ground where occupation and the systematic appropriation of Palestinian land and resources by Israel over several decades have (a) given rise to a range of specific threats to children and (b) created particular challenges for agencies seeking to address these threats. It would be more accurate to frame the oPt as a human rights and protection crisis in which efforts to deliver aid and support must be accompanied by efforts at the political level. The second conceptual error relates to the emerging globalised approach to child protection. In recent years agencies such as UNICEF and Save the Children have been central to the pursuit of a standard understanding and set of tools to address the threat to children in settings of humanitarian crisis. The practice of standardisation is inherently problematic since it downplays the importance of contextual understanding and the need to adapt protection strategies to particular political, cultural and socio-economic settings. Beyond that, the dominant role played by experts from the fields of mental health and social work is reinforcing the tendency towards a universalised, technocratic approach focused as much, if not more, on remedy as on prevention. While both of these disciplines have a vital contribution to make, their conventional lack of engagement with structural and cultural issues and their tendency to pursue an individualistic and depoliticised approach are at odds with the demands of a human rights and protection crisis as found in the oPt. Furthermore, the resulting approach does not meet the values, concerns and aspirations of many Palestinians surrounding the protection of children.

The conceptual problems are reinforced by the institutional architecture of child protection in the oPt. Hierarchical relations between UN agencies, INGOs and local partner NGOs – evident in many humanitarian and development settings – have been reinforced by introduction of the cluster system. In particular, the positioning of UNICEF as chair of the Child Protection Working Group (CPWG) enables the problematic global

approach to child protection to play a dominant role in framing efforts across the sector. At the same time, the perspectives on child protection of local organisations and the Palestinian population more widely remain marginal.

Ultimately, it is political factors that weigh most heavily upon the capacity of UN and international organisations to develop effective child protection strategies that are preventative, and not just ameliorative, in nature. The lack of political will to address Israel's violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), including the UN Convention on the Rights of the Child (UNCRC), is abundantly evident on the ground. Western donor governments – including the EU – generally choose not to challenge Israel on practices that clearly put the lives of Palestinian children at risk, preferring to support ad hoc efforts to improve conditions or equip families to cope with the intolerable. Furthermore, in some cases, most notably the US government, pressure is clearly applied to agencies in receipt of funds to limit any public advocacy that might embarrass Israel. Thus, organisations such as Save the Children US and UNICEF are placed in a challenging position where they must balance accountability to the population they are there to serve with the demands of donors and the anxieties of their superiors at headquarters. Too often, it seems, downwards accountability is severely compromised, if not abandoned. In such a context, the allure of a child protection model that focuses on therapeutic measures and on the development of referral networks for children at risk of domestic abuse is understandably great. Meanwhile, children continue to be beaten up by settlers on their way to school, to be denied access to water sources even within their own communities, to have their environment polluted by waste dumped by settlements, to be prevented from moving freely in order to access services or to visit friends and family, to have their homes invaded by the Israeli army in the middle of the night, and to be arrested, tried and imprisoned in ways that confound international law.

An approach to child protection focused on response to harm rather than prevention currently prevails in the oPt. This is clearly the product of pragmatism rather than principle. However, such an approach entails risk not only for young Palestinians but for UN and international organisations themselves. By failing to pursue children's protection on the basis of international law and human / child rights, and in a manner fully engaged with Palestinian children and their families, organisations are at risk of invalidating their own claims of neutrality and accountability. Moreover, they should not be surprised if questions are raised about the primacy of their commitment to children's safety and wellbeing.

## **Recommendations**

### *INGOs and UN agencies*

- The understanding of child protection should be developed through the following actions:
  - reassertion of the principles of child protection derived from IHL and IHRL, and evidenced in the work of Eglantyne Jebb, founder of Save the Children;

- engagement with Palestinian children and their caregivers about their experiences, understanding and aspirations around protection (i.e. not a tick-box survey of pre-determined issues);
  - co-analysis by Palestinian, international and intergovernmental organisations to reach a consensual understanding that embraces local experience and aspiration as well as (i) international legal standards (IHL and IHRL); (ii) current global thinking on child protection; (iii) the means of achieving prevention as well as response.
- In developing a locally meaningful understanding of child protection the following issues should be considered:
    - the risks to children arising from occupation and appropriation of land and resources (rather than generic armed conflict);
    - the need for security of children's movement and access as well as of their space.
  - A wider array of expertise – in addition to mental health and social work – should be drawn upon in the analysis and development of child protection measures. In particular, expertise in the Palestinian context from international relations, anthropological and political-economy perspectives should be utilised.
  - A mechanism is needed to ensure that the CPWG functions in an accountable, egalitarian and inclusive manner.
  - Advocacy and awareness-raising measures should be pursued in a more concerted way involving headquarters staff and partner organisations in Europe, North America and across the Arab World. The aim of such efforts should be to influence public opinion and build the political will for donor governments to pursue a principled approach to child protection in the oPt.
  - The potential to address the illegality of Israel's actions should be explored in other countries, for example by highlighting the link between the settlement produce exported to Europe and the harm inflicted upon Palestinian children by settlers and their appropriation of land and natural resources.
  - Funding sources should be reviewed from the perspective of ensuring maximum potential to pursue a principled approach to children's protection. Organisations that seek to be identified as part of civil society should consider carefully the implications of accepting large funds from highly restrictive donors such as USAID.
  - The work of child protection organisations should be evaluated in terms of their impact in mitigating and preventing harm to Palestinian children arising from political violence – especially the effects of occupation-related violence – according to clear principles of IHL and IHRL; Conversely, the unwillingness to go beyond ameliorative measures – such as psychosocial interventions – should become the focus of critical discussion.

### *Donors*

- The current characterisation of the context of the oPt as one of development and state-building with elements of humanitarian aid should be re-examined: serious consideration should be given to framing the oPt as a long-term human rights and protection crisis requiring both a principled approach by donors and their engagement in political action to enforce adherence to agreed international norms and laws; a focus on root causes rather than effects is essential.
- The rights of children as members of a Palestinian national community should also be addressed; this should include a focus on adherence to the aim and principles of self-determination.
- Donors should consider the extent of their independence from the political agenda of the United States and thus from the pro-Israel lobby that significantly shapes that agenda.
- The protection of Palestinian children should be made a primary consideration of the donors: recipients should be evaluated in terms of their capacity to implement a principled approach to children's protection that not only mitigates the impact of harm but seeks to prevent this from occurring through efforts at advocacy. Furthermore, there should be a coherent approach to funding that ensures advocacy efforts are concerted and achieve maximum impact locally and globally.
- In light of concerns to ensure the maximum positive impact upon children's protection, the shift of funds away from civil society by donors, most notably by DfID, should be re-evaluated urgently.
- There should be greater support and encouragement for efforts to monitor Israeli institutions in which Palestinian children's rights are regularly violated, such as courts, prisons, and police stations.
- Donors should focus more concertedly on the situation of children in East Jerusalem and Area 'C' (under full Israeli control), supporting recipient organisations to gain access and challenging Israeli restrictions on the basis of international law.



# 1 The aid context

In 2009, as in previous years, the occupied Palestinian territory (oPt) was host to a wide array of international and UN organisations disbursing a large aid budget in order to improve the lives of Palestinian children, both directly and through support for their families and wider society.<sup>1</sup> Yet, the lives of Palestinian children were generally as difficult and dangerous as ever. Across the oPt, children were being killed, maimed, detained, tortured and used as human shields by Israeli forces.<sup>2</sup> In the West Bank they continued to be humiliated and threatened at checkpoints and at risk of violence from Israeli settlers. Material, social and educational deprivation were part of the everyday experience of many Palestinian children for whom homes and schools had become sites of discord as a result of the pressures perpetuated by occupation.

The wide disparity between the consistent efforts made by representatives of the ‘international community’ to promote the safety and wellbeing of Palestinian children, and the actual results merits deeper consideration. We need to be clear about the constraints that international and UN agencies face in protecting Palestinian children in the context of occupation and the systematic appropriation of land and resources. The core of this briefing paper is concerned with exploration of these constraints. The paper opens with a historical overview of the involvement of the international aid community. Our aim in this is not to provide a comprehensive account of the setting but rather to highlight specific issues that have direct bearing on the effort to protect the young from the direct effects and long-term impact of political violence.

## Historical overview

### *From the Six Day War to the Oslo years (1967–2000)*

In 1967, with Israel’s defeat of the Arab armies in the Six-Day War, some 200,000 Palestinians became refugees, 95,000 of them for a second time.<sup>3</sup> The government of Israel proceeded to annex East Jerusalem, and occupied the West Bank and Gaza, as well as the Syrian Golan Heights and the Sinai Peninsula.<sup>4</sup> The annexation of East Jerusalem and efforts to change the status and demographic composition of the West Bank and Gaza are in violation of the Fourth Geneva Convention as confirmed by the UN Security Council in at least 25 resolutions over the years.<sup>5</sup> No state has recognised Israel’s annexation of East Jerusalem. Since 1967 the State of Israel has declined to offer a clear definition of its borders, choosing to conceptualise the West Bank instead as ‘disputed territory’.

Following its territorial conquests in 1967, the Israeli government quickly established a regime of military occupation over the West Bank and Gaza, and innumerable military orders based upon that have affected civilian life ever since. Twenty years later, in 1987, Palestinians mobilised en masse in the first popular uprising (Intifada) against Israeli occupation. The reaction was brutal: the army responded to the largely youthful crowds of stone-throwers with military fire, arrests and targeted assassinations of political leaders; it imposed prolonged curfews on towns, shutting schools and universities and applying severe restrictions on movement. The outbreak of the first Intifada also marked the onset of massive funding to the oPt and the establishment of many new NGOs. The first

three years until 1990 were characterised by disbursement of solidarity funds: western money channelled through the political parties associated with various factions of the Palestinian Liberation Organisation (PLO) to local NGOs and the popular committees in clear support of the national liberation struggle, not solely for relief efforts.<sup>6</sup> Before long there was a massive influx of development-oriented INGOs focused on the deteriorating conditions of the population. Many activists assumed roles as professional development specialists, or joined research institutions and independent human rights groups that had been working since the end of the 1970s.<sup>7</sup>

The Madrid Peace Conference of 1991 was followed in 1993 by the Oslo Accords agreed by the Israelis and the PLO.<sup>8</sup> These events revived support for the vision of a two-state solution. For the whole of the 1990s the so-called 'Middle East Peace Process' (MEPP) provided the framework and rationale for disbursement of funds by western donor governments and intergovernmental organisations.<sup>9</sup>

The orientation of western donors, and the organisations that they support, towards a negotiated peace, as promoted by the Quartet of the US, EU, Russia and the UN, continues. It is predicated upon conceptualisation of the current situation as one of humanitarian crisis arising from conflict between two more or less equivalent parties. As we shall explain, this creates particular problems for the efforts to protect Palestinian children.

Under the Oslo Accords the West Bank was divided into three zones, A, B and C,<sup>10</sup> with different security and civil authorities. The Palestinian Authority (PA) was given responsibility for maintaining law and order in the areas it controlled (Area A) and it was offered support to form and employ a police force. Israel was granted complete control over access and movement of Palestinians and foreigners from and to the territory by land, air and sea. Moreover, it was given responsibility for collecting and delivering to the PA, on a monthly basis, rents deriving from the commercial exchange of Palestinian goods with the outside world and from the remittances of the Palestinian work force employed in Israel and the settlements.<sup>11</sup> Meanwhile, since the signing of the Oslo Accords Israel has continued with a project of systematic appropriation. The three core dimensions of this project have been as follows:

- Territorial control:<sup>12</sup> land appropriation and control of natural resources marking a slow but steady process of territorial fragmentation and enclavisation, the separation of the West Bank, Gaza and East Jerusalem; mass population transfer through support to the Israeli settlement enterprise and, to sustain it, the construction of a by-pass Israeli-only road system, land confiscation, and home demolition.<sup>13</sup>
- Control of Palestinian daily life, access and movement: checkpoints, roadblocks and a system of 'permits' and travel restrictions; the institution of an ID regime that distinguishes between Israeli passport holders, Jerusalemites and oPt residents; the application of a closure system in the territories, and the imposition of curfews on Palestinian towns and villages.
- De-development: closure of the Israeli job market to the Palestinian workforce resulting in an exponential increase in poverty; control of the borders and the closure system

discouraging private sector investment and curtailing trade relations. In breach of the 'Paris Protocols' Israel also used fiscal measures as a tool to exert political pressure: for example, it arbitrarily retained PA commercial taxes and duties and Palestinian workers' remittances, amounting to 60% of PA revenues in 1997,<sup>14</sup> thereby compromising the Authority's financial sovereignty and its ability to deliver services.

By 1994 the conditions of the Palestinian population had become so dire that the international community greatly increased its emergency assistance.<sup>15</sup> This continued throughout the 1990s, during which time the PA failed to develop into the efficient proto-state institution of governance sought by western donors, becoming bogged down in corrupt and nepotistic practices.

*The second Intifada and the increase in humanitarian assistance (2000–2009)*

In contrast to the popular character of the first Intifada, with widespread non-violent resistance and demonstrations, the Al Aqsa Intifada was characterised by rapid militarisation, direct violence against Israeli civilians and extensive retaliation measures by the Israel Defence Forces (IDF).<sup>16</sup> A generation of disenfranchised youth living in despair had grown angry and were willing to fight, in some individual cases even undertaking suicide attacks. This brought only greater incidence and severity of attacks from Israel, house demolitions, mass arrests, worsened economic conditions and a tighter regime of closure affecting peoples' access to employment, health and education. By 2004 dependence on food and cash handouts had risen to unprecedented levels: the UN estimating that 70% of Palestinians were already, or at risk of becoming, food insecure.<sup>17</sup>

In 2002 the Israeli government initiated the construction of what it called the 'Separation Fence' or, in the terminology of its opponents, 'the Wall', which Ann Le More describes as 'the ultimate form of closure, fragmentation and segregation'.<sup>18</sup> The Fence / Wall has not yet been completed but it is estimated to run for more than 700km, with 85% of its length built on privately owned Palestinian land.<sup>19</sup> Justified by Israel as a temporary measure to prevent suicide operations, the Fence / Wall creates an extra layer of 'facts on the ground'. Currently 10,000 Palestinians live under a severely restricted regime of movement and access in the closed military area between the Fence / Wall and the Green Line in the Northern West Bank, with a further 25,000 likely to be enclosed in a 'seam area' by the end of the construction.<sup>20</sup> The majority of the 250,000 Jerusalemite Palestinians will also reside between the Green Line and the Fence / Wall. In 2004 the International Court of Justice issued an advisory opinion declaring the Fence / Wall illegal under international law and urging Israel to end its construction and pay Palestinians full reparation for the damages caused. Moreover it recognised Third Party responsibility of all states and the responsibility of the UN in ensuring Israel's compliance and advised 'not to render aid or assistance in maintaining the situation created by such construction'.<sup>21</sup>

The settler population in the West Bank, including East Jerusalem, has continued to grow steadily and to date about half a million Israeli settlers live in 120 official settlements in the West Bank built fully or partly on privately owned Palestinian land and in 102

unauthorised outposts; 190,000 settlers live in occupied East Jerusalem.<sup>22</sup> A small, but significant minority of the settlers have pursued campaigns of violence and intimidation against Palestinian villagers and destruction of their property. As we shall see, some of this violence has been directed explicitly at children.

The victory of Hamas over Fatah in the 2006 elections marked an important turning-point for the international community. Following a short-lived attempt at unity government – which was not recognised by the West – and violent struggle between Fatah and Hamas in 2007, two de facto governments were officially established: a Fatah-led ‘Caretaker Government’ in the West Bank led by Prime Minister (PM) Salam Fayyad, which found favour with western governments, and the government of Hamas in Gaza led by PM Ismail Haniya. With the US and EU in the lead, western donors have eschewed contact with and assistance to the Hamas government. The US has adopted a particularly hard line, denying material support to any institutions associated with the government, including schools and medical facilities and imposing a draconian and highly restrictive licence system on international agencies that seek to operate in the Strip with USAID funds. Together with the EU, the other members of the Quartet – Russia and the UN – have ultimately accepted a position in regard to Hamas that ensures international isolation. In a leaked end of mission report following his resignation, the UN Special Coordinator for the Middle East Peace Process, Alvaro de Soto commented, ‘The devastating consequences of the Quartet position have been well documented, including in UN Security Council briefings.... The precipitous decline of the standard of living of Palestinians, particularly but by no means exclusively in Gaza, has been disastrous, both in humanitarian terms and in the perilous weakening of Palestinian institutions. International assistance, which had been gradually shifting to development and institutional reform, has reverted largely to the humanitarian.’<sup>23</sup>

The years 2008 and 2009 saw an escalation of violence and a gradual worsening of the humanitarian situation, particularly in the Gaza Strip. The Israeli military operations Warm Winter (February–March 2008) and Cast Lead (December 2008–January 2009), took the lives of at least 1500 Palestinians, including 386 children.<sup>24</sup> In the West Bank, including East Jerusalem, occupation and systematic appropriation continued. According to a 2009 UN account of the situation, ‘nearly 40% of the Palestinian population is food-insecure. Most Palestinians cannot exercise their basic human rights to free movement, employment, basic services, and self-determination. Serious violations of international humanitarian and human rights law, by all parties to the conflict, continue to take place in a disturbing climate of impunity.’<sup>25</sup>

In the period 1994–2009 the international community have engaged in both development-focused activities and humanitarian relief. Between 1994 and 2000 the main focus was upon development with small elements of emergency assistance in response to specific incidents, such as house demolitions and population displacement by the Israeli authorities. The outbreak of the second Intifada led to a major increase in the delivery of humanitarian assistance. In 2009 the international community of donors and agencies

were engaged in a complex mixture of development initiatives – concerning areas such as support for state building, governance and security sector reform – together with programming under the umbrella of ‘emergency’ that included child protection efforts.

### **A note on methods and focus**

This briefing paper is based on a combination of secondary sources – including published and ‘grey literature’ – as well as field-based interviews and focus groups conducted during seven months of fieldwork in 2009. Subsequent interviews were conducted in the UK in person and by telephone with former and current senior agency staff from various child-focused organisations. Around 120 interviews and focus groups were conducted with individuals and groups that ranged from donor agency staff, PA officials, UN, INGO and NGO staff, teachers, parents and children in a range of locations across the West Bank and East Jerusalem. The research began with a roundtable of child protection experts in Oxford in February 2009 and ended with review and feedback of a penultimate draft by several of these experts and others in August 2010. Given the highly sensitive nature of the topics addressed in this briefing paper we have anonymised most of our sources, except where the information given was purely factual.

Due to issues of access and time, we were not able to visit Gaza. Moreover, we were aware that the issues here surrounding the role of the international community were liable to differ in important and complex ways from those in the West Bank and East Jerusalem, most obviously due to the stance taken by donor governments in respect of the Hamas-led government. However, we would urge that a similar study be undertaken in Gaza at the earliest opportunity. At the time of writing (September 2010) Israel’s blockade remains in force while the international community issues occasional statements of displeasure and continues with piecemeal, ameliorative measures on the ground.

## 2 Child protection: principles, policy and practice

### Child protection at the global level

In recent years wide consensus has emerged around the definition of ‘child protection’ as efforts ‘to prevent and respond to violence, exploitation and abuse against children’.<sup>26</sup> This definition consists of two core elements. Firstly, it indicates that protection concerns prevention of harm and not only response once the damage has been done. In other words, child protection is imagined as more than solely ameliorative. Secondly, the notion of harm is elaborated in terms of violence, exploitation and abuse. This definition is broad enough to encompass the policies and practices of organisations across diverse settings around the globe, providing a reference point for ‘child protection’ as a sector as it has emerged in recent years alongside other sectors such as health and education.

Within the field of humanitarian emergency – in which organisations such as UNICEF, Save the Children, Plan, Worldvision and Terre des hommes are prominent child-focused actors – protection efforts are designed in relation to two broadly differentiated contexts: natural disaster and armed conflict. In settings identified as ‘armed conflict’ a number of particular child protection issues are commonly identified as priority concerns. These include landmines, child recruitment, family reunification, mental health, internal displacement, and so on. Nevertheless, child protection programmes in very different settings often exhibit similar characteristics due to the dominant role played by professionals from social work and mental health in this field. Such common characteristics include an individualistic orientation, as well as the focus upon an assumed universal set of children’s needs.<sup>27</sup> Moreover, child protection – as conceptualised and pursued by mental health and social work experts – has tended to focus on addressing problems at the immediate level: with the individual child and his / her immediate family. Questions about the structural factors – and the processes of political economy that lie behind them – that may cause grave and systemic threat to children and which therefore need to be addressed as a priority have generally arisen little within the field of child protection as shaped by social work and mental health. As we shall see, the pursuit of child protection according to an individualistic, generalising and apolitical model has particular consequences in the oPt.

Efforts to achieve greater co-ordination and commonality across the humanitarian field have grown apace, particularly as part of the process of Global Humanitarian Reform instigated in 2005. While the need to ground practice in the realities of local context has been recognised to a certain extent, in practice humanitarian organisations are increasingly oriented to standardisation across a range of humanitarian efforts. This is noticeable in the area of child protection where a global-level dialogue is leading to the emergence of handbooks, guidelines and checklists with the aim – explicit or otherwise – of ensuring a standard approach by field staff across diverse settings.<sup>28</sup> The move towards standardisation by humanitarian organisations is one element of an approach that prioritises technical competence within thematic sectors over analytical skills and over local knowledge of the history, politics and culture of the settings in which programmes are pursued. This briefing paper therefore differs from much of the recent academic writing on child protection which is of a general, globalising nature since we take as our

focus a particular setting – the oPt in 2009. We explore the questions raised by applying a standard child protection approach in this setting where understandings of and aspirations for children’s protection are liable to diverge considerably: reflecting both local understandings of children’s development and the collective aspirations of a people living for decades under occupation.

### **Principles of child protection**

Child protection emerged as a distinct field of humanitarian action only in the 1990s. Nevertheless, the ethical framework for protecting the young in situations of armed conflict and political violence can be traced back to the early twentieth century. In the wake of the First World War, Eglantyne Jebb and colleagues in Britain argued passionately for the protection of children of the defeated enemy. Across Central Europe huge numbers of children were at risk of starvation as a result of the blockade imposed by the victorious Allied Powers. Arguing that ‘it is impossible for us as normal human beings to watch children starve to death without making an effort to save them’,<sup>29</sup> Jebb confronted British government policy head-on. At one point in her struggle she was arrested for distributing leaflets and posters in London’s Trafalgar Square that included the words ‘What does Britain stand for? Starving babies, torturing women, killing the old’ alongside images of emaciated Austrian children.<sup>30</sup> The authorities responded by arresting, charging and convicting Jebb under the Defence of the Realm Act. Turning the publicity surrounding her case to advantage, she galvanised popular support and shortly afterwards established Save the Children which, over the course of the twentieth century grew into a global organisation at the forefront of efforts by civil society to improve the lives of children. Jebb was also instrumental in the creation of the 1924 Declaration of the Rights of the Child – a forerunner of the 1989 UN Convention on the Rights of the Child (UNCRC) – and strove to ensure that ‘the League of Nations should recognise the question of the protection of children as one of its fundamental duties’.<sup>31</sup>

The philosophy and actions of Jebb constitute an important foundation and touchstone for the ethics of children’s protection across national borders. Here we draw attention to four key features of her approach that are especially relevant to the Palestinian context. Firstly, central to Jebb’s philosophy was the principle that the protection of children should transcend all considerations based upon national self-interest – a view that resonates with the tenets at the heart of the notion of human security as it emerged in the 1990s.<sup>32</sup> Secondly, Jebb’s actions were focused on addressing the causes of threat to children’s survival and wellbeing – in this case removing the blockade of the Allied Powers – rather than seeking to alleviate the effects of this blockade. Thirdly, in order to deal with causes and not simply effects, Jebb challenged the state head-on. This illustrates the inevitability of political engagement, calling the state to account on the basis of clear principle. Finally, fundamental to Jebb’s achievement in establishing Save the Children was the mobilisation of public opinion. In the immediate aftermath of the First World War Jebb faced virulent opposition to her call that consideration and resources be given to German and Austrian children. Nevertheless, she persisted and managed to win over sufficient support from

the public at large and amongst those with power to proceed in her efforts.<sup>33</sup> To these four features of Jebb's approach we might add that visionary and determined leadership was clearly in evidence and vital to the success of efforts to protect children.

Jebb can be seen as a pioneer of what is popularly known as 'the child rights based approach' that, more latterly, has been adopted by UNICEF and various child-focused INGOs, including almost all members of the International Save the Children Alliance. The rights-based approach has often been contrasted with an alternative orientation towards the fulfilment of basic needs that dominated development and aid efforts for much of the twentieth century. The difference between the two has been articulated as follows:

*The basic needs approach often aims to obtain additional resources to help a marginalised group obtain access to services. A human rights approach, in contrast, calls for existing community resources to be shared more equally, so that everyone has access to the same services. Assisting people to assert their rights, therefore, often means involvement in political debate. While a basic needs approach does not necessarily recognise wilful or historical marginalisation, a human rights approach aims directly at overcoming such marginalisation.*

*The second important difference between the two approaches pertains to motivation. Basic needs can, in principle, be met through benevolent or charitable actions. Actions based on a human rights approach are based on legal and moral obligations to carry out a duty that will permit a subject to enjoy her or his right.<sup>34</sup>*

The right to protection is a core principle of the UNCRC. As such its realisation can be seen as inevitably entailing 'involvement in political debate' drawing upon legal obligations to call duty bearers to account: most particularly States Parties to the UNCRC and other relevant instruments and conventions. From the perspective of humanitarianism as conventionally pursued, such engagement in the political realm would be inadmissible: a violation of the core principle of neutrality. However, this principle has been widely re-evaluated in recent years as part of efforts to develop a 'new humanitarianism'. Fiona Cox has characterised this as follows:

*Above all new humanitarianism is political. It sees apolitical, neutral, humanitarian relief as both naive and morally questionable. Instead new humanitarians argue for a more politically conscious aid which can assess the present and future impact of aid interventions on the politics of conflict and ensure that aid is linked to military and diplomatic tools in a coherent conflict-resolution strategy.<sup>35</sup>*

While there has been widespread loss of support for the maintenance of a neutral stance, impartiality remains a guiding principle for many humanitarian agencies. Neutrality is commonly interpreted to necessitate avoidance of public criticism of those authorities responsible for human rights abuses. By contrast, impartiality entails the consistent application of legal standards in an organisation's statements about and dealings with all parties in a conflict.



Commentators, including Cox, have pointed out some of the important limitations of the political engagement entailed in this ‘new humanitarianism’ arguing, for example, that it can lead agencies to distinguish ‘victims’ who merit the aid necessary for survival from others cast as undeserving ‘perpetrators’, thereby forgoing the universalism of humanitarian aid. However, most of the objections voiced about the more politicised disposition of ‘new humanitarianism’ are applied to examples of all-out warfare between more or less equal enemies. It is questionable whether their arguments apply to a situation of decades-long occupation and appropriation where, except for short periods of extreme violence, suffering of the civilian population does not relate to dire shortage of the immediate means of survival. Instead, as the paper explores in relation to the protection of Palestinian children, the problems arise as a result of the systematic denial of the means and resources needed for pursuit of a viable existence over the longer term: access to water, land, and basic services of education and health, freedom of travel and association, and so on. The problem is, at its core, a political one requiring, above all, a response based on invocation of clear legal standards. In such a setting as the oPt, the argument in favour of impartial political engagement would seem especially compelling.

Not all the international child-focused organisations currently working in the oPt to protect Palestinian children explicitly frame their work in terms of rights or international law. Nevertheless, whatever the language used, we would maintain that child protection is an inherently ethical enterprise predicated, as it is, upon the assumption that children should be afforded particular protection and that their survival should be guaranteed regardless of the circumstances. The responsibility to provide such protection may be enacted in a paternalistic manner that provides little opportunity for the young themselves to define their own protection needs or that may limit their role in society on the grounds of ensuring their safety. However, such paternalism is not inevitable: while the relationship between protection and participation is complex, one need not prevent the other. Indeed, it might be argued that protection can only be enhanced by approaching the young as capable participants in the identification and pursuit of appropriate strategies.

### **The oPt as context for child protection efforts**

According to the standard categories of context requiring emergency efforts by child protection organisations – armed conflict and natural disaster – the oPt is clearly conceptualised as afflicted by the former. This characterisation of the setting coincides with and is reinforced by the current language of western states that describes the situation primarily as the ‘Arab-Israeli conflict’ or the ‘Israel / Palestine conflict’ for which a ‘Peace Process’ to reach a ‘negotiated settlement’ is necessary. In many general academic texts about contemporary warfare as well as in the western media ‘Israel / Palestine’ is similarly conveyed as a setting of armed conflict where, as in other such settings, two more or less equal parties are pitted against each other in a battle for land and resources.

Although the Israelis and Palestinians are conceptualised as broadly equivalent parties to conflict, in respect of the basic security of children their treatment differs. Western

governments have consistently expressed commitment to the security of Israelis, providing financial and military support for this stated purpose.<sup>36</sup> Furthermore, this has been repeatedly stated as a pre-requisite of any peace deal. By contrast, the security of Palestinians, including children, consists overwhelmingly of ad hoc remedial measures. The underlying assumption is that the security of Palestinians will come as a result of a peace deal whereas for Israelis a peace deal is conditional upon security.

The political violence witnessed in the oPt is certainly a source of considerable harm sufficient to justify the presence of international and UN agencies. However, this is best understood in terms of, firstly, occupation (coupled with the ongoing appropriation of land and resources) and resistance to occupation continuing over many years. Lisa Taraki describes the experience of Palestinians in the following terms:

*... the Palestinians in the Occupied Territories have actually been living in a state of protracted war for many decades; the ubiquitous state of being on an emergency footing may wax or wane, but it is always there, and the awareness that Palestinian existence and identity in the land are under threat is very much a part of the dominant Palestinian ethos.*<sup>37</sup>

The second major source of political violence is interfactional fighting, principally between forces associated with Hamas and those of Fatah. Without wishing to ignore or trivialise the threat to children from the violence between Palestinian political factions, our concern here is primarily with occupation and resistance on the grounds that this is of far greater duration, and has caused incomparably greater harm to Palestinian children both in kind and scale. Moreover, there is good reason to believe that Palestinian in-fighting has been and continues to be exacerbated by Israel (and the US) as part of its efforts to maintain control over the Palestinian population in the oPt.<sup>38</sup>

Almost all international and intergovernmental agencies working on child protection in the oPt refer explicitly to Israel's occupation. Indeed occupation is clearly seen as a source of various kinds of threat to Palestinian children. However, the challenges presented by occupation and associated efforts to appropriate land and resources are not understood as sufficiently specific to cause the relevance of the global approach to child protection in armed conflict to be brought into question. Thus, by default, occupation is treated as a kind of conflict setting, rather than as a distinct situation that might require the development of particular thinking and measures. We would argue that such distinction is not only merited from a theoretical perspective but fundamental to the efficacy of efforts at child protection. Rather than approaching the task of protecting Palestinian children with the language and tools of 'humanitarian emergency', it would be more relevant and efficacious to consider the context as one of a 'human rights / protection crisis', thereby indicating the political engagement entailed in any meaningful intervention. To illustrate this central point we now turn to discuss below the specific nature of challenges to Palestinian children's protection arising from Israel's occupation and ongoing efforts to appropriate land and resources.

### 3 Occupation and children's protection

Interviewer:

*'What do children do to protect themselves, what do they have to protect themselves?'*

Interviewee:

*'Nothing. I would say they have nothing. Their only resource is their family and their school, but even the family can't protect them, they can't protect their own children.'*

From interview with a Palestinian NGO worker

Israel's occupation and the ongoing efforts of the state and its citizens to appropriate land and resources invalidate any assumption of a frontline from which children may be kept distant and safe. Here the 'enemy' officially controls most of the territory wherein the civilian population live and readily ignores agreements about autonomy in respect of remaining areas, invoking its own national security in justification. As in many settings of armed conflict, international and intergovernmental agencies in the oPt devote much effort to securing special areas of safety for children, often employing the notion of 'child-friendly space'. However, without even an armed force or police to counter the incursions of Israel's army and the predations of its settlers, any space of Palestinian civilian life, however intimate, can be invaded with impunity at any time. Agreement between Israel and the PA about Palestinian jurisdiction over certain parts of the West Bank ('Area A') has proven of little consequence to an occupying power that undertakes regular incursions – involving assassinations, arrest and destruction of property – into whichever city, village or refugee camp it chooses.<sup>39</sup>

Chronic vulnerability to Israeli violence is well understood by Palestinian children themselves. For example, in the course of a drawing and discussion session with a group of ten and eleven year olds in a refugee camp outside Nablus we asked about the places they would go to in order to feel safe when there was an incursion by the IDF. Initially a couple of children in the group mentioned their homes. However, one boy countered this by saying 'there is nowhere safe for us, the soldiers go everywhere, even into our houses'. Others in the group quickly agreed. This view has been articulated many times by Palestinian children.<sup>40</sup>

Within 'Area C' (under full Israeli control) the situation is especially bad. Here Palestinians are systematically denied the possibility to attempt to create safe, 'child-friendly' space. It is virtually impossible to obtain permits from the Israeli authorities to build upon Palestinian-owned land, with the consequence that even play areas are subject to destruction. This has occurred, for example, in the village of Azzoun near Qalqilya where a children's park was built in 2005 with international funding and shortly afterwards destroyed by the Israeli authorities.<sup>41</sup> International organisations were warned not to respond by these same authorities and, at the time of our visit in August 2009, the park remained in ruins.<sup>42</sup>

The relevance of the notion of ‘frontline’, from which children might be distanced, is also brought into serious question by Israel’s multiple division of the territory of the West Bank and its severance from East Jerusalem (and complete isolation from Gaza). Innumerable fixed checkpoints and large swathes of land given over to settlements or to ‘closed military zones’ systematically hinder the free movement of Palestinians, enclosing them within enclaves surrounded by settlements and Israeli military installations often built upon hilltops that loom over them.<sup>43</sup> Civilians, including children, are subject to the random use of ‘flying’ checkpoints, to the arbitrary closure of crossing points between Palestinian areas, and to the imposition of curfews that suspend public life entirely. They must also negotiate their way around earth mounds that close off access roads to many villages, and avoid roads that have been designated for the use of settlers alone. In practice all of this means that the occupation forces may easily access and isolate Palestinian communities. In some locations extremist settlers pursue violent activities that deliberately threaten and thereby further curtail the movement of children, as illustrated by the situation in the area of Al-Tuwani in the South Hebron Hills (see Case Study 1).

#### **Case Study 1. Settler violence in al-Tuwani**

In various locations across the West Bank isolation and lack of state presence have left children vulnerable to direct violence. The abuse of children living in the villages around al-Tuwani by neighbouring settlers is one example. Around 600–700 Palestinians live in al-Tuwani and the seven surrounding villages in the South Hebron Hills. This locale is within Area C of the West Bank and thus under full Israeli control. In the 1980s two settlements were constructed nearby – Ma’on and Carmel. Adjacent to Ma’on an outpost – Havat Ma’on – was constructed in 1997 housing some of the most extremist settlers in the oPt.<sup>1</sup>

The Palestinians living in the vicinity of these settlements have been subjected to repeated acts of violence and measures that violate their basic human rights. These include direct assault, poisoning the land on which they graze their sheep, stealing and burning their crops.<sup>2</sup> In addition, the settlers have striven to ensure that all efforts to develop the infrastructure of the villages – water supply, electricity, homes and public buildings – are quashed. The aim seems clear: to provoke the Palestinians into leaving the area entirely.

While the various acts of the settlers all impact negatively upon children as members of the Palestinian communities living in the area, the violence inflicted upon them directly in the course of their journey to and from school represents an explicit threat to them *as children*. The local school serving the area is located in al-Tuwani. The path along which children from two of the neighbouring villages walk to school passes between Ma’on and Havat Ma’on and a section has been fenced off by the settlers. While volunteers from the US-based Christian Peacemakers Team (CPT) and the Italian organisation Operation Dove (OD) accompany the

children for most of the path, no adults are allowed to walk with the children along the section that has been fenced off. The children must, therefore, go alone and on numerous occasions they have been attacked.<sup>3</sup> Even the volunteers have been attacked on occasion yet they are less likely to be arrested than adult villagers who are frequently taken into custody by the Israeli authorities when they act to defend their families and property.

In 2004 the Israeli Knesset mandated the IDF to provide an escort to the children for their passage through this fenced off area in order to protect them from the settlers. CPT and OD monitor the situation in the area on a daily basis and confirm that the army frequently fails to fulfil its obligations. When an army jeep does come to escort the children it is often late or the soldiers drive too fast through the fenced off area and the children must run behind them to keep up. The Special Representative of the UN Secretary-General for Children and Armed Conflict, Ms Radhika Coomaraswamy, raised the situation of children in this area with the Israeli authorities following her visit in April 2007. In her report to the UN General Assembly in 2008 she noted that 'the Government of Israel was committed to investigating and taking appropriate action on the case of renewed attacks by settlers on schoolchildren in al-Tuwani village.'<sup>4</sup> However, there is no evidence of change on the ground: in the 2007–8 school year there were 14 documented attacks on children by settlers.<sup>5</sup> A local community leader offered us the following observation about the situation in al-Tuwani:

*'So since '67 until now [the Israelis] are working on this strategy, this strategy of evacuation of the people. They have their plans just to make the Palestinian life in this area harder and harder: to be easier for them to evacuate us.*

*'The CPT accompany [the children], watching everything. So it was helpful until now but really we need solutions. We have to take these settlers away from [the children].'*

Access of children to basic services, to social and leisure opportunities and to the care and nurturance of relatives beyond the immediate household has become subject to the whim of the Israeli administration and military forces. For children with special needs who require expert services available in a limited number of urban locations, the restrictions on access and mobility can pose particular threats to their wellbeing and development.<sup>44</sup> When children move, particularly outside major urban centres such as Nablus, they are placed at risk of physical and verbal abuse, arbitrary arrest, and lengthy delays (at permanent and ‘flying’ checkpoints) under highly unsuitable conditions.<sup>45</sup>

Constraints upon movement not only constitute a source of risk in themselves but also limit the opportunities for children to gain first-hand knowledge of areas beyond their own immediate town or village and thereby develop a sense of Palestine as a national community and as the territory of a future state. This was sharply revealed in several focus group discussions that we conducted with both parents and children in which we mapped out the trips taken by the adults when young and compared this with the trips of the current young generation. Thus, for example, in contrast to their parents who had travelled to numerous locations within and beyond the West Bank on school trips, present day pupils are largely constrained to a very narrow range of destinations such as Jericho and the forlorn zoo in Qalqilya.<sup>46</sup> As one Palestinian NGO worker commented to us:

*... this morning I was really really upset because my daughters were going on a school trip and I know that just ten years ago a school trip meant that they were going up to Haifa, and going up to Tel Aviv / Jaffa, and one time they actually went to Jordan, stuff like that. And so this school trip one of my daughters was going to Jericho, which we go to every week, and one of them was going to Jenin and Qalqilya. And that's a school trip... I think that this is a larger political issue – it's trying to restructure and contain how people perceive their living spaces and how society is being formed. And we're seeing the ramifications of that. I think that this can be easily documented. We're having discussions now within our own society. It's just like how this separating out of the West Bank and Gaza has led to two people. Whether we like it or not there is this sense that this is Gaza, this is West Bank and they're really different entities. And now we're moving more and more to this... well Jerusalem is also a different entity, and North and South (West Bank). And you can see that happening across the board. And it happens not just in terms of making it difficult to access but how we are structuring our society.*

The Government of Israel, through practices of containment that violate basic entitlements to freedom of movement guaranteed under International Law, is arguably undermining the formation of a national citizenry that would be central to the viability of any future Palestinian state. While protection of children's possibility to travel within and beyond their own homeland and to interact freely with fellow citizens does not figure explicitly within current global notions of child protection, this is a prominent concern for parents and relates directly to the conditions of occupation and appropriation in which the Palestinians have lived for several decades. In any case, freedom of movement is a basic human right and is articulated clearly in Article 13 of the Universal Declaration of Human Rights.

Under conditions of military occupation and appropriation even the most immediate spaces of Palestinian life can become alienated, as natural resources are placed off-limits. In particular, conventional water sources, often situated in the centre of villages, are commonly closed off and the supply diverted to nearby settlements. This has important implications for children's protection (see Case Study 2)

Israeli actions in limiting the access of Palestinian communities to water supplies – directly and through controls on movement – have meant that water consumption per capita commonly falls well below accepted international levels. WHO and USAID recommend a minimum of 100 litres per capita per day (l/c/d) for domestic use. Yet, for Palestinians in the West Bank the average is around 63, in many communities it is as little as 30 and in a handful less than 10 l/c/d.<sup>47</sup> For Israelis the average is 330 l/c/d and for the settlers it is understood to be even higher than that.<sup>48</sup> While Israeli settler children enjoy swimming pools and play on lush lawns, their Palestinian peers, according to UNDP, 'experience one of the highest levels of water scarcity in the world.'<sup>49</sup> Moreover, not only do Palestinian children in the oPt commonly suffer from lack of the most basic commodity necessary for human survival – clean water – many reside in locations rendered toxic through the dumping of human and industrial waste by settlements and Israeli contractors from within the State of Israel proper.<sup>50</sup>

### **Case Study 2. Access to water denied in al-Hadidiya**

Al-Hadidiya in the northern Jordan Valley is a community experiencing immense hardship due to lack of water. Here the Palestinian residents have been denied access to a water source situated at the heart of the land on which they live and graze their sheep. Instead, they must have water delivered for which they pay highly inflated prices, placing a huge burden on many impoverished families. The price of delivered water is partly inflated due to the difficulties of delivery arising from the constraints on movement within the West Bank. By contrast settlements enjoy unlimited water on demand at prices subsidised by Israel.



A temporary structure in the village of al-Hadidiya with a delivered tanker of water nearby. All infrastructural development has been forbidden: homes and water systems constructed by the villagers have been destroyed.<sup>1</sup>



A water source in the middle of the area of al-Hadidiya fenced off by the Israeli authorities. Water from this source is pumped to the nearby settlement and its hothouses, where herbs and vegetables are grown for export.



Israeli settlement farms in the Jordan Valley.



## 4 The role of UN and international organisations in protecting Palestinian children

### The Institutional architecture of child protection in the oPt

A key element of the 2005 Global Humanitarian Reform was the creation of the Cluster system: bringing together agencies working on various thematic areas. A key aim of this system was to strengthen coordination and partnership, to fill the response gaps, avoid duplication and to promote a standardised and professional response.<sup>51</sup> Protection is one such thematic area around which a cluster has been created. Globally, the focal point for the Protection Cluster is usually the United Nations High Commission for Refugees (UNHCR). Since 'protection' covers a very broad range of activity, sub-clusters have been established for dealing with specific issues. In the humanitarian architecture at both global and country levels, Child Protection is addressed by a sub-group generally chaired by UNICEF. At the country level UNICEF commonly leads a CPWG, bringing together the relevant government institutions, INGOs, civil society organisations and other inter-governmental agencies. Such is the case in the oPt.

The Protection Cluster in the oPt is co-chaired by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the High Commissioner for Human Rights (OHCHR). This cluster is one of the most under-funded in the oPt. In 2009, the Protection Cluster requested a total amount of \$20,196,906 million, of which only about 25% was granted.<sup>52</sup> The general mandate of this Cluster is that of coordinating all protection interventions, including advocacy activities: hence all organisations, local, international and intergovernmental, are invited to participate in the regular coordination meetings. The CPWG updates the Protection Cluster Lead with child protection data and information about its activities. A Mental Health and Psychosocial Working Group (MHPSS WG) has also been created, co-chaired by the UNICEF Child Protection-Psychosocial Officer and an officer from the World Health Organisation. A more recent innovation is the '1612 Working Group' which monitors and reports to the UN Security Council on violations identified in Resolution 1612 (2005) concerning 'children and armed conflict'.<sup>53</sup> This group was instigated by staff at SCUK, DCI/PS, UNICEF and United Nations Relief and Works Agency (UNRWA) and is now headed by a dedicated officer employed by UNICEF.

### Child protection actors

#### *The Palestinian Authority*

Child protection is a fundamental responsibility of the state as articulated explicitly or assumed by various international legal instruments and conventions.<sup>54</sup> This responsibility involves measures to prevent any form of violence, abuse and neglect as well as the care of children for whom prevention measures have proven insufficient. The state is responsible for drafting national laws ensuring that the rights of the child are adequately addressed and for enhancing national policies and allocating sufficient budgetary resources for the functioning of such a system throughout its sovereign territory.

In the case of Palestine, more than sixty years of conflict and forty years of occupation, deep aid dependence and the 2007 split between a Hamas-led government in Gaza and Fatah-led government in the West Bank, have profoundly hindered the development of efficient child protection policies and practices. The geographical fragmentation of the oPt, and the political and de jure divisions between Hamas and Fatah resulted in a lack of collaboration by the two governments in Gaza and the West Bank, causing the indefinite postponement of important bills, such as the Juvenile Justice Law.<sup>55</sup>

The election of Hamas in 2006 led to the suspension by the international community of all assistance thereby seriously undermining governmental capacity to protect children and causing damage to structures that had taken years to put in place. Support was restored to the PA in the West Bank when the Fatah-led caretaker government was installed in 2007. However, in Gaza the government authorities remain isolated and their role in protecting children compromised.

In spite of the odds, in 2005 the PA in the West Bank enacted arguably one of the most advanced Child Laws in the Middle East and North Africa region, aligning itself with international legal obligations towards the fulfilment of children's right to protection by attempting to incorporate the basic principles of the UNCRC.<sup>56</sup> The Child Law and the Social Affairs Law ascribe to the Ministry of Social Affairs' (MoSA) General Administration of Childhood and the Family the responsibility to assign a Protection Officer in the 13 governorates with the duty to investigate and respond to suspected cases of violence against children and refer the child to the appropriate guardian, organisation or protection centre.

#### *Palestinian civil society*

As of 2004 there were in excess of 150 Palestinian organisations that identified themselves as dealing with children's rights and needs in general and child protection in particular.<sup>57</sup> Due to the lack of a properly functioning state, and Israel's non-compliance with its international legal obligations,<sup>58</sup> Palestinian civil society has historically operated as the main channel of service provision and child protection, laying the groundwork for the creation and implementation of a national child protection system. Organisations and charitable societies work in areas such as disability, foster care, poverty, children in conflict with the law, as well as all issues pertaining to violence caused by the Israeli occupation. With the establishment of the PA and the enactment of legislation and policies, civil society has also acted as a governmental watchdog: lobbying for the improvement of the system as well as advocating that duty-bearers be held accountable for the protection of Palestinian children, as laid out in international conventions.

Solidarity Groups and Non-Violent Resistance Groups are also very present, particularly in the most neglected areas of the West Bank. These include organisations such as the International Solidarity Movement, Christian Peacemakers Team and Operation Dove; Palestinian organisations including the Jordan Valley Solidarity Campaign; and Israeli and joint Israeli / Palestinian groups such as Rabbis for Human Rights, Ta'ayush and Windows.

### *United Nations*

As mentioned above, UNICEF leads the Child Protection Working Group in the oPt, the aim of which is to strengthen Child Protection ‘through a well coordinated response, including coordinated service provision, information collection and advocacy efforts.’<sup>59</sup> In its institutional capacity building role, UNICEF works closely with the PA in the development of laws and systems intended to enhance the protection of Palestinian children.

The primary responsibility of the UNRWA is to support the refugee population in the oPt, providing schools, health clinics and community centres. Through these locations it seeks to detect and manage cases of abuse amongst refugee children. UNRWA does not have a clear child protection mandate. However, in 2009 it created a new post of Senior Protection Officer and has since recruited further staff to work on protection issues particularly in respect of vulnerable groups of refugees.<sup>60</sup> UNRWA participates in the CPWG and in the meetings of the 1612 Working Group, providing data and other information for monitoring and documentation purposes.

### *INGOs*

At the time of our research in 2009 most INGOs approached child protection in the framework of an emergency response. This was partly a result of changes amongst the donors who, with the formulation of the Palestinian Reconstruction and Development Plan (PRDP) by the PA in 2007, shifted much of their support away from civil society organisations towards support for the quasi-state. Consequently, programming tends to be reactive and short-term, typically six months to one year maximum: a trend exacerbated in 2009 by the conceptualisation of Gaza, following Operation Cast Lead, as a humanitarian emergency. The bulk of child protection interventions are funded through the Consolidated Appeals Process mechanism, which is a year-by-year fundraising activity. Nevertheless, Save the Children as the main international organisation focusing on all aspects of child protection runs some longer-term programmes. In the oPt Save the Children is represented by Save the Children UK (SCUK), Sweden (SCS), and the US (SCUS), with considerable funding from Save the Children Norway as well as the EC and ECHO. Over the years SCUK and SCS have stood out for their advocacy work, focusing on the violations of children’s rights arising from practices by Israel such as detention, forcible displacement, settler violence, house demolition and denial of access to basic services. Other children-focused INGOs, such as Terre des Hommes International and Terre des Hommes Italy, and War Child Holland, are largely focused on providing psychosocial support activities to children and adolescents; War Child also works in Israel. Other organisations deal with child protection as part of their education or health projects or programmes.

### *Donors*

For most, if not all, of the governmental and intergovernmental donors child protection represents an implicit aim of a larger strategy for the oPt relating to human rights, democracy, governance and the rule of law. The EU is the largest donor to the PA and the NGOs. It has worked in close collaboration with the Ministry of Education and

Higher Education (MoEHE) to ensure quality education for all children and youth, and is currently funding the SCUk Protective Sphere Project.<sup>61</sup> The EU is also one of the main funders of UNRWA.<sup>62</sup> It has recently announced the disbursement of €7m for food security and job creation to the most vulnerable populations in the West Bank, particularly those living in the Seam Zone between the Separation Fence / Wall and the 1967 border, as well as in Area C generally.<sup>63</sup> Denmark, the Netherlands and Sweden together with Switzerland fund the Human Rights and Good Governance Secretariat at the NGO Development Centre.<sup>64</sup> Recipients of funds through the Secretariat include DCI/PS, the leading Palestinian child rights organisation. The governments of Sweden, Switzerland, the UK and USA all fund organisations to deliver psychosocial programming to children.<sup>65</sup>

### **The limitations of current child protection practice**

#### *A response-focused and disconnected approach*

Commenting on a particular meeting of the Child Protection Working Group one of our interviewees – an expatriate working for an INGO – noted:

*What came out of that meeting was pretty much a combination of the SCUk and the UNICEF definitions, rather than something that was more organic. And a lot of it was a laundry list of the issues, which I think is a lot of how protection is conceptualised here, which is a laundry list of the problems.*

This international agency staff member then proceeded to explain the division of the ‘laundry list’ of child protection in terms of two overarching categories: ‘occupation-related’ and ‘traditional’. Other interviewees noted the same division, sometimes using the terms ‘external’ and ‘internal’ to refer to those protection issues resulting from the actions of Israel and those that arise from within Palestinian society, respectively. Many of our interviewees spoke of the particular need to address ‘internal’ child protection issues in the form of violence, abuse and neglect in the immediate realm of home and school, in some cases claiming that these had been relatively ignored in comparison to the impacts of occupation. An alternative manner of conceptualising this dichotomy might be ‘structural’ versus ‘inter-personal’.

Domestic abuse is clearly a universal problem which cannot be attributed to an oppressive political-economic environment alone. Nevertheless, social scientists are increasingly pointing to the link between severe socio-economic pressures and the level of care offered to children by their primary caregivers. As one recent study in the UK observed: ‘... people’s parenting practices can be severely compromised by a lack of assets, resources, choice and opportunities.’<sup>66</sup> The connection between the conditions under which Palestinians are compelled to live and the levels of abuse commonly perceived to occur within the household was widely made by our interviewees. As one 12 year old girl in a village outside Nablus told us:

*Now if you experience the occupation, you have someone in prison or you don't know where they are... you will feel angry, stressed, you feel you cannot protect yourself, that will affect how you respond to the environment around you. So if my dad who's a taxi driver, if the soldiers take his ID or his driving licence, when he comes back home he will be angry and doesn't want to listen to us.*

The breakdown of customary order at school is similarly understood as a partial product of the stresses of life under occupation. As one local NGO worker observed:

*The teachers feel like they are losing control over their students. Especially in Hebron and other places where they have to cross checkpoints and they have to do it at the same time as their students they see that the teachers are being humiliated and so the students, they start losing respect for their teachers.<sup>67</sup>*

Although the close connection between 'external' and 'internal' (or 'structural' and 'inter-personal') factors in the production of risks for children is clearly understood, many child protection efforts did not appear to reflect this understanding in their design. This disconnection in practice is bound up with a dominant tendency to focus on response to threat rather than prevention. As we have indicated, the definition of child protection currently employed by UNICEF, Save the Children and other organisations highlights both. However, in the oPt we found that the focus was largely on the former, namely response. As one Palestinian working for a bilateral donor observed:

*The impact of all this on our kids... I was talking to someone whose son was going to a school in Jerusalem. Every single day he had to cross the checkpoint and at the end he said: 'Mama, I can't take it anymore, that's it.' They start to hate school, hating you know. They're going every day through this bizarre situation and again no one is looking at this and saying, 'Ok, we should discuss it, how to tackle this.' It's as if our brains stopped to function. We work with symptoms, we do not work with causes. You know, when a child starts to wet the bed, when a woman starts to have headaches, or psychosomatic signs and symptoms, we should ask 'Why? What has changed?' We should dig deep enough.*

In the oPt international and intergovernmental donor and programmatic organisations appear to give the lion's share of their resources and attention to efforts intended to alleviate children's suffering or to mediate the negative impact of violence. This is evidenced across the range of activities undertaken: with a strong focus on ensuring that particular spaces – notably the home, school and play space – provide nurturance and healing.

Many organisations have been involved in psychosocial activities with children and their carers over many years, with additional efforts being made in the wake of particularly severe events such as Operation Cast Lead. A UN survey of local perceptions in the aftermath of this attack upon Gaza claimed that 'psychosocial support is by far the most important need for children nowadays'.<sup>68</sup> This finding was not informed by any interaction with children themselves and the survey itself did not allow for expression of needs

beyond the immediate such as for food, schooling, play space, etc.<sup>69</sup> Removal of Israel's blockade of Gaza was not a need that respondents were invited to identify.

The oPt was estimated by several of our expatriate and local interviewees working for programmatic organisations to be amongst the world's conflict zones with the highest presence of psychosocial interventions in relation to the size of the population. Much of the focus of such programming is upon coping and resilience: enabling children and their carers to deal with the extreme stress of life under occupation. The following quote taken from a recent agency document gives a sense of the approach:

*An UNRWA programme running in 85 schools in Gaza provides weekly life skills classes with fun exercises and role play to help develop children's skills at coping with trauma. 'Conditions in Gaza are so overwhelming that it's very difficult for children to live normal lives... we try to rehabilitate these children and teach them how to lead a normal life in abnormal conditions,' explains the head of the programme.*<sup>70</sup>

While such programmes may well have a valuable healing effect upon children's lives they cannot be considered as preventative activities, except insofar as they help to reduce tensions within the home and school that could otherwise give rise to violence. They address the consequences of life under occupation but do not address the underlying causes of suffering.

We would suggest that this de-linking of the structural (external / occupation-related) from the inter-personal (internal / traditional) and the concomitant focus upon response (effects) rather than prevention (causes) is a product of at least two possible factors. The first of these has already been noted: that is to say, the influence of a social work and mental health approach to child protection that currently dominates the field of child protection globally and which constrains the impact of local ideas and aspirations upon the design of interventions. The presence of such a large number of psychosocial activities – to the point where protection and psychosocial programming appeared almost synonymous for several of our interviewees<sup>71</sup> – is not simply a response to the particular context of the oPt. Rather this reflects the significant influence of scholars and practitioners from public health backgrounds in North American and European institutions upon current global understanding of child protection. While this understanding certainly extends beyond a narrow focus upon mental wellbeing to embrace children as socio-cultural and material beings, it nevertheless commonly fails to move beyond an individualistic and de-politicised orientation.<sup>72</sup> In the Palestinian context this is evidenced in the focus upon the resilience of individuals and their immediate families whilst the demonstrably vital dimension of collective resilience – with its inherently political implications – is downplayed.<sup>73</sup>

The second possible factor accounting for the disconnected, response-focused approach that prevails relates to the political context. On one hand, there are child protection workers who express the view that it is better to do something to ameliorate the situation,

even in a small way, than continue to expend resources in a futile attempt to address the political causes of threat. One NGO worker described the current programming environment as follows:

*It's mitigation right? We are in a mitigation phase. We're not going anywhere, except trying to stay in the same place. So while we're not in control of the future political agenda, we can definitely try to, you know, help people not just lose it. Do you know the levels of Prozac and the depression levels and whatever?*

On the other hand, we could clearly discern the influence of donor governments and the constraints that arise due to issues of policy shaped, ultimately, by political considerations. We return to this point below. However, suffice it to say here, that the focus on mental health and similarly ameliorative measures is not politically neutral.

#### *Institutional constraints*

The early 1980s witnessed the emergence of a new generation of activists in the oPt. Largely urban and middle class, they mobilised a mass movement based on grassroots voluntary activism and operating under the institutional umbrella of the PLO.<sup>74</sup> Numerous Palestinian NGOs were established, providing the structure for the formation of popular committees, trade unions, student unions and women's committees, running in parallel with the already existing web of charitable and Islamic networks.<sup>75</sup> These organisations often played a significant role in fields such as health, education, agriculture and several focused specifically on women. They also played a central role in the resistance to Israeli occupation, combining activism with material support and delivery of services. While Arab governments offered intermittent finance, western funding mostly came from small non-governmental organisations operating on the basis of solidarity. Over time, and particularly following the Oslo Accords, the Palestinian NGOs became increasingly professionalised. The involvement of western bilateral and multi-lateral donors grew and with that came the imposition of standardised bureaucratic practices upon local NGOs and a focus upon technical expertise and bureaucratic competence.<sup>76</sup> One result of this gradual shift away from activism and solidarity has been to distance Palestinians working for local NGOs from the grassroots in terms of agenda-setting and prioritisation. A Palestinian working at a local child-focused NGO commented upon this shift in the following terms:

*I shouldn't say this, but I think international organisations are trying to shut us up. In the past locals were out on the streets, now we're in the offices.*

Within the oPt, the relationship between local NGOs, on one hand, and UN and international organisations, on the other, is discussed in terms of 'partnership'. Such terminology can be deceptive given the clear hierarchies of power – financial, institutional and political – that place local organisations in a subordinate position as a matter of course. Since this is an issue of global relevance pertaining to development and

humanitarian work generally we shall focus here only upon the specific implications of such hierarchical relations for the protection of Palestinian children.<sup>77</sup>

Instigated for the purposes of improving co-ordination, the cluster approach also reinforces a familiar hierarchy according to which UNICEF is positioned at the apex. In effect this co-ordinating responsibility gives UNICEF a leading role in defining priorities. As a recent evaluation of the cluster approach in the oPt noted, ‘accountability mechanisms towards beneficiaries are weak or non-existent... Promotion of participatory approaches in the clusters... is very weak.’<sup>78</sup> These observations echoed concerns about the CPWG arising from our interviews. Certainly, we could not discover any process to capture local views and feed these into the development of concepts, aims and methods of child protection efforts by UN and international organisations. Yet, our interviews with Palestinians revealed a range of aspirations and understandings around child protection often at considerable odds with the currently dominant global approach. For example, the priority being given by UNICEF to create a referral network for individual children considered at risk – a familiar element of child protection programming in Europe or North America – assumed an individualistic, case-focused understanding that sat uneasily with the aspiration of Palestinians that we interviewed for the protection of children (especially boys) as social actors requiring freedom of movement and association for their proper development into autonomous adults.

Furthermore, there was a consistent frustration expressed with the perceived lack of willingness by international organisations in general, and UNICEF in particular, to take a clear stand in response to violations. As one interviewee commented: ‘The problem is from the donors, they want us to ignore the problems and look at superficial wounds, superficial issues, that’s what UNICEF is doing.’ There clearly exists an expectation that this organisation should be seen to challenge Israel’s violations directly. Such action is arguably inherent to the rights-based approach that UNICEF has committed itself to pursue globally.<sup>79</sup> The fact that UNICEF has, in the perception of many of our interviewees, failed to do so, is seen as particularly problematic given this organisation’s leading role for child protection in the oPt.

For their own part, UNICEF staff noted that they make continuous effort to gather and pass on information about violations by Israel:

*I do hear organizations saying, ‘oh the UN isn’t doing anything about it’. At the end of the day it is the Security Council. And believe me we do bombard them with information.... I see an advocacy strategy means complementing each other.... So there are some things we can do together [with the NGOs] and when we can, we will, and where we can’t, I think we have to go with other strengths. But at the end of the day we have mechanisms, such as the Security Council where we can only do our best to lobby.*

Certainly, UNICEF’s recent work in response to UN Security Council Resolution 1612 represents a significant step forward in terms of systematising the monitoring and



reporting of Israel's violations, for which they deserve credit. From interviews and from the evidence of actions undertaken UNICEF appears to prefer the kind of witnessing and reporting role entailed in the 1612 Working Group, and reporting through internal UN mechanisms, to one of public advocacy. Expatriate and local interviewees cited examples of situations when UNICEF had chosen not to join other child-focused agencies in an advocacy initiative, sometimes after extensive deliberation that caused delay to the initiative itself. Political considerations – discussed below – are undoubtedly involved in this reticence, compounded by the need to defer on advocacy matters to the Humanitarian Co-ordinator and by varying degrees of timidity on the part of staff in the Jerusalem office. UNICEF also exists in a complex relationship to the State of Israel as occupying force and arguably risks being expelled were it to embarrass the government too greatly. Nevertheless, the muted role played by UNICEF has at least three negative consequences. Firstly it causes considerable frustration amongst colleagues in fellow organisations. Secondly, it alienates many ordinary Palestinians who, above all, expect organisations of such high profile to take a public stand in defence of international law and the principles, such as children's rights, that they espouse. Finally, by adopting a primarily behind-the-scenes approach, the opportunity is lost for UNICEF to use its global profile and considerable authority to raise public awareness about Israel's treatment of Palestinian children.

### **The role of the donors**

#### *Focus on the PA*

A large share of the donor community's efforts in the oPt have gone into support for the development of the PA. This is particularly the case for donors such as DfID and the EU which barely offer any meaningful support to civil society organisations. The underlying assumption behind such efforts is that a well functioning state apparatus will help to ensure the protection and wellbeing of the Palestinian population, including children. However, there are serious problems with this approach. Firstly, and most obviously, the PA is not a national government since the State of Palestine does not exist. Moreover, the ability of the PA to function as a quasi-state authority is consistently undermined by Israel which has appropriated land and imposed a matrix of control in such a manner that the most basic element of a nation-state – territorial integrity – is denied. Indeed, the PA in the West Bank is prevented from working in East Jerusalem and Area 'C' and the Hamas-led government in Gaza is, in any case, completely shunned by the international community. Therefore, the Palestinian quasi-state authorities have no possibility to promote the protection of millions of children. In the words of an official from the PA:

*We've said across the board 'we'd rather you support us to get access and movement. Don't give us any development funds. If you can resolve with the Israelis access and movement and sovereignty issues we don't need a penny of development assistance: we'll do the rest on our own.' And the donors say 'Sorry, we just can't do that'.*

One response to the absence of territorial integrity and lack of access and secure movement has been to localise services, including those most needed by children. This

is partly a response to understandable demands from villagers and the residents of small towns anxious or constrained – due to physical or economic restrictions – to send their children to schools and health facilities at a distance from their immediate locale. In recent years the field of international development has nurtured an ethos of community-focused, grassroots initiatives. Thus, within the oPt UN and international organisations are already disposed towards the localisation of services. Yet, in responding positively to requests for a local primary school or village-based primary health clinic they are effectively supporting the enclavisation of the oPt according to the logic of the Israeli government. A Palestinian interviewee observed:

*A lot of resources are being put into developing isolated programming simply because the donors don't challenge Israel on allowing children to travel to different places. The donors will fund the Palestinians to build two or three additional classrooms rather than building one school in a central locality where everyone can come. We'll say 'it's cheaper just to buy a bus and to use the bus'. And they'll say 'no, we can't guarantee that the bus is going to go'.*

Clearly there is a tension between the immediate goal of providing basic services under conditions of imposed immobility and the long-term goal of ensuring the territorial integrity of any future Palestinian state. However, this tension could be seen as a product of the inaccurate conceptualisation of the setting as a mix of humanitarian emergency and international development. If the challenge for the international community were reframed as, first and foremost, one of ensuring that principles of human rights and international law are upheld, then this tension becomes irrelevant.

#### *Political will*

On the ground, we found little evidence to suggest that the donors are committed to calling Israel to account over its actions that violate Palestinian children's protection. As one UN agency worker observed: 'We will be able to ensure protection once donors and the political process decide to engage the Israelis, to hold them accountable to their obligations', thereby indicating that this is currently not the case. We found few donors specifically engaged in support of child protection efforts and, of these, most seemed to focus largely on funding for psychosocial programmes, as noted above. Certainly, a principled approach to Palestinian children's protection – based upon IHL and IHRL – was not on the agenda of most of the nine bilateral and multi-lateral donor organisations that met with us. As one interviewee – a Palestinian health professional – commented wryly: 'I think the donors would stop funding if it was really about child rights, because the most obvious ones are about occupation and access and all of that.'

It should not be inferred, however, that donor staff are unaware or unconcerned about the situation. A Palestinian academic made the following observation:

*It's a political protection. I mean everyone knows this, even donors, I never met a donor who doesn't know this. But they are constrained. All of them would talk off the record. They*

*all are constrained. They all understand the imbalance of power that is the source of all the problems... but they have their jobs, they work within their mandates.*

The issue, therefore, is the mandate within which donor agency staff on the ground are obliged to work which, it was consistently argued to us, reflects the interests of the US and Israel. The close and dependent relationship of most child protection organisations to major western governments, means that their work is constrained accordingly. For example, the alleged reluctance of UNICEF to take a public stand in challenging Israel's violations as a signatory to the UNCRC and other international legal instruments was attributed by several interviewees primarily to fear of alienating funders as well as those with political influence in the US, where the pro-Israel lobby is immense powerful.<sup>80</sup> Such concerns seemed especially justified in the summer of 2009, given that Ann Veneman, the Executive Director of UNICEF at that time, was a political appointee of President George W. Bush. A former senior official in the US government – which has maintained its refusal to sign and ratify the UNCRC – Veneman personally displayed a highly ambivalent attitude towards rights-based programming during her time at the helm of this organisation. On the ground, the constraints from headquarters in New York were clearly felt. As one former UNICEF oPt employee recalled:

*We had more pressure on what we could say about violations of children's rights from New York than even from the Israeli government.*

Interviewees also raised questions about the restrictions upon SCUS, which is the largest member of Save the Children globally and in the oPt, and the only one not to pursue an explicitly rights-based approach. Its heavy reliance upon funding from USAID makes it vulnerable to pressure to act in accordance with the US foreign policy agenda. A former member of the Middle East and North Africa team at SCUK observed that 'SCUS didn't have the room to do anything independent (of government) if it wanted to support the numbers of staff dependent on government-funded operations.' The political influence from the US government is apparently not limited to SCUS alone but can affect the actions of other SC organisations as well. According to another interviewee with lengthy experience of work for SCUK at a senior level:

*[SCUS] were trying to push for a line that nobody must do anything that harms a member agency's interests. And if it displeased friends in Congress that was reason enough for them to try and veto anything we might be doing.<sup>81</sup>*

The influence of the US government on SCUS activity in the oPt is apparent at a very immediate level: rather than referring to the 'occupied Palestinian territory', SCUS follows USAID in using the term 'West Bank and Gaza'. In this way they eschew reference to occupation, ignore Israel's illegal annexation of East Jerusalem and diverge from the United Nations Security Council, the International Committee of the Red Cross and most organisations working on the ground.

Under the influence of Headquarters, advocacy appears to be an aspect of child protection work that SCUS in the oPt do not embrace. As one former employee of SCUUK recalled:

*While writing that report with other members of Save the Children on disabled children and access to education the local SCUS representative was very supportive. But the message from Westport [SCUS HQ] was clearly 'no advocacy on Palestine publicly please'.*

# Conclusion and recommendations

## Conclusion

Comparing the actions to protect Palestinian children in 2009 to the example of Eglantyne Jebb and her efforts to address the starvation and death of Austrian and German children in the wake of World War I is revealing. In place of Jebb's determination to address the political causes of suffering we witnessed an overwhelming tendency to focus upon effects. Were the dominant approach in the oPt to have been implemented in post-war Europe it would arguably have entailed working around the British blockade in order to distribute rations to Austrian and German children rather than challenging the blockade itself.

We have identified a number of constraints upon the pursuit by the international community of a principled approach to children's protection. These include issues inherent to the current orthodoxy within the field of child protection globally – such as the primacy given to technical competence over analytical skills and detailed contextual knowledge, and an approach overly informed by social work and mental health models. To this we could also add the specific problems arising from standardised thinking about humanitarian emergencies in armed conflict that fails to address the specific challenges of occupation and long-term political violence. We have also alluded to some of the constraints created by institutional dynamics on the ground, including the hierarchy that exists amongst UN, international and local agencies which appears to be reinforced by the cluster approach.

Ultimately, however, the greatest challenge lies in the realm of politics. This is for two main reasons. Firstly, the scale of obstacles to overcome is immense given the tendency of influential western governments to prioritise their good relations with the State of Israel over the rights of the Palestinians as contained in IHL and IHRL. Secondly, political considerations bear directly upon the conceptualisation of child protection and the institutional dynamics of organisations working in the oPt. Many of the shortcomings of international and UN child protection efforts flow from the insistence on relating to the setting as one of 'conflict' between two more or less equal adversaries in which a changing combination of developmental and humanitarian interventions is required. A more appropriate characterisation would be of a chronic and long-term human rights and protection crisis arising from Israel's occupation and the systematic appropriation of Palestinian land and resources.

Our research made it quite clear that the protection of Palestinian children cannot be achieved without political action. Humanitarian aid and development assistance – conventionally pursued – cannot constitute a counter to mass and systematic violations of IHL and IHRL. However, there is little evidence that major donors such as the EU, the governments of the UK and US, are prepared to take the kind of action at the political level that is required. The following observation by Michael Aaronson – former Director General of SCUK – accurately captures the situation in the oPt where agencies seeking to ensure the protection of Palestinian children are constrained by governmental donors that are not willing or do not have the capability or will to take the action necessary:

*We believe we can use 'humanitarian' or 'development' assistance to help us achieve our objectives, but in reality we are back to where we were at the end of the 1980s, where we relied on humanitarian action as a substitute for effective political action. So we stagger in Iraq, look decidedly shaky in Afghanistan, are impotent in Darfur, and apparently do very little in Palestine. Something is fundamentally wrong with our model.<sup>82</sup>*

In such a fraught environment, it is no small task to identify steps that might be taken which will significantly improve the efforts of international and UN organisations to protect Palestinian children. Due to the complex and inter-related nature of the challenges, a concerted and multi-level approach is essential. Moreover, meaningful steps necessitate significant change which many organisations will be reluctant to undertake, especially if these appear to jeopardise funding sources. Ultimately, however, it is not only the lives of Palestinian children that are at stake. The failure to protect Palestinian children over many years raises questions about the integrity of organisations that proclaim the principles of human and child rights and the primacy of children's protection over national interests, yet invest their energies in activities that appear largely ameliorative in nature: intended to increase the capacity of Palestinian children and their families to cope better and longer with Israeli violations. This is clearly far less than Palestinians would expect and the patience of many that we interviewed has long since worn thin. As one of our interviewees, an employee of a local NGO, expressed it:

*Listen, we are expert now. You funded us so much that we are experts and professionals, as you said. And this is our solution: our solution is human rights. If it conforms to your standards, support us. If it doesn't, goodbye.*

## **Recommendations**

### *INGOs and UN agencies*

- The understanding of child protection should be developed through the following actions:
  - reassertion of the principles of child protection derived from IHL and IHRL, and evidenced in the work of Eglantyne Jebb, founder of Save the Children;
  - engagement with Palestinian children and their caregivers about their experiences, understanding and aspirations around protection (i.e. not a tick-box survey of pre-determined issues);
  - co-analysis by Palestinian, international and intergovernmental organisations to reach a consensual understanding that embraces local experience and aspiration as well as (i) international legal standards (IHL and IHRL); (ii) current global thinking on child protection; (iii) the means of achieving prevention as well as response.
  
- In developing a locally meaningful understanding of child protection the following issues should be considered:
  - the risks to children arising from occupation and appropriation of land and resources (rather than generic armed conflict);
  - the need for security of children's movement and access as well as of their space.

- A wider array of expertise – in addition to mental health and social work – should be drawn upon in the analysis and development of child protection measures. In particular, expertise in the Palestinian context from international relations, anthropological and political-economy perspectives should be utilized.
- A mechanism is needed to ensure that the CPWG functions in an accountable, egalitarian and inclusive manner.
- Advocacy and awareness-raising measures should be pursued in a more concerted way involving headquarters staff and partner organisations in Europe, North America and across the Arab World. The aim of such efforts should be to influence public opinion and build the political will for donor governments to pursue a principled approach to child protection in the oPt.
- The potential to address the illegality of Israel's actions should be explored in other countries, for example by highlighting the link between the settlement produce exported to Europe and the harm inflicted upon Palestinian children by settlers and their appropriation of land and natural resources.
- Funding sources should be reviewed from the perspective of ensuring maximum potential to pursue a principled approach to children's protection. Organisations that seek to be identified as part of civil society should consider carefully the implications of accepting large funds from highly restrictive donors such as USAID.
- The work of child protection organisations should be evaluated in terms of their impact in mitigating and preventing harm to Palestinian children arising from political violence – especially the effects of occupation-related violence – according to clear principles of IHL and IHRL; Conversely, the unwillingness to go beyond ameliorative measures – such as psychosocial interventions – should become the focus of critical discussion.

#### *Donors*

- The current characterisation of the context of the oPt as one of development and state-building with elements of humanitarian aid should be re-examined: serious consideration should be given to framing the oPt as a long-term human rights and protection crisis requiring both a principled approach by donors and their engagement in political action to enforce adherence to agreed international norms and laws; a focus on root causes rather than effects is essential.
- The rights of children as members of a Palestinian national community should also be addressed; this should include a focus on adherence to the aim and principles of self-determination.
- Donors should consider the extent of their independence from the political agenda of the United States and thus from the pro-Israel lobby that significantly shapes that agenda.

- The protection of Palestinian children should be made a primary consideration of the donors: recipients should be evaluated in terms of their capacity to implement a principled approach to children's protection that not only mitigates the impact of harm but seeks to prevent this from occurring through efforts at advocacy. Furthermore, there should be a coherent approach to funding that ensures advocacy efforts are concerted and achieve maximum impact locally and globally.
- In light of concerns to ensure the maximum positive impact upon children's protection, the shift of funds away from civil society by donors, most notably by DfID, should be re-evaluated urgently.
- There should be greater support and encouragement for efforts to monitor Israeli institutions in which Palestinian children's rights are regularly violated, such as courts, prisons, and police stations.
- Donors should focus more concertedly on the situation of children in East Jerusalem and Area 'C' (under full Israeli control), supporting recipient organisations to gain access and challenging Israeli restrictions on the basis of international law.



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# Endnotes

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5. Israel withdrew its forces and settlers unilaterally from Gaza in 2005. However, it has maintained its blockade of the territory and control over the movement of the Palestinian population out of the Strip by land, sea and air.
6. Hanafi and Tabar 2005: 64.
7. Al Haq, the leading human rights NGO in the oPt, was established in 1979 as an offshoot of the International Commission of Jurists.
8. Under the Oslo Accords, Israel, led by Prime Minister Rabin, officially recognised the PLO, led by Chairman Arafat, as its negotiation counterpart, but made no other commitments. The PLO recognised Israel's right to live in peace and security and renounced violence and terrorism. The Accords also provided for the creation of a Palestinian National Authority (PA) which would have responsibility for the administration of the territory under its control.
9. Le More explains how institution building was considered the first step to the final two-state solution. In 1999, the EU which had in 1980 given support to Palestinian claims for self-determination, formally endorsed the two-state solution. On 24 June 2002 President Bush offered US formal endorsement with his famous policy speech envisioning 'two states living side by side in peace and security', which formed the basis for the Quartet's Road Map for Peace. This certainly influenced the way donors perceived the relevance and the priority given to institution-building but also, as the position of the EU shows, crystallised the end of solidarity funding (2008: 160).
10. With Oslo II, in 1995, the PA was given responsibility for seven more autonomous Palestinian areas, known collectively as 'Area A'. In Area A, which entails the land around the main cities (17% of the oPt) the PA retains full civil and security control; Area B involves a mix of PA and Israeli security control but full Israeli administration and it includes the main village lands (24% of the whole oPt). In Area C (60% of the oPt), the Israeli army holds full control over people and resources. This includes all the Jewish settlements. Here the PA can deliver services to its population but has no administrative control whatsoever. So for example, the PA cannot build any service infrastructure, such as schools, hospitals, water or electricity systems.
11. This was decided with the Paris Protocols, the economic leg of the peace process. Remittances accounted for 60% of Palestinian revenues. Hilal and Khan note that up until the beginning of the second Intifada, Israel paid part of these revenues into bank accounts established outside the Palestinian Ministry of Finance and controlled by Arafat, his financial advisor and other signatories, with full knowledge of the donors. This situation, they conclude, was clearly beneficial for both sides: the Israelis could exert substantial leverage on their enemy with this card, whilst Arafat could re-distribute the revenues in unaccountable clientelistic ways to secure political stability and the re-activation of the PLO, should the Peace Process collapse (2004: 81).
12. Halper 2000: 15.
13. According to B'tselem, in the period 1996-2000 alone, the West Bank settler population rose from 139,974 people to 190,206. See Population by Year in West Bank Settlement, [www.btselem.org/english/Settlements/Index.asp](http://www.btselem.org/english/Settlements/Index.asp) retrieved 12.5.10.
14. Brynen 2000: 127.
15. Le More 2008: 14.
16. Sayigh 2007: 7.
17. All data, Le More 2008: 61.
18. Le More 2008: 50.
19. OCHA 2009: 8.

20. OCHA 2009: 16.
21. International Court of Justice, 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', Press Release, The Hague, 9 July 2004 [www.icj-cij.org/docket/index.php?pr=71&code=mw&pandp1=3&ndp2=4&ndp3=6&andcase=131&andk=5a](http://www.icj-cij.org/docket/index.php?pr=71&code=mw&pandp1=3&ndp2=4&ndp3=6&andcase=131&andk=5a) accessed 13.12.09.
22. BBC News, 'Palestinians Shun Israeli Settlement Restriction Plan', 25 November 2009 [http://news.bbc.co.uk/2/hi/middle\\_east/8379868.stm](http://news.bbc.co.uk/2/hi/middle_east/8379868.stm) accessed 17.12.09.
23. De Soto, 2007:19
24. See DCI/PS Report, *Bearing the Brunt Again: Child Rights Violations during Operation Cast Lead*, Ramallah, September 2009, retrieved at: [www.dci-pal.org/english/publ/research/BearingTheBruntAgain.pdf](http://www.dci-pal.org/english/publ/research/BearingTheBruntAgain.pdf) and DCI/PS press release on Operation Warm Winter, 'Gaza Death Toll Rises to 33 Children', as of 6 March 2008, retrieved at: [www.dci-pal.org/english/display.cfm?DocId=696&CategoryId=16](http://www.dci-pal.org/english/display.cfm?DocId=696&CategoryId=16).
25. OCHA 2010: 1.
26. UNICEF 2006.
27. See Woodhead 1997.
28. See for example Save the Children 2007; UNHCR 2008; Watchlist on Children and Armed Conflict 2009.
29. Mulley 2009: 245.
30. Ibid: 233.
31. Ibid: 309.
32. This principle has arguably been strengthened in recent years by the emergence of the human security paradigm which promotes the right of populations to basic protection over considerations of national sovereignty, see Alkire 2002: 2.; Batniji et al. 2009; UNDP 2010.
33. Mulley 2009: 249.
34. Jonsson 2003: 20.
35. Cox 2001: 275.
36. See, for example, Lipman 2010.
37. Taraki 2006: xxx.
38. De Soto 2007: 32.
39. Information and statistics on actions by the Israeli military authorities are compiled by various organisations. For statistics on children see the website of DCI/PS [www.dci-pal.org](http://www.dci-pal.org). Israeli human rights organization, Be'Tselem compiles information on issues that include Israel's use of administrative detention, destruction of property and restrictions on movement: see [www.btselem.org](http://www.btselem.org). Palestinian human rights organization, Al Haq, produces quarterly field reports on human rights violations in the oPt by both Israel and the PA [www.alhaq.org](http://www.alhaq.org). These reports include accounts of specific incidents, such as shootings of civilians by the IDF.
40. In the *Machel Study 10 year Strategic Review* (UNICEF 2009a: 23) a 12 year old Palestinian girl is similarly quoted as saying 'For the time being, there are many violent attacks that may happen at any time. Some of us may die in the street or in school or even at home, which means no safety for anyone at any time.'
41. From interviews with residents of Azzoun and relevant agency staff. See also [www.palestinemonitor.org/spip/spip.php?article313](http://www.palestinemonitor.org/spip/spip.php?article313) accessed 21.4.10.
42. Point made or confirmed by several interviewees working for multilateral organisations.
43. For maps showing the latest situation on the ground – including the route of Israel's Fence / Wall see the website of OCHA oPt [www.ochaopt.org/generalmaps.aspx?id=96](http://www.ochaopt.org/generalmaps.aspx?id=96)
44. Secretariat of the National Plan of Action for Palestinian Children 2005b: 29–30.

45. In the summer of 2009 various obstacles to movement within the West Bank were being eased. This included, for example, removal of a number of checkpoints that had severely hindered travel. While parents in Nablus told us that they welcomed these changes, none appeared confident that this signalled a long-term improvement. Rather, they were convinced that the checkpoints could be re-imposed at any time and so remained anxious about travel by their children beyond the city.
46. For a detailed account of this zoo see Thomas 2008.
47. Palestinian Hydrology Group 2006a: 18-20.
48. 2006 figures cited by the Palestinian Hydrology Group. The figures for settlers have not been made available by Israel since 1997. Palestinian Hydrology Group 2006b: 53.
49. UNDP 2006: 116-117; see also DCI/PS 2005: 43-47.
50. See Qumsieh 1999; also [www.haaretz.com/print-edition/features/waste-smuggled-across-the-green-line-drops-by-80-1.248806](http://www.haaretz.com/print-edition/features/waste-smuggled-across-the-green-line-drops-by-80-1.248806) accessed 21.7.10.
51. All information on the Cluster System and the Humanitarian Reform can be found on the official webpage [www.humanitarianreform.org](http://www.humanitarianreform.org).
52. OCHA, Financial Tracking Service, CAP occupied Palestinian territory 2009, table D, Requirements, Commitments/Contributions and Pledges per Sector, as of 4 December 2009, retrieved at: [http://ocha.unog.ch/fts/reports/daily/ocha\\_R3sum\\_A834\\_\\_0912041513.pdf](http://ocha.unog.ch/fts/reports/daily/ocha_R3sum_A834__0912041513.pdf).
53. Nylund and Hyllested 2010.
54. In addition to the Fourth Geneva Convention (GCIV, 1949) and the UNCRC (1989), state responsibility for the protection of children is covered by the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), and the Convention Against Torture (CAT, 1984)
55. See for example an analysis of the juvenile justice sector and the efforts to introduce a juvenile justice bill in Trojan 2008: 39 onwards. This report explains how politics have hindered the drafting process of the new juvenile justice bill, stalled since 1999.
56. See for example, Institute of Community and Public Health, Birzeit University, and Palestinian Authority, National Plan of Action Secretariat 2006. Interview with Vanina Trojan, Consultant for DCI / PS and Save the Children Sweden, Ramallah, 17 March 2009.
57. Secretariat of the National Plan of Action for Palestinian Children 2005a.
58. Israel is a state party to the GCIV (but only to the third of its three additional protocols), to the ICPPR, the ICESCR, the CAT, as well as to the UNCRC and the Optional Protocol on the Involvement of Children in Armed Conflict (2000). Together these define the legal obligations of Israel as occupying power towards Palestinian children.
59. UNICEF 2009b: 1.
60. Interview with M. Brailsford, Senior Protection Officer, UNRWA, Jerusalem 03/08/2009.
61. ECTAO, PEGASE: Investing in people. Improving the provision of educational and healthcare services, 2009, retrieved at: [www.delwbg.ec.europa.eu/en/cooperatio\\_development/pdf\\_sec/social.pdf](http://www.delwbg.ec.europa.eu/en/cooperatio_development/pdf_sec/social.pdf).
62. ECHO, Aid in Action, [http://ec.europa.eu/echo/aid/north\\_africa\\_mid\\_east/palestinian\\_en.htm](http://ec.europa.eu/echo/aid/north_africa_mid_east/palestinian_en.htm).
63. See, ECHO website, Occupied Palestinian Territory: Commission boosts humanitarian funding by €7 million, retrieved at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1992&format=HTML&aged=0&language=en&NandguilLanguage=en>.
64. See the list of beneficiaries and amount of funds here: [www.ndc.ps/uploads/File/HRGGList.pdf](http://www.ndc.ps/uploads/File/HRGGList.pdf) and interview with Anna Klara Berglund, Programme Manager Human Rights, Swedish International Development Agency (SIDA), Jerusalem, 26 June 2009.
65. Interview with Tanya Kelly, Temporary Humanitarian Officer (for Gaza), DfID, Jerusalem, 31 July 2009 and Mercy Corp website, [www.mercycorps.org/countries/westbankgaza](http://www.mercycorps.org/countries/westbankgaza).

66. Ridge 2009.
67. The negative impact of the occupation upon the classroom is not a new phenomenon. For discussion of the situation in the mid-1990s following the first Intifada see Mansour 1996.
68. UNDP 2009.
69. Furthermore, families living in homes destroyed were not consulted given that the survey was conducted by landline telephone.
70. UNRWA and ECTAO (2009) [http://ec.europa.eu/delegations/westbank/documents/eu\\_westbank/unrwa\\_en.pdf](http://ec.europa.eu/delegations/westbank/documents/eu_westbank/unrwa_en.pdf) p.1.
71. On its website, Save the Children US explains its protection-related activities in the oPt solely in terms of psychosocial activities as follows: 'Save the Children is a lifeline for children at risk. Our groundbreaking psychosocial programs help children cope with stress and build the capacity of families and communities to support children's psychosocial well-being. These initiatives also increase the capacity of local organizations to meet the needs of children and help create sustainable programs to promote their well-being.' [www.savethechildren.org/countries/middle-east-urasia/west-bank-and-gaza-strip.html](http://www.savethechildren.org/countries/middle-east-urasia/west-bank-and-gaza-strip.html), retrieved 11.6.10.
72. We would draw attention to the efforts of certain mental and public health practitioners in the oPt, as in other non-western locations such as Sri Lanka, to overcome the limitations of the dominant western-originating approach. In the oPt, the work of Rita Giacaman and colleagues at the Institute of Community and Public Health, Birzeit University is notable in this regard.
73. For discussion of the need for a more collective approach to resilience-oriented initiatives with young Palestinians see Nguyen-Gillham et al. 2007.
74. Hanafi and Tabar 2005: 62.
75. Arab and Islamic donors offered the bulk of funding until the 1st Intifada and influenced the party-affiliated factionalisation civil society. See Challand 2009: 78–79 and Craissati 2005: 185–189.
76. See Hanafi and Tabar 2005: 223–225.
77. See Hart et al. 2011.
78. Kruger and Steets 2010: 25 and 27.
79. According to the UNICEF website 'Human rights and child rights principles guide our work in all sectors – and at each stage of the process. These principles include: universality, non-discrimination, the best interests of the child, the right to survival and development, the indivisibility and interdependence of human rights, accountability and respect for the voice of the child.' [www.unicef.org/rightsresults/index.html](http://www.unicef.org/rightsresults/index.html), accessed 15.6.10.
80. See Mearsheimer and Walt 2007.
81. Interviewees also referred to the actions of SCUS in curtailing advocacy by fellow SC member organisations in respect of the impact of sanctions on Iraqi children in 2002, see Maguire 2003.
82. Aaronson 2007: 8.

#### Case study 1

1. This outpost never received formal approval from the relevant authorities and is thus illegal from an Israeli governmental perspective. Havat Ma'on was forcibly evacuated in 1999 but has since been re-inhabited. From the perspective of IHL all of the settlements, not just outposts such as Havat Ma'on, are illegal since they contravene Article 49 of the Fourth Geneva Convention (1949) governing the transfer of civilians into occupied territory by the Occupying Power. See Zertal and Eldar 2005: 175–6.
2. Beinon 2007.
3. See, for example, this brief film produced by an international solidarity group based in al-Tuwani <http://www.youtube.com/watch?v=z0nFlcvWrus&feature=related>; See also [www.operationdove.org/?p=260](http://www.operationdove.org/?p=260) accessed 22.1.2010; Christian Peacemakers Team and Operation Dove (2010) *The Closed Road to Education* [http://cpt.org/files/palestine/SHH-School\\_Accompaniment\\_Report\\_2008-09-Closed\\_Road.pdf](http://cpt.org/files/palestine/SHH-School_Accompaniment_Report_2008-09-Closed_Road.pdf) accessed 17.5.2010; Weir 2004: 13–15.



4. Coomaraswamy 2008.
5. DCI/PS 2008: 25-30.

Case study 2

1. For more on al-Hadiya see [www.poica.org/editor/case\\_studies/view.php?recordID=2422](http://www.poica.org/editor/case_studies/view.php?recordID=2422) and <http://brightonpalestine.org/node/213>.

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