

STATES OF JERSEY



CEASEFIRE IN GAZA

**Lodged au Greffe on 29th January 2024
by Deputy M. Tadier of St. Brelade
Earliest date for debate: 27th February 2024**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to express their profound sadness and dismay at the extent of loss of civilian lives in Gaza and Israel and to condemn the taking of hostages and all acts of aggression which violate international law and result in the loss of civilian lives, especially children;
- (b) that a permanent ceasefire should be established and that all hostages and those held under unlawful detention should be released;
- (c) that international law should be adhered to in order to stop further significant loss of civilian lives and to avoid potential acts of genocide;
- (d) that the interim ruling of the International Court of Justice in South Africa's case against Israel should be respected;
- (e) that a diplomatic solution to end the conflict, including an immediate end to the military occupation of Palestine, should be pursued by the UK Government and its allies in order to secure stability and a lasting peace in the region; and
- (f) to request that the Government of Jersey express the view of the Assembly on this matter to the UK Government.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

This proposition and report have been submitted in my capacity as a private member, to recognise the strong feelings of those who have signed the petition that was launched by former States Deputy, Paul Le Claire which asks the States Assembly ‘*to recognise the actions being taken by Israel are disproportionate and request a cease fire to His Majesty’s [UK] Government.*’ Currently, 824 people have signed this petition.

Members will also be aware that outside the Assembly, I am chair of the Jersey Human Rights Group (a group which was founded by former Deputy Bob Hill, who was also its chair until 2011).

At the time of writing, it is estimated that 25,000 Gazan civilians have died. This is in addition to an estimated 1,139 (mostly civilian) Israelis who were killed by the Hamas attack on the 7 October 2023, when Hamas also took 240 hostages. Many of these are yet to be released.

It is difficult enough to watch the images and one can only imagine what it must be like for the people of Gaza, the families of the Israeli hostages, and political prisoners on both sides, to live through.

Since the war started, violence has also escalated in the region, this includes strikes from Iran into neighbouring countries, and attacks on shipping by the Houthi’s in Yemen, which has in turn led to retaliatory strikes from both US and UK forces.

25,000 people, which represents a quarter of the population of Jersey, have been killed in the space of just over 3 months. In addition, more than 62,000 have been injured. These figures, we are told, do not differentiate between civilians and combatants, but it is estimated that two-thirds of those killed are women and children.

The global community has seen an outpouring of sadness and indignation at the tactics being employed by the Israeli Defence Force in Gaza, including the bombing of hospitals. It is something which has also made the staunchest ally of Israel uncomfortable. On 30th November, the US Secretary of State Antony Blinken, informed reporters in Tel Aviv that he told Israeli Prime Minister Benjamin Netanyahu that Israel must implement a plan to minimize Palestinian casualties and protect civilians before it resumes its military operations. *"The way Israel defends itself matters...Intent is important, but so is the result."*¹

Many of the people I speak to also feel that a genocide is taking place before our very eyes, and they feel powerless in the face of such civilian death toll. However, living in a democracy means that people can at least have a voice and use that voice. As a States Member, who also shares the concern of the petitioners, I feel it is important that those of us who feel similar, and who have a voice in Jersey’s parliament, the States Assembly, also use that voice to amplify the feelings of the public.

The most recent conflict in Gaza that began on 7 October 2023, has context that is decades in the making. This includes an occupation of Palestinian land by Israelis, which a UN appointed commissioner of enquiry confirmed to be illegal on October 20th, 2022, who are sometimes euphemistically referred to as *settlers*.

¹ [Secretary Blinken: "The Way Israel Defends Itself Matters" | C-SPAN.org](#)

The UN appointed commission summarised its findings as ‘Israel’s occupation of Palestinian territory is unlawful under international law due to its permanence and the Israeli government’s de facto annexation policies.’

A core UN principle

“Recent statements by the Secretary-General and numerous Member States have clearly indicated that any attempt at unilateral annexation of a State’s territory by another State is a violation of international law and is null and void; 143 member States including Israel last week, voted in favour of a General Assembly resolution reaffirming this,” said Navi Pillay, the Commission Chair.

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In report [A/77/356](#) presented to the UN on 21 September 2022 by Francesca Albanese (special Rapporteur on the situation of human rights in the Palestinian territories) one of the conclusions was that *The violations described in the present report expose the nature of the Israeli occupation: that of an intentionally acquisitive, segregationist, and repressive regime designed to prevent the realization of the Palestinian people’s right to self-determination.*

Recommendations at the end of the report also stated:

*[A recommendation] that all States: (a) Condemn the intentional violations by Israel of the Palestinian right to self-determination including through settler-colonial practices. This requires that: (i) States demand an immediate end to the illegal Israeli occupation, return of all land and resources from which the Palestinian people have been displaced and dispossessed while refraining from making withdrawal subject to negotiation between Israel and Palestine; (ii) The General Assembly develops a plan to end the Israeli settler-colonial **occupation** and **apartheid** regime;*³

Note the two words used by the UN to describe the situation in Palestine: **Occupation** and **Apartheid**.

Given the UN’s reference to *apartheid*, it is perhaps unsurprising that it is South Africa who are the first nation to be taking legal action in the International Court of Justice (ICJ) against Israel, accusing it of ‘genocidal acts.’ For clarification, the treaty defines genocide as “*acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group*”.

² [Israeli occupation of Palestinian territory illegal: UN rights commission | UN News](#)

³ [Situation of human rights in the Palestinian territories occupied since 1967](#)

With regard to the South African legal action, Part (c) of this proposition simply asks that eventual ruling of the court be respected and at present it is to be determined what these proceedings will find against Israel and at any rate, the court will not decide whether Israel is committing genocide, but instead will assess whether South Africa's case is strong enough to issue provisional measures. These measures would "protect against further, severe and irreparable harm" to Palestinians and "to ensure Israel's compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide."⁴

The *application instituting proceedings* in the ICJ can be found below, for those who are interested in reading them in full.⁵

Between the time of submitting and lodging of this report, the ICJ returned an interim verdict on South Africa's case against Israel, (a summary of which can be read [here](#)) Members may wish to take the ICJ interim findings into account in their deliberations.

As an aside, Nelson Mandela is now *pretty much* universally hailed as a hero, however at one point he was labelled a criminal in his own country, and a terrorist by others (he remained on a U.S. Terrorist watchlists until 2008). In the same way, *apartheid* is now seen as completely unacceptable and racist by today's standards, but between 1960 and the fall of *apartheid* in 1994, the UK, along with France and the U.S.A. opposed sanctions against the South African regime. On the question of South Africa, history now judges these three countries harshly, although there were citizens of all three Western countries who did not support their own government's policies and protested them in various way.

But what about *occupation*? The UK may not know what it means to be occupied, but we in the Channel Islands do. Admittedly, our most recent occupation only lasted 5 years, but its memory is still etched into the collective consciousness some 80 years on. Should we not speak out for and support others who are facing a similar situation?

Public Interest

Whilst Jersey is not a sovereign nation, there are precedents of The Assembly having used its voice on two occasions to pronounce its feelings on matters of international affairs, through States propositions. On both occasions these came from private members. The first was a [proposition](#) by Deputy Southern in 2003, opposing the invasion of Iraq by the UK and the USA, and the most recent, a [proposition](#) by Deputy Farnham condemning whale hunting in the Faroe Islands.⁶

In a very thoughtful, and I would say, compelling letter to the Jersey Evening Post on November 4th 2023, a member of the public, wrote a letter in which he quoted the report to Deputy Farnham's proposition about the Grindadrap culling (I have attached the full letter as an appendix) which asked;

"As a civilised, small Island nation what example do we set to the rest of the world if we do nothing?"

⁴ [South Africa's Genocide Case Against Israel at the ICJ | TIME](#)

⁵ [Application instituting proceedings and Request for the indication of provisional measures \(icj-cij.org\)](#)

⁶ [P.12/2003](#) and [P.35/2023](#)

He went on to quote how “*whales, dolphins and porpoises are indiscriminately slaughtered*”, and pointed out how one member of the Assembly was moved to state that “*The killing of these sentient, trusting mammals upsets me deeply.*”

But what of the Gazans? How do their lives compare to the lives of whales, dolphins, and porpoises?

The member of the public also wrote to all States Member on 21st December 2023, forwarding his letter and adding:

“I am writing to urge you to use your privilege to ask the UK Government to support a ceasefire in Gaza.

Notwithstanding the appalling actions of Hamas, this ongoing, horrific action has killed far too many innocent civilians.

In many people's view, there are war crimes and atrocities being committed on a daily basis and many countries around the world, except for the USA, the UK and ourselves are condemning the behaviour of the Israeli Government.”

Then there is the question of what value we put on the rights of women and children. Here in Jersey, great strides have been made in the area of Human Rights of the Child and a strategy to eliminate Violence Against Women and Girls (VAWG). What more extreme violence is there than the killing of innocent women and girls? And what about the Rights of the Child, what greater violation is there of a child's Article 6 rights of the UNCRC (*‘Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.’*), Article 9 of the UNCRC also talks about *keeping families together*.

Moreover, there is an obligation that Governments must do everything they can to protect and care for children affected by war and armed conflict. Article 38.1 states –

‘Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.’

More generally, Article 38.4. states –

In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.’

It appears that neither Hamas nor the Israeli Defence Force have been respecting these articles. This should be a matter of concern for all of us in the international community, including the UK.

It is clear that the continuing of hostilities in the region is not slowing down, and it is always the ordinary people, the women and children on all sides who ultimately suffer. Violence begets violence, and that violence is now proliferating in the region.

It is important that we have a strong and brave international community to call out bad behaviour when it happens, and to call out the unacceptable attacks from Hamas, and

the disproportionate acts of violence by the government of Israel, which far fewer seem to have had the courage to do.

I ask members to vote with their consciences on this proposition and use what small influence the Island has to add our voice to those in the international community seeking a lasting peace in the region.

Financial and Manpower Implications

None

CRIA

A Child Rights Impact Assessment has been prepared in relation to this proposition and will be accessible for review on the States Assembly website.

Re-issue Note

This projet has been re-issued to amend the wording of paragraph (a) to read ‘loss of civilian lives’ rather than ‘death of civilian lives’, due to an administrative error in publishing the final version of the proposition.

Appendix 1

Dear Editor

The war in Gaza

In June this year States Members debated a proposition calling for the Chief Minister to write to the government of the Faroe Islands objecting to their fishing practices. The Report asked, "As a civilised, small Island nation what example do we set to the rest of the world if we do nothing?"

About half of our government voted their agreement against this outrage where "whales, dolphins and porpoises are indiscriminately slaughtered". One member of the Assembly was moved to state that "The killing of these sentient, trusting mammals upsets me deeply".

Now I am rather fond of whales, dolphins and porpoises, but even more than a bunch of marine mammals, I am also rather fond of another sentient, trusting mammal. It upsets me deeply to see children indiscriminately slaughtered.

On 26th November the respected medical journal, the Lancet estimated that 11.5% of all deaths in Gaza were little children under the age of 4 years old.

40% of the population of Gaza are under 14 and the Lancet's analysis suggested that two thirds of all deaths were women and children. Reuters news agency recently reported that over 17,000 Palestinians have been killed in Gaza since October, many more terribly injured and others lost beneath the rubble.

I consider that the outrageous behaviour of Hamas on October 7th was an act of terrorism, and that everyone has the right to defend themselves, but carpet bombing a civilian population cannot be justified.

The wholesale destruction of the way of life in Gaza and the devastating punishment of its civilian population cannot be justified. This atrocious behaviour of Israel's government cannot be justified, it is also terrorism and it must stop.

I urge my political representatives to ask the UK Government to condemn this brutal war and to call for an immediate ceasefire to stop this completely unnecessary, humanitarian disaster.

Yours faithfully