



Briefing No. 50

SADAKA صدقة

The Ireland Palestine Alliance ♦ [www.sadaka.ie](http://www.sadaka.ie)

## Israel, Palestine and the Covid-19 Vaccine

According to media reports in recent weeks Israel leads the way in vaccinating its citizens against Covid-19 and expects to be the first country in the world to achieve full vaccination. It has also acknowledged paying over the price paid by other countries in order to secure supplies.<sup>1</sup> Included in the vaccination programme are more than 600,000 Israeli settlers, citizens of Israel, living in occupied Palestinian territory in the West Bank and East Jerusalem. There are more than 3.5 million Palestinians in the West Bank and East Jerusalem. Palestinian citizens of Israel and Palestinian residents of East Jerusalem (which has been illegally annexed by Israel) will receive the vaccine. However, five million Palestinians in the West Bank and Gaza will not be vaccinated by Israel.

Under international law settlements established by Israel, and funded by the State and overseas private donations, are illegal as they are established on lands taken in war and under occupation since 1967. The transfer of its population by the occupying power onto occupied territory is prohibited and is a grave breach of international law and a war crime.<sup>2</sup>

According to the Israeli NGO, B'Tselem,<sup>3</sup> Israel has created a system of apartheid (that is discrimination based on race) throughout the Palestinian territories as well as inside Israel.

B'Tselem reports that Israel has created separate legal systems for Israeli settlers and Palestinians in the West Bank and East Jerusalem, has introduced a long list of laws within Israel which discriminate against the 20% of its own population who are Palestinian, and enforces a brutal blockade against the two million residents of Gaza. In one of the most blatant aspects of this system, and in flagrant violation of its international obligations under the UN Convention on the Rights of the Child, Israel operates a military courts system in the West Bank for Palestinian children.<sup>4</sup>

This well-documented system of institutionalised racial discrimination and segregation now also extends to the supply and administration of the Covid-19 vaccine. Unlike the settler population, Palestinians, whose land this actually is, and who live in communities close to these illegal settlements (and who often work in them) will not receive vaccinations from Israel.

Unlike Israel, the Palestinian Authority must wait until the international assistance programme known as COVAX kicks in and provides the vaccine to countries and territories with less financial resources and more vulnerable health systems, or until it can secure a supply from another source such as Russia or China.<sup>5</sup> Both of these options will take months to emerge. The COVAX facility will commence slowly in the coming months and will probably take years to provide a sufficient quantity of vaccines for all who need them and probably not until the wealthy and privileged have first secured their share. Russia's Sputnik V vaccine will only be available after there is a sufficient supply available to its own population.

Israel claims that the 1993 Oslo Accords devolve responsibility for public health to the Palestinian Authority in those parts of the West Bank under its control. These Accords were meant to lead to an independent Palestinian state within five years, an outcome which clearly has not happened. They no longer form the basis for a just settlement for Palestinians and only entrench and facilitate the occupation and its discrimination.

Israel uses these Accords in a whimsical and self-serving manner to suit its purposes, sometimes insisting they apply and then sometimes not. It has never honoured its commitments under the Accords.

Israel is the occupying power in all of the Palestinian Territory including the West Bank, East Jerusalem and Gaza and exercises effective control on a daily basis over the lives of Palestinians throughout the territory. This situation of occupation is recognised under International Humanitarian Law and International Human Rights Law.<sup>6</sup> Under the Fourth Geneva Convention Israel has clearly-defined legal obligations for the public health of all the population under its control. This responsibility includes ensuring a proper response to contagious diseases and pandemics and includes the provision of vaccines such as that for Covid-19 to Palestinians in the Occupied Territory.<sup>7</sup> Furthermore, Palestinians in the Occupied Territory are protected persons under the Fourth Geneva Convention and this status cannot be removed, even by the terms of the Oslo Accord.<sup>8</sup>

The International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified in 1991, requires states to take measures necessary to prevent, control and treat epidemics.<sup>9</sup> Israel is obliged to respect the provisions of the treaty in the Occupied Territory as well as in Israel.

International pharmaceutical companies, such as Pfizer, also have a moral responsibility to ensure that their supply of vaccines is not used in the service of illegal settlement activity and they must ensure they are not intended for use in a discriminatory or racist manner.<sup>10</sup>

From a purely self-interested point of view, as tens of thousands of Palestinians travel into Israel and into settlements every day to work, it is hard to understand this failure to offer to secure enough vaccinations for all the people between the Jordan River and the Mediterranean. The reality is this is a political decision rather than a humanitarian one and is embedded in Israel's decades-long strategy towards Palestinians and the land on which they live.

Agreeing to secure and distribute sufficient vaccines for Palestinians in the Occupied Territory would run counter to official Israeli policy in a number of ways and would set a precedent which would have long-term consequences.

It would mean that Israel recognises its responsibilities as an occupying power in international law to all the people living under its effective control as well as to its own citizens. It would, as a consequence, have to acknowledge the equal human right to health of Israelis and Palestinians. This would also make it more difficult for Israel to continue to deny other rights to Palestinians which are currently denied them on a daily basis under the occupation.

These include the equal right to life; the right to the continued ownership of their land, homes and natural resources; the right to free movement around their country; the right to live under a system of civil law rather than a military regime; as well as the right to self-determination.

These are all rights which the government of Israel claims for its own people while at the same time denying them to Palestinians. In reality Israel's failure to provide vaccines for everyone between the river and the sea is just another example of a deeply-embedded institutionalised system of racial discrimination and segregation.<sup>11</sup> In other words, apartheid.

### Additional Reading

[Dr. Mustapha Barghouti, the New York Times, 12 January 2021, "Israel's Vaccination Drive is Going Great. But We're Being Sidelined."](#)

[The Bishops of the Holy Land Coordination, 21 January 2021, "Israel must work with Palestinian authorities to make Covid-1 vaccines accessible to Palestinians in the West Bank and Gaza."](#)

[Hagai El-Ad, Executive Director, B'Tselem, the Guardian, 12 January 2021, "We are Israel's largest human rights group-and we are calling this apartheid."](#)

[David Hearst, Middle East Eye, 14 January 2021, "Israel must be sanctioned for refusing Covid-19 vaccines to Palestinians."](#)

## Notes and References

- <sup>1</sup> [\\$62 per dose according to Middle East Eye, 6 January 2021.](#)
- <sup>2</sup> [Fourth Geneva Convention \(1949\), article 49 and Additional Protocol 1 \(1977\).](#) Under the International Criminal Court Statute, article 8, population transfer is a war crime.
- <sup>3</sup> [B'Tselem, This Is Apartheid, 12 January 2021.](#)
- <sup>4</sup> Israel ratified the Convention on the Rights of the Child in 1991.
- <sup>5</sup> See Gavi: <https://www.gavi.org/>.
- <sup>6</sup> Set out in articles 42-56 of the Hague Regulations (1907), the [Fourth Geneva Convention \(1949\)](#) articles 27-34 and 47-78 and elsewhere. Also in the [ICJ Advisory Opinion, 9 July 2004.](#)
- <sup>7</sup> Fourth Geneva Convention (1949) article 56 and others.
- <sup>8</sup> Fourth Geneva Convention (1949) articles 8 and 47.
- <sup>9</sup> [ICESCR, article 12](#); CESCR, General Comment 14: The Right to the Highest Attainable Standard of Health.
- <sup>10</sup> Al-Haq statement, 18 January 2021, on behalf of Palestinian NGOs.
- <sup>11</sup> The [UN Committee on the Elimination of Racial Discrimination \(CERD\) in December 2019](#) urged Israel "to eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory".