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SERVICES FOR SCIENCE AND EDUCATION

Palestine and Israel, Still A Challenge to Justice?[1]

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THE REASON TO CARE

According to ONU Resolution n. 181, approved on 1947 November the 29th, providing the establishment of two States, one for the Israeli people, who declared their independence on 1948 the 14th of May, and one for the Arab-Palestinians, having never established themselves into the form of a distinguished State, Israel, as a sea land standing in the Middle Est region between the Mediterranean Sea and Asia, is nowadays and since 1948 formally a State[2]. It is opposed to be as such by some Palestinian organizations and authorities, intermittently supported by foreign countries: Palestinians contest to Israel its legal establishment into such an independent nation, which is considered to be remedial to the persecution the Jewish people faced worldwide for their religious belief, and by followers of nazist ideologies particularly.

Foreign borders of the Israel State have been rather continuously contested before and after 1948[3], and contested nonetheless are internal borders with the Palestinians following religious beliefs (the Muslim and Christian being the majority) which are different from the Jewish as the religion prevalently followed by Israeli citizens.

The 1947 November the 29th Plan of partition, meant to replace the Mandatory Power then exercised by Great Britain over that land, suggested to establish two States, plus a special international regime for Jerusalem city to be ruled by the United Nation Organization[4]. It fixed detailed references to territorial points and villages as the respective boundaries. The Arabs contested the Plan for giving them no access to the Red Sea and to the Galilea Sea, for giving them possess of one third only of the Mediterranean cost, moreover, Isareli people were the minority of population then, and the Plan gave them majority of lands nevertheless[5]. The 1947 Resolution, which expressly considered how the Palestine situation "is one likely to impair *the*

[1] The Essay *Palestine and Israel, a challenge to justice* by Jhon Quigley argued that the 1917 (English) Balfour declaration for a Jewish State in Palestine was a populist denial of the principle of self-determination of the people just proclaimed by the allied forces, his thesis are criticized essentially for having proposed a selective use of international law (*ARTHUR HERTZBERG, in Furio Colombo, a cura di, Quello che c'è da sapere prima di giudicare Israele, passato e futuro, La Biblioteca di Europeo, ed. RCS Rizzoli, 1991, p. 87*).

[2] *FURIO COLOMBO (a cura di), Quello che c'è da sapere prima di giudicare Israele, passato e futuro, La Biblioteca di Europeo, ed. RCS Rizzoli, 1991*.

[3] According to *Israele e i suoi territori, LONELY PLANET, translated by EDT Srl, ed. 2018, p. 48,* Israel borders with Egypt and Jordan are evidently militarized and have crossing rules changing quite often, while the north borders with Syria and Lebanon are reported to be closed.

[4] See at *https://www.wikipedia.org/wiki/Piano_di_ripartizione _del… last consulted 2023, December the 28th.*

[5] Only the 33% of the population is reported to be Jewish in 1948 (*ANTONIO MATTIAZZO, Israeliani e palestinesi insieme con un solo stato e l'autonomia, in Avvenire, 28 Dicembre 2023, p. 17*).

general welfare and friendly relations among nations", established a committee of five impartial countries[6] to follow the transition and disposed to draw from the Working Capital Fund a sum to cover any privilege and immunity therein involved. The Arabs/Palestinians presented an appeal to the United Nation International Court which was rejected.

After decades of tension, seeing Israeli citizens and the Palestinians fighting each other[7] and being their instances quite often influencing other wars in the Middle East region, in consideration of the larger international equilibrium, on 2023 October the 7th a pogrom in Gaza occurred, acted by Hamas's combatants, a group leading the Palestinian instances, which determined soon after the opening of other war-fronts in the region and beyond.

Before approaching such a complex theme as the Israeli-Arab issue, it is needed to clear up one's mind about the purpose of such investigation, since results can be quite different if one is pursuing a pure interest of theoretical research, if one is working as a public officer or diplomats, if one has a private or political interest just connected with that conflict. Moreover, whenever a case of war is discussed, it would be better to focus on everyone's taking a personal action to face it, since 'more important than to speak about hundreds of meaning and effects of war, is to consider what anyone should do in relation to such a war'[8].

In my personal experience the first time the matter actually entered my sphere of attention was few years ago, when I was claiming against a client of mine for my professional legal work to be paid: the client, having a double nationality, opposed to payment some discriminatory arguments that I barely considered in their political implications then, like that I was a mother asking for too much money, and that my request was rather "kosher". I looked on the dictionary to find out that "kosher" refers to the Jewish preparation of pure food, but I am Italian, as a single mother I was about to baptize my daughter according to the Catholic rite, I am an orphan of both mother and father since more than a decade, and never I travelled to Israel nor I know much about the Jewish religion. One thing is to know how culture itself is what we all use to theoretically set differences, thus to include, as well as to exclude, individuals or group of individuals from any recognition or treatment, to know that education stands right with the purpose of making people self-conscious of their cultural values being possibly divergent from those of others, and a different thing is to find yourself in position of receiving a recognition or a treatment, by the dominant group or its leader, on the ground of any cultural mindset.

Our economies and working conditions essentially moves and develops around achieving's having many different cultural grounds, in so many cases the involved actors are just partially informed or even mis leaded about what is expected by them: for example a black worker could be informed of being himself depending from a white-racist employer without knowing that management in his unit is pursuing a goal of no-racism to get economic benefit from law, or a girl wanting not to enter marriage could find herself in comfort in a group of workers without

[6] Bolivia, Czechoslovakia, Denmark, Panama, Philippines.

[7] In 1948 the 15th of May, Egyptian, Jordan, Iraqi, Syrian, Lebanese, South Arabian forces attacked Israel, thereafter starting an eight months war; in 1956 Egypt nationalized the Suez Canal and Israel, supported by France and Great Britain, moved against it and gained lands over the Sinai area. See further details in text.

[8] *MARCO TRAVAGLIO, Scemi di guerra, la tragedia dell'Ucraina, un paese preso in ostaggio dai no pax*, *Ed.Paperfirst by Il Fatto Quotidiano, 2023, p. 173*, recalling a 1904 thought by Lev Tolstoy.

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knowing a politic of demographic increasing is planned. Generally speaking, outputs and profits of any enterprise are possibly connected to environmental conditions and expectations. Moreover, any treatment delivered on the ground of religion, in any social context, is bringing along infinite possibility of discriminations, being both the performing person and the controlling/deciding ones making their moves upon very intimate valuations as the spiritual dimension arises. By the way, also artificial intelligence programs do increasingly apply cultural categories and classification to deal automatically with workers, civilians and children nonetheless.

Actually, political and religious beliefs – which to many extents define behaviours of people both for personal and for economic purposes – can be changing in a given range of time according to many factors, so I could be found to have an Israeli or a "kosher" orientation five years ago and to have now changed my idea because of a personal experience or a travel that induced me into a change of mind.

So far, from that client of mine not only I have received nothing of what I asked, but most importantly I started since then to be severely discriminated from also public administrations, although they never used Jewish arguments to expressly deny the economic rights I was claiming; it follows that what raised my interest in the Israel conflictual issue, which is geographically so far from where I use to live and work, is to verify how general (international) politics can be strumentalized to impact over single instances. A journalist reflected about human difficulties of taking a political position aside from personal passions as I am going to report: "to decide where to stand is too much. Israel or Palestine? Impossible not to get involved in the tragedy. Israel is Occident, Palestine is not. Political action cannot move beyond, it cannot take the luxury of being idealist, especially when the international order is suffering so many attacks. But on the roads, along the streets, on social media channels, reality is well different"[9].

NATION VERSUS RELIGION

Any neutral opinion about the politics just acted and known to be internationally supported in the Middle Est theater (not only by the United States of America), brings along the risk of feeding unspoken fears, possibly basing the weakness of actors having the power to face the real needs of people or to tackle with the danger they are experiencing: whenever any reliable media source of information reports us news about acted violence and dead people somewhere in the world, we are not allowed to think we are reading or listening to an horror movie. Never it is easy for an external observer to know what is actually at stake in a conflict with multiple instances and multiple oppositions – while national leaders' recent declarations about their own intention of making the war to last month's/years more gives the public the perception of a ceasing fire in connection with some other actors 'move, with someone else having the power to know the options and making decisions. In other words, so far as some international kind of democracy would apply, an 'optimistic' perspective could suggest either someone's voice is not being heard yet, nor their choice is done already.

The main concern standing underneath the political struggle of the Arab-Israeli conflict appears to be the foundation of the nation State of Israel in 1948 – agreed by both the United States of

[9] *MARCO TRAVAGLIO, cit. p. 223*.

America and the Soviet Federation and so considered through all the Cold War times – as a direct derivation of the new international order following the end of the Second World War, and wanting to compensate the unjust persecution the Israeli people suffered through the violence of the nazist ideology all over Europe and beyond the years before. The legitimacy of such foundation is contested still by the Palestinians residing there and by some Arab countries surrounding the area, while the Vatican – Catholic Church has kept a conservative position since then: it gave a formal recognition to the new "State of the Jewish" just recently, preferring before perhaps to feed not the prejudice of Israel as a nation oriented to capital and territorial expansion. In other words, the issue is the collusion between a nationalistic ideology, linking the idea of a state-power and connected social protection to generations of people united by national origins, by an historical process and its legal-secular achievements on the one side, and an ideology of self-identity and social protection on adherence to rituals and practices agreed by law and constitution but to be applied beyond national or religious discrimination, in good faith and/or mutual trust amongst the interested bodies.

The Catholic Church resistance in giving to Israel a formal recognition at international public law grounded in the past years on Israel State resistance in asking for such recognition. Any Israeli-Jewish diplomat bases the agreement with God elsewhere from the Christian, in so far the Israeli people mind a sort of direct agreement with God, contrarily to Christians within the Catholic tradition, who's relation with God is understood according to the Catholic authorities: "the Church does affirm itself, within the Roman Empire, by declaring itself since the beginning Versus Israel; according to the Church, there is a common prehistory from Abram to Christ, while after Christ, the Church substituted Israel in the agreement with God"[10].

A common origin from Abram is also present according to the Muslim religion, which might be amongst the reasons why some of the States' representatives of the interested area (Israel, United States of America, Baharain, Marocco, United Arab Emirates, Sudan) tried recently to face the Palestinian issue by way of bilateral agreements named the Abram's treaties indeed[11].

The lack of defined borders is another argument why the Roman Catholic Church lacked to formally recognize Israel as a nation State amongst the others[12]: "to the Israeli instance to fix "a defensible border" it is often opposed the argument that in the era of modern wars, when there is massive use of aviation's, of long distance exploding arms and missiles, it does not exist the concept of "safe and defensible borders" and that in our times there is no relations between security and geography or topography"[13] .

Palestinians are accused to have had continuously violent and irrational reactions to the Israeli will of settlement since 1948, but human history stands worldwide to remind us that humanity moves and develops upon basical instinct and irrational sentiments also, and possibly just not

[10] *GABRIEL LEVI, La chiesa e gli ebrei, in Repubblica, 19 febbraio 1991.*

[11] The so called Accordi di Abramo were signed in 2020 between Israel and Baharain, between Israel and Morocco, between Israel and United Arab Emirates, involving the African Republic of Sudan and grounded on the United States of America testimony.

[12] In 1993 the Vatican and Israel signed an agreement for their mutual recognition, see at: *https://www.treccani.it/enciclopedia last consulted 2024, January the 9th.*

[13] *PERETZ MERHAV, Storia del Movimento operaio in Israele 1905-1970, ed. La Nuova Italia 1974, translation by R.V., p. 433.*

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standing within legal barricates; let's remind how during the Roman Empire trade was widely permitted to women too, at the same time how that society witnessed much sexual freedom. Reversely after words the Catholic authorities during the middle age wanted to protect Christians from vicious habits and many people were persecuted for their intellectual resistance. Times later, the Industrial Revolution started to spread its liberating potential worldwide, together with opening of unexplored paths to trade by sea, which naturally faced some resistance opposed by way of new legal categories – rather than religious arguments – like nationality, law protection for women and children (thus protected not anymore upon reasons of sex but on reason they could not afford to undertake too much manual work, because of lack of physical strength and physical incapability). Nationalism substituted a form of workers' belonging to landlords and landowners to a form of workers' belonging to a united nation, granting them wider protection and freedom of movement. Then the World Wars culturally exposed people to the idea of a global economy increasing of welfare and giving equality of opportunity to all, and political rights to all too, when political choice means the possibility to autonomously decide where to be living and settling one's home, where to rise families, even regardless to familiar origins and familiar previous conditions, which stresses the importance of everyone's spiritual orientation, everyone's personal identity, everyone education, everyone's sexual orientation, and of course it stressed the importance of economic means of every single being as well as of every minor community. The Arab-Israel conflict has been so felt by large part of the occidental culture as a fundamental cornerstone for political option in such a changed scenario.

Familiar relations are specifically concerned in their social and economic meaning whenever their own origins and religious character is considered: the more religious-integralist Israeli view does not accept legal categories implying temporary agreements, as the secular oriented groups do instead, only mind that 'in the country does not exist the civil marriage'[14]. Thereafter the nationalist ideology gave a sort of stabilizing mindset to many "interrupted families", while according to a more active/spiritual approach, naturally moving along the social dimension and beyond legal strictness, it arises the need to consider whether any of those interruption is forced and suffered rather than opted and deliberately chosen.

Consideration of possibly 'religious oriented' decisions, being these not predictable and not ruled already (since public order requires to consider them first in their material consequences rather than according to one's individual psychology) led authoritarian countries to set limitation and barriers, if not violent repression, on those presumed to be dangerous for their need to be moving without predictability of behaviour. Not differently from what is normally set to face predictability according to any economic model in its own functioning, or according to any social relation experimenting the human need to not be living on a day-by-day bases, and make future plans instead.

It is not casual that current war in Israel followed severe popular contestation of the Government's proposed Reform of Justice last summer[15], nor it is casual that some observers

[14] *https://www.treccani.it/enciclopedia/israele_res 2012-2016 consulted on 2024 January the 9th*.

[15] At the domestic level Netanyahu's Government faced popular opposition for its proposed Justice Reform in July, and news of 2024 January the 1st reports that the Israeli Supreme Court rejected a law designed to limit the Court authority (*see at: https://www.nytimes.com/live/2024/01/01, consulted on 2024 January the 7th*).

evidenced there is a connection between the Israel crise and Ukraine's[16] – by the way, Ukraine's prime minister Volodymyr Zelensky has Israeli origins, and Israel proposed itself as a mediator between Ukraine and Russia on March 2022[17]. While labour parties and labour politics are told to have mainly supported the Palestinians issue in last decades[18], having intermittently received the Russian supports, the Israeli instance greatly have benefited from United States of American and their allies' supports: "time is on Israel side, the greater countries are interested in reciprocally not acting against each other rather than getting involved in fast wars"[19]. Tragically, history is attesting the opposite along these years, suggesting to consider the Palestinians' fixing of time nonetheless.

As a matter of fact, Israeli people have partly being living in the land, known as Palestine, partly they migrated from abroad and within the contested territories; data's show a plain majority of Israeli-Jewish people in the area over Arab-Palestinian, reversely to what is reported before the II World War[20], while experimentation of co-habitations amongst Israeli citizens and Palestinians is proved to be possible on a temporal base; religious persecutions are told to be the main reason for migrations and political movements from Israeli people (their resistance is known as the Zionist/Semite movement, which implies the use of language to argue and to act the right of the Jewish people to come back in the fathers' land), while Palestinians 'religious' argument is against Israel pressure to go away from where they are.

[16] *CARLO PANELLA, La maledizione della shoah, in Linkiesta on line 8 ottobre 2023* is wandering whether the 'Israel 9/11 is the other side of the Russian invasion, considering Russia's loyalty to Iran and Iran being reported as the country having istructued Hamas' combatants, leading them to be some sort of new barbarian islamists. As a matter of fact, it is reported "*in the Thirties the collectivist pressure leaded by Stalin brought to a great caresty and to the elimination of 4-6 milions of 'kulaki' – land owners – in the central and western regions mostly, which raised the hate against Russia in those people*" (*MARCO TRAVAGLIO, cit, p. 23*) to argue that when Hitlers' armies came forward, with the Barbarossa operation, they found thousands of Ukraine's ready to collaborate against the Jewish living in the area (which was under Russia and Polony control then).

[17] Too much extent disappointing Zelensky according to *MARCO TRAVAGLIO, cit., p. 176, 359.*

[18] See a report of the unionist movements in Israel/Palestine since 1905 in *PEREZ MERHAV, cit.*, briefly at p. 415- 437 attesting the importance of the international perspective, of the territorial revendication in respect to natural sources, the rising of terrorism since 1967, and the critical issue of territorial defense as well, arriving to the Seventies' political opposition between 'hawks and doves' (followed the 1973 October 'military mistake') and the rising of a right party as the Likud. Likud gained the 27% of votes in 2009; according to Wikipedia it gained the 23% in 2022.

[19] *PEREZ MERHAV, cit. p. 433.*

[20] Although definition of what constitute the population of Israel is itself a questionable issue, and varies depending on groups of people and territories to be counted, the updated numbers are quite differently reported today in respect of last decades. According to the Israel Central Bureau of Statistics definition of the "Israel area", which excludes the West Bank and East Jerusalem territory, excludes Palestinians/other residents of area C and East Jerusalem who do not have Israeli citizenship or residence, excludes those who are not registered or entered illegally and foreign workers, counts up to 14.833.110 people, of whom 8.499.009 are Israeli located into the green line – *de facto borders* – 300.000 are Palestinians located into the West Bank Area C that is controlled by Israel, 2.464.566 are located into the West Bank area A&B, and 2.226.544 are located into the Gaza Strip. In 1950 Population counted instead 1.370.100 people (see at *https://www.en.wikipedia.org/wiki/Demographics_of_Israel#Population last consulted 2024 January the 11th*). Other sources registered 7 million of Israeli and 7 millions of Arab-Palestinians, 5 million from the latter are living in the Israel territory and 2 million are Israeli citizens, while 670 thousands from the Israeli people do live in Cisgiordania (*ANTONIO MATTIAZZO, cit.*); a counting by habitants shows a total numbering of 5.462.300 the 81,8% Jewish, the residual 19,2% belonging to other religions, amongst which Muslim are the majority (see at: *https://www.treccani.it/enciclopedia/israele cit.* According to United Nations' on-line data relevant number to mind Israel population in 2024 are the following: married people 1.095.341, Israel population of both sexes aged by 5 years old is 878.328 (see at: *www.unitednations… last consulted 2024 January the 11th*).

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So, such a will to make a moving (back) choice, by the Israeli, faced the opposition by those having started to exercise a control over a land which they never stop to be living in. Both these opposite instances were directly or indirectly supported from abroad, received and receive a recognition from the international order as historically settled. This is what rises an unsolved theoretical issue dealing with the legitimacy of "a community", of a group of people regardless their nationality, to move and to own assets, and land as well, regardless the continuity of possess or residency. The right of the Israeli people to establish themselves back there in the Middle East, with legal institutions of their own, is now recognized by a nation state, while the Palestinians' nowadays resistance to stand is undermined.

Hamas-Palestinians' last 7th October attack has been declared in "support to the martyred population in Gaza, to get rid of Israel from the river to the sea"[21] but historical reasons having led to such a state of things, a war which duration have no precedent apart from the 1948-1949 time, are to be searched analysing the international frame without missing to consider instances of the involved population first.

So far, we know that such violence did not happen by chance: it was reported as a prepared offence that would have shocked the world but for the precarious co-habitation in that disputed land since so long time. By the fact that contacts between the enemies' speaking representatives are reported to be in occasion of releasing or exchanging of prisoners or hostages, as well by the fact that Israeli civilians claims for having more residential spaces and oils to run again water services and to grill bread[22], we can argue that the dispute regards not only rights just raised from past actions, rather it covers interests dealing with future perspective for groups of people. In other words, the dispute does not only cover material resources or capitals possess (which gives the possibility to politicians and unionists to set human resources out of direct confrontation), it regards human resources management directly, it regards management over familiar loads and familiar roles, classification of workers in a modern globalized kind of management and government, it regards the extension of the State powers to intervene in private matters in such a way any religious authority could not.

Today's cohabitation of Jewish and Palestinians is reported to be severely undermined indeed by discriminations based on religious practices, which normally arise in connection with familiar playing of roles, application of different calendars in economic relations[23]. If national restrictions in cities, like Jerusalem, where international standards are widely spread already, sounds anachronistic, it can be wide influential instead in rural areas. Italian televisions and social media show imagine of wars which are Faught by use of means that do not secure the vulnerable part of population and to many extents does not allow to distinguish what is terrorism (regarding private revendications more or less based upon irrational

[21] *PAOLO MIELI, Israele, il Libano e le ombre iraniane, in Il Corriere della Sera, 30 December 2023, p. 28.*

[22] *SAMI AL AJARAMI, Nell'ultimo fazzoletto di terra più di un milione di persone e poi Gaza non esisterà più, La Repubblica, 29 December 2023, p. 11.*

[23] *ANTONIO MATTIAZZO, cit.,* who suggests a way out from any integralistic nationalism as walked by both the biblic and modern prophets (Isaia 2.4 and Giorgio La Pira are mentioned) reports the risk for the Arab-Palestinians being treated as *series* B kind of citizens from Israel institutions, which are powerfully organized already and recognized as such by other Arab countries.

assumptions) from what is war (regarding the position of a State and its general interests). Italian press called the Hamas attack a terrorist pogrom, while the Israeli response is being called war, and such a narrative is much dealing with the necessity to go back to a borderline between what is offering civil rights and criminal offences on the one side, and what is public and offering a general interest on the other side.

TERRITORIAL RELEVANCE

Important history to know is that before the two World Wars the all-region of the Middle East was part of the Ottoman (Turkish) Empire since 13th Century, and after its collapsing at end of the World War I, administrative borders were traced according to the new international order more than to local existing communities and organizations; to Great Britain and France were given a mandate to rule over Palestine, while the secret Agreement of Sykes Picot in 1916[24] is reported for France and Great Britain having secretly established the borders of Palestine and the surrounding Arab countries with assent of the Russian Empire and the Kingdom of Italy.

The 1910 Edition of the British Encyclopedia defined Palestine as a "*rather vague term, that can be described as the piece of land extending itself along the Mediterranean Sea from the mouth of river Litani (33°20°N), toward south till the mouth of river Ghuzza (31°28°N) […] On the East there is no precise border. Truth is that the Jordan river divides western from eastern Palestine, but it is practically impossible to state where the latter ends and the Arab desert starts*" [25].

The 1995 (Italian) Enciclopedia Garzanti defines Palestine as the "middle est region confining to N with Lebanon and Syria, to E with Jordan, to S with Sinai and Aqaba Gulf or Elat, to W with Mediterranean Sea. Politically divided amongst Israel and Jordan, it includes the three regions of Galilea, Samaria and Giudea. From 2600 to 1500 a. C. it was dominated by the Cananei, and after the long dominion of the Egyptian, the Israeli affirmed themselves; in 70 d.C. it falled under the Romans. Invaded by the Arabs (637), it passed to the Turkish Selgiuchidi (Sec. XI). Arrival point of the crusades since 1097, it watched the rising of small feudal states; they remained after the Ottoman Empire till the British occupation in 1922 […].

A 2018 international tourists' guide reports borders of Israel/Palestine as follow: Egypt to the south and Jordan to the Est as borders that can be crossed, while Syria and Lebanon to the north are borders which cannot be crossed currently[26].

Internal divisions of the State of Israel are reported to be Gaza Strip, Negev, Dead Sea, Cisgiornania or West Bank (also called Giudea and Samaria, where also Gerico City stands), the Jerusalem area, Tel Aviv Giaffa/Yafo, Haifa/Northern cost, Upper Galilea, Southern

[24] *https://www.en.wikipedia.org/wiki/Sykes-Picot_Agreement last consulted 2024 January the 9th.*
[25] *FURIO COLOMBO, cit. p. 17.*
[26] *LONELY PLANET, cit. p. 48;* such borders find confirm at: *https://www.treccani.it/enciclopedia/israele cit*. Syria was united to Egypt within the United Arab Republic till the Sixties and it lost the Golan Heights to Israel during the 1967 Six Days War, while in 1974 Israel gave back to Syria the lands it conquered during the wars in 1967 and 1973; in September 1985 Israel completed its renounce to possess the Libanon's lands, except for a security zone, according to *FURIO COLOMBO, cit. p. 60.*

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Galilea/Tiberiade Lake[27]. The Gaza Strip results to be not accessible since 2018: "*this little piece of land continues to be a risky one and to enter it is almost impossible unless you are a journalist, a humanitarian operator, or a diplomat. Notwithstanding the billions of dollars that were provided for its re-building after the 2014 war[28], many more years are probably needed for its bombarded cities and infrastructures to be capable to serve again a population of 1,8 million of people (foreigner travelers not included) efficiently*"[29].

As a matter for international settlement, a first treaty for Israel and Palestine results to be signed after the Six Days War in 1967, seeing the victory of Israel[30]; the Camp David Peace Agreement signed in Washington after the events of the Yom Kippur War, defined Israel and Egypt mutual recognition in 1979, it required Egypt to withdraw its armed forces from the Sinai, established five zones stating military and police security arrangements on both parts, together with a joint commission-liaison system to assess progress in implementation of obligations and to resolve any arising problem, human rights and fundamental freedoms were expressly mentioned to be respected for all and so promoted[31], moreover those agreements provided an administrative temporary ruling for Cisgiordania and Gaza which omitted to state over the military portfolio and foreign affairs[32]. In 1993 it was signed the Oslo Agreement by Yasir Arafat and Ytzhak Rabin, representing the former the Organization for Palestine Liberation (OLP), the latter the Israel Government: it provided mutual recognition of Israel and OLP together with a peace process by phases, seeing the establishment of three zones, one controlled by the new Palestine National Authority (ANP), one administratively controlled by the Palestinians but under control of security by the Israeli, and the last (zone C) under full control by Israel; after words, "*the murder of Ytzhak Rabin by an extremist Israeli and a campaign of suicide attacks by Hamas led to victory of Benjamin Netanyahu, with whom the process substantially stops"*[33].

[27] *LONELY PLANET, cit. p. 55.*

[28] *https://www.treccani.it/enciclopedia/israele cit.* reports any war in 2014, but an increasing of tension connected to Israel colonies in Cisgiordania – where the Netanyhau administration authorized in 2012 the building of new houses beyond the 'Green line", and the Iran nuclear issue in 2013, which has been dealt by the United States of America in autonomy with Teheran.

[29] *LONELY PLANET, cit. p. 53.*

[30] ONU Resolution n. 242, dated 1967 November the 22nd (*FURIO COLOMBO, cit. p. 56)*; according to *PEREZ MERHAV, cit. p. 423*, Urss, Unghary, Checoslovaccia e Jugoslavia interrupted diplomatic relations with Israel since then, differently from Romania and Cuba. The 1967 Resolution formally emphasized the inadmissibility of the acquisition of a territory by war, and the need to work for a just and lasting peace in which every state in the area can live in security, it affirmed the necessity for guaranteeing freedom of navigation through international waterways in the area, the need to achieve just settlement for the refugee problem, the need to guarantee the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones, see it at *https://www.peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242(1967).pdf last consulted 2024 January the 9th.*

[31] See at *https://www.palquest.org.en/historictext/9650/peace-treaty-between-israel-and-egypt last consulted 2024 January the 9th.*

[32] Reported by *FURIO COLOMBO, cit. p. 57-58*.

[33] See at: *https://www.treccani.it/enciclopedia/israele cit.*; according to Italian Enciclopedia Garzanti 1995, *Palestine, and the Palestinian issue from the 2 War to the Nineties,* waves of Palestinians terrorist attacks occurred in Europe in 1985, till the "*intifada* – popular revolts in the occupied territories - *caused another Israeli strictness. In 1988 the Organization for Liberation of Palestine has nevertheless recognized the Israel state, and proclamed independence of Palestine's State at the same time. After the multilateral Conference that took place in Madrid in 1991,* to which both the United States of America and the Soviet Union partecipated - *the labourist governament of Israel negotiated the*

The 2023 War is reported to be acted and centered continuously in the Gaza Strip, where kilometers of underground channels are told to be builded with few money by the combatants, imposing silence on Palestinians in order to gain control over the area[34], while other fronts like the West Bank/Cisgiordania that were crucial in the past to fix the distance between Israel and the rest of the involved Arab countries are reported to have entered the fight consequentially: Israel Minister of Defense Gallant on December 2023 referred in Parliament about attacks coming from six fronts more than Gaza, from abroad too, which are Lebanon, Syria, Iran, Iraq, Yemen/Eritrea Red Sea, and once again Cisgiordania[35].

Italian press reported that armed Hamas combatants irrupted into some kibbutz[36] in the north of Gaza last 7th October by surprise, killing with exhibited brutality 1.200 people and sequestering 247 others, and while Iran enjoyed such result (but its local armed forces standed steady), on December the 25th a commander of the Iranian Revolutionary Guards Sayyed Reza Moussavi, was killed in Damasco (Syria); last 28th December another Iranian R. Guard – Ramadan Sharif – declared the paternity of the Hamas pogrom as a revenge for the death of Iranian military representative Quassem Soleimani, shot in 2020 January the 3rd in Iraq by an American drone[37]. Now while Hamas[38] replied to be itself the father of the pogrom, on the other north border, Lebanon, where ONU is present since 2006 with some 10.000 blue berets securing safeness, currently under the Spanish control, Hezbollah (known to be a Muslim Shiite extremist group) keeps militating against Israel and its accused alliance, represented by United States of America, France, Italy, Great Britain, Germany (and others)[39].

Hamas geopolitical origins (Syrian) give an argument to mind how the Palestinian question, the Palestinian real will to achieve more autonomy, has been often strumentalized by many countries of the surrounding area for their own strategical goals, if not already as a human defense to Hamas's militants like we are informed to be happening today[40].

Actually, the territorial nature of the conflict and its territorial delimitation appears to have been, and to be, a major point to focus on in the perspective of understanding a conflict making

'accordo di principio del IX 1993' about experimenting a self governament of Palestine in Gaza and Gerico, actually started to run in 1994.

[34] *GIORGIO DELL'ARTI, Israele, ci aspetta un anno di guerra? In Oggi, RCS n. 47 23 novembre 2023, p. 12.*

[35] A journalist graphic reports attacks also in Egypt and India, *Israele non ferma i raid, "guerra avanti per mesi", Il Corriere della Sera, 27 December 2023, p.2-3.*

[36] Name for a communal settlement in Israel, normally a farm.

[37] *PAOLO MIELI, cit.; LA REPUBBLICA, 29 December 2023, p. 10, Si infiamma il Nord di Israele, pronti a colpire Hezbollah*

[38] The Hamas organization having acted last October, has its origin in Syria (in town of Hama indeed), where it is reported a peaceful co-habitation of Muslim of both Shiite and Sunnite orientations, together with Christians and Yazid, each by practicing their own usages, customs and beliefs according to *MASSIMO CAPPELLI, La lezione siriana, in Il Centro, periodico del circolo culturale, Anno XXII n. 248, November 2023.* As a matter of fact, it is reported by *MARCO TRAVAGLIO, cit, p. 330,* that Israel army killed chief of the Islamic Jihad Taysser Al Jabari with bombs murdering 10 people, included a female 5 years old one on 2022 August the 5th.

[39] *LA REPUBBLICA, cit.*

[40] Consequently, some leaders are trying to settle the dispute by giving it a territorial delimitation: contacts, although stressed, would have occurred between Russian and Israeli/Palestinian mediators in the last's months, till the true mission of the Russians facing all Israeli enemies in the Middle East would be to not extend the war beyond the Gaza Strip (*MICHELA IACCARINO, Vlad si fa amico di Israele e incarica un suo mediatore, in Il Fatto Quotidiano 28 December 2023, p. 14*).

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thousands of human victims appealing to ideological and religious concerns. But a reading of historical events suggests to not look for a solution right there where the problem arose, since more important factors offering the general interest to a peaceful co-habitation have repeatedly showed worldwide that land is anything but one of the matters on table, one matter which representative parties can easily manage, while people is a matter of another kind[41]. More precisely, land cannot speak (even less it can write) nor it can move, while in any democratic society people can. On its side, the land has the quality of being unquestionably an object, that cannot be easily transported nor documented elsewhere.

Although crucial was the revendication of material possess over water sources of vital importance for both Israel and Palestinian population, like the Jordan river area and the Golan heights, nowadays, because of development and increase of distribution technologies, actually more important than material possess of sources (like water in Palestine or other mineral reserves of goods which Arab countries are rich of and make exchange of with western countries) is the knowledge of new technologies and information about processes developing human resource management.

Not differently from how the start of Industrial Revolution in Great Britain few century ago induced to do, finding the national resistance of many European countries, seeing in such a revolution both an obstacle and natural alliance in a public perspective which wanted the increase of infrastructures and buildings, enlargement of residential spaces, and wellness of population nonetheless, today people in Israel/Palestine and beyond wonder whether by use of new means of information a better condition of life can be achieved by them too. Therefore, it is not by coincidence that experts of terroristic phenomenon registered the most violent "*actions since 2001 to 2011 have been moved by individuals that were well instructed and from a borgeauses origin, that they were wide able to comparative analisys, deriving from it the evidence of a double measuring in the European and Occidental culture facing the Islamic culture*"[42].

WHAT IS TODAY REALISTIC TO THINK ABOUT THE END OF WAR

If we take on a realistic approach to the war, meaning to give it an updated overview considering the pressure of mass media as a necessary burden to tackle with general issues and international politics, there are three main points leading to conclusions: the first is numbering of population distribution between Israeli and Palestinians people, the second is focus on the local administration/authorization over housing (rather than to basic goods as water), the third is that violence as reported worldwide by the media, and the war followed thereafter, can only be explained by considering the reality of human beings loss and humans feeling in threat of life.

[41] Also, the domestic political confrontation between parties supporting the idea of "land for peace" (the labourtists) and parties which rather opt for searching peace on a more severe ruling based on citizenship, together with parties still focusing on religious themes dealing with family law, respect of holidays, privileges for students coming from Jewish schools or having done the military service (see at *https://www.treccani.it/enciclopedia/israele cit.)*.

[42] *ALESSANDRO ORSINI, Il Fatto Quotidiano, 12 December 2023, p. 11,* who notes how Europe agreed about helping Ukraine but not Israel as well; reversely helps to Israel are announced from Italy, France and Germany according to *LA STAMPA, 12 December 2023.*

As for numbers of involved people, the consideration of Arab-Palestinians population nowadays, as a plain minority reversely to last century, in respect of Israeli citizens who enjoy social and economic rights in Israel, a State in full strength of political institutions and infrastructures, a common law legal system having moreover an indisputable advantage worldwide in the military camp, shall induce to watch at the Palestinian domestic instances put forward by their legitimate representatives, as coming from a vulnerable party.

Second, fact that territorial revendication of land is based on administrative authorization to build beyond 'green lines' which establish international settlements having involved States, particularly Egypt and Jordan, that after words have peacefully defined their recognition to Israel, therefore faced their relations with involved Palestinians too [43], shall induce to territorially limitate the conflict within where no administrative authorization to build is been given yet, the Gaza Strip indeed[44] (a space conquered to Israel in 1967, thus hosting a majority of Arabs, although some sources do not even recognize Gaza as a natural area amongst the other internal areas[45]). Actually, although traditional legal paths in both common law and civil law do militate for solving housing and real estate kind of disputes upon formal documentation of entitlements, technological development and alternative dispute resolution mechanisms are experimented worldwide to give relevance nonetheless to other factors giving evidence of achieved rights over such material properties upon length of residence, effective living and cohabitations, familiar heritages, and public policies too, promoting for example labour agreements, gender and age balance policies, can impact releasing of entitlements nonetheless[46].

The third point is that the 2023 violence acted by Hamas militants, having nowadays control over the Gaza Hospital, in other words having the right, for any citizen in need of assistance, to decide over their surviving, the non-stopping reports of numbers of dead people and hostages, is a fact that must be faced together with Israel's tolerance to let foreign countries introduce economic support to Hamas (from Iran and Iraq particularly): in such a contradiction we can read a sign that the Palestininan question actually still arise fundamental human rights concern (which any democratic State is allowed to escape) rather than better conditions of living, higher wages, larger spaces, as it can be argued to be for Israel colonies militating indeed for a future that legal institutions and democracy is not denying them. Actually, it seems that discussion over the meaning of war is go together with meaning of violence.

[43] Data's shows that 100% of population has got access to drinkable water, while minorities like that of beduins living in the desert has got no authorization to build a house and lack access to other fundamental services see at: *https://www.treccani.it/enciclopedia/israele cit.*

[44] *www.newyorktime.com morning briefing by NATASHA FROST – news of 2024 January the 5th* reports how growing attacks are forcing thousands from their homes at the borders with Lebanon, while Netanyahu is criticized because not only, he wants to eliminate Hamas, he also wants to colonize the Strip. By the way, Gaza has been lived by the Arabs rather continuously, while it was conquered to Israel in 1967 during the Sinai area occupation.

[45] See at *https://www.en.wikipedia.org/wiki/Demographics_of_Israel#Population* consulted on 2024 January the 11th, showing the population divided into 53 regions not including the Gaza Strip autonomously.

[46] *GUIDO SARCHIELLI, Tra continuità e cambiamento: come si sta riconfigurando la psicologia del lavoro a livello internazionale, Psicologia contemporanea, giugno luglio 2022, p. 51.*

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Palestinians vulnerable condition is deriving – similarly to other minorities having faced severe discrimination like in the last century South African aparthide regime – from fact they cannot legally rely upon an executive power to obtain justice, since Palestinians are not represented by a proper State of their own yet. As a matter of fact, it is reported the Palestinans never acted efficacy to organize themself in a self-standing State apart from Jordan in past decades, while they opted to organize in order to deny any legitimate self-political identity to Israel as a State, and the current Israeli administration – which is severely criticized by the Italian press for its weak management[47] – struggles to cope with political parties and armed authorities like Hamas, whose representation of Palestinians people is even more questionable. Easy to argue that any Israeli public institution having denied to a Palestinian his right to possess a land according to the local laws regarding property is to be sanctioned in so far such denial would be based upon a discriminatory reason (nationality or religious beliefs, marital status, sex or sex orientation being much connected with religious concerns) and that such a tort would be relevant according to international law nonetheless, even if we deal with an authoritarian State which is basing its foreing affairs on the ground of the mutuality principle – the principle which gives protection from abroad on condition the foreign country is recognizing the same protection for its citizens.

If the matter is one of proved discrimination and justice needed, possibly undermining the right of a minority to survive, fact that violence turned into a war, which is a condition any human being could honestly be accepting in the perspective of staying alive[48], it is necessary that beyond the action of statual actors[49], who are naturally searching for stabilizing factors fixing an equilibrium amongst ruling powers, those who suffer the present political condition set their instances forward as soon as possible, in other words, they should be, without delay, put in position to claim their beloved once, in case of host aging to claim for their loved once to be brought back home, for any destroyed building without a reason to be compensated, for their work to be recognized as such, and so on. Numbers regarding the condition of people is much based upon the people effective access to justice and to relevant data and archives. Tribunals, and international tribunal as well, all with their defined jurisdictions and rules to prevent from common jurisdiction to cause inefficiency of the legal system, stand right there with the purpose of qualifying any kind of crime, any kind of loss, in favour of anyone having the autonomy to claim against private criminals and public administration having facilitating the committing of crimes too. The fact that mass media has the normal tendency to mediate about the cruelty of conflicts on the territories leaving to locals authorities the analysis in real time of what is actually happening implies the necessity of every single position to be dealt in its specify context, giving relevance to the separation between historical facts and ideologies; indeed, whether a logic of healthy social competition, of familiar integrity and moral/spiritual

[47] *IL FATTO QUOTIDIANO, 28 dicembre 2023, p. 15; CARLO PANELLA, Le armi giuste, la disastrosa strategia di Netanyahu per il futuro di Gaza e la speranza elettorale di Israele, Linkiesta on line 4 gennaio 2024.*

[48] DANIELA RANIERI, cited by MARCO TRAVAGLIO, cit. p. 211, reflects about how the theory of the 'just war' has the same value, in a real world, as the idea of the 'humanitarian intervention' and of the idea of 'democracy need of defense', till is quite a banality to state that an armed country has the right to defense itself from a brutal aggressor and, nevertheless, any historical event has its consequences waiting for answers by those having a moral back.

[49] *GIAMPIERO CALAPA, Blinken, 'Pace e Palestina', ma Israele minaccia Beirut, Il Fatto Quotidiano, 11 Gennaio 2024, p. 8*, reports of Antony Blinken, the United Nations' represetative and Abu Mazhen, the Palestine National Authority representative, having met and talked about steps towards the creation of a Palestinian State.

consciousness rarely co-exist, the history of Israel and the persistence of its resistance attests the opposite, but for the same reason those irrational behaviours that could be the nowadays expression of the Palestine aggressive vitality standing out from such order, should not base, themself, neglecting treatments.

So far, a case of genocide in Israel has been brought forward by South Africa, but ordinary tribunals and administrative tribunals, as judges for any first instance, do have jurisdiction nonetheless, and what is more important to effectiveness of rights, they have got full executive powers[50].

[50] To the International Court of Justice, the highest United Nations judicial body (Palestine do not participate the United Nations system, while Israel is a member since 1948) has been entered a case brought by South Africa accusing Israel of committing genocide in Gaza and Aharon Barak, an Israeli retired Supreme Court president, who fought the Government's judicial overhaul plan, has been chosen nevertheless for the panel hearing (see at: *www.newyorktimes.com at world court, Israel to confront accusations of genocide; Israel picks holocaust survivor judge for a genocide case, surprising some, last consulted 2024 11 January the 10th check*). The International Court of Justice is reported to be involved with a case of Ukraine children deportation by Russia also. Within the different frame of the Council of Europe, instead, seeing the judicial role of the European Court for Human Rights located in Strasbourg, to which Israel nor Palestine are participating, is currently opened a register for reported damages in Ukraine (see at: *www.coe.int last consulted 2024 January the 11th*).

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