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## **Israel's Response to Accusations of Human Rights Violations in the Occupied Palestinian Territories**

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ISRAEL'S RESPONSE TO ACCUSATIONS OF  
HUMAN RIGHTS VIOLATIONS IN THE OCCUPIED  
PALESTINIAN TERRITORIES

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## Abstract

This thesis examines how states try to evade accountability through denying accusations of human rights violations. It aims to fill the gap in the existing literature by analysing which stigma rejection strategies are most applied by states, and how successful these strategies are for evading accountability. This research project consists of an in-depth discourse analysis of the case of Israel and their response to human rights violations in the occupied Palestinian territories. It does so according to a threefold analysis focussed on identifying (1) the accusations towards Israel, (2) Israel's response to those accusations and (3) the outcome of that response. The analysis shows a consistent engagement of Israel with various forms of denial, which indicates that they do not have a clear preference on which stigma rejection strategies to adopt. The outcome of Israel's response is unsuccessful in the sense that Israel does not manage to change the narrative of other states and persuade them of their innocence. The use of stigma rejection strategies can thus not be seen as a leading or direct cause for evading accountability.

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## 1 Introduction

When human rights violations occur, it is crucial that those responsible are held accountable for their actions. Unfortunately, it is too often the case that individuals or states evade accountability, leaving victims and their communities without justice or redress. Attempts to hold individuals and states accountable are often unsuccessful as the accused often refuse to cooperate with investigative committees of the Human Rights Council and attack the objectivity of human rights reports (Allen, 2021). This thesis examines how states try to evade accountability through denying accusations of human rights violations. International norms as set out by international society form the boundaries for acceptable behaviour of states. Stigmatization processes are applied when states do not follow these international norms and can be seen as a tool to direct violating states back on the right path (Hatuel-Radoshitzky & Jamal, 2022). States can adopt different strategies of stigma management, including rejection in response to the stigma placed upon them. By rejecting the stigma placed upon them, states do not recognize that their behaviour violates international norms. The expected outcome that stigmatized states will adopt better practises is thus not always the case (Adler-Nissen, 2014). Stigma rejection strategies are often characterized by forms of denial. These forms include (1) literal denial, (2) interpretive denial, and (3) implicatory denial (Cohen, 1996). Denial as a stigma management strategy has different effects. One of the most prominent effects is that denial prohibits public or official acknowledgement of human rights violations, which in turn limits the possibilities to obtain justice and reconciliation for victims (Blaauw, 2002). Even though there is an understanding of the effects of denial as an 'umbrella' strategy, it is not yet clear how the specific forms of denial produce different effects. It is also unclear why governments choose specific forms of denial and how these forms differ in their ability to evade accountability for human rights violations. To fill this gap in the literature, this thesis investigates the nature of stigma rejection strategies adopted by states and if these strategies are successful in evading accountability. Following this line of reasoning, the research question central to this thesis is: *"How do states resist accusations of human rights violations?"* The central focus of this thesis is to research the forms of resistance that states adopt and relate the outcome or effects of this resistance to the question of accountability.

This thesis consists of four main sections. The first section is the theoretical framework in which I discuss the most prominent theories for this thesis. The second section is the research design in which I discuss my choices regarding case selection, data sources and methods of analysis. The third section is the analysis on Israel as an illustrative case. This is a threefold analysis consisting of the following components: (1) identifying the violations that Israel is accused of by the Human Rights Council, (2) analysing the response of Israel towards these accusations and determining the nature and pattern of the adopted stigma rejection practises, and (3) analysing the outcome or effects of Israel's stigma rejection practises. The last section of the thesis is the conclusion and discussion in which I answer the research

question based on the results, relate the main findings to the question of accountability, evaluate the strengths and weaknesses of the thesis, and give recommendations for further research.

## 2 Theoretical Framework

This theoretical framework consists of three main strands of theory that are relevant to this thesis. The first section discusses theory on the function and nature of stigmatization practises. The second section discusses theory on the different stigma management strategies as provided by Goffman (2009), Adler-Nissen (2014), and Rogstad (2022). The last section discusses Cohen's (1996) classification of stigma rejection strategies. These strands of theory form the theoretical foundation for formulating the hypothesis and conducting the analysis on the response of Israel towards accusations of human rights violations.

### 2.1 Theory on Stigmatization Practises

There has been extensive research on how governments approach accusations of human rights violations. Within existing studies on stigmatization, it is known under what conditions states become subject to stigma, namely because of violations of international norms and not following the appropriate behaviour as set out by those norms (Hatuel-Radoshitzky & Jamal, 2022). Stigmatization practises are often used as a tool of international society to "help display normality and clarify boundaries of acceptable identity and behaviour" (Adler-Nissen, 2014, p. 147). There are diverse ways of identifying stigmatization practises. In this thesis, I use the criteria as set out by Adler-Nissen (2014) and Link and Phelan (2001). They state that a practise is considered stigmatization if there is a co-occurrence of the following variables: (1) labelling, (2) stereotyping, (3) separation, and (4) status loss and discrimination. The first variable refers to the practise of *labelling* differences. This practise expresses itself through addressing or calling out the deviances to international norms or behaviours. *Stereotyping* refers to the practise of linking the labelled actors to negative characteristics associated with their practise. *Separation* refers to the practise of distinguishing the labelled group from the 'audience of normals' (those dedicated to international norms and behaviours). This process creates an 'us-versus-them' mentality and portrays stigmatized states as 'others separate from our group.' The last component of stigmatization is *status loss and discrimination*. The stigmatized actors (in our case states) experience status loss and discrimination because of the first three practises of stigmatization: labelling, stereotyping and separation.

### 2.2 Theory on Stigma Management Strategies

States and governments differ in how they respond to stigma. They have the possibility to adopt different strategies to cope with the stigma that is placed upon them (Adler-Nissen, 2014; Goffman, 2009; Hatuel-Radoshitzky & Jamal, 2022; Link & Phelan, 2001). A common framework adopted within the literature on states' responses to accusations of human rights abuses uses the categorization of management strategies as mentioned by Goffman (2009), Adler-Nissen (2014), and Rogstad (2022).

They propose a threefold classification of management strategies, which include: (1) stigma recognition, (2) stigma rejection, and (3) counter stigmatization. Adler-Nissen (2014) identifies and categorizes different stigma management strategies by determining factors that need to be present for each type of response. To start, states that adopt the strategy of *stigma recognition* show that they accept the stigma and align with the 'audience of normals' to work towards better human rights practises with the goal of acceptance by international society. Besides this, states that adopt the strategy of *stigma rejection* agree with international society on what behaviours are deviant from internationally established norms but refuse the statement that their behaviour is characterized as such. Finally, states that adopt the strategy of *counter stigmatization* accept the stigma placed upon them but align themselves with other stigmatized states instead of the 'audience of normals,' turning their stigma into pride instead of shame.

### 2.3 Theory on Stigma Rejection Strategies: Denial

Stigma rejection strategies are often linked to forms of denial. According to Cohen (1993), denial refers to a situation in which information is known, but the implications of this information are not acknowledged. States often engage with practises of denial as these can serve as an unconscious defence mechanism aimed at managing guilt and other unsettling truths associated with practises of which states are accused (Cohen, 1996). Denial can be seen as an umbrella term to describe strategies concerning stigma rejection. Denial does not only contain different forms but can also take place on various levels. It is possible to make a distinction between the individual or psychic level, and the political, well organized, and often official level (Cohen, 1993). The next section discusses the stigma rejection strategies of (1) literal denial, (2) interpretive denial and (3) implicatory denial in more detail<sup>1</sup>. States often apply these forms of denial simultaneously. The use of one form of denial thus does not necessarily mean the exclusion of another form of denial (Cohen, 1996).

A state uses *literal denial* when the accused country states that 'nothing is happening.' This form of denial can be expressed in different ways and on distinct levels. Literal denial is most common in authoritarian and repressive regimes as these forms of government are not expected to endure popular or public backlash from within the country. Literal denial could also be effective in democratic countries if these countries use their liberal commitment to human rights as justification for literal denial (Cohen, 1996). Their narrative could follow the following lines: "since we have a strong commitment to human rights, violations of this rights should not be possible in our country" (Cohen, 1996). This form of denial can be purely individualistic or organized at the collective level and is often indirect and implied through an attack on the reliability, objectivity, and credibility of the observer (Cohen, 1996). This form of

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<sup>1</sup> See appendix 1 for further explanation of all the different subcategories of interpretive and implicatory denial as presented by Cohen (1996).

indirect literal denial is often conducted along the following narrative: “How could one be accusing us when nothing is happening? This must be an untrustworthy source.”

Due to elevated levels of transparency and visibility of human rights violations, it is increasingly difficult for states to apply literal denial as a stigma rejection strategy (Cohen, 1996). An alternative rejection strategy for states to use is *interpretive denial*. When applying this strategy, the accused country states that ‘what is happening is really something else.’ It is often the case that these countries accept or admit to the raw facts, but do not accept the interpretation of these events (Cohen, 1996). To address harmful behaviour, states try to change the narrative on those events and assign them to different and less negative categories of action. An example would be to address civilian casualties (admitting the ‘raw facts’) but not admitting that this is the result of war crimes (denying the interpretation of the facts). By adopting this strategy, stigmatized states try to neutralize the accusations made by international society (Cohen, 1993). Interpretive denial exists of four different techniques that are often combined in its use. These techniques are: (1) euphemism, (2) legalism, (3) denial of responsibility and (4) isolation (Cohen, 1996).

Lastly, state uses *implicatory denial* when the accused country states that ‘what is happening is justified’ and draws upon six different frameworks, including (1) righteousness, (2) necessity, (3) victim-blaming, (4) contextualization, (5) advantageous comparisons, and (6) rejections of universal standards (Cohen, 1996). Implicatory denial is a versatile tool that can take many forms. Justification can both provide a reason for violations (premeditated) or can be invented after the fact (unpremeditated). While some responses are sincere, others are blatant lies and although some justifications address responsibility for the violations, others tend to downplay the severity of the acts (Cohen, 1996). Implicatory denial, similarly, to the strategy of interpretive denial aims to neutralize the accusations made by international society, rather than trying to assert that the event did not happen.

## 2.4 Hypothesis

Resistance to accusations of human rights violations is likely to take the form of interpretive and implicatory denial.

# 3 Research Design

## 3.1 Case Selection

This research project aims to make an in-depth analysis of the nature of stigma rejection strategies adopted by states. An illustrative typical case is used to identify the specific patterns that are present in states’ responses characterized by stigma rejection. A typical case study is most fitting for this research project as typical cases are representative of the larger population of cases and can thus be used to analyse the phenomenon in depth and generalize the results (Halperin & Heath, 2020). There are two

main criteria for the case of this research project. The state needs to be both stigmatized for violating human rights and needs to have a known history of using rejection practises as the most prominent form of stigma management. Israel has been repeatedly accused of human rights violations ever since the Six-Day War of 1967 and their occupation of Palestinian territories<sup>2</sup>. Israel is also known for their strong response towards these accusations, which have been characterized by denial. One example of denial in the Israeli case is that Israeli authorities refuse to cooperate with investigations of special rapporteurs through denying these experts access to the occupied Palestinian territories (General Assembly, 2021b). As demonstrated above, Israel is an example of the phenomenon under investigation, which makes it an excellent case for this research project. Israel is not the only case that fulfils the two criteria as mentioned at the beginning of this paragraph. Both South-Africa<sup>3</sup> under apartheid and Argentina<sup>4</sup> during the military coup of 1976-1983 were accused of severe and extensive human rights violations. Both South Africa's and Brail's stigma management strategies were also characterized by rejection and denial<sup>5</sup>. What makes Israel stand out from these other cases is that Israel is one of the first and one of the most longstanding cases of denial related to human rights violations, and that the violations are still ongoing (Ben-Naftali & Shany, 2003; Reuveny, 2008). Through denial Israel tries to create a different image of themselves, opposite to the reality of them violating human rights. In practise they do so through organized resistance towards scrutiny and presenting themselves as a democracy complying to International (humanitarian) Law<sup>6</sup>. Lastly, Israel is also a very debated case that receives much media attention and criticism for the violations that they commit<sup>7</sup>. For this reason, there is much data available on this specific case, which will contribute to the success and quality of this research project.

### 3.2 Method of Analysis and Data Sources

This research project consists of a threefold analysis. This analysis includes the accusation toward Israel for violating human rights, the nature of the response of Israel towards these accusations and the outcome or effects of Israel's rejection strategies. I draw upon various sources of data to analyse these interconnected practises. The specified period of this analysis will be from 2014 – present. I choose the 2014 Gaza Conflict as the starting point of this analysis as the scale of devastation associated with this war was unprecedented and illustrated a further deterioration of Israeli-Palestinian tensions (Human Rights Council, 2015). The report of The United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict states that “the effects of this devastation had a severe impact on the human rights

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<sup>2</sup> There have been eight special sessions within the HRC on the human rights situation in the Occupied Palestinian Territories (OHCHR, 2023d).

<sup>3</sup> See General Assembly (1962), The Policies of apartheid on the Government of the Republic of South Africa.

<sup>4</sup> See Brysk (1993) for a brief overview on the human rights violations that Argentina was accused off.

<sup>5</sup> See Theissen, Gunnar and Hamber (1998) for more information on South Africa denying apartheid.

<sup>6</sup> See General Assembly (2021a), in which Israel calls itself “the only vibrant democracy in the Middle East” and “a beacon of human rights”.

<sup>7</sup> See Amnesty International (2023) for an extensive database on Israel and the Occupied Palestinian Territories.



of Palestinians in Gaza that will be felt for generations to come” (Human Rights Council, 2015). It will be interesting to research Israel's response to the deteriorating human rights situation since 2014.

The starting point of the analysis would be to determine the specific violations that Israel is accused of. Special procedures of the United Nations Human Rights Council consist of independent human right experts who report and give advice on human rights. These special procedures can be from a thematic or country specific perspective (OHCHR, 2023c). For this thesis, I look at reports by special rapporteurs, published by the Human Rights Council, on human rights in the Palestinian occupied territories, to determine the accusations. The second part of the analysis focusses on Israel's response to these accusations. To do this part of the analysis, I look at the special sessions and the Universal Periodic Reviews (UPRs) from the Human Rights Council to see how Israel reacts to the accusations within the Human Rights Council. Special sessions can be requested by (at least one-third of the) UN Member States to address Human Rights Violations and emergencies (OHCHR, 2023b). The UPR is held every four and a half years and includes a review process of all UN Member States on their human rights records (OHCHR, 2023e). This process is conducted by an inter-governmental working group focussed on reviewing states' commitment to human rights as mentioned in the UN Charter, ratified human rights treaties, national human rights policies, the Universal Declaration of Human Rights (UDHR) and international humanitarian law (UNSDG, 2023). Besides the Human Rights Council, I also look at the United Nations Security Council and the United Nations General Assembly to expand the range of Israel's responses and further analyse Israel's strategies of rejection. The Security Council's quarterly open debates on the situation in the Middle East including the Palestinian question will function as the data source for the Security Council as these open debates give Israel the opportunity to respond to the accusations made against them (United Nations, n.d.). The annual plenary meetings on the question of Palestine will function as the data source for the General Assembly. The last part of the analysis is to analyse the outcome or effect of the different stigma rejection practises by Israel. I assess how successful Israel is in rejecting the stigma placed upon them. To do this, I deconstruct the attitude of the International Society towards Israel and see if Israel can disregard the accusations of human rights violations and persuade other countries of their narrative.

The first part of the analysis is focussed on structuring and summarizing the accusations made towards Israel. The second and third part of the analysis (the response and outcome) will be done according to the method of discourse analysis. This method explores the ways in which discourse gives legitimacy and meaning to social practises and institutions (Halperin & Heath, 2020). Focus points within this method include identifying the motivation of actors and how they make sense of the situation that is being researched. In practise, discourse analysis is thus focussed on deriving the meaning or intention (latent structures) of written expressions from the actual body of text(s). This makes it a constructivist method of analysis with a central focus on interpretation (Halperin & Health, 2020). Discourse analysis would be excellent to deconstruct and identify the strategies and practises that Israel

adopts while managing the stigma placed upon them. It is also an excellent method to analyse the outcome of that response and determine the position of other states on the Palestinian question. During the analysis, there needs to be transparency about the methods used while categorizing and interpreting the meaning of the texts. To ensure the reliability (repeatability or consistency) of the project, I use the framework provided by Cohen (1996) as parameters to categorize the nature of Israel's rejection strategies.

## **4 The Case of Israel**

This section will provide a brief historic overview of Israel and the question of Palestine. After the first World War, Palestine was placed under UK Administration. With the Balfour Declaration of 1917, the UK expressed support for the establishment of a national home for the Jewish people in Palestine, which resulted in large scale Jewish immigration between 1922 and 1947 in Palestine (Caplan, 2019). In 1947, the UN partition plan divided Palestine into two independent states, one Palestinian Arab and the other Israeli Jewish. During the 1948 and 1967 wars, Israel managed to expand their territory and occupy Palestinian territories including the Gaza Strip, West Bank and East Jerusalem, resulting in an exodus of Arab Palestinians from Israel (Caplan, 2019). From 1967 until the present, Israel and the occupied Palestinian territories have been characterized by conflict and human rights violations. Despite numerous efforts for peace processes, the conflict is still ongoing (Caplan, 2019). As mentioned before, states can adopt various stigma rejection strategies. In the case of Israel, the practise of denial is linked to fear. The possibility of Palestinian refugees to return to Israel is seen as a threat to the future of the Israeli Jewish people and their ability to thrive both culturally and politically in Israel as a Jewish society (Orr & Golan, 2014). By acting out of fear and denying the Palestinian past or any wrongdoings associated to this history, the Israeli government tries to avoid any changes to Israel as a Jewish society.

It is beyond the scope of this thesis to further analyse the political reasons for denial in Israel. This thesis is focussed on identifying the nature of Israel's stigma rejection practises and the effects of their resistance. The next sections look at the threefold analysis that is central to answering the research question. This analysis consists of (1) the accusations made towards Israel, (2) Israel's response to these accusations, and (3) the outcome of Israel's stigma rejection strategies<sup>8</sup>. This analysis is aimed at identifying common patterns in both the accusation of human rights violations and Israel's response to those accusations that are present since 2014, the starting point of the analysis.

### **4.1 The Accusation**

To identify the human rights violations that Israel is accused of, I have analysed reports from special rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967. These

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<sup>8</sup> See Appendix 2 for the full list of documents used for this analysis.

special rapporteurs are human right experts who work independently and report their findings and advice on human rights to both the General Assembly and the Human Rights Council (OHCHR, 2023c). The list of human rights violations present in the occupied Palestinian territories is extensive and too comprehensive to discuss in its full length in this thesis. Instead, I focus on the most serious and harmful human rights violations that Israel is accused of and categorize these violations according to Elements of Crime as established by the International Criminal Court (2011) and violations of human rights as established in the International Bill of Human Rights (OHCHR, 2023a).

The reports by special rapporteurs have established that Israel has committed crimes against humanity, war crimes and crimes of aggression. One of the most severe accusations is the crime against humanity of apartheid. The Israeli government has adopted racially discriminating laws and has engaged in practises of segregation of Arab Palestinians and Israeli Jews through territorial fragmentation and restricting the possibilities of movement for Palestinians using checkpoints, roadblocks, and hard-to-obtain travel permits (General Assembly, 2022b). These practises are a breach of the internationally established human rights of freedom from discrimination and freedom of movement (OHCHR, 2023a). Additionally, Israel has committed the war crimes of denying fair trial and unlawful confinement or detention (General Assembly, 2020). Extending the list of war crimes, Israel has attacked civilians and civilian objects, not respecting the principle of distinction between civilians and combatants and civilian and military infrastructure (General Assembly, 2022b). Israel has been accused of intentionally targeting civilian infrastructure such as schools, houses, and water and sanitation infrastructure. The civilian casualties because of these war crimes are a breach of the international human right to life (OHCHR, 2023a). Besides war crimes, Israel is also accused of crimes of aggression, including the annexation and occupation of the Palestinian territories, and violating the right to self-determination for the Palestinians. One of the most discussed human rights violations of Israel is that they do not fulfil their obligation as an occupying power to ensure the internationally established human right of an adequate standard of living (including e.g., access to food and water), and access to healthcare and education for the people within the occupied Palestinian territories (General Assembly, 2019). The last major accusation towards Israel includes the use of excessive force against demonstrators and their attack on the freedom of association (General Assembly, 2021b).

## **4.2 The Response**

This section contributes to the second part of the analysis, which is focussed on identifying the nature of Israel's response towards the specific accusations that we put a name to in the previous section. To map out Israel's response, I have looked at their speeches during the UPRs, the UN General Assembly annual plenary meetings on the question of Palestine, and the quarterly open debates of the Security Council on the situation in the Middle East including the Palestinian question. During the analysis I have found three interesting patterns that characterize Israel's response to accusations of human rights violations since 2014. The first interesting pattern that I found is that Israel's response includes all three

forms of denial. Secondly, it is hard to determine which strategies of denial Israel most frequently engages with as their response is characterized by adopting various strategies. Lastly, Israel's response includes the strategy of 'diverting the focus of discussion,' which falls outside the framework of Cohen (1996). In the next sections I discuss Israel's engagement with the different forms of denial (literal, interpretive, and implicative) in more detail.

To start, Israel's response to accusations of human rights violations includes the strategy of literal denial. Following Cohen's (1996) theory on strategies of denial, I expected a lower possibility for Israel to engage with practises of literal denial as this form of denial is most difficult to sustain and uphold due to increased levels of visibility, transparency, and reporting on human rights violations. The opposite has been shown; Israel is very persistent in engaging with practises of literal denial. A distinction can be made between direct and indirect practises of literal denial. An example of direct literal denial can be seen in Israel's response during the 3<sup>rd</sup> UPR cycle. During these meetings they explicitly denied that there was an enforced blockade on the Gaza Strip and ensured that all civilian goods were allowed into the area (Human Rights Council, 2017). With this statement they directly responded to accusations of prohibiting an adequate standard of living in the occupied territories (because of not allowing food and services into the Gaza Strip). Despite a few examples of direct literal denial, Israel continuously expressed literal denial indirectly through an attack on the credibility of the observer. Part of this attack on the credibility of the observer is aimed at the United Nations. An example can be found in one of Israel's speeches in the Security Council. During this speech Israel states that reports of Independent International Commissions of Inquiry are "further proof of the anti-Israel prejudice and antisemitism of the Human Rights Council" and that "the list of anti-Israel United Nations practises is truly endless" (Security Council, 2022b, pp. 7-8). This could be seen as questioning the functioning of the United Nations as a body, as they accuse the United Nations of being biased or selective and thus wrongfully putting emphasis on Israel as the culprit. They also question the system by stating that the United Nations is "wasting valuable time, effort and resources" to (in their eyes) subjective investigative committees of the Human Rights Council (General Assembly, 2021a, p. 9). Interesting to note is that these attacks on the credibility of the United Nations have consistently been applied in Israel's speeches in both the General Assembly and the Security Council since 2014. Besides an attack on the credibility of the United Nations and the Human Rights Council as an observer, Israel also attacks the credibility of Palestine and their narrative. A common narrative that is present in almost all of Israel's speeches is to call out the Palestinians and accusing them of lying or twisting the facts. By doing so, they try to discredit their critique along the following line: "[I]f the Palestinians are liars and falsely accusing us, we cannot be violating human rights." In line with this example, they also try to discredit other states supporting Palestine by stating that they are subject to a "destructive, one-sided agenda" produced by the Palestinian authorities (General Assembly, 2021a, p. 9). In most of the cases, Israel does not directly respond to the specific accusations. Instead, they are mostly focussed on trying

to convince other states that they are innocent and that the UN is wrongfully blaming them for the current human rights situation in the occupied Palestinian territories.

Since 2014, Israel has also been consistently engaging with practises of interpretive denial. When applying interpretive denial as a stigma rejection strategy, Israel is least likely to engage with practises of euphemism and isolation and most likely to engage with practises of legalism and denial of responsibility. A common narrative using legalism is related to the accusations of denying the Palestinians the right of self-determination. Israel responds to these accusations by acknowledging that they do in fact occupy Palestinian territories, but state that this is not a form of denying the right of self-determination for the Palestinians. During the annual meeting of the General Assembly on the Question of Palestine, the Israeli delegation stated that “The Jewish people have a biblical, historical and legal right to the land in its entirety” and that “the Balfour Declaration of 1917 ... developed a legal and political basis that reaffirmed our connection to the land” (General Assembly, 2019, p. 15). With this line of reasoning, Israel tries to reject the Palestinian right of self-determination by stating that Israel has the right to govern these territories. A common narrative using denial of responsibility is to state that the current situation in the occupied Palestinian territories is not the result of Israel's actions. Israel states that “The current state in Gaza cannot be blamed on the Europeans, the Americans, the Arabs, or the Israelis. It was a self-inflicted wound” (General Assembly, 2017a, p. 9). With this statement, Israel acknowledges the troubling situation in the occupied Palestinian territories (in this case Gaza) but denies any of the responsibility for the disastrous human rights situation and puts the responsibility exclusively in the hands of the Palestinian authorities.

Besides literal and interpretive denial, Israel has also continuously applied the rejection strategy of implicatory denial since 2014. When engaging with this stigma rejection strategy, they most often apply frameworks of necessity, victim-blaming and advantageous comparison. They almost never engage with the frameworks of righteousness, contextualization, and rejection of universal standards. The framework of necessity is frequently applied by Israel by stating that the unprecedented bias towards Israel, and low support of the international community, force Israel to take matters in their own hands and move against the terrorist state of Palestine to safeguard the protection of its own citizens (Security Council, 2023). Israel thus reacts to accusations of excessive use of force against civilians by claiming that they act out of necessity. Another framework that is commonly used by Israel is victim-blaming; an umbrella term for displacing blame onto those who are harmed. One of Israel's frequent responses in the General Assembly is focussed on changing the narrative of the Nakba by stating that this is a disaster “that the Palestinian brought upon themselves with their own aggression by waging war against Israel” (General Assembly, 2022a, p. 18). Israel often refers to the Nakba as a starting point of the ongoing conflict and states that the Palestinians started this war with their reaction towards the partition plan proposed by the UN. Israel uses this narrative to justify their actions and the use of force against Palestinians in the occupied territories. As another form of victim-blaming, Israel also tries to

'dehumanize' the Palestinian people. They do so by producing a narrative in which Palestinians are portrayed as terrorists (General Assembly, 2021a). They describe Palestinians as 'terrorist entities with no ability for compassion' and leave out any characteristics, creating an anonymous and detached picture (General Assembly, 2021a). In contrast, they pay extensive focus on creating a vast amount of empathy towards the Israeli victims by describing their stories in detail and with the use of individualistic characteristics such as names, age, occupation, marital status and whether they had children. The last subcategory of implicative denial that Israel engages with is advantageous comparisons and the framework of deflection. Through deflection, Israel is counterattacking the critic's record. They counterattack both the Palestinian and the United Nations' record. The counterattack towards Palestine is structured along the argument that Palestinians themselves are violating human rights and that they are guilty of creating a picture that is detached from reality, which in return discredits them from 'the right' to express critique on someone else's human rights records. The counterattack towards the United Nations is characterised by an attack on the (beforementioned) biased nature of the United Nations and for creating a cover and platform for other violating countries (such as Iran and Syria) to critique Israel.

In addition to discussing Israel's engagement with the three different forms of denial, it is also interesting to mention the pattern I found in Israel's response to accusations of human rights violations in the Security Council. This strategy falls outside the different forms of denial as proposed by Cohen (1996), and I characterize this strategy as 'diverting the focus of discussion'. Within the Security Council's quarterly open debate on the situation in the Middle East, most participating states (including the observer state of Palestine) address the Palestinian question and accuse Israel of violating human rights. Israel uses different forms of denial in response to these accusations, but also uses another tactic that is not discussed in the framework of Cohen (1996). Israel uses their opportunity to speak in the Security Council to redirect the focus of the meeting towards other issues and developments present in the Middle East. Additionally, Israel condemns the members of the Security Council for not addressing these important developments (both positive and negative) in the region. This could be seen as a strategy of Israel to evade accountability by diverting the focus of the meeting from the Palestinian question towards another issue<sup>9</sup>. Israel states that the Palestinian question is (unrightfully) the centre of the debate while other (more pressing) issues need to be discussed. This strategy of 'diverting the focus' is not necessarily a form of denial but does deserve to be mentioned as it is successful in taking some focus off the Palestinian question and the fact that other states are accusing Israel of human rights violations.

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<sup>9</sup> Israel most frequently tries to divert the focus of Security Council meetings on the situation in the Middle East towards the issue of a nuclearizing Iran. See Security Council (2022a), Security Council (2022b) and Security Council (2023) for examples of this strategy of 'diverting the focus of discussion'.

### 4.3 The Outcome

In this last part of the analysis, I look at the outcome or effects of Israel's stigma rejection practises. To do this, I look at both voting records during the annual plenary meetings of the General Assembly on the question of Palestine and the reaction of states towards Israel's narrative during their speeches in both the General Assembly and the Security Council.

Prior research on the effects of stigma rejection showed that states are successful in rejecting stigma when the accused state (or 'deviant') passes as normal. This happens when enough states follow the accused states' line of reasoning and support their narrative (Adler-Nissen, 2014). I use the voting records within the General Assembly as an indicator to determine whether Israel's stigma rejection practises influence voting behaviour regarding resolutions related to the Palestinian question. I have found that most countries within the General Assembly vote in favour (and thus against Israel) on resolutions regarding Palestinian rights, such as the right of self-determination and the restoration of their alienable rights. There seems to be a small group of countries that consistently support Israel and vote against those resolutions. Australia, Canada, and the United States are among that small group of countries<sup>10</sup>. The United States is very persistent in their support towards Israel. During the annual meetings of the General Assembly, they exclusively vote in line with Israel and follow Israel's practise of literal denial as they also accuse the UN and its member states of being biased towards Israel and basing their decisions on lies (discrediting the observer). During the 2017 annual plenary meeting of the General Assembly on the question of Palestine, the US made the following statement: "As we have continued to make clear, the United States opposes the annual submission of a disproportionate number of unfair draft resolutions of the General Assembly that are biased against Israel" (General Assembly, 2017b). This is a direct example of attacking the credibility of the observers. In addition to the verbal support of the US in the General Assembly, the US also supports Israel through extensive levels of military aid (General Assembly, 2021b). A report of the special rapporteur to the General Assembly expands these findings and states that US support towards Israel is a contributing factor for the continuation of the Israeli occupation (General Assembly, 2021b). The support of the US is a great attribute to Israel as the US holds significant political power in the current world order<sup>11</sup>. However, the support by 'the loyal group of three' is not sufficient to state that Israel has been successful in persuading other countries of their narrative. Most countries in the General Assembly still vote against Israel on resolutions regarding the Palestinians question, including (rising) powers such as China, India, and Russia. This is an indication that Israel is not successful in applying the strategy of denial as they do not seem to have convinced countries (beyond 'the loyal group of three') of their framing or

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<sup>10</sup> Alongside the Marshall Islands, Micronesia (Federate States of), Nauru and Palau (General Assembly, 2017b).

<sup>11</sup> The United States is one of the five permanent members of the United Nations Security Council that holds a veto-power. The US is not afraid to use this veto-power; it has vetoed 32 resolutions that were critical towards Israel since 1973 (General Assembly, 2021b).

interpretation of the situation or persuaded them to vote against the proposed resolutions on Palestinian rights. By adopting resolutions that move towards the recognition of Palestinian rights, states also show their support for the recommendations as proposed in the reports of special rapporteurs on the situation in Israel and the occupied Palestinian territories. This shows that most states within the United Nations do not follow the narrative as produced by Israel but rather show their support for the Human Rights Council and their narrative.

Voting records within the General Assembly are just one indicator to analyse the outcome of Israel's resistance to accusations of human rights violations. For this reason, I have also analysed the speeches of other states in the General Assembly and the Security Council to identify their positions on the Palestinian question and the accusations of human rights violations towards Israel. I have done this to determine if states follow the narrative of Israel and support the country or if they condemn Israel and express their critique. There are three common narratives adopted by (most) states within the General Assembly. The first narrative that states adopt is the call for an independent state of Palestine according to a 'two state solution' based on lasting peace and mutual acceptance of both parties. The second common narrative is focussed on expressing solidarity within the international community in support of Palestine and simultaneously illustrating an ongoing engagement with the peace negotiations (General Assembly, 2022a). The last common narrative repeatedly mentions the lack of accountability towards Israel for violating human rights and the lack of international response to ensure the end of these violations (General Assembly, 2016). There are subtle differences in the common narratives adopted by (most) states within the Security Council and the General Assembly. During the speeches of the plenary meetings of the General Assembly, states are not resistant to condemn Israel and express their critique. Speeches made in the Security Council are more focussed on the narrative of finding a mutually agreed upon solution. These countries thus do not verbally address specific critique towards Israel, but at the same time also do not follow Israel's narrative and express their support (Security Council, 2022a). Despite Israel's efforts to deny accusations of human rights violations, the accusations seem to stick and be recognized within the General Assembly and the Security Council. This is shown as the commonly adopted narratives in the General Assembly indicate that (most) states are not persuaded by the narrative of Israel. Despite the recognition of the need to hold Israel accountable for violating human rights in the occupied Palestinian territories, there does not seem to be a clear political will to follow through and take the steps necessary to achieve or ensure accountability. This lack of political will is criticized by the Palestinian-led boycott, divestment, and sanctions (BDS) movement, pressuring and convincing the international community to act and take the necessary steps to punish Israel and achieve the goal of accountability (Hallward, 2022). Despite efforts to punish Israel and hold them accountable (like the BDS movement), Israel has not faced major judicial backlash (Hallward, 2022).



## 5 Conclusion and Discussion

This thesis consisted of a threefold analysis. After analysing reports from special rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967, I have established that Israel is accused of many human rights violations as mentioned in the International Bill of Human Rights (OHCHR, 2023a). These human rights violations are overlapping with or are the result of crimes against humanity, war crimes and crimes of aggression. The response of Israel is characterized by an engagement with all three forms of denial. This is not in line with my hypothesis as I expected Israel to be more likely to engage with practises of implicatory and interpretative denial as opposed to literal denial. Israel also shows more use of some subcategories of interpretative and implicatory denial over others. However, it is hard to determine which stigma rejection strategies Israel applies most frequently as they are versatile in their approach. These findings allowed me to formulate and answer to the research question central to this thesis. I conclude that states do not have a clear preference on which stigma rejection strategy to use in response to accusations of human rights violations. Their response is characterized by using various strategies of denial and choosing those forms of denial that are most useful in the (re)framing of the different accusations. The last part of the analysis focussed on determining the outcome or effects of Israel's response and linking those findings to the question of accountability. Previous research showed that a lack of disclosure prohibits the possibility of properly addressing human rights violations (Blaauw, 2002). Besides this, public or official acknowledgement of human rights violations is required to obtain justice and reconciliation, a process that could be hindered by stigma management strategies involving denial (Blaauw, 2002). As determined in the first part of the analysis, I have established that Israel is accused of various human rights violations. Although this process is public, namely through the freely accessible reports by the HRC, justice and reconciliation for the victims of Israel's human rights violations is still largely absent. After analysing voting records within the General Assembly, and the tone and contents of speeches in both the General Assembly and Security Council, I have concluded that Israel has not been successful in changing the narrative of the accusations and persuading other states of their innocence. Israel continues to face international backlash for violating human rights in both the General Assembly and the Security Council. Following this line of reasoning, I conclude that Israel's response towards accusations of human rights violations cannot be isolated as the cause for Israel's success of evading accountability, as most countries do not follow the narrative produced by Israel and explicitly express the need to hold Israel accountable for violating human rights. Thus, further research is needed to determine how Israel manages to evade accountability, why it is so difficult to hold Israel accountable for their human rights violations, and what could be done to ensure accountability in the future.

The strength of this thesis would be its contribution to the academic body of literature on stigma rejection strategies. This thesis provided an in-depth case-analysis of which stigma rejection strategies states are likely to adopt and how successful these stigma rejection strategies are for evading

accountability. Past research projects have mostly focussed on identifying or determining the different forms of denial but have not taken the extra step of researching the nature of rejection responses or the actual use of those methods. The finding that Israel frequently engages with practises of literal denial contrasts existing theory on the use of strategies of denial and can thus be seen as an important new contribution to the literature that should be further explored. This thesis also took the extra step of linking stigma rejection strategies to the question of accountability, which could help other research projects related to the effects of stigma rejection strategies.

A weakness of this thesis is related to the research design. I have used voting records of the General Assembly to indicate the outcome of Israel's resistance towards accusations of human rights violations, and to determine whether Israel has managed to persuade other states of their narrative. This indicator only produces a hunch on whether states support Israel or not. Simply voting yes or no is not substantive enough to derive a complete sense on the exact positions of states on the Palestinian question. Future research could focus on other indicators that measure the results of Israel's resistance, e.g., if states adopt the same narrative of Israel and use the same line of argumentation, and if states choose to assist Israel (either economically or military) or to condemn Israel (through boycotts, disinvestment, and sanctions).

The results of this research project have opened avenues for further research. It would for instance be necessary to conduct similar research projects with similar cases to test if states are consistent with the stigma rejection strategies that they adopt, or if other states differ in their response compared to Israel. This type of research is necessary to determine whether the results of this research project are consistent along cases and if the results are generalizable to the population. Besides this, future research should explore Israel's frequent use of literal denial as the existing literature on strategies of denial expected a low use of this form; why is Israel an exception to prior findings? Lastly, it would be interesting to further research the strategy of 'diverting the focus of discussion' that Israel uses in the Security Council. The focus of this type of research should be on determining whether Israel is successful with their application of this strategy. Do other states follow this 'change of topics' and focus on the new topic, or does the focus remain on the Palestinian question during the quarterly open debates of the Security Council?

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## Appendix 1: Subcategories of Interpretive and Implicatory Denial

Table 1 and Table 2 provide an in-depth explanation of the different subcategories related to interpretive and implicatory denial. These subcategories are drawn from Cohen's (1996) article and further extent the section 2.3 of the theoretical framework.

*Table 1. Frameworks of Interpretive Denial*

<i>Euphemism</i>	<p>The process of reinterpretation of events using euphemistic labels and jargon aimed at giving violations a neutral or respectable status</p> <ul style="list-style-type: none"> <li>- E.g., Intensive interrogations instead of torture</li> </ul>
<i>Legalistic</i>	<p>Interpretive denial is often supplied by the language of legalism. There are two common strategies within this subcategory</p> <ol style="list-style-type: none"> <li>1. The first strategy is the legalistic claim that while the event in question took place, it does not fit the appropriate category (right, law, article, convention).</li> <li>2. The second strategy denies that the provisions of a particular prohibition or convention are applicable in the circumstances in question.</li> </ol>
<i>Denial of responsibility</i>	<p>The stigmatized country denies responsibility for violating human rights. This can be done according to two variations.</p> <ol style="list-style-type: none"> <li>1. The first variation acknowledges that the act occurred, but attributes responsibility to forces-named or unknown-that supposedly have nothing to do with the government and are beyond its control</li> <li>2. The second and similar variation-most plausible under the anarchic conditions caused by a breakdown of state authority – it is to assert that no responsibility can be found anywhere. Lines of political authority have collapsed; things happen with no identifiable ordering force.</li> </ol>
<i>Isolation</i>	<p>An important form of reframing accepts that a particular act has occurred, accepts the imputed legal interpretation, even accepts responsibility, but denies the systematic, routine, or repeated quality attributed to the act.</p>

Table 2. Frameworks of Implicatory Denial

<i>Righteousness</i>	<p>Righteousness refers to universal standards and make two different claims</p> <ol style="list-style-type: none"> <li>1. The first claim states that international values do not exist, resulting in the fact that states can follow their own morality and act according to that morality.</li> <li>2. The second claim is that there is an alternative set of values that in some circumstances (or in regards of certain people) precede over any of the universal values</li> </ol>
<i>Necessity</i>	<p>Necessity refers to the “need to act, in the absence of any alternatives.” Within this framework, states make claims that it was necessary to act the way they did to protect their citizens from harm, danger or in the name of national survival and self-defence</p>
<i>Victim blaming</i>	<p>Victim blaming is aimed a displacing blame onto those who are harmed. These frameworks often follow the themes of “they started it” or “they got what they deserved” and are based on three variations</p> <ol style="list-style-type: none"> <li>1. <i>Dehumanizing</i>: attack of the victim groups by repudiating their humanity (less rights, less ability to feel, less entitlement to compassion or empathy).</li> <li>2. <i>Condescension</i>: the victim groups are patronized as inferior, childlike, uncivilized, and irrational</li> <li>3. <i>Distancing</i>: the victim groups are not acknowledged in their presence, which disregards their ability to be seen as victims</li> </ol>
<i>Contextualization</i>	<p>Contextualization puts the accusations of human rights violations into a broader context and tries to justify those violations based on the context. This framework has several commonly applied variations</p> <ol style="list-style-type: none"> <li>1. Accusing observers of not knowing, understanding, or mentioning the context in which the alleged violation take place</li> <li>2. Stating that these specific circumstances in which this country finds itself are so special that normal standards of judgement are not suitable</li> <li>3. Stating that the level of violence is normal, acceptable, and ordinary in this situation</li> </ol>

*Advantageous comparisons*

Advantageous comparison compares your own record with that of your critics.

The language of comparison has a series of distinct functions.

1. Literal denial (through discrediting the credibility of the source/observers)
2. Justification (by the common appeal: "everyone is doing it, so why not me?")
3. Deflection (by counterattacking the critic's record)

*Rejection of universal standards*

Rejection of universal standards refers to temporarily or permanently superseding universal human rights standards; the "specificity" defence depicts a situation so unique that universal values do not apply.

This framework often states that universal values are not universal but rather created/invented by the West



## Appendix 2: List of Analysed Documents

This appendix provides a list of the documents used for the three-fold analysis of this thesis. Most of these documents have been used to identify patterns. The documents that provided concrete examples used in the body of the thesis are also included in the reference list.

### Human Rights Council: Special Procedures (country reports on Israel)

- A/77/356                      21/09/2022
- A/76/433                      22/10/2021
- A/75/532                      20/10/2020
- A/74/507                      21/10/2019
- A/72/556                      23/10/2017

### Human Rights Council: Special Sessions and UPRs

- 30<sup>th</sup> special session (27/05/2021); all statements
- 28<sup>th</sup> special session (15/05/2018); all statements
- 21<sup>st</sup> special session (23/07/2014); all statements
- UPR 3<sup>rd</sup> cycle (23/01/2018); national report
- UPR 2<sup>nd</sup> cycle (29/10/2013); national report

### United Nations Security Council: quarterly open debates on the situation in the Middle East including the Palestinian question

- S/PV.9309                      25-04-2023
- S/PV.9263                      20-02-2023
- S/PV.9174                      28-10-2022
- S/PV.9099                      26-07-2022
- S/PV.8950                      19-01-2022
- S/PV.8826                      28-07-2021
- S/PV.8449                      22-01-2019

### United Nations General Assembly; annual plenary meetings on the question of Palestine

- A/77/PV.41                      30-11-2022
- A/76/PV.41                      01-12-2021
- A/75/PV.34                      02-12-2020
- A/74/PV.38                      03-12-2019
- A/74/PV.37                      03-12-2019
- A/73/PV.42                      29-11-2018

- A/72/PV.60 30-11-2017
- A/72/PV.59 29-11-2017
- A/71/PV.50 30-11-2016
- A/71/PV.49 29-11-2016
- A/70/PV.62 23-11-2015
- A/70/PV.64 24-11-2015
- A/69/PV.59 24-11-2014