

Backgrounder on Vaccinations in Israel and the Palestinian Territories

As of March 31, 2021

Purpose

Recently the debate over the responsibility of delivering vaccinations to Palestinians has made headlines, leading to condemnations from human rights organizations and U.S. elected officials. JCRC has compiled an informational guide designed to help the community engage in conversations and understand the facts surrounding this issue.

What is the issue?

Israel is leading globally in the effective vaccination rate of its population. Its vaccination efforts include every Israeli citizen, whether Jewish, Muslim, Christian, Druze, or of no faith. People living in the Palestinian territories, who are not Israeli citizens, have not received the same success rate.

Has Israel helped the Palestinians with COVID-19 over the past year?

Yes. [In March 2020](#), the UN Special Coordinator to the Middle East praised "the excellent coordination and cooperation that has been established with all Israeli and Palestinian interlocutors." The humanitarian steps Israel took included: the transfer of coronavirus testing kits, protective suits, medical equipment to the West Bank and Gaza, and the processing of Covid-19 tests from Gaza in the IDF medical facility located in Israel.ⁱ

Are Palestinians receiving vaccines?

Yes. As of March 8, 2021, Israel began vaccinating the estimated 100,000 Palestinians from the West Bank who work in Israel and Jewish settlements ("day laborers"). On March 17, 2021, the Palestinian Authority (PA) confirmed it received 60,000 coronavirus vaccine doses from the World Health Organization and 2,000 doses provided by Israel -- a total that falls well below the 5 million Palestinians in the West Bankⁱⁱ. The PA promised priority vaccinations to medical workers and its elderly citizens; however, the PA chose to divert the vaccines designated for the populace to senior officials, soccer players, and security details, along with sending 200 doses to the royal court in Jordan.ⁱⁱⁱ

What is the debate?

The issue focuses on who has the legal obligation to make sure Palestinians are receiving vaccines: The Fourth Geneva Convention stipulates that Israel, as the occupying power, is responsible, while the Oslo Accords stipulate that that Palestinian Authority and Hamas are responsible.^{iv}

What does the Fourth Geneva Convention say?

The Fourth Geneva Convention, adopted in 1950, addressed humanitarian protection for civilians in a war zone. Article 56 states that "the Occupying Power has the duty of ensuring and maintaining...public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics."^v

What do the Oslo Accords say?

The Oslo Accords (1993, 1995), signed by Israel and the Palestinian Liberation Organization (PLO) established the Palestinian Authority (PA) as an autonomous governing body, to assume governing responsibilities in the West Bank and Gaza Strip and set the framework for negotiations on the issues of borders, refugees, Jerusalem, and autonomy. Annex III, Article 17 states that the "powers and responsibilities in the sphere of Health in the West Bank and the Gaza Strip will be transferred to the Palestinian side, including the health insurance system." The responsibility for healthcare is clearly allocated to the government of Palestinian territories (namely, the Palestinian Authority in the West Bank and Hamas in Gaza).^{vi}

What is Israel's obligation towards the West Bank (Palestinian Authority)?

The Oslo Accords divided the territories into three districts (A, B, and C) with Israel and the PA setting jurisdiction and governing responsibility for each district. Article 17 of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, signed in September 1995, established each party's respective duties in terms of healthcare, assigning the PA the responsibility of administering vaccines to the Palestinian population. However, further complicating the issue is the agreement made between Israel and the PA to cooperate and exchange information between health systems, particularly with regard to epidemics and contagious diseases.^{vii}

What is Israel's obligation towards the Gaza Strip (Hamas Controlled)?

In 2005, Israel evacuated its entire civilian and military presence from the Gaza Strip as part of its "Disengagement Plan," effectively ending its military rule over the region. Israel then transferred governmental rule to the Palestinian Authority. In 2007, Hamas seized control of the Gaza Strip in a bloody coup and has ruled the territory *de facto* ever since. Notwithstanding claims by certain international bodies and humanitarian organizations that Israel is still responsible for Gaza as an 'occupying power', Israel is clearly not an occupying power with respect to Gaza under accepted definitions of international law (i.e. an occupying power must 1) have boots on the ground^{viii} and 2) exercise governmental power by the occupier and the sovereign government's inability to exercise these powers)^{ix}.

Additional + Referenced Articles:

["Is Israel legally obligated to provide Palestinians with vaccines?"](#) *The Jerusalem Post*, Feb. 26, 2021

["Israel, COVID-19, Palestinians and Israeli Arabs"](#) by Mitchell Bard, Feb. 24, 2021, *Jewish Virtual Library*

["Blinken asks for Israeli help in facilitating COVID vaccines to the Palestinians"](#) by Barak Ravid, Feb. 23, 2021, *Axios*

["Israel's Vaccine Success Unleashes a Debate on Palestinian Inequities"](#) by Adam Rasgon, Feb. 4, 2021, *New York Times*

["Israel, the PA and the Coronavirus Vaccine."](#) *International Legal Forum*

["UN praises 'excellent' Israeli-Palestinian cooperation in fight against pandemic"](#), *Times of Israel*, March 30, 2020

ⁱ UN praises 'excellent' Israeli-Palestinian cooperation in fight against pandemic, *Times of Israel*, March 30, 2020, <https://www.timesofisrael.com/un-praises-excellent-israeli-palestinian-cooperation-in-fight-against-pandemic/>

ⁱⁱ Palestinians get 60,000 vaccine doses through WHO program, Associated Press. March 17, 2021, <https://apnews.com/article/israel-coronavirus-vaccine-health-coronavirus-pandemic-west-bank-8ed67e886277ec05f74a0bb16e9d27ce>

ⁱⁱⁱ PA admits some of its 1st vaccines went to gov't officials, soccer stars, *Times of Israel Jordan*. March 2, 2021, <https://www.timesofisrael.com/pa-admits-some-1st-vaccines-went-to-government-officials-soccer-players-jordan/>

^{iv} Is Israel legally obligated to provide Palestinians with vaccines? *The Jerusalem Post*, Feb. 26, 2021, <https://www.jpost.com/arab-israeli-conflict/is-israel-legally-obligated-to-provide-palestinians-with-vaccines-660220>

^v Fourth Geneva Convention, United Nations, Aug. 12, 1949, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

^{vi} The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip Annex III, Oslo Accords, Annex III, United Nations, Sep. 28, 1995, <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement%20-%20annex%20iii.aspx>

^{vii} The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip Annex III, Oslo Accords, Annex III, United Nations, Sep. 28, 1995, <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement%20-%20annex%20iii.aspx>

^{viii} Article 42 of the Hague Regulations, United Nations, Sep. 28, 1995, <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement%20-%20annex%20iii.aspx>

^{ix} International Committee of the Red Cross, Geneva, October 2015, 32nd International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 8–10 December 2015, p. 11 <https://www.icrc.org/en/document/international-humanitarian-law-and-challenges-contemporary-armed-conflicts>