



BRIEFING No. 40

SADAKA صدقة
The Ireland Palestine Alliance ♦ www.sadaka.ie

Israel: EU losing sight of the facts

While the state of Israel continues its colonial project in the Occupied Palestinian Territories with its relentless settlement expansion, its shoot-to-kill policy and its arrest and detention of minors, the EU and other international players continue to ignore the basic facts of the situation in Palestine and Israel.

[1] Without sanctions against Israel to force it to withdraw from the occupied Palestinian territories, the two-state solution is dead.

[2] The situation in Israel/Palestine today is a consequence of Israeli armed aggression in 1967 which the UN Security Council failed to reverse. Each incident and event in the Occupied Palestinian Territories should be viewed in this context.

[3] Israel's 1967 aggression should have been reversed by the Security Council in the same way as Iraq's 1990 aggression against Kuwait was reversed: Israel should have been asked to withdraw and if it refused forced to withdraw.

[4] The Israeli/Palestinian "peace process" is equivalent to allowing a thief to negotiate with his victim about how much, if any, of the stolen goods he is going to give back, while he keeps his boot on the victim's throat.

[5] The EU is guilty of extraordinary double standards for sanctioning Russia because of its occupation of Crimea since 2014 whilst giving Israel special privileges despite its occupation of Palestinian territories since 1967.

[6] Colonisation, that is, the transfer by an occupying power of its own citizens into the territory it is occupying, is a war crime under the Rome Statute of the International Criminal Court: Israel's 50-year project of settling its own citizens in the Occupied Palestinian Territories has involved the commission of war crimes on a massive scale.

[7] Israel likes to describe itself as the only democracy in the Middle East, but it doesn't apply the most basic democratic principle - the right to vote - universally.

[1] Without sanctions against Israel to force it to withdraw from the occupied Palestinian territories, the two-state solution is dead

There is never going to be a Palestinian state unless sanctions are applied to Israel to force it to withdraw from the occupied territories. There is no possibility of it withdrawing voluntarily so that a Palestinian state can come into existence. So, without serious and sustained economic sanctions against Israel, the two-state solution is dead.

It's been pretty obvious for many years that Israel isn't going to withdraw voluntarily. The Likud Party Charter [1] states:

- a. "The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river."
- b. "The Jordan river will be the permanent eastern border of the State of Israel."

It is no surprise that Netanyahu once again ruled out the creation of a Palestinian state before the election in March 2015. See, for example, the Haaretz report *Netanyahu: If I'm elected, there will be no Palestinian state* [2] of 16 March 2015, where he went so far as to assert that any move in that direction would be a threat to Israel's security:

"I think that anyone who moves to establish a Palestinian state and evacuate territory gives territory away to radical Islamist attacks against Israel."

When asked if that meant a Palestinian state would not be established if he is elected, he replied: "Indeed." [3]

There he was merely echoing the principle laid down in the Likud Charter, as he had done before the election in February 2009, when he declared:

"We will not withdraw from one inch. Every inch we leave would go to Iran." [4]

A two-state solution cannot be achieved by negotiations alone. The proposition, still endorsed by the EU, that it can be achieved by negotiations alone amounts to supporting the continuation of Israeli occupation indefinitely – since Israel is not going to withdraw voluntarily.

Unless the EU is prepared to contemplate serious and sustained sanctions against Israel – and we assume it is not – it should cease the pretence that it is pursuing an achievable policy for a settlement in Israel/Palestine. The EU should be honest with Palestinians and tell them that they will have to continue to put up with Israeli occupation – and the humiliation and human rights abuses that goes with it – for the foreseeable future.

(1) Without sanctions against Israel to force it to withdraw from the occupied Palestinian territories, the two-state solution is dead.

(2) The proposition that a two-state solution is achievable by negotiations alone amounts to supporting the continuation of Israeli occupation indefinitely – since Israel is not going to withdraw voluntarily.

[2] The situation in Israel/Palestine today is a consequence of Israeli armed aggression which the Security Council failed to reverse

In June 1967, Israel took over the West Bank (including East Jerusalem) and Gaza by force contrary to Article 2.4 of the UN Charter and against the wishes of the Palestinians who lived there.

Had the UN Security Council done its job in 1967, it would have insisted that Israel withdraw from these territories and, if Israel continued to refuse to withdraw, it would have applied whatever sanctions were necessary to force it to withdraw.

No sanctions have ever been imposed by the Security Council to force Israel to reverse its illegal territorial expansion. And, far from sanctioning Israel for its illegal territorial expansion in breach of the UN Charter, the US and the EU have showered it with privileges.

Since 1967, the US has given Israel around \$100 billion in (mostly military) aid and it has protected it politically in international fora, for example, by vetoing resolutions critical of it in the Security Council. Today, the US gives it more than \$3 billion a year in military aid, making it the recipient of more US tax dollars than any other state in the world.

As for the EU, it made Israel a privileged partner in 1995, allowing it to sign up to the Euro-Mediterranean Partnership and granting it privileged access to the EU market in 2000 under the EU-Israel Association Agreement.

Israeli aggression in 1967 (and the Security Council's failure to reverse it) is at the root of the problem in Israel/Palestine today.

[3] Israel's aggression in 1967 should have been reversed by the Security Council in the same way as Iraq's 1990 aggression against Kuwait was reversed: Israel should have been asked to withdraw and if it refused - forced to withdraw

The Security Council's failure to reverse Israel's illegal territorial expansion in 1967 is in marked contrast to what happened when Iraq took over Kuwait by force in 1990. Then, the Security Council demanded that Iraq withdraw immediately and, when it failed to do so, economic sanctions were applied. When these failed to persuade Iraq to withdraw, military sanctions followed – and the Iraqi aggression against Kuwait was reversed within months.

Israel's 1967 aggression should have been reversed by the Security Council in the same way as Iraq's 1990 aggression against Kuwait was reversed.

[4] The Israeli/Palestinian “peace process” is equivalent to allowing a thief to negotiate with his victim about how much, if any, of the stolen goods he is going to give back, while he keeps his boot on the victim’s throat

The Security Council failed to take the action necessary to force Israel to reverse its aggression of 1967 or since.

Instead, twenty-five years after the aggression, a so-called “peace process” was established, in which, instead of Israel being forced to withdraw unconditionally from the territory it took over by force in 1967, it was accorded the extraordinary privilege of negotiating with Palestinians under its military control about how much, if any, of these territories it would give up, and when if ever, to do so.

And, as if this “peace process” wasn’t weighted enough in Israel’s favour, the US, Israel’s closest ally, acquired for itself the role of honest broker.

In this negotiating framework, Israel has held, and still holds, the whip hand, since Palestinians under Israeli military occupation are powerless to put pressure on Israel to come to a reasonable settlement.

This “peace process” is equivalent to allowing a thief to negotiate with his victim about how much, if any, of the goods he has stolen he is going to give back, while he keeps his boot on the victim’s throat.

Without outside pressure being brought to bear on the Israeli thief, the Palestinian victim was never going to get any of its stolen goods back – and there has been no outside pressure worthy of the name on the Israeli thief to do so.

Of course, if the Security Council had done its job, Israel would have been convicted of theft long ago and sanctions imposed on it, until such times as it returned all the stolen goods and paid reparations for all the damage it did to them while they were in its possession. After all, that’s what was done to Iraq when it invaded and occupied Kuwait in 1990.

Roadmap ignored

It is normal practice that when negotiations are in progress to resolve a problem the status quo is maintained during negotiations. To that end, efforts have been made to persuade Israel to halt settlement activity prior to negotiations.

This was formalised in May 2003, when a “roadmap” for negotiations was drawn up by the US and approved by the Middle East Quartet. This was accepted by Israel (with some reservations) and by the PLO on behalf of Palestinians – and later endorsed by the Security Council.

By accepting the “roadmap”, Israel put its name to the following:

“Consistent with the Mitchell Report, GOI [Government of Israel] freezes all settlement activity (including natural growth of settlements).”

It also agreed to “dismantle settlement outposts erected since March 2001”.

Israel has never fulfilled those obligations prior to negotiations – and the US and the EU have never insisted that it do so. On the contrary, generally speaking, the US and the EU have been so desperate to get negotiations going that they have pressurised Palestinians into entering negotiations without Israel fulfilling the “roadmap” conditions.

This is yet another example of how the operation of the “peace process” has been ludicrously biased in favour of the thief against the victim.

One might ask: what is the point in seeking an agreement with Israel when it simply ignores obligations contained in past agreements and the US and EU turn a blind eye to its failure to meet its obligations?

[5] The EU is guilty of extraordinary double standards for sanctioning Russia because of its occupation of Crimea since 2014 while giving Israel special privileges despite its occupation of Palestinian territories since 1967

Today, the EU is applying some form of sanctions to more than 35 countries (see *European Commission – Restrictive measures in force* [\[5\]](#)). Israel isn't one of them.

When Russia occupied Crimea in 2014, with the consent of the people of Crimea, the EU imposed sanctions on Russia. Israel has occupied Palestinian territories for nearly half a century, against the wishes of the people of that territory, but far from sanctioning Israel for its 50-year occupation it has granted it special privileges.

The EU is guilty of extraordinary double standards for sanctioning Russia for its occupation of Crimea since 2014 while giving Israel special privileges despite its 50-year occupation of Palestinian territories.

[6] Colonisation, that is, the transfer by an occupying power of its own citizens into the territory it is occupying, is a war crime under the Rome Statute of the International Criminal Court: Israel's 50-year project of settling its own citizens in the occupied Palestinian territories has involved the commission of war crimes on a massive scale

Israel's creation of Jewish settlements in the territory it has occupied since 1967 is often described as “illegal” under international law, and rightly so.

However, this description gives a wholly inadequate account of the seriousness of the offences that Israel has committed, and is continuing to commit, by this colonisation. After all, failing to licence a dog in Ireland is “illegal”.

Settlement creation is not just “illegal” under international law – it is a war crime under the Rome Statute of the International Criminal Court (ICC). Article 8.2(b)(viii) of the Rome Statute specifies

“the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies”

to be a war crime. In other words, colonisation is a war crime.

Israel has transferred upwards of 600,000 of its own citizens to territory it occupies. Each and every transfer is a war crime committed by individuals acting for the Israeli state.

Israel's transfer of its citizens into occupied Palestinian territories is a war crime

At present, the ICC Prosecutor is considering opening an investigation into actions committed in Palestinian territories which may constitute offences under the Rome Statute. It can be taken for granted that the ICC prosecutor will come under fierce pressure from Israel and its allies not to open an investigation, or to put off doing so indefinitely.

It would be more difficult for the ICC to do this if it is widely known that Israel's colonisation project has involved fifty years of committing war crimes, and this tsunami of criminality contrary to the Rome Statute of ICC still continues.

[7] Israel likes to describe itself as the only democracy in the Middle East, but it doesn't apply the most basic democratic principle – the right to vote – universally

Israel likes to describe itself as the only democracy in the Middle East, but it is not even a democracy. Since 1967, it has ruled over millions of Palestinians in the occupied territories, without according them any democratic rights whatsoever. They have had to endure almost half a century of Israeli military dictatorship.

Jews living in the illegal West Bank settlements have a vote in elections to the Knesset, but Palestinians living alongside them in the West Bank haven't. This is akin to the voting system that operated in apartheid South Africa.

That demonstrates a near 50-year record of contempt for democracy rather than a commitment to it.

To merit being described as a democracy, Israel must either

- (a) withdraw from the occupied territories to the 1967 lines and make way for the creation of a Palestinian state, or
- (b) accord democratic rights, including the right to vote in the Knesset, to everybody who lives in the occupied territories, as well as in Israel.

So it's either a Palestinian state or votes for all Palestinians in Israel's parliament. But neither will come about without serious and sustained economic sanctions on Israel.

David Morrison
Political Officer, Sadaka
January 2016
david.morrison1@ntlworld.com

References:

- [1] mondoweiss.net/2011/11/netanyahu%E2%80%99s-party-platform-flatly-rejects-establishment-of-palestinian-state
- [2] www.haaretz.com/news/israel-election-2015/1.647212
- [3] www.theguardian.com/world/2015/mar/16/israel-election-netanyahu-losing-opinion-polls-as-voting-begins
- [4] www.timesonline.co.uk/tol/news/world/middle_east/article5683360.ece
- [5] eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf

Sadaka supports a peaceful settlement in Palestine / Israel based on the principles of democracy and justice, be that in two states or in one state. We maintain an independent position on internal politics within Palestine, favouring neither Fatah, Hamas nor any other Palestinian political organisation.