



## Israel is a rogue state

The case is overwhelming that Israel is a rogue state, which treats with contempt its obligations under international law and agreements it has signed.

### Unrivalled record of military occupation, annexation and colonisation

First and foremost, it deserves the title “rogue state” because it has occupied militarily large swathes of territory not its own for well over forty years – the West Bank, including East Jerusalem, Gaza and the Syrian Golan Heights. It has annexed East Jerusalem and the Golan Heights.

Not only that, it has planted more than 500,000 Jewish settlers on this territory, with the clear intention of holding on to some or all of it permanently.

This record of military occupation, annexation and colonisation for more than four decades is unrivalled in this world.

### World record for violating Security Council resolutions

Israel holds the world record for violating Security Council resolutions. It is in breach of over 30 Security Council resolutions that require action by it and it alone, dating back to 1967. If it had implemented those resolutions, it would have

- removed all Jewish settlements from the West Bank, including East Jerusalem,
- reversed its annexations of East Jerusalem and the Golan Heights, and
- allowed the International Atomic Energy Agency (IAEA) to inspect its secret nuclear facilities.

### Continuous breaching of the Fourth Geneva Convention

Israel is the Occupying Power within the meaning of the Fourth Geneva Convention in the West Bank, including East Jerusalem, and in Gaza.

(Notwithstanding its “disengagement” from Gaza in August 2005, Israel remains in “effective control” of the territory – and therefore, under international law, it remains the Occupying Power.)

As the Occupying Power, Israel has breached the Fourth Geneva Convention continuously since it took over these territories in 1967. It continues to do so today. For example:

- (1) Its economic blockade of Gaza constitutes collective punishment contrary to Article 33 of the Convention.
- (2) Its unceasing destruction of property in the occupied territories is in breach of Article 53.
- (3) Its unceasing construction of Jewish settlements in the West Bank, including East Jerusalem, is in breach of Article 49.

### **Friends of Israel often ask why it is singled out for criticism**

The answer is that Israel is unique in this world in having been in military occupation of large swathes of territory not its own since 1967 – the West Bank, including East Jerusalem, Gaza and the Syrian Golan Heights.

Not only that, it has planted more than half a million Jewish settlers in the territory it occupies, contrary to Article 49(6) of the Fourth Geneva Convention, and to Security Council resolutions 446, 452 and 465. And it has annexed East Jerusalem and the Golan Heights, again contrary to a raft of Security Council resolutions.

No other state in this world has Israel's 45-year record of military occupation, annexation and colonisation. That's why it's singled out for criticism.

### **But, its friends say, Israel is the only democracy in the Middle East**

Israel cannot be described as a democracy when it has ruled over millions of Palestinians in the Occupied Territories since 1967, without according them any democratic rights whatsoever. They have had to endure more than 45 years of Israeli military dictatorship.

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

That demonstrates a 45-year record of contempt for democracy rather than a commitment to it.

To merit being described as a democratic state, Israel must either

- (a) withdraw from the occupied territories to the 1967 lines and make way for the creation of a democratic 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.

Israeli Prime Minister, Benyamin Netanyahu, told the US Congress on 24 May 2011:

“What the people of Israel want is for the people of the Middle East to have what you have in America, what we have in Israel -- democracy.”

Happily, Prime Minister Netanyahu is in a position to deliver democracy to the Palestinians who have lived under Israeli military dictatorship for the past 45 years. It's either (a) or (b). Then, Israel might deserve to be called a democracy.

## **Palestine Legislative Council elections**

The great irony about Israel's claim to be the only democracy in the Middle East is that it refused to accept the result of a democratic election on its doorstep – the elections to the Palestinian Legislative Council in January 2006, elections that were widely agreed to be free and fair, in which Hamas won 74 out of the 132 seats in the Council, and won a majority of the seats both in the West Bank (30 out of 42) and in Gaza (15 out of 24).

## **Israel's violation of UN Security Council resolutions**

Israel holds the world record for violating Security Council resolutions. It is in breach of over 30 Security Council resolutions that require action by it and it alone, dating back to 1967.

This refusal to implement Security Council resolutions should be a prominent feature of propaganda in Ireland for a number of reasons:

- The UN is well regarded in Ireland and there is a general feeling that its resolutions should be implemented.
- UN members, including Israel, are obliged under Article 25 of the UN Charter “to accept and carry out the decisions of the Security Council”, the UN's highest body. In other words, Security Council resolutions are binding on UN members. (UN General Assembly resolutions are not, but it reflects international opinion in a way that the Security Council doesn't, since each UN member has a vote in the General Assembly).
- No politician in Ireland, not even supporters of Israel, would publicly disagree with the proposition that Security Council resolutions should be obeyed.
- Neither would the US Government. President Bush told the UN General Assembly on 12 September 2002: “We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced.”
- It is impossible for Israel to defend its refusal to obey Security Council resolutions. If you don't believe that, read my correspondence with the Israeli Embassy in London.

[See SADAKA Briefings *UN Security Council resolutions contravened by Israel and Correspondence with the Israeli Embassy in London on UN Security Council resolutions being violated by Israel*]

## **Jewish Settlements in the West Bank, including East Jerusalem**

The West Bank, including East Jerusalem, has been under Israeli military occupation since 1967. Article 49(6) of the Fourth Geneva Convention, to which Israel is a party, bans an Occupying Power from transferring its own civilian population into territory it occupies.

Despite this, Israel has transferred more than 500,000 Jewish settlers into this territory and it is continuing to add to that number. The Security Council demanded in resolution 446, passed in March 1979, that the transfer cease and the settlers be removed. Israel's failure to comply with this resolution prompted further resolutions – 452 on July 1979 and 465 on March 1980 – demanding compliance. Israel has refused to comply.

If Israel had carried out the decisions of the Security Council as it is supposed to do as a UN member, there would be no Jewish settlements in the West Bank, including East Jerusalem.

[See SADAKA Briefings: *UN Security Council resolutions contravened by Israel*]

### **Nuclear facilities under IAEA safeguards**

In June 1981, after Israel's aerial attack on an Iraqi nuclear reactor, the Security Council passed resolution 487, which demanded Israel open its secret nuclear facilities to inspection by the International Atomic Energy Authority (IAEA). Israel has refused to comply. Unlike Iran's nuclear facilities, which are open to international inspection, Israel's are cloaked in secrecy.

Israel has refused to comply as it is supposed to do as a UN member.

[See SADAKA Briefings: *UN Security Council resolutions contravened by Israel*]

### **Annexation of East Jerusalem**

Israel annexed East Jerusalem in 1967. In May 1968, the Security Council passed resolution 252 demanding that Israel reverse this annexation. Israel's failure to comply with this resolution prompted further resolutions – 267 in July 1969, 271 in September 1969, 298 in September 1971, 476 in June 1980, and 478 in August 1980 – demanding the reversal of its annexation of East Jerusalem.

Israel has refused to comply as it is supposed to do as a UN member.

[See SADAKA Briefings: *UN Security Council resolutions contravened by Israel*]

### **Annexation of the Golan Heights**

In December 1981, the Security Council passed resolution 497 demanding that Israel reverse its annexation of the Golan Heights, which were captured from Syria in June 1967.

Israel has refused to comply as it is supposed to do as a UN member.

[See SADAKA Briefings: *UN Security Council resolutions contravened by Israel*]

### **Breaching the UN Charter**

Article 2.4 of the UN Charter states:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

Hardly a day passes by without Israel threatening to use force against some state or group in the Middle East. These days, Iran is the main target for its threats. Each and every one of those threats is a breach of Article 2.4 of the UN Charter.

Also, Israeli war planes regularly enter Lebanese airspace contrary to Article 2.4 of the UN Charter.

[See SADAKA Briefing: *Israel's contraventions of the UN Charter*]

### **The Wall**

In July 2004, the International Court of Justice ruled that Israel's construction of the Wall in the West Bank is "contrary to international law" and ordered Israel to dismantle it. In August 2004, the UN General Assembly passed a resolution by 150 to 6 demanding that Israel comply with the Court's ruling. Ireland, and all other EU states, supported the resolution. Only Australia, Israel, Marshall Islands, Micronesia, Palau and the United States opposed.

Nevertheless, Israel refuses to comply with the Court's ruling and continues with the construction of the wall.

[See SADAKA Briefing: *The International Court of Justice and the Wall*]

### **Israel and the International Criminal Court**

Israel likes to describe itself as a country governed by the rule of law. But it doesn't accept the jurisdiction of the International Criminal Court. Why not?

The EU says its relations with Israel are based on "shared values". Given that all EU members accept the jurisdiction of the ICC, shouldn't the EU be pressing Israel to sign up to the ICC?

### **Systematic discrimination against Israeli Arabs**

Israel has engaged in systematic discrimination against its Arab minority since the foundation of the state.

Here's what a European Commission report on Israel dated May 2004 had to say about this:

"The Arab minority, Muslim, Christian and Druze, makes up almost 20% of the Israeli population. Although the Declaration of Independence proclaims equality for citizens, Israeli legislation contains laws and regulations that favour the Jewish majority. ... As highlighted by an Israeli Commission report presented in 2003 ("Or Commission"), the Arab minority also suffers from discrimination in many areas including budget allocations, official planning, employment, education and health."

Former Israeli Prime Minister, Ehud Olmert, highlighted discrimination against Arabs in employment in evidence to a parliamentary commission of inquiry on 11 November 2008, saying:

"We have not yet overcome the barrier of discrimination, which is a deliberate discrimination and the gap is insufferable"

He continued:

"... there are government agencies who employ a miniscule number of Israeli Arabs, among them the Bank of Israel and Israel Electric Company. There is no argument that there were

ministries and offices that did not accept Arabs. It's terrible that there is not even one Arab employee at the Bank of Israel and at the Electric Company Arab workers represent less than one percent of all employees."

[See SADAKA paper: *The European Union's Blind Eye*]

### **Gaza**

For many years, long before its "disengagement" in August 2005, Israel arbitrarily restricted the movement of people and goods in and out of Gaza.

However, since Hamas took control in Gaza in June 2007, it has imposed an extremely restrictive regime, including a near total ban on exports, which has made economic development in Gaza impossible.

This regime was further intensified after Operation Cast Lead, Israel's military assault on Gaza in December 2008/January 2009, when it killed over 1,400 Palestinians and deliberately destroyed much of Gaza's commercial and industrial infrastructure. In particular, restrictions on the import of building material have meant that very little reconstruction has been possible since.

Israel's actions are part of a calculated plan to suffocate the economic life of Gaza because Hamas is in control. That this is the case, and that it is being done with US connivance, is evident from a cable from US Embassy in Tel Aviv, dated 22 October 2008, which was revealed by Wikileaks. This states:

"Israeli officials have confirmed to Embassy officials on multiple occasions that they intend to keep the Gazan economy functioning at the lowest level possible consistent with avoiding a humanitarian crisis. ... As part of their overall embargo plan against Gaza, Israeli officials have confirmed to econoffs [economic officials from the US embassy] on multiple occasions that they intend to keep the Gazan economy on the brink of collapse without quite pushing it over the edge."

The people of Gaza as a whole, including political opponents of Hamas, are being collectively punished because Hamas is in control of Gaza. This collective punishment is contrary to Article 33 of the Fourth Geneva Convention.

In November 2005, Israel signed up to the Agreement on Movement and Access, sponsored by the Quartet (US, EU, Russia and the UN). This agreement set out the arrangements that were supposed to operate for the passage of people and goods in and out of Gaza, in order to maintain its economic life, in the wake of Israel's "disengagement" from Gaza a few months earlier.

In it, Israel agreed that the crossings on the Israel-Gaza border would "operate continuously". They haven't. Israel also agreed to the re-opening of the Gaza airport, the construction of a seaport in Gaza, bus and truck convoys between Gaza and the West Bank and fewer barriers and checkpoints in the West Bank. None of this has happened.

Israel has treated its obligations under the Agreement on Movement and Access with contempt and the Quartet hasn't lifted a finger to make it fulfil them.

[See SADAKA Paper: *Gaza: Israel's obligations* and SADAKA Briefing: *The Agreement on Movement and Access*]

## Operation Cast Lead

Israel told a big lie when it said that it had no alternative but to launch Operation Cast Lead against Gaza in December 2008, in order to stop rockets being fired out of Gaza by Hamas. In fact, that problem had been solved by the Egyptian-brokered ceasefire, which Hamas honoured to the letter from 19 June to 4 November 2008. Israel broke the ceasefire on 4 November 2008, when the world was watching the election of Barack Obama. To protect its citizens from rockets fired out of Gaza, all it needed to do was to observe the ceasefire.

[See SADAKA Paper: *The Israel-Hamas ceasefire (19 Jun 2008 – 4 Nov 2008)*]

## The Road Map

The Quartet-sponsored Road Map is another agreement that Israel signed up to (in May 2003), but refuses to honour. This laid down conditions that Israel had to fulfil before the start of negotiations about a two-state solution, including

- (1) make an unequivocal public commitment to an independent, viable, sovereign Palestinian state,
- (2) dismantle all settlement outposts erected since March 2001, and
- (3) freeze all settlement activity, including natural growth

Israel has certainly failed to implement (2) and (3) and there is a good case for saying that it hasn't implement (1) either.

[See SADAKA Briefing: *The Road Map*]

## Israel accepted the UN partition plan in 1948?

Israel constantly says that Jewish leaders accepted the UN General Assembly partition plan in 1948 and, had Arab leaders done likewise, a settlement would have been possible then.

In reality, Jewish leaders didn't accept the partition plan. Had they done so, Israel would now exist in the 56% of mandate Palestine that the plan allocated to a Jewish state (even though Jews made up around a third of the population and owned less than 6% of the land) and Jerusalem would be under international control.

Instead, Zionist forces expanded the territory allocated to the Jewish state to include 78% of Palestine, including western parts of Jerusalem. To ensure that Jews were numerically dominant in the expanded Jewish state, nearly all the Arabs — around 750,000 — were expelled from this territory into the rest of Palestine and the surrounding Arab states, where they and their descendants live today. Over 500 Arab villages were destroyed so that those expelled had no homes to return to.

[See SADAKA Briefing: *The historic wrong against the Palestinian people*]

**David Morrison**  
**April 2012**

See <http://www.sadaka.ie/Articles/SadakaPapers.html> for SADAKA papers.

See <http://www.sadaka.ie/Articles/SadakaBriefings.html> for SADAKA briefings.

*Sadaka supports a peaceful settlement in Israel/Palestine 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.*