



Ireland Palestine Solidarity Campaign

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The report of the UN Fact-Finding Mission on the Gaza Conflict (the Goldstone Report) has lent fresh urgency to calls for the European Union to suspend its preferential trading agreements with the State of Israel. After the gross violations of international law documented by Richard Goldstone and his colleagues, it is imperative for the Irish government to demand the suspension of the Euro-Mediterranean Agreement.

The Euro-Med Agreement became operative in 2000. When Israel signed the agreement along with the 15 members of the pre-enlargement EU, it accepted the following commitment:

“Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.” [1]

The terms of the Euro-Med Agreement also referred to “the importance which the Parties attach ... to the principles of the United Nations Charter, particularly the observance of human rights and democracy, which form the very basis of the Association.” The text of the Agreement could not be clearer: respect for human rights is an “essential element” and “the very basis” of the relationship between Israel and its EU partners.

The Israeli state has made it clear that it attaches great importance to the Euro-Med Agreement and other forms of partnership with the EU. In economic terms, the relationship between Israel and the EU is crucial: approximately one-third of Israeli imports and exports are exchanged with EU member-states. Israel also values the political significance of such agreements, as they implicitly validate the Israeli state as a “normal” member of the international community which has evaded the penalties incurred by other states that have thumbed their nose at international law and UN resolutions.

However, successive Israeli governments have demonstrated in practice that they attach no significance whatsoever to the commitments to human rights that form an “essential element” of the Euro-Med Agreement. This was already clear before the Israeli military assault on Gaza at the beginning of this year. The blockade of Gaza was rightly described as “collective punishment” of the civilian population by Irish foreign minister Dermot Ahern and EU external relations commissioner Benita Ferrero-Waldner, and thus illegal under the Fourth Geneva Convention. [2] [3]

However, the attack on Gaza represented a qualitative escalation in Israeli violations of human rights and international law, as the Goldstone Report clearly documents. The Report makes the following key points:

- 1) Having reviewed a number of incidents in which Israeli troops were alleged to have fired on civilians, “the Mission found in every case that the Israeli armed forces had carried out direct intentional strikes against civilians”. The report notes that “the instructions given to the Israeli armed forces moving into Gaza provided for a low threshold for the use of lethal fire against the civilian population” and deems the Israeli state “responsible under international law for these intentionally wrongful actions carried out by its agents” (CH.XI). [4]
- 2) The Israeli army was guilty of deliberate and “wanton” destruction of vital civilian infrastructure in Gaza. This included the destruction of Gaza’s only functioning flour mill (“carried out for the purpose of denying sustenance to the civilian population”), along with farms, residential housing, sewage treatment plants and wells. According to the report, “there was a deliberate and systematic policy on the part of the Israeli armed forces to target industrial sites and water

installations ... Israel displayed a premeditated determination to achieve the objective of destruction". This destruction was intensified in the final days of the offensive when it became clear that Israeli troops would soon be withdrawing from Gaza (CH.XII).

- 1) The Israeli government claim that Hamas used civilians as "human shields", and was thus responsible for any civilian casualties during the offensive, cannot be accepted: "The Mission found no evidence to suggest that Palestinian armed groups either directed civilians to areas where attacks were being launched or forced civilians to remain within the vicinity of the attacks" (CH.VIII). On the other hand, it was found that "Israeli troops used Palestinian men as human shields whilst conducting house searches" (CH.XIV).
- 2) Given the training and command structure of the Israeli army, its possession of highly sophisticated weaponry, its intimate knowledge of the Gaza Strip after decades of occupation, and its proud assertions that "errors" during the operation were minimal (according to the Israeli air force, "99% of the firing that was carried out hit targets accurately"), the Mission found the "incident and patterns of events that are considered in this report [to] have resulted from deliberate planning and policy decisions throughout the chain of command, down to the standard operating procedures and instructions given to the troops on the ground". It notes the statement by Israeli foreign minister Tzipi Livni in January 2009 that "Israel ... is a country that when you fire on its citizens it responds by going wild – and this is a good thing" (CH.XVI).
- 3) Although the Israeli government has maintained that the Gaza offensive was an act of self-defence intended to prevent the firing of rockets at its own citizens, "the Mission considers the plan to have been directed, at least in part, at a different target: the people of Gaza as a whole ... the operations were in furtherance of an overall policy aimed at punishing the Gaza population for its resilience and for its apparent support for Hamas ... the repeated failure to distinguish between combatants and civilians appears to the Mission to have been the result of deliberate guidance issued to soldiers, as described by some of them, and not the result of occasional lapses" (CH.XXX).
- 4) The assault on Gaza must be seen in the context of "Israel's continuing occupation of the Gaza Strip and the West Bank [which] emerged as the fundamental factor underlying violations of international humanitarian and human rights law against the protected population and undermining prospects for development and peace" (CH.XXX).

In the light of the Goldstone Report, the case for the suspension of the Euro-Med Agreement is overwhelming. The report calls for "a firmer and principled stance by the international community on violations of international humanitarian and human rights law and long delayed action to end them" and warns that if "the international community does not live up to its own legal standards, the threat to the international rule of law is obvious and potentially far-reaching in its consequences". This warning was echoed by a coalition of Palestinian human rights organisations in their response to the Goldstone Report:

"If the rule of law is to be relevant, it must be upheld. As long as individuals and States are allowed to act with impunity, they will continue to violate international law and civilians will continue to suffer the horrific consequences. Individual States and the United Nations must fulfil their legal obligations, and their moral duty, to save succeeding generations from the scourge of war and to establish conditions under which justice and respect for international law can be maintained." [5]

It now falls to the Irish government and its EU partners to heed these injunctions. Unless the Euro-Med Agreement is suspended in response to Israel's grave violations of the principles which form its "very basis", no commitment to human rights and international law by the European Union will carry any credibility. The EU can no longer continue to turn a blind eye to Israeli abuses. The time for action on this vital issue is now.

It is of urgent importance that the Irish Government instructs the Irish Ambassador to the UN to endorse the Goldstone Report's conclusions and recommendation at the UN General Assembly this Wednesday 4th November 2009. We call upon Irish politicians to ensure our government does so, and acts to uphold the rule of international law.

Furthermore, we ask the Irish Government and Irish politicians to support the recommendations of the Goldstone report , in particular the demand that the perpetrators of the war crimes documented therein be subject to trial by international and national courts, *viz*:

"The Mission further recommends that the United Nations Human Rights Council should formally submit this report to the Prosecutor of the International Criminal Court" (CH. XXXI)

and

"To the international community ... The Mission recommends that the States parties to the Geneva Conventions of 1949 should start criminal investigations in national courts, using universal jurisdiction, where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions of 1949. Where so warranted following investigation, alleged perpetrators should be arrested and prosecuted in accordance with internationally recognized standards of justice" (CH. XXXI)

We ask that political influence is exerted in pushing for these recommendations to be acted upon in the appropriate national, European and international fora.

Notes:

- [1] - http://www.delisr.ec.europa.eu/english/content/eu_and_country/asso_agree_en.pdf
- [2] - <http://historical-debates.oireachtas.ie/D/0649/D.0649.200803110006.html>
- [3] - <http://www.eubusiness.com/news-eu/1200916924.77>
- [4] - All references: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>
- [5] - http://www.adalah.org/eng/pressreleases/pr.php?file=09_09_30

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