

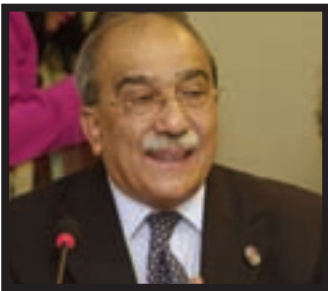


GOLDSTONE REPORT FEATURE

# WAR CRIMES IN APARTHEID ISRAEL

## Law, Ethics, Politics and Israel: The Case for Disengagement

Kader Asmal



In 1982, I was asked by Séan MacBride to serve on a commission of enquiry into reported violations of international law by Israel following Israel's invasion of Lebanon which brought the aggressor to the gates of Beirut.

There were five of us in the field, led by the distinguished international lawyer Richard Falk of Princeton. We spent 22 days in Lebanon, Israel and the surrounding areas. The devastation in Lebanon was quite overwhelming. Bombings were carried on while we were there; whole new flats in the famous Corniche in Beirut being destroyed simply because they existed.

And then there was the Sabra and Shatila massacre of defenceless refugees, hundreds shot dead by the Israeli surrogates, the Phalange. The PLO had been expelled from Lebanon.

Three of the five commissioners were international lawyers, so our report had to deal systematically with violations of international law. Yet, the first part of the report began with the following paragraph:

*It is easy to become cynical about the relevance of law to the conduct of war. Our sensibilities are now flooded with images of massacres and atrocities committed in the name of this or that cause. These most gross, barbaric features of warfare, as present in modern lives as in ancient, remind us also that international society lacks any consistent means of law enforcement. When it comes to war the attempt to have law without government often means, indeed, like grasping at straw!*

We are no longer grasping at straws. To have law on our side was to legitimise our struggle in South Africa and begin the long push to delegitimise the apartheid regime. We succeeded and, with Israel, we shall succeed if we have the same determination and pertinacity.

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## GOLDSTONE REPORT FEATURE



Main: Kader Asmal and Mary Manning,  
former Dunnes Stores Striker  
Inset: Dunnes Stores strikers, 1984

Palestinians 'have been betrayed by those who believe in the legal system that holds the world together and who use it to justify their role elsewhere, as in Iraq. They have been betrayed by their neighbours whose peace bought from Israel is not dissimilar to the thirty pieces of silver given to Judas.

The European Union's Association Agreement grants Israel preferential trading status with enormous financial benefits. Together with the billions of US dollars 'aid' this allows Israel to have the most technologically advanced army in the world. Most recently, Israel has been unanimously and shamefully welcomed into the Organisation for Economic Cooperation and Development (OECD).

**'Our sensibilities are now flooded with images of massacres and atrocities committed in the name of this or that cause. These most gross, barbaric features of warfare, as present in modern lives as in ancient, remind us also that international society lacks any consistent means of law enforcement.'**

It is time to delegitimise this entity that perpetrates nightmarish control over other people. As Professor Falk has argued, 'The essence of this legitimacy war is to cast doubt on several dimensions of Israel's legitimacy, its status as a moral and law abiding factor, as an occupying power in relation to the Palestinian people, and with respect to its willingness to respect the United Nations and to abide by international law.'

In 1947, the UN allowed Israel to carve out its viable State through violence. In 1948, the apartheid-racist Afrikaners came into power in South Africa. The Afrikaners who tried to exclude Jews before the war from settling in South Africa as they were fleeing the Nazi pogroms were easily able to make common cause with Israel.

The architect of apartheid and subsequent Prime Minister Hendrik Verwoerd sharply made the point about their respective provenance

*'The Jews took Israel from the Arabs after the Arabs had lived there for a thousand years. Israel, like South Africa, is an apartheid state.'*

I do not recall any protests from Israel about this appalling comparison. On the contrary, a partnership began which was to last until 1994 based on ideology and practical co-operation, from the development of nuclear weapons, to rocket technology

and to assistance in busting the arms and economic boycotts.

And yet, for many years, supporters of Israel refused to accept the resemblance between the two occupiers in their laws and practices. In apartheid South Africa, there were over 100 laws which discriminated against the majority blacks and which provided for a monopoly of power for whites. The theory and practice of apartheid was characterized by the United Nations as a crime against humanity. The International Court of Justice, the most senior legal body in the world, defined apartheid as an official policy of racial discrimination, giving rise to universal jurisdiction: any state could charge and try perpetrators of apartheid.

We spent many years trying to isolate South Africa, following a call from the African National Congress. From a single act of international boycotting of South African goods, the campaign embraced a world-wide call for state-ordained military, economic, sporting, academic and cultural sanctions.

The campaigns stirred the conscience of the world. In Ireland the work of the anti-apartheid movement permeated all sections of society, from trade unions, to schools, to churches, to universities and in the end, to voters, so that the Irish Government had to act in the 80s to ban the importation of fruit and vegetables in order to end the strike by nine working class young people who refused to handle South African goods.

The pressure on apartheid South Africa was intense. Together with the international resistance and a modest recourse to armed struggle, the apartheid regime of de Klerk was forced to negotiate and in 1994, following the first democratic election, Nelson Mandela was elected as president of a free South Africa.

### SO WHAT DO WE FIND IN ISRAEL?

Non-Jewish nationals have no right to return to Israel. Non-Jews are severely restricted in owning land. There is no freedom of movement for Palestinians. Palestinians can lose their residence rights for the slightest reason. There is no right to assembly without the permission of the police. Israel, as the occupying power, has appropriated nearly 30% of the West Bank, and destroyed the cohesiveness of East Jerusalem by wide-ranging building of Israeli homes.

What Verwoerd said in 1961 became even truer after 1967 when Israel seized and occupied the West Bank, East Jerusalem and Gaza. In violation of the 4th Geneva Convention, Israel established colonies throughout the Occupied Territory, today home to nearly half a million settlers who are subject to Israeli and not Palestinian law. Special 'Israeli only' roads join these settlements together and to Israel. There are more than 600 checkpoints in the West Bank, where Palestinians need identity cards to travel from one village to another. With the construction of its Apartheid Wall, deemed illegal by the International Court of Justice in 2004, Israel has not alone annexed a further 10% of the best Palestinian land, but has divided the West Bank into increasingly watertight ghettos that make the South

African Bantustans seem like oases of viability.

Everyone knew the purpose of the wall. It is a pity that Irish and European companies helped to build it.

A look at a map of the West Bank reveals that in reality it is now part of greater Israel. There are two classes of people living in this territory: one is the Jew who has rights and privileges, and the other the non-Jew who has neither. This is apartheid, and has been identified as such by the former US President Jimmy Carter among others.

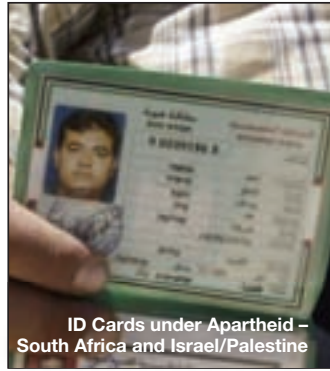
Given that the world and its peoples worked together to help bring South-African apartheid to an end, why do they allow its persistence in Israel/Palestine?

The USA perceives Israel as a strategic ally. Furthermore, the Israeli lobby is by far the most powerful on Capitol Hill.

The EU is paralysed by the genocide committed against Europe's Jews in the 1930s/1940s. This turns the Palestinians into scapegoats for Europe's past crimes, while equating the Israeli state with the Jewish people, many of whom worldwide passionately oppose its policies.

Would the Apartheid regime of South Africa have renounced its privileges without the pressure of boycotts and sanctions? I believe not. Similarly Israel will not voluntarily relinquish control of the Palestinian territories, extend equal rights to Palestinian citizens of Israel, and negotiate a just resolution to all outstanding

## GOLDSTONE REPORT FEATURE



ID Cards under Apartheid – South Africa and Israel/Palestine

*"Now is the time for action. A culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point; the ongoing lack of justice is undermining any hope for a successful peace process and reinforcing an environment that fosters violence. Time and again, experience has taught us that overlooking justice only leads to increased conflict and violence."*

No more impunity. Israel's leaders must be held accountable before our courts on the basis of universal jurisdiction.

The Goldstone report lends weight to calls around the world to disrupt normal relations with Israel, by boycotting cultural and academic activities, by disrupting trade relations through disinvestment moves or through refusing to load and unload ships and planes carrying cargo to or from Israel, and by pressuring governments to impose economic sanctions.

It is up to all of us dedicated to peace and justice to do what we can to help the Palestinians prevail in the legitimacy war and bring their long ordeal to an end. ■

*Prof Kader Asmal is a former South African MP and Vice-President of the African Association of International Law. He was a founder of the Irish Anti-Apartheid Movement*

issues between itself and its neighbours as long as there are no negative consequences for maintaining the status quo.

Every time that an opportunity for negotiations arises, Israel derails it by perpetrating some provocative act of violence or announcing the further construction of illegal housing on stolen Palestinian land.

The most recent unrestrained violence was meted out in December 2008-January 2009 against the population of Gaza by the Israeli military (Operation Cast Lead). When the onslaught finished, over 1,400 Palestinians civilians were dead including 116 women and 313 children. In total 13 Israelis were killed comprising 10 soldiers (4 killed by friendly fire) and 3 civilians.

At no time in the history of apartheid did the racists use the tactics of the Israelis – aerial strafing of built-up areas; tanks and cannon against houses; destruction of water and sanitation works.

In addition to the fatalities and injuries, tens of thousands of Palestinians were left homeless. Afterwards Israel continued to tighten the illegal blockade on Gaza that had been in place since June 2007, thus preventing assistance being rendered to the casualties of the war, and the importation of materials for rebuilding Gaza's infrastructure.

Some 11,000 Palestinians from the West Bank and Gaza are in Israel's prisons.

In April 2009 the United Nations Human Rights Commission (UNHRC) established an independent international fact-finding mission to investigate violations of international human rights law and international humanitarian law during Operation Cast Lead. This was led by a respected international legal expert, Richard Goldstone, a former member of the South African Constitutional Court and chief prosecutor with the International Criminal Tribunals for Rwanda and the former Yugoslavia, and a Trustee of the Hebrew University of Jerusalem.

In September 2009 the Goldstone Report was released. It accused both the Israeli army and Palestinian militants of war crimes and possible crimes against humanity. The report recommended that Israel and Hamas should carry out independent and credible investigations into these allegations, and that the allegations should be brought to the International Criminal Court should they fail to do so. The Israeli government rejected the Report, whereas Hamas first rejected and then embraced it.

The most damning of all the Report's findings is paragraph 1886 of its conclusions:

*"the Mission recognises that not all deaths constitute violations of international humanitarian law. The principle of proportionality acknowledges that, under certain strict conditions, actions resulting in the loss of civilian life may not be unlawful. What makes the application and assessment of proportionality difficult in respect of many of the events investigated by the Mission is that deeds by the Israeli armed forces and words of military and political leaders prior to and during the operations indicate that, as a whole, they were premised on a deliberate policy of disproportionate force aimed not at the enemy but at the 'supporting infrastructure'. In practice, this appears to have meant the civilian population."*

In October 2009 the UN General Assembly endorsed Goldstone's findings, as did the EU Parliament on 10th March 2010. Yet on 22nd March the EU Foreign Affairs Council voted to enhance the EU/Israel Association agreement providing Israel with even more favourable trading conditions. It would appear that when there is a contest in EU policy between human rights and economic benefit, human rights will invariably come off worse. Yet the EU recently cancelled a trade agreement with Sri Lanka on human rights grounds! The only logical conclusion is that Israel has impunity because of Europe's past crimes.

As Justice Richard Goldstone said at the publication of his mission's report in Geneva on September 29, 2009:



A father's grief, Operation Cast Lead, Gaza.

## GOLDSTONE REPORT FEATURE



Gaza City under Israeli bombardment, Operation Cast Lead

# Operation Cast Lead

## Harry Browne



The Israelis called it, chillingly, Operation Cast Lead. The Arab world soon named it the Gaza Massacre. Whatever label you choose, it's clear that the Israeli assault on Gaza was not a 'war' as we would conventionally imagine it.

Even Israel's brutal invasion of Lebanon in 1982, one-sided though it was, contained the sort of 'action' familiar from the clichés of urban warfare – vulnerable military patrols hunting enemies through city streets, searching buildings, engaging in gun-battles. More

than 1,000 Israeli soldiers died in Lebanon between 1982 and 1985, most of them in the early stages of the conflict there.

By contrast, the Israeli Defence Forces (IDF) lost only 10 soldiers during the intense three-week assault on Gaza, a period when an estimated 1,400 Palestinians were killed. In fact it appears only five of the 10 IDF dead were killed by Palestinians in Gaza: four died in 'friendly fire' incidents and one was killed by a rocket attack in Israel.

This enormous asymmetry is not simply a matter of superior Israeli armour and weaponry: it reflects the fact that Israeli soldiers – despite the 'ground offensive' that started a week into the 'war' – were, for most of the three weeks, scarcely visible in Gaza at all. Although Israeli accounts of the attack feature the requisite 'narrow streets', 'battles' and battalions 'sweeping through neighbourhoods', in fact the assault relied heavily on missiles (including many fired from Israeli navy vessels floating lethally off the Gaza shore), long-range artillery and aerial bombardment, often remotely controlled, giving the IDF near-total military dominance and something close to invulnerability. Ground troops stayed out of most of Gaza City and moved in clouds of dense smoke fired by supporting helicopters. Identification of the 'enemy' – the extent to which the IDF successfully targeted Hamas combatants remains a matter of

dispute – was more likely to be achieved by video than in person.

Israel also attempted to make itself invulnerable to international criticism by keeping journalists out of Gaza. This tactic, however, partly backfired, as many news organisations turned to a few locally based journalists and to other Palestinian civilians for eyewitness accounts of the slaughter. With these accounts supplemented by various online sources in Gaza to which web-users could turn, the result was a military operation that, to an arguably unprecedented extent, was seen by the world through the eyes of its victims.

How and why did the assault begin? It is clear from the Goldstone report and other sources that the IDF had planned the Gaza operation for some time. It is equally clear that the stepping-up of Hamas rocket attacks into Israeli in December 2008 was more a consequence of Israel's war preparations – which included regular air-strikes in the weeks before the operation itself began – than they were a cause.

On the morning of December 27, 2008, a savage bombardment targeting 100 locations in Gaza took place in the space of less than five minutes. A half-hour later 60 more targets were struck. Family homes were among the buildings hit – IDF policy would regard all Hamas officials as well as Palestinian police as 'legitimate' military targets. Government offices were hit, as Israel set out to methodically destroy what little administrative infrastructure Hamas enjoyed in Gaza.

In this first day alone at least 230 Palestinians were killed.

As the campaign proceeded, Israel's alleged efforts to avoid civilian casualties included, bizarrely, telephone calls to buildings that were apparently about to be destroyed. Many of these calls proved to be false alarms, but served to spread further fear and panic among the Palestinian population of the beleaguered territory.

## GOLDSTONE REPORT FEATURE



A tiny victim of Operation Cast Lead

Although Israelis made much of their precision guided weaponry, the IDF's own figures suggest that a fifth of the weapons used, many hundreds of bombs and shells, were 'dumb', guided to their targets by nothing more than ballistics and gravity. More than 2,300 air-strikes devastated Gaza during the three-week attack, as civilians had nowhere to flee or take safe shelter from this battering.

On December 29, the Israeli navy rammed the yacht Dignity in international waters, as Caoimhe Butterley, former US congresswoman Cynthia McKinney and others tried unsuccessfully to deliver medical aid to Gaza through the Israeli blockade. On the same day, an air-strike destroyed a mosque in the Jabaliya refugee camp, killing five young girls in a house beside it.

**'On the morning of December 27, 2008, a savage bombardment targeting 100 locations in Gaza took place in the space of less than five minutes.'**

On January 3, another mosque was struck as 200 people prayed inside it, killing 13 people, including six children.

On January 5, Israeli troops ordered 110 civilians (mostly women and children because the young men among them were arrested) into a building without running water in the Zeitoun district. The building was shelled a day later, killing an estimated 30 of the civilians.

On January 7, members of the Abd Rabbo family, trying to leave their house during what they believed to be a brief ceasefire, were gunned down by Israeli soldiers as they waited for instructions from them: two little girls were killed. They are among the 12 so-called "white flag deaths" documented by Human Rights Watch – civilians killed as they displayed white flags. The IDF also hit several medical centres and fired upon UN personnel or facilities on eight separate occasions, according to the UN's own investigation. Later testimony from 26 soldiers who took part in the Gaza assault stated that the IDF used Gazans as human shields, improperly fired incendiary white phosphorous shells over civilian areas and used overwhelming firepower that caused needless deaths and destruction.

After the three-week assault the IDF claimed that it had identified 709 of the Palestinian dead as "Hamass terror operatives", using its expansive definition of that term. Credible Israeli and Palestinian NGOs have said that only one-third to one-half of that number of the dead were Palestinian combatants.

Israel withdrew from Gaza and reduced its violence against the inhabitants to previous 'acceptable' levels between January 18 and 20, 2009, just in time for the inauguration of US President Barack Obama. ■

*Harry Browne is a journalist and author, and a lecturer in the School of Media, Dublin Institute of Technology*

## AN ETHICAL TRADITION

BY HAJO MEYER



...I am pained by the parallels I observe between my experiences in Germany prior to 1939 and those suffered by Palestinians today. I cannot help but hear echoes of the Nazi myths of "blood and soil" in the rhetoric of settler fundamentalism which claims a sacred right to all the lands

of biblical Judea and Samaria. The various forms of collective punishment visited upon the Palestinian people – coerced ghettoization behind a "security wall"; the bulldozing of homes and destruction of fields; the bombing of schools, mosques, and government buildings; an economic blockade that deprives people of the water, food, medicine, education and the basic necessities for dignified survival – force me to recall the deprivations and humiliations that I experienced in my youth. This century-long process of oppression means unimaginable suffering for Palestinians.

It is not too late to learn a different lesson from Auschwitz. For example, in the last year, the International Jewish Anti-Zionist Network has become a means for many – including young Jews in the United States – to challenge the precepts of Zionism and support the Palestinian call for boycott, divestment and sanctions against Israel. Their goal, and mine, is to challenge the dispossession and exclusivity of a Jewish state, in their names and in mine. They understand the urgency of the classical Jewish concept of teshuvah, return from the wrong road. Further, they understand that the pursuit of justice and making ethically positive sense out of senseless suffering is not only part of an ancient Jewish interpretation and shaping of history, but is crucial for all of us in creating the world we want to live in, and to our moral survival.

*Hajo Meyer is the author of The End of Judaism: An Ethical Tradition Betrayed. Original article published in The Huffington Post*

## OPERATION CAST LEAD: ONE FAMILY'S EXPERIENCE

*"I live in a 2-storey house with my extended family. At approximately 05:00 on Jan 4, 2009, we were all inside the house. When we heard sounds of explosions in the area, we all hid near the stairs. Israeli soldiers broke into the house and one of them shot my father dead. They forced us out after checking me and my brother Abullaah, and searched the house. They then ordered us to walk. When we arrived near a house belonging to the Dalloul family, nearly 500 meters away from our house, we were fired at. My brother Abdullah was wounded by two gunshots to the abdomen and a third one to the right hand; my child Farah, 2, was wounded by a gunshot to the abdomen; and my other child Saja, 6, was wounded by a gunshot to the right hand. My sister-in-law, Islam, was also wounded by a gunshot to the chest. All of them, excluding Saja, fell onto the ground. We left them in the area and escaped towards the west. We hid behind a hill of sand. My child Saja was able to join us. We called for an ambulance, but it was not able to come. We tied Saja's hand with a piece of cloth. Soon after, my other child, Farah, died of her wound." Testimony by Ammar Fu'ad al-Hilu, 29, eye-witness, relative of the victims.*

*"The attention of the Mission was drawn to the particular manner in which children and women had been affected by the blockade policies and the military operations. In its report, WHO took figures from PCHR: out of 1,417 persons killed, 313 were children and 116 women. It also takes figures from the Israeli armed forces that showed that 1,166 were killed, of whom 49 were women and 89 were under 16.640 Among the 5,380 injured, 1,872 were children and 800 women.641 The Mission directly investigated many incidents in which women and children had been killed as a result of i armed forces.642 WHO also reported that among the many injured people who crossed the Rafah border and were accepted for medical treatment in Egypt during the second week of the military operations there were 10 children showing a single bullet injury to the head and one with two." (Goldstone Report, Chapter XVII, 1271)*

## GOLDSTONE REPORT FEATURE



Main photo: The Goldstone Commission. Left to right: Desmond Travers, Hina Jilani, Justice Richard Goldstone, Prof Christine Chinkin.

# The Goldstone Report

Lara Marlowe



Justice Richard Goldstone had impeccable credentials for leading the investigation mandated by the UN Human Rights Council (UNHRC) into Israel's December 2008-January 2009 onslaught on Gaza.

In the letter he sent to Howard Berman and Heena Ros-Lehtinen, the US authors of a Congressional resolution condemning the Goldstone Report, Justice Goldstone outlined his own qualifications. In the course of a distinguished international career, he

headed commissions or tribunals on violence in South Africa, war crimes in the former Yugoslavia and Rwanda, Nazis in Argentina, Kosovo and the Iraq oil-for-food programme.

Before he accepted the UNHRC mission, Justice Goldstone insisted that it be extended to include the Hamas rocket attacks on southern Israel, and violence by Palestinians against Palestinians.

Yet from the beginning, Israelis impugned Goldstone's qualifications. His impartiality was compromised, they said, because he sat on the board of Human Rights Watch, which had accused Israel of war crimes.

In November, Abraham Foxman, the director of the Anti-Defamation League, called on Goldstone to repudiate his own report. "I know you to be a proud Jew who serves on the Board of Trustees of Hebrew University and who has a daughter living in Israel," Foxman said. "I wondered in the first place how you could take on the chairmanship of the investigation of the war in Gaza..."

Accusations of anti-Semitism were a stock response to the Goldstone Report's findings. The Jerusalem Centre for Public Affairs, a right-wing think tank, said Desmond Travers, the retired Irish army colonel who participated in Goldstone's team, was "an individual who is not qualified to take part in any serious fact-finding mission" because "his views are suspect of being motivated by anti-Semitic prejudices."

The standard wire agency description of the Goldstone Report is that it accuses both Israel and Hamas of war crimes – a gross simplification of the meticulously documented, 452-page report which is based on 188 interviews, some 10,000 pages, more than

30 videos and 1,200 photographs.

The number of fatalities in the three-week conflict are in themselves proof of its disproportionality: some 1,400 Palestinians, and 13 Israelis, of whom three were civilians.

The Report recounts systematic destruction by Israel of Palestinian government property. The Israelis attacked the al-Quds and al-Wafa hospitals and the compound of the United Nations Relief and Works Agency with white phosphorous shells. Thirty-five Palestinians were killed in mortar attacks near an UNWRA school.

Palestinian civilians were killed when they were bombarded in a house in the al-Samouni neighbourhood where the Israeli armed forces had forced them to assemble. Civilians were shot when they tried to leave their homes waving white flags; in some instances when they obeyed Israeli orders to come outside. In most cases, the Israelis refused to allow the evacuation of the people they had wounded.

The Israelis bombed Gaza's only flour mill, the chicken farm that provided 10 per cent of eggs in the besieged enclave, the sewage plant and wells that provided drinking water. They destroyed 3,354 houses and 280 schools, used Palestinians as human shields, detained women and children "in degrading conditions, deprived of food, water and access to sanitary facilities."

Recounting these and other violations of the Geneva Convention, the Report concludes repeatedly that they may constitute war crimes. The cumulative effect "could amount to persecution, a crime against humanity."

Goldstone also reported that Palestinian armed groups have launched 8,000 rockets and mortars into Israel since 2001, but he did not say that total Israeli fatalities from these attacks have been fewer than two dozen. The Report speaks of "the high level of psychological trauma suffered by the civilian population inside Israel" and concludes that Hamas' attacks too "would constitute war crimes and may amount to crimes against humanity."

George Miller, one of only 36 US representatives who voted against the so-called "Goldstone Resolution" which last November called on President Barack Obama and Secretary of

## GOLDSTONE REPORT FEATURE



State Hillary Clinton to quash the Goldstone Report in international fora, complained that not a single hearing was held on the Resolution, which was railroaded through the House "with little notice, under procedures typically reserved for non-controversial legislation..."

Justice Goldstone wrote a four-page letter to the Resolution's authors, refuting blatant lies, for example the assertion that the

**“Gaza is the only gulag in the Western hemisphere; maintained by democracies; closed-off from food, water, air” says Colonel Desmond Travers, co-author of the Goldstone report’**

Report "makes no mention of the relentless rocket and mortar attacks" and a list of 14 countries that allegedly refused to support it. Goldstone's letter was ignored by Congress.

Israel refused to cooperate in any way with the Goldstone mission, and has consistently claimed that the Report would endanger the non-existent "peace process" – an argument used by Israel and the US to force the Palestinian Authority to defer its consideration.

Two recommendations of the Report are particularly repugnant to Israel: that war criminals be pursued under universal jurisdiction, or be brought before the International Criminal Court in the Hague, and that Israel be required to compensate Palestinians for the losses and damage they suffered.

The UN General Assembly endorsed the Report on 5 November 2009. Israelis and Palestinians now have until July, 2010 to conduct their own investigations of possible war crimes. A near certain US veto makes a Security Council resolution unlikely, but the General Assembly could eventually pass a more substantive resolution.

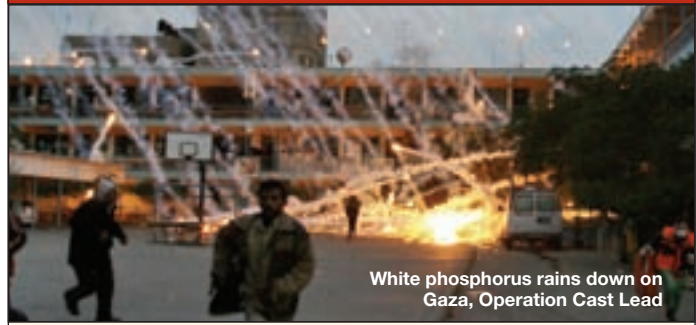
Recognition for the Goldstone Report came from the European Parliament, which on March 10 voted by a 335 to 287 majority to demand implementation of the Report's recommendations "and accountability for all violations of international law, including alleged war crimes."

On the eve of the vote, the Irish MEP Proinsias de Rossa sent an email to colleagues, exhorting them not to cave in to pressure from the European Jewish Congress. "You are being bombarded with mails seeking to undermine your support for the Goldstone Report in the vote tomorrow," de Rossa wrote. "Tomorrow's vote is a test of the credibility of this parliament's commitment to human rights, irrespective of political considerations."

David Lundy, a spokesman for the United Left group in the EU Parliament attributed the unexpected vote to the Gaza bombing and what MEPs had witnessed during fact-finding missions. "After all that," Lundy said, "I think people found it just impossible not to denounce what had happened." ■

*Lara Marlowe is Washington Correspondent of the Irish Times*

### Operation Cast Lead and the Dahiya Doctrine: All Fall Down!



White phosphorus rains down on Gaza, Operation Cast Lead

**BY DESMOND TRAVERS**

In July 2006 it was difficult to appreciate that the rubble of apartment blocks in Beirut would inspire a new military doctrine. Dahiya, an area peopled by Sh'ia Muslims notionally supportive of Hisb'Allah, was targeted by the Israeli Air Force. Maj Gen Gabi Eisenkot explained: "...what happened in Dahiya... will happen in every village from which Israel is fired on... We will apply disproportionate force... These are not civilian villages: they are military bases. This is a plan and it has been approved." (Goldstone Report, Para 1195)

After June 2008, during the ceasefire between Hamas and Israel, the Dahiya concept was apparently further developed. Troops in the Negev underwent 'lessons learned' tactics training, seemingly anticipating urban conflict. This is best described: "...the IDF will need to act [...] with disproportionate force to the enemy's actions. Such a response aims at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes." (Goldstone, Para 1197)

The Dahiya doctrine was not unique. In 2005 Prof. Asa Kasher and Maj Gen Amos Yadlin published a paper "Assassination and Preventive Killing". They asked: "what priority should be given to the duty to minimise casualties among the combatants... when they are engaged in combat against terror?" The answer was to effect application of casualty avoidance and risk aversion by Israeli troops. Risks were transferred to noncombatants regardless of age or gender. It permitted the use of non-combatants as human shields. It permitted the shooting of non-combatants when approaching IDF checkpoints. Above all it permitted combatants to disregard concepts of chivalry and consideration for the vanquished. The question now is whether it has changed the way combatants see themselves.

Legal justifications of such actions and denigrations of the Goldstone Report have continued unabated. Pre-existing beliefs have been rehashed to fit counter-insurgency warfare theories. One such is the use of the "asymmetric warfare" concept to justify (over-arching) force against insurgents. Elaborating, it suggests the Conventions must be relaxed to accept targeting of civilians in certain circumstances. Not to be forgotten is the view that insurgents and they alone are responsible for the safety of their own civilians!

What is one to make of all this? There has, so far, been no critique of the military doctrine in support of Cast Lead. However there have been warnings about reliance on physical means to achieve ideological ends. One such will suffice: "Some years ago Eliot Cohen warned that America's increasing lead in weaponry [...] would not guarantee her security. This [lead] ...will not render guerrilla tactics... obsolete. Indeed the reverse may be true." (Learning to Eat Soup With a Knife: Counterinsurgency Lessons from Malaya to Vietnam, John A Nagl, U of Chicago Press, 2005. Pp.222.)

One must ask if there is any prior experience of asymmetries in the insurgency field and their outcome. The answer is of course 'yes'. It is Vietnam and one need not elaborate on that outcome here. ■

*Desmond Travers (photo) is a retired Irish Army Colonel, and a director of the Institute for International Criminal Investigations*

## GOLDSTONE REPORT FEATURE



# Ireland's Obligations to the Victims of War Crimes

Paul Callan SC



The Israeli bombing and ground offensive against the inhabitants of Gaza in December 2008 and January 2009 raises many issues of international law quite apart from associated national and international political issues. This is only the most recent in a series of horrific armed conflicts between the Israeli State established in 1948 and the Palestinian inhabitants of the West Bank, East Jerusalem and Gaza during the period 1967 – 2000. This has tended to obscure what clearly is the core issue in the conflict: namely, the continued occupation by Israel of the West Bank and East Jerusalem since 1967 and the resultant denial to the Palestinians of the exercise of their right to self determination.

The International Court of Justice (ICJ) in its Advisory Opinion of July 9, 2004 entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* made the following rulings, inter alia:

*Par 153: "Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall... In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the person in question for the damage suffered."*

*Pars 155-156: "So far as the legal consequences of this Court ruling for other States [such as Ireland] is concerned, ...the Court recalled the terms of General Assembly Resolution 2625 as follows: 'Every State has the duty to promote through joint and separate action realization of the principle of equal rights and self determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations*

**"Israel is... under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall..."**

*in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the Charter."*

At Par 155-158 the Court emphasised that Article 1 of the Fourth Geneva Convention (which protects civilians and their property in a state of occupation) contained a provision to the effect "that the High Contracting parties undertake to respect and to

*ensure respect for the present Convention in all circumstances." It then added: "It follows from that provision that every State party to that Convention, whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the instrument in question are complied with"*

Finally, at Par 160, the Court expressed the view that the United Nations "should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion."

## GOLDSTONE REPORT FEATURE



Left: Bomb damage in Gaza  
Right: Civilian cost of Operation Cast Lead

### **‘On the morning of December 27, 2008, a savage bombardment targeting 100 locations in Gaza took place in the space of less than five minutes.’**

There is further legal support for the entitlement of Ireland to take legal or political action where violations of international law is concerned from the developing jurisprudence in the International Law Commission's "Articles on Responsibility of States for Internationally Wrongful Acts" (2001) and also from the emerging jurisprudence on "Responsibility to Protect" recognised by the UN General Assembly in Resolution 60/11 (2005).

It appears from the above ICJ decision that Ireland has obligations to act in support of International Law as above described on its own initiative and that this entitlement is hardly taken away by the provisions of the Lisbon Treaty (operative since January 2010) which envisages a Common Foreign and Security Policy for the Union, at least in situations where the Union has shown itself to be inactive. Before proceeding briefly to describe the type of actions available to Ireland to fulfill its obligations as above described, we should recognise, as the Goldstone report recognised, that various Palestinian groups committed outrageous attacks against Israeli civilian targets down the years, which would merit the utmost condemnation and, when proved in evidence, would merit the severest punishment.

The range of legal options open to Ireland to fulfill its obligations are varied. Their selection requires minute consideration of the underlying facts and the choice of tribunal and methods of proof.

The findings of the Goldstone Enquiry

and the subsequent Russell Tribunal on Palestine (Barcelona Session March 2010) suggest that Israel has, inter alia, committed the following violations of International Law and that it has a case to answer:

- *breach of the right of self determination of the Palestinian people;*
- *illegal occupation of Palestinian territories;*
- *pursuing a policy of systematic discrimination against Palestinians by restriction and prevention of movement, incarceration, prohibition of use of resources etc.;*
- *pursuing discriminatory measures equating with apartheid;*
- *purported annexation of East Jerusalem in July 1980 and maintaining same;*
- *constructing an illegal wall;*
- *systematically building illegal settlements on Palestinian lands;*
- *pursuing a policy of targeted killings against Palestinians whom it describes as terrorists without first attempting to arrest them and, in so doing, violating the right to life and article 6 of the Covenant on Civil and Political Rights;*
- *maintaining a blockade on the Gaza strip and inflicting collective punishment on the Palestinians in Gaza contrary to article 33 of the 4th Geneva Convention.*

It would be open to Ireland to proceed in regard to any of the above-mentioned alleged violations. Ireland could also take an action to establish the reach of the provisions of the Euro-Mediterranean Trade Agreement made between the European Community (now Union) and Israel (November 1995). This provides (Article 2) that "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". Depending on the outcome of such an application severe sanctions might result against Israel.

Ireland might support Chairperson of the European Parliament Delegation to Palestine Proinsias de Rossa MEP in his announced formal complaint to the Garda Síochána based on the findings of the Goldstone Report to enable the Director of Public Prosecutions to consider the case for prosecution in Ireland of those responsible. (Press Release, March 10, 2010).

This is not the place to bore readers with legal speculation other than to hope that that the present tight budgetary situation will not prevent the recruitment of many more international humanitarian and human rights lawyers to the various State Departments and Agencies so that, as far as Ireland is concerned, the founding values of the European Union - viz, respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights - (as declared in Article 2 of Lisbon) will be kept under close scrutiny and achieved.

We conclude by submitting that, in our view, Ireland's obligations to victims of international armed conflict are nothing more or less in the last analysis than the assertion and securing of the Rule of Law, to which Ireland, the other twenty six Member States, and the European Union itself are bound by virtue of the Lisbon Treaty (Article 2 TEU). ■

*Paul Callan, Senior Counsel (additional research by Andrew Robinson, Junior Counsel Law Library, Four Courts, Dublin)*

## GOLDSTONE REPORT FEATURE

# Goldstone and the attack on Palestinian civil society

Jamal Juma



**O**n March 10, 2010, the European Parliament passed a resolution calling on EU Member States to demand implementation of the UN's Goldstone Report. It also expressed concerns about Israeli pressure on those civil society organizations that had contributed to the compilation of the Report or its follow-up.

In fact, the impact of the Report and the repression of human rights defenders by Israel are intrinsically linked in the context of the Palestinian struggle for self-determination.

Since the Report was published in September 2009, Palestinian civil society has been energized by its corroboration of the people's call for Israel's accountability in the face of pressure from Israel and an all too compliant Palestinian National Authority, led by Mahmoud Abbas. Abbas had attempted to suppress the findings of the Report, but was met by immediate and sustained uproar within Palestinian society.

In fact, the months since publication of the Report have seen an all-out attempt by Israel to silence and dismantle the growing Palestinian movement against the Wall and settlements. Over 100 such activists are currently held in Israeli jails.

In mid-December, I was arrested by Israeli forces and detained without charge for one month – a reprisal for my public outcry against Israel's policies. The Stop the Wall Campaign, whose efforts I am coordinating, has been a central force of research, analysis and information from our "front line": our bodies, our voices and our villages up against the Wall.

My detention is part of a wave of arrests of grassroots human rights defenders. Such scenes are playing out in all villages protesting against the Wall across the West Bank.

The core targets of these arrests are leaders and members of



US-supplied Apache helicopter

the popular committees that have been the basis of Palestinian social and political organization for generations.

Their creeping criminalization not only infringes our right to freedom of expression and association but risks creating 'politicide' and would, if successful, destabilize society at its core.

In a situation where our top leadership is both de jure out of office and de facto too weak to stand up to Israeli and international pressure to defend our interests, such a weakening of civil society would allow Israel even more room to continue crimes with impunity.

As Palestinians we can only hope that the EU heeds the recommendations of the European Parliament. Unfortunately, experience shows this would be a major shift in policy. The Parliament voted already in 2002 for suspension of the Association Agreement because of Israel's violations of Article 2, which bases the entire agreement on respect for human rights and international law. Two wars, a murderous siege, an illegal Wall, thousands of settlement units later – the EU is currently negotiating a new Action Plan within the EU-Israel Association Agreement, and Israel has unanimously been accepted as a member of the Organisation for Economic Cooperation and Development (OECD). ■

*Jamal Juma is coordinator of the Palestinian Grassroots Anti-Apartheid Wall Campaign*



Eshgen Karabi, 2 being treated for 2nd degree burns, the result of Israeli shelling of her home

## A MOMENT OF TRUTH

**(Excerpt from The Kairos Document signed by Palestinian Christian leaders, Jerusalem, December 11, 2009)**

We call on the Israelis to end the occupation. Then they will see a new world in which there is no fear, no threat but rather security, justice and peace.

The Israeli occupation is an evil that must be resisted. Primary responsibility for this rests with the Palestinians themselves. Responsibility lies also with the international community...

Palestinian civil organizations, as well as international organizations, NGOs and certain religious institutions call on individuals, companies and states to engage in divestment and in an economic and commercial boycott of everything

produced by the occupation.

We condemn all forms of racism, including anti-Semitism and Islamophobia. We see boycott and divestment as tools of non violence for justice, peace and security for all.

Our word to the international community is to stop the principle of "double standards" and insist on the international resolutions regarding the Palestinian problem with regard to all parties. Therefore, we call for a response to what the civil and religious institutions have proposed: the beginning of a system of economic sanctions and boycott to be applied against Israel.

## GOLDSTONE REPORT FEATURE

# Union Support for Sanctions

As with the campaign against South African Apartheid, trade union support for BDS is vitally important. Two trade union leaders outline their unions' stance on the role of their organisations in the struggle against Israeli Apartheid.



**Jack O'Connor**  
ICTU

The importance of bearing witness to the realities of life for Palestinian people was brought home to me on the return of an Irish Congress of Trade Unions (ICTU) delegation from their visit to the region in 2008.

They confirmed the view of the International Labour Organisation (ILO) at the

time that the situation of workers in the occupied territories depicts a dismal human, economic and social situation overshadowed by a stalled and failing peace process.

Since then, in the aftermath of the devastating war at the turn of 2009, the situation in Gaza in particular has all the ingredients of a humanitarian catastrophe. More than 1300 Palestinians, including 300 children, were killed when the Israeli military forces attacked Gaza between December 27, 2008 and January 18, 2009.

During and since the assault hundreds of workplaces and factories closed and thousands of people were forced out of work. The economy has ground to a halt, replaced by informal makeshift activity. Thousands of homes were destroyed.

The presence of increasing numbers of Israeli settlers on the West Bank directly harms the livelihood of Palestinians who are barred from access to land and other resources (notably water). The Israeli occupation also entails severe restrictions on the movement of persons and goods.

In East Jerusalem, in particular, Arab workers are subject to increasing pressure and denied access to housing, residency rights and consequently jobs and livelihoods. East Jerusalem is essentially cut off from its social, economic and political context in the West Bank. The ILO estimates that half of those between the ages of 15-29 in the Palestinian population are neither in education or employment. Indeed, in the period before the war in Gaza, unemployment there had risen from 28.9% to 44.8%. It is significantly worse now.

The Jewish people have suffered horrendously. The holocaust represented the nadir of human history. We fully respect their entitlement to enjoy free and independent lives. This is acknowledged in international law. However, the Palestinian people are equally so entitled and their rights are also recognised in UN conventions. Our concern is a humanitarian and social solidarity one. We cannot condone actions which deny human rights and equality to Palestinian people. The state of Israel has engaged in outrageous acts of aggression in Gaza, has obstructed and denied economic well-being to Palestinian citizens, and has been involved in land grabbing and the construction of illegal settlements.

The recent announcement of yet more such settlements despite international efforts to re-launch peace talks are not consistent with the actions of a state which is committed to normal democratic governance. We cannot condone its behaviour. Rather we must oppose it. The Congress delegation discovered that within Israel there are voices of opposition that argue for peace. Trade unions can co-operate with those voices to create a new space to advance a real peace process.

Furthermore, trade unions also have a moral and civic responsibility to bring pressure to bear on the government of Israel by demanding it desists from implementing inhuman and oppressive policies. In this respect Congress, at its biennial conference in July 2009, has endorsed the campaign of boycott, divestment and sanctions (BDS) against Israel. The aspiration of the Palestinian people to equality and human rights, and their own sovereign state, is a just and noble one. ■

*Jack O'Connor is President of the Irish Congress of Trade Unions*



ICTU delegation to Palestine, 2008



**Jimmy Kelly**  
Unite

After decades of oppression of the Palestinian people – after the military attacks, the ethnic cleansing, the blockade and the denial of human rights – the time has come for people and civil organisations to take immediate and urgent action. UNITE fully supports the campaign of Boycott, Divestment and Sanctions against Israel until such time

as the Palestinian people win their human and democratic rights. As a former colonised people, the Irish have a deep appreciation of the struggles and hardships that the Palestinian people are enduring. We are uniquely placed to bring this solidarity to the rest of Europe and the world, not only by our own example here but by our exhortations to all people who support peace and democracy.

UNITE will work with other organisations and individuals to promote the aims of the Global BDS movement in Ireland. In particular, we should inform trade unionists of their power as consumers and the benefits of a boycott of Israeli goods. We should also ensure that state and corporate pension funds do not invest in Israeli companies – now or in the future. Further, we should argue for the ending of private, corporate and financial investment in Israel.

We must not only raise the issue of solidarity with Palestine at a national level, we must pressure the Irish government to bring this solidarity to the EU. Europe can play a key role in bringing peace and justice to the Palestinian people through the implementation of boycott, divestment and sanctions against Israel. Diplomatic force must be accompanied by real economic and political pressure.

This type of campaign brought peace and democracy to South Africa. The people of Palestine deserve no less support. ■

*Jimmy Kelly is the Regional Secretary of Unite*

## GOLDSTONE REPORT FEATURE

# Overcoming Apartheid: South Africa & Israel

Ronnie Kasrils



In attempting to drum-up support for the apartheid regime South Africa's Prime Minister, B.J. Vorster, claimed: "Every time one of our products is bought it is another brick in the wall of our existence!"

That was in the mid 1970s when the boycott, divestment and sanctions campaign (BDS) against his racist regime was showing worrying signs of take-off. Vorster and his country's business elite well knew that the South African economy, increasingly dependent on

international trade, would face serious consequences in the event of growing isolation.

In the wake of the Sharpeville massacre of March 21, 1960, protests had spread world-wide. In particular the boycott of South Africa's all white sports teams outside grounds in Britain and Ireland had struck a profound chord amongst people who

abhorred racism and injustice. Rugby and cricket matches were increasingly disrupted. There was an ebb and flow in such activity. For example in a Springbok rugby tour of New Zealand in the 1960s the all-white players were greeted as heroes wherever they went. By 1983 protests "down under" had reached such unprecedented heights and disruption that the tour had to be called-off. Strike actions such as the women shop-assistants at Dunnes Stores, Dublin 1984-85, who refused to sell South African fruit and vegetables and set-up a picket-line, was the kind of riposte that represented Vorster's worst nightmare. Their leader, Mary Manning, has a Johannesburg street named after her. Cape grapes and Outspan oranges became symbols not of sunny South Africa but bricks to be tossed back at Vorster. The BDS call, emanating from the oppressed South African majority, and their African National Congress (ANC) leaders, grew in leaps and bounds. Dockworkers from Liverpool to Melbourne refused to handle South African cargoes; Kodak workers in the USA forced their company to close down a subsidiary plant in South Africa; students and academics at universities around the world engaged in a cultural boycott and forced their institutions to divest; ultimately Barclays Bank ended a century of business in the land of apartheid. Business, sports, religious orders, cultural and

## EU-Israel Political Perspectives



### CHRIS ANDREWS TD

The EU-Israel Association Agreement grants Israel preferential trading status with the EU. Article 2 of the Agreement states that its provisions are based on 'respect for human rights and democratic principles'. In light of the findings contained within the Goldstone report, many

commentators believe that Israel has breached Article 2 and that the Agreement should be suspended. I support this view.

The Irish Government does not believe that sanctions on Israel would contribute to the search for peace in the Middle East, and believes that there would be no prospect of reaching consensus at EU level in favour of such sanctions. Nonetheless, I believe that there must be consequences for Israel's behaviour, be they academic, diplomatic, sporting or economic. Israel does not respond to words of condemnation. Parallels between the Israeli conflict and Apartheid in South Africa have been drawn by countless observers, most notably Archbishop Desmond Tutu.

However, unlike the Israeli case the international community was prepared to force the hand of South Africa by effectively shunning it internationally. This movement was led by ordinary people; in Ireland it was the bravery of a small group of workers who pressured the Government of the day to ban the import of South African produce until the apartheid regime was overthrown. The EU's non-imposition of sanctions has not created any constructive solutions as Israel continues its colonisation project unabated. The EU's failure to act is tantamount to turning a blind eye.

I believe that the reluctance of the EU to sanction Israel has more to do with self-interest than the interest of the Palestinian people. Unlike South Africa, Israel has strong international allies, who are reluctant to alienate it. There is an opportunity therefore for the Irish government to take leadership within the EU, to match its strong words of condemnation with actions and if necessary to stand out against the stance of other governments. It will undoubtedly have the support of the people in doing so.

*Chris Andrews is Fianna Fáil TD for Dublin South East, convenor of the Dail Finance Committee, and a member of the Trade, Enterprise and Employment Committee and the European Scrutiny Committee*

## EU-Israel Political Perspectives



### CIARÁN CUFFE TD

The murder and bloodshed perpetrated by the Israeli army in 2009 left many deeply suspicious of the State of Israel. Any sense of proportionate response to Hamas rocket attacks from the Israeli Government was thrown out the window, and the bloodbath that Israel visited upon innocent civilians

was similar to shooting fish in a barrel.

The use of Irish passports in the killing of a Hamas leader in Dubai focuses attention on the State of Israel's actions and creates further diplomatic tensions between Ireland and Israel. In recent months there has been an increase in hostility shown by Israeli forces towards peaceful protestors in the occupied territories, with a disproportionate increase in night time raids in villages such as Bil'in, the ongoing implementation of "administrative" or arbitrary detentions and the use of tear gas and rubber bullets against civilians, including children. Reports that International NGOs such as Oxfam, and international volunteers in general, are finding it difficult to obtain entrance visas to Israel to carry out humanitarian work are equally disturbing.

The violent actions of Hamas and some of its supporters are wrong, but Ireland should now consider whether the respect for human rights and democratic principle enshrined in the EU/Israel Association Agreement is being shown by the State of Israel. It is also now time for Ireland to consider using sanctions against any State that slaughters hundreds of civilians in the pursuit of its aims. The need for peace and respect for human rights must underlie all actions by the European Union and Ireland in their dealings with all relevant parties and in playing a part in the resolution of this conflict.

*Ciarán Cuffe TD is a Green Party Minister of State in the current Dáil*

## GOLDSTONE REPORT FEATURE

**‘On all fronts apartheid was being isolated. The importance of this solidarity was reflected in the way in which the ANC summed up its strategy for victory in the term, “The Four Pillars of Struggle.”’**

educational organisations, trade unions, youth and women’s associations, the UN, and of course the powerful voice of the Organisation of African Unity (OAU), were making life difficult – not only for apartheid South Africa – but for many a Western government, profiting out of trade relations. On all fronts apartheid was being isolated. The importance of this solidarity was reflected in the way in which the ANC summed up its strategy for victory in the term, “The Four Pillars of Struggle.” These were: the mass political struggle of the people; armed actions; the underground network; and international solidarity. These were all seen as being interconnected and reinforcing one another. International support behind the BDS campaign was seen as being of exceptional value in isolating apartheid and in inspiring the struggling people of South Africa. The political-economic elite in the country were put on the back foot and desperately sought a way out of what they could see was a losing battle. The white public, initially incensed by boycott actions, soon grew tired of being regarded as the “polecat of the world.”

Although no two countries or struggles are identical there can be no doubt that the success of the anti-apartheid movement and the BDS campaign that helped bring down apartheid, can be emulated with regard to apartheid Israel and the struggle of the Palestinian people. The BDS campaign against the colonial, racist Zionist state of Israel – guilty in fact of far worse crimes than apartheid South Africa – must be advanced and sustained with all the energy and unity we can muster. ■

### EU-Israel Political Perspectives



#### JIM HIGGINS MEP

The continued Israel/Palestine conflict is a stain on the international conscience.

The publication of the Goldstone report in September 2009 was a beacon of clarity and illumination in an otherwise dark and murky landscape. The EU has a crucial role to play in ensuring that there is dialogue. As we know from our own

situation on this island, a lasting peace can only be brought about when all parties agree to listen and talk.

The refusal of the Israeli government to participate fully and openly in Judge Goldstone’s information-gathering sullies Israel’s international credibility. As a state founded under international law, Israel should be bound by and respect international norms and edicts. The failure by Israel to recognise “distinction”, the requirement that there should be proportionality between a military goal and civilian casualties caused in achieving that goal, is a rejection of human rights.

The report found wide-ranging human rights abuses carried out by Israel, including the use of white phosphorus, and culminating in the deaths of 1,400 people and injuries and trauma inflicted on hundreds more.

As the biggest supporter of and donor to the Palestinian authority, the EU has been working with the Authority to build up the institutions of a future democratic, independent and viable Palestinian State living side by side with Israel and its neighbours. This is something I wholeheartedly welcome.

*Jim Higgins is a Fine Gael MEP for Ireland North West*



Essidin Sarzuhr, 6 – another child victim of Operation Cast Lead

*Ronnie Kasrils is a former South African MP and member of the National Executive Committee of the African National Congress (ANC).*

### EU-Israel Political Perspectives



#### SEN. DAVID NORRIS

I was close by in Cyprus when the Israelis launched their blitzkrieg against the civilian population of Gaza and watched horrified as Al Jazeera beamed live images of the devastating mechanised brutality visited upon ordinary people with scarcely a squeak of protest from Europe or America.

That is why the Goldstone Report is so exceptionally important. This is an official report of the United Nations in which Ireland played an honourable role with the presence of Colonel Desmond Travers. When he appeared before the Joint Oireachtas Committee on Foreign Affairs Colonel Travers quoted Mr. Justice Richard Goldstone, the author of the Report, as saying the purpose of the Report was to put “an end to impunity”.

The meeting of the committee to discuss the Report was characterised by attempts by Deputy Alan Shatter to subvert the meeting in the interests of his own political views, constantly harassing, barracking and interrupting Colonel Travers. I recommend anyone who wishes to see exactly what I mean to read the Report of the meeting of the committee.

Unfortunately, the European Union has betrayed all decent principles in its shamefaced relations with the Israeli state. In the Euromed Agreement which grants favourable trading status to Israel there is a section which includes human rights protocols which require to be satisfied in order for this agreement to function fully. Despite repeated requests, the European Union not only has not activated these protocols, but it will not even agree to monitor them. Such grossly immoral behaviour devalues the whole basis of our concept of human rights. It would be better if the European Union tore out those protocols and acknowledged that it has in fact no respect for such values.

85% of Israeli agricultural exports are to the European Union market. We could have switched off the war in 15 minutes by the mere threat of ceasing these imports. It is in my opinion vital that the Goldstone Report upon which I congratulate all who contributed for their immense moral courage should be reported to the International Criminal Court for action.

*David Norris is a member of Seanad Eireann, a civil rights campaigner and political activist, and former Senior English lecturer in Trinity College Dublin*

## GOLDSTONE REPORT FEATURE

### EU-Israel Political Perspectives



#### **'SCANT REGARD FOR CIVILIAN CASUALTIES' PROINSIAS DE ROSSA MEP**

One of the most damning conclusions of the Goldstone report regarding the 2008/09 assault on Gaza is that Israel deliberately used disproportionate force with scant regard for civilian casualties (the 'Dahiya

doctrine'). In other words the very high civilian death rate, including that of over 300 children, was not the result of soldiers ignoring but rather of following orders. Instead of addressing this devastating conclusion, the Israeli Government seeks to undermine the credibility of Goldstone, having refused from the beginning to cooperate with the inquiry.

On March 3rd an extraordinary meeting of the European Parliament's Working Group on the Middle East convened to hear the response by Mr. Daniel Taub, Israel's Foreign Affairs legal advisor, to this report. His presentation consisted of slides and video clips. It later emerged that virtually all the clips were from 2004, 2006-07, or February 2008 ([www.derossa.com](http://www.derossa.com)). Mr. Taub also inaccurately claimed that former President Mary Robinson did not support the Goldstone Report, contrary to her statement of September 30, 2009, which explicitly called for accountability for the crimes identified in Goldstone ([www.theelders.org](http://www.theelders.org)).

The heavy Israeli disinformation campaign did manage to persuade the European People's Party to withdraw formal support for the all-party resolution on Goldstone they'd helped prepare, but the resolution was still carried by the EP on March 10, with 335 MEPs in favour and 287 against.

Under Ireland's 1962 Geneva Conventions Act, prosecutions for the kind of breaches identified by Goldstone can be initiated in Ireland. I am currently preparing a complaint to the Gardaí with a view to having a war crimes prosecution initiated here.

*By Proinsias De Rossa MEP, Chair of the EP's Delegation to the Palestinian Legislative Council (DPLC)*

### EU-Israel Political Perspectives



#### **AENGUS O SNODAIGH TD**

Because I've witnessed the occupation of Palestine and the siege of Gaza at first hand, I am convinced that the policy of Boycott, Divestment and Sanctions (BDS) is both necessary and warranted.

When I visited Gaza by boat in November 2008 as part of the siege-breaking fact-finding

mission prior to Operation Cast Lead, the Israeli onslaught on Gaza, I saw for myself how Israel's policies of collective punishment had literally left nearly 1.5 million people starving, with no proper waste water system, no external trade, no employment, no supplies for schools, hospitals, transport, industry or construction, and a limited electricity supply. I had previously travelled to the West Bank, where I saw the effects of the illegal Separation Wall, the illegal settlements and the disruption of Palestinian trade and daily life.

I believe it is only when Israel feels the economic effects that it will pay heed to the outrage its actions have provoked internationally over the years. Some opponents of a BDS strategy, including members of the Irish government, claim that continuing preferential trade with Israel provides an avenue through which we can positively influence Israeli policy. Well, this has obviously failed up to now!

This argument is reminiscent of Ronald Reagan's policy of Constructive Engagement with Apartheid South Africa, where meaningful change only commenced once nations across the globe began to exercise real pressure in the form of sanctions. The recent accession of Israel to the OECD is a further outrage.

The siege of Gaza continues, the Israeli administration continues to announce plans for illegal settlement-building, the Wall remains in place, and the Israeli rogue state continues to impede the Corrie family's efforts to achieve justice for their daughter Rachel, killed by the Israeli Occupying Forces in 2003.

The facts as articulated by the Goldstone Report speak for themselves. It's time to stop procrastinating: it's time for BDS.

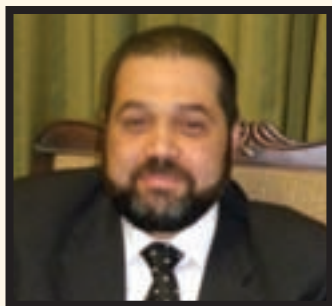
*Aengus O Snodaigh TD is Sinn Féin spokesperson for housing, justice, equality and human rights, and international affairs*

### Palestinian Loss of Land – 1946-2000



## GOLDSTONE REPORT FEATURE

## PALESTINIAN REPRESENTATIVES CALL FOR SANCTIONS

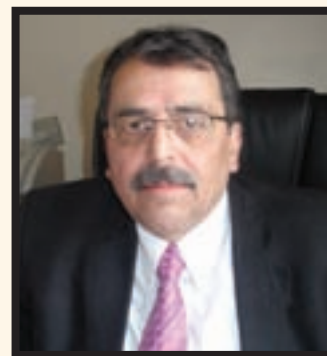


"We salute all freedom-loving peoples who marched the streets of major towns and cities in solidarity with the Palestinian people. We are aware of the discrepancy between the positions of Western governments and those of their people. We believe it is in the best interests of European governments to conform with popular sentiment on the question of Palestine. This would require them to support the Palestinians' legitimate rights under international law by imposing sanctions on Israel until it complies with international law."

**Usama Hamdan - Hamas Representative in Lebanon**

"Israel continues to build settlements on occupied Palestinian land, the land that is supposed to belong one day to a Palestinian state. Israel is not even prepared to halt settlement-building so that negotiations take place about the creation of a Palestinian state, even though 'the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies' is a war-crime, according to the statute of the International Criminal Court. It is time the international community ceased treating Israel with impunity and applied whatever sanctions are necessary to force it to comply with international law."

**Dr. Hikmat Ajjuri - Palestinian Authority Representative to Ireland**



## Irish/Israeli Military Links

David Cronin



Visiting Gaza, Irish foreign minister Micheál Martin found "a population traumatised and reduced to poverty by an unjust and completely counterproductive blockade". Perhaps he could enquire if any of the technology that caused this devastation was manufactured in his native Cork.

In 1991 the New York-based firm Data Device Corporation opened a plant in Cork's publicly-subsidised Business and Technology Plant. From there it made 'data bus' devices for Apache helicopters that were then sold on to other American companies, known to do business with Israel. During Israel's onslaught on Gaza in late 2008 and 2009, Apache helicopters transported the Hellfire missiles that killed numerous civilians.

**'...some of the weapons used to terrorise Palestinians contain "made in Ireland" ingredients.'**

Although the overall value of Irish exports to Israel fell from €231 million in 1998 to less than €200 million a decade later, the exchange of technology has been considerable. Computers accounted for more than one-fifth of Irish exports to Israel in 2008, with electronic components comprising a further 12%. As Israel's technology boom is largely driven by its military industry, it is virtually certain that some of the weapons used to terrorise Palestinians contain "made in Ireland" ingredients.

Between 2005 and early 2009, the Department of Defence bought military equipment worth over €9 million from Israeli firms, including drones worth €780,000 from Aeronautics Defense Systems in 2007. Rabintex Industries won a €2.5 million contract in 2006 to supply Irish soldiers with 12,000 helmets. In 2009, the department of defence awarded Elbit Systems a €2.4

million contract to install surveillance pods and masts into a new fleet of tanks for the Irish army.

Elbit is one of two main suppliers of surveillance equipment to the 450km "apartheid wall" that Israel has built in the West Bank. Norway's government announced in September 2009 that its state pension fund was prohibited from investing in Elbit. "We do not want to fund companies that so directly contribute to violations of humanitarian law," said the Norwegian finance minister Kristin Halvorsen.

According to The Sunday Independent, Israel Military Industries is in a prime position to win a deal to supply 10 million bullets to the Irish army. Applications for this contract had to be filed by late April 2010. The Department of Defence did not respond when asked if Israeli firms had expressed an interest.

Ireland's commercial relationship with Israel cannot be viewed in isolation from the EU's ever-tightening embrace of Israel. French president Nicolas Sarkozy is among the senior European leaders who have been championing deeper European investment in Israel. Veolia, the Paris-based multinational that runs Dublin's Luas light railway system, is the lead contractor in a light rail project aimed at connecting Israeli settlements in East Jerusalem with the city centre.

Veolia has become the target of an international campaign to pressurise it into abandoning the racist-inspired railway. Councillors in Sligo, Galway and Dublin have passed motions urging that contracts with Veolia should be cancelled.

One of the key reasons why the occupation persists is that Israel has displayed significant ingenuity in building an economy around it. All of us committed to human rights have a duty to shed light on the Irish and European firms who profit from that economy and the pain it inflicts on Palestine. ■

*David Cronin's book Europe's Alliance with Israel: Aiding the Occupation will be published later this year by Pluto Press*

## GOLDSTONE REPORT FEATURE

## A QUESTION OF ETHICS FOR THE CRH BOARD

Kieran McGowan  
(Chairman)

Albert Manifold



Glenn Culpepper



Mark Towe



Dan O'Connor



Joyce O'Connor

Jan Maarten  
de Long

John Kennedy



Myles Lee



Nicky Hartery



Terry Neill



Utz-Hellmuth Felcht



Liam O'Mahony



Bill Egan

Cement Roadstone Holdings (CRH) Board

## The Ethics of Profiting from Oppression

Cement Roadstone Holdings (CRH) is Ireland's largest company with a market capitalisation of ca €13 billion. It has operations in 35 countries employing over 80,000 people. In 2009 CRH had revenues of €17.3 billion and income of €732 million. In 2001 CRH acquired a 25% shareholding in the Israeli group Mashav Initiating and Development Ltd, the holding company for Neshar Cement which produces approximately 85% of all cement sold in Israel, cement extensively used to construct Israel's illegal settlements and Jews-only road system in the West Bank. Its subsidiary Taavura is the sole importer of Liebherr heavy machinery which is used to destroy Palestinian olive groves and farms, facilitating the matrix of occupation.

Israel began constructing its West Bank wall in 2002. In 2004 the International Court of Justice (ICJ) ruled this wall illegal under international law. CRH told Amnesty International it accepted that "in all probability" Neshar cement is being used in the wall's construction. Through its investment in Mashav, CRH continues to profit from the construction of Israeli settlements in the West Bank, illegal under the Fourth Geneva Convention and UN Resolutions 446, 452 and 465.

The UN calls on corporations to respect international

humanitarian law and to ensure that their activities are not complicit in human rights abuses. This puts the onus on CRH to consider whether and how the company might contribute to human rights abuses through its links with its business partner Mashav, entities in its supply chain Neshar Cement, Taavura and Liebherr, and state agents such as the Israeli army which enforces the illegal occupation of Palestine.

At the May 2010 CRH AGM, the chairman, Kieran McGowan was questioned by shareholders about CRH's activities in occupied Palestine, the profits arising from its activities there (calculated to be €55m in 2009, and €75m to date in 2010), and what funds had been set aside to compensate Palestinians affected by such activities and to defend the company against legal actions due to breaches of international law. Asked whether CRH has scrutinised its subsidiaries' activities to ensure that the group is operating legally and is not complicit with breaches of international law, he was unable to provide direct and unambiguous answers. CRH must now demand that its subsidiary act within international law; if it refuses, then CRH must divest from Mashav. ■

More: see <http://ipsc.ie/crhdivest/>

**'I have no cement or steel or iron. We can't get in one bag of cement, one pane of glass... to actually begin that reconstruction.'**

John Ging, the Director of the United Nations Relief and Works Agency in Gaza, March 2010

## How do I support the BDS Campaign?

The Palestinians need our support in their struggle for freedom and justice. Go to:

[www.ipsc.ie/petition](http://www.ipsc.ie/petition)

to sign the petition in support of the campaign for Boycott, Divestment and Sanctions.

Support the Ireland Palestine Solidarity Campaign, an independent organisation run by volunteers committed to a just peace in the Middle East:

[www.ipsc.ie](http://www.ipsc.ie)