



IRELAND PALESTINE SOLIDARITY CAMPAIGN

Unit 5, 64 Dame Street, Dublin 2 Ph: (01) 6770253 E-mail: info@ipsc.ie Web: www.ipsc.ie

IPSC Briefing Document – 9th May 2011

Towards a Just Peace: How Ireland and the EU can help to end the Israeli-Palestinian conflict



Contents:

- 1. Executive Summary**
- 2. Introduction: The Palestinian right to self-determination**
 - 2.1 The one-state solution**
 - 2.2 The two-state solution**
- 3. Settlements continue to obstruct peace**
- 4. The “State of Palestine” initiative at the United Nations**
- 5. Securing a just peace – Irish and EU responsibilities**
 - 5.1 Practical Steps – European Union**
 - 5.2 Practical Steps – Ireland**

Towards a Just Peace: How Ireland and the EU can help to end the Israeli-Palestinian conflict



1. Executive Summary

Recent events – in particular the failure of talks between Israeli and Palestinian representatives brokered by Washington, and the effort by the Palestinian Authority to seek recognition of a Palestinian state on the territories occupied by Israel since 1967 – have brought fresh attention to the need for Palestinian self-determination. The continuing denial of that right will inevitably lead to further violence and instability in the Middle East. This paper will discuss how the Palestinian right to self-determination might be vindicated in practice and the obstacles that stand in its way. It will also discuss the proposed Palestinian Authority plan to declare Palestinian statehood later this year, and argue that whatever the outcome of any vote on this at the United Nations, international pressure should be applied to Israel, to ensure Palestinians are granted their full human, national and democratic rights. Finally it will lay out the practical steps that can be taken by Ireland and the European Union to bring such pressure to bear. It is imperative that the Irish Government plays a leading role in pressing for action by the EU.

2. Introduction: The Palestinian right to self-determination

The right to self-determination is guaranteed by Article 1 of the UN Charter; by the International Covenant on Civil and Political Rights (ICCPR)¹; and by the International Covenant on Economic, Social and Cultural Rights (ICESCR).² According to the Office of the High Commissioner of Human Rights: “The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.”³ The Ireland-Palestine Solidarity Campaign agrees with this view: we believe that the root cause of the Israeli-Palestinian conflict is the denial of the Palestinians’ right to self-determination. The conflict will not end until that right is both recognised and vindicated in practice.

Traditionally, it has been understood that Palestinian self-determination could be exercised in two possible ways, both of which were compatible with the national and democratic rights of the Palestinian and Israeli peoples. These have usually been referred to as the “one-state” and “two-state” solutions. The latter term in particular has been abused so much in recent times, that it is essential to spell out exactly what is meant in each case.

2.2 The one-state solution

According to this blueprint, a single, democratic and bi-national state would be established in the whole territory of historic pre-1948 Palestine, i.e. all the land between the river Jordan and the Mediterranean Sea. The national rights of Israeli Jews and Palestinian Arabs would be recognised within the framework of a single state. There are several examples within modern Europe of bi-national or multi-national states, including Belgium, Switzerland, Britain and Spain. Constitutional arrangements in these states include a division of powers between national and regional parliaments, formal recognition of different national communities, and measures to ensure cultural pluralism. A one-state solution in Israel / Palestine would certainly require similar arrangements.

Prominent advocates of this vision have included the Israeli historian and peace activist Ilan Pappé, Palestinian scholar Ghada Karmi, and the late British historian Tony Judt. Pappé has argued that “the land is too small to be divided. A one-state solution is difficult but not impossible. Both Israelis and Palestinians have to compromise, as there is no place for Israelis to go back to and neither are Palestinians immigrants. Both have the right to remain in the land and form a bi-national state.” Judt similarly suggested in 2003 that “the two-state solution—the core of the Oslo process and the present “road map”—is probably already doomed ... the true alternative facing the Middle East in coming years will be between an ethnically cleansed Greater Israel and a single, integrated, bi-national state of Jews and Arabs, Israelis and Palestinians.”⁴ Oxford Professor and Israeli historian and

¹ <http://www2.ohchr.org/english/law/cescr.htm>

² <http://www2.ohchr.org/english/law/ccpr.htm>

³ General Comment 12, *The Right to Self-Determination of Peoples* (1984), <http://www.unhcr.ch/tbs/doc.nsf/0/f3c99406d528f37fc12563ed004960b4?Opendocument>

⁴ http://articles.timesofindia.indiatimes.com/2010-09-27/interviews/28237590_1_palestinians-binational-state-israeli-citizens; <http://www.nybooks.com/articles/archives/2003/oct/23/israel-the-alternative/?page=2>; <http://www.guardian.co.uk/commentisfree/2008/sep/25/middleeast>

political analyst Avi Shlaim publicly endorsed a similar view when speaking in Belfast last year, citing his belief that Israel's colonization of the West Bank means that there no longer exists the opportunity to create a viable Palestinian state.

2.2 The two-state solution

This model would see the historic land of Palestine divided into two viable, independent states. Each state would possess full sovereign control over its borders, airspace, territory and resources. Most commonly, when people speak of a two-state solution, they have in mind a partition that would follow the pre-1967 borders of the Israeli state, leaving the new Palestinian state in control of East Jerusalem, the West Bank and the Gaza Strip in their entirety. However, it is important to remember in this context that the territorial conflict between Israelis and Palestinians did not begin in 1967: it has been ongoing since the 1940s (if not earlier) and concerns the whole territory between the Jordan and the Mediterranean. A partition settlement that followed the 1967 border - the "Green Line" - would leave Israel in possession of 78% of this land. This does not come anywhere near matching the population balance between Israelis and Palestinians, which is much closer to 50-50 than 80-20. So in itself, a settlement based on the 1967 border would represent a huge concession to Israel by the Palestinian people.

The second model is much more frequently referred to than the first - at least in the circles of international diplomacy. It has formed the basis for negotiations between the Israeli state and the PLO over the past two decades. Yet we should not allow the one-state model to fade from memory. It has certainly not been forgotten by Palestinian civil society. The Haifa Declaration issued by Palestinian citizens of Israel in 2007 reaffirmed their commitment to this blueprint:

Our vision for the future relations between Palestinian Arabs and Israeli Jews in this country is to create a democratic state founded on equality between the two national groups. This solution would guarantee the rights of the two groups in a just and equitable manner. This would require a change in the constitutional structure and a change in the definition of the State of Israel from a Jewish state to a democratic state established on national and civil equality between the two national groups, and enshrining the principles of banning discrimination and of equality between all of its citizens and residents.⁵

However, the two-state model has certainly been the one most frequently discussed and advocated in recent years. On paper, there have never been so many people in positions of influence committed to a two-state solution as in recent years. Senior politicians in Europe and the United States have declared their support for the establishment of a Palestinian state. Israeli governments have expressed their willingness to accept Palestinian statehood. And the Palestinian Authority headed by Mahmoud Abbas has unequivocally declared its support for a two-state solution that would leave Israel secure within its pre-1967 borders.

⁵ <http://www.mada-research.org/?LanguageId=1&System=Item&MenuId=4&PMenuId=4&MenuTemplateId=&CategoryId=3&ItemId=110&ItemTemplateId=1>

Hamas, the other main Palestinian political group, has on numerous occasions indicated a willingness to accept a two-state solution, most recently in May 2010.⁶

3. Settlements continue to obstruct peace

On the ground, however, it has rarely seemed less likely that a viable Palestinian state could be established. The paradox is more apparent than real. In fact, the broad support expressed for a two-state solution is based on deliberate ambiguity about its content. The same Israeli governments that have affirmed their willingness to accept a Palestinian state have emphatically declared their *unwillingness* to withdraw from all the territories occupied since 1967. This has been consistent across several changes of government and prime minister over the last decade, from Ehud Barak to Ariel Sharon to Benjamin Netanyahu. All have stated that they will never allow a Palestinian state to assume full sovereign control over the West Bank, Gaza and East Jerusalem. The illegal Israeli settlements in the Occupied Palestinian Territories (OPT) remain the greatest obstacle to a just peace.

Israeli leaders have always known that the construction of settlements in the OPT was contrary to international law. A secret memorandum drawn up by the Israeli foreign affairs ministry soon after the Six-Day War explained that:

*“Civilian settlement in the administered territories [Gaza, East Jerusalem and the West Bank] contravenes the explicit provisions of the Fourth Geneva Convention”.*⁷

In its invitation to the Madrid peace talks in 1991, the US government was equally clear about the illegitimacy of the settlements:

*“No party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiations. In this regard the United States has opposed and will continue to oppose settlement activity in the territories occupied in 1967, which remains an obstacle to peace”.*⁸

There are now more than half a million Israelis living in illegal settlements in the West Bank and East Jerusalem. These settlements, including their exclusive road network and attendant ‘security’ infrastructure, effectively annex 42% of the West Bank already. The settlements have continually expanded since 1967: the number of settlers in the OPT more than doubled during the period of the Oslo agreement between 1993 and 2000.

Once settlements have been completed, Israeli leaders insist that they are then permanent and unchangeable “facts on the ground”. This flies in the face of the international consensus that an independent Palestinian state must enjoy full sovereign control over all the territory occupied by Israel in 1967. If the main settlement blocks are annexed to Israel, as its leaders demand, the territory left under Palestinian control will be made up of isolated fragments completely at the mercy of Israeli good-will to function. To describe such a

⁶ <http://uk.reuters.com/article/2010/05/30/uk-palestinians-israel-hamas-idUKTRE64T2AI20100530>

⁷ <http://www.independent.co.uk/news/world/middle-east/secret-memo-shows-israel-knew-six-day-war-was-illegal-450410.html>

⁸ <http://www.miftah.org/Display.cfm?DocId=450&CategoryId=7>

stunted, malformed entity as a “state” would be a sick joke. No Palestinian leadership could ever accept a settlement along these lines and retain the support of its people.

The latest failed talks between Israel and the Palestinian Authority have underlined the commitment of the Israeli leadership to its illegal colonisation project. It was entirely appropriate that Israel should have been required to halt settlement construction for the duration of peace negotiations. Palestinian leaders learned a harsh lesson from the accelerated settlement activity of the Oslo years. Israel cannot be allowed to continue imposing “facts on the ground” that sabotage the potential for independent Palestinian development. Instead of accepting this reasonable and necessary requirement for serious negotiations, the government of Binyamin Netanyahu refused to extend its partial freeze on settlement construction.

The cynicism and arrogance of the current Israeli government was well illustrated by Prime Minister Netanyahu’s proposal to extend the settlement freeze only if the Palestinian leadership recognised Israel “as the homeland of the Jewish people,” effectively negating the individual rights of Palestinian refugees to ever return to their homeland. In other words, Palestinian leaders were asked to provide Israel with a permanent concession of immense value (and one with ominous implications for Israel’s Muslim and Christian Palestinian citizens, one-fifth of its population) in return for a temporary move on the part of Netanyahu’s government. In fact, Netanyahu was not even prepared to offer this much, merely pledging to “convene my government and request a further suspension”. His refusal to freeze settlement construction inevitably led to the collapse of the talks.

Netanyahu’s refusal to extend the settlement freeze was not simply a blow against Palestinian democratic rights. It was also a calculated insult to the administration of President Barack Obama. Netanyahu chose the visit of US Vice-President, Joe Biden, as the time to announce fresh construction projects in illegally-annexed East Jerusalem (which had never been included in the settlement freeze): this move naturally infuriated Obama and Biden. Despite being offered a package of incentives by Obama to extend the settlement freeze, Netanyahu’s government thumbed its nose at Washington.

The fact that Israel’s government was being offered rewards merely for complying with international law, a full nineteen years after a previous US administration had described settlement construction as an “obstacle to peace,” goes a long way towards explaining the current deadlock. The Obama administration is not “impotent” in the face of Israeli defiance, as has been suggested by many commentators. It has the capacity to impose severe pressure on Israel to make the necessary moves for peace – if it wants to. Since 1985, Israel has received \$3 billion in aid every year from the United States. At the height of the dispute over the settlement freeze in August 2010, Obama’s government concluded an agreement to sell 20 F-35 fighter planes to Israel. The planes, which have not been made available to any other country in the world, will cost \$2.75 billion, of which every cent will be provided by US taxpayers. It is little wonder that Israel’s government feels able to do as it pleases if the US government rewards its intransigence so generously. The election of Barack Obama inspired hopes that there would be a new direction in US policy towards the Middle East, moving away from uncritical support for Israel. It is now unfortunately clear that such hopes were unrealistic.

4. The “State of Palestine” initiative at the United Nations

Since the collapse of the latest talks, the Palestinian Authority (PA) has launched a new initiative, seeking recognition of a Palestinian state that follows the 1967 borders. In particular, Latin American countries have given their support to this initiative, including Brazil, Argentina, Peru and Ecuador. It is likely that the PA will attempt to bring the issue before the UN General Assembly and Security Council later this year, probably in September. The “State of Palestine” initiative has been criticised by US diplomats, with a spokesman for the State Department declaring that “we do not look favourably upon this line of conduct ... any unilateral action is counter-productive.” Of course, there has been no attempt by Washington to halt unilateral action by Israel, and it is difficult to see how the PA’s initiative could be “counter-productive” where Israel has no intention of withdrawing from the Occupied Territories and Washington has no intention of applying pressure on its Israeli ally. It is therefore likely that the US will veto any such resolution at Security Council level⁹, though it may still be voted through the General Assembly.

If the Palestinian Authority succeeds in broadening the diplomatic framework in which the question of Palestinian self-determination is approached, it will have accomplished something worthwhile. For too long there have been just three effective players in negotiations: Israel, the PA, and the United States. It is absurd to imagine that Washington can on the one hand be Israel’s greatest ally and supporter and on the other hand perform the role of “honest broker” in peace talks. It would be a step forward if the continued Israeli occupation was seen as an issue for the whole membership of the United Nations - not merely the US.

It is not within the remit of the IPSC - as an organisation standing in solidarity with the Palestinian people - to argue in favour of any particular territorial solution; that is for the people themselves to decide. However, it is worth noting that if and when the “State of Palestine” issue is brought to the UN in September, it will most likely be the last, and only, chance UN member states will have to vote on such a proposal. If recognition is voted down, it is probable that Palestinians will abandon the two-state solution and instead focus on the struggle for a bi-national state within all of historic Palestine.

5. Securing a just peace – Irish and EU responsibilities

However, even if voted through by the General Assembly, a formal recognition of Palestinian statehood will not be enough to change the realities on the ground, as the Israeli state continues to choke any potential for Palestinian freedom and development. Israeli officials have made clear their opposition to any declaration of Palestinian statehood on Palestinian terms.

The Israeli newspaper *Haaretz* reported that Israel will not recognise “a Palestinian state even if the General Assembly grants recognition” and threatens that such a recognition

⁹ The US has vetoed over 40 UNSC resolutions regarding Israel. For an incomplete list (1972-2006) see: <http://www.jewishvirtuallibrary.org/jsource/UN/usvetoes.html>

“could lead to violence on the ground¹⁰.” Israeli deputy prime minister Moshe Ya’alon also told the Israeli magazine *Beersheva* that, with regard to Palestinian statehood:

“Our intention is to leave the situation as it is: autonomous management of civil affairs, and if they want to call it a state, let them call it that. If they want to call it an empire, by all means. We intend to keep what exists now and let them call it whatever they want.”¹¹

Ya’alon went on to say that:

“No minister ... believes that an agreement with the PA can be reached in the foreseeable future”.¹²

Yet Israeli officials have also made it equally clear that they would not accept a bi-national solution either, fearing – in the words of then Prime Minister Ehud Olmert – “a South African-style struggle for equal voting rights”.¹³ Michael Oren, Israeli Ambassador to the US also made clear official Israeli views on this, commenting on what he refers to as the “Arab demographic threat”:

Israel will have to decide between being a Jewish state and a democratic state. If it chooses democracy, then Israel as a Jewish state will cease to exist. If it remains officially Jewish, then the state will face an unprecedented level of international isolation, including sanctions, that might prove fatal ... In the absence of a realistic two-state paradigm, international pressure will grow to transform Israel into a bi-national state. This would spell the end of the Zionist project¹⁴.

The Israeli state’s dilemma remains the same as it ever was - how to occupy the most land with the least number of Palestinians while maintaining international support and trade links. In the view of the IPSC, Israel has never negotiated peace in ‘good faith,’ negotiations have merely provided a cover under which the building of illegal settlements has taken place – and without international pressure this cycle of empty negotiations and broken promises is unlikely to be ended.

As the United States clearly has no intention of using its power to influence Israeli decision-making, the responsibility falls to the European Union to act instead, and Ireland should be to the fore in championing the issue.

The call for such action has recently been made in a letter signed by a broad cross-section of European political leaders, including Chris Patten, Hubert Vedrine, Helmut Schmidt, Javier Solana and Felipe Gonzalez, along with Ireland’s Mary Robinson and Peter Sutherland. The signatories have experience of high office at national and European level and come from all

¹⁰ <http://www.haaretz.com/print-edition/news/israel-threatens-unilateral-steps-if-un-recognizes-palestinian-state-1.352423>

¹¹ <http://www.israelnationalnews.com/News/News.aspx/142671>

¹² *ibid*

¹³ <http://news.bbc.co.uk/2/hi/7118937.stm>

¹⁴ <http://www.commentarymagazine.com/article/seven-existential-threats/>

sections of the political spectrum, left, right and centre. The letter noted that:

“The government of Israel continues to undertake unilateral measures on the ground that will prejudice the outcome, if not prevent the possibility of substantive negotiations on many of the final status issues”.

The letter also urged the EU to refer the matter to the United Nations if no progress is made before April 2011.¹⁵

5.1 Practical Steps – European Union

The steps that could be taken by the EU to apply real pressure are obvious. In particular, it is essential that the EU honour its commitments under the terms of the EU-Israel Association (Euro-Med) Agreement and suspend its preferential trading relationship with Israel. 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”¹⁶.

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”¹⁷.

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. Israel’s continuing denial of the Palestinian right to self-determination, and the violence it routinely uses to enforce that denial, clearly represent a violation of democratic principles and respect for human rights. As Israel’s most important trading partner,¹⁸ the European Union has a powerful tool at its disposal to ensure progress towards a just peace settlement.

The Euro-Med Agreement is not the only example of special treatment being granted to Israel by the EU. The European Commissioner for Research, Innovation and Science, Maire Geoghegan-Quinn, has approved technology grants to Israeli arms companies whose weapons have been used to attack Palestinian civilians. Israel is one of the main beneficiaries of a programme for scientific research established by the EU, which can draw on €53 billion of funding. Israel expects to receive at least €500m from the programme by

¹⁵ <http://www.irishtimes.com/newspaper/world/2010/1211/1224285303585.html>

¹⁶ http://ec.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf

¹⁷ *ibid*

¹⁸ <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/israel/>

2013.¹⁹ [source this] The Commissioner's spokesman has admitted that the technologies developed with EU support will ultimately be used for military purposes:

"We don't fund military projects. However, probably the majority of our projects have direct or indirect military applications".²⁰

Ending such collaboration would send a powerful message to Israel that its abuse of human rights will not be overlooked.

EU leaders including David Cameron and Nicolas Sarkozy have argued that it would be intolerable for Europe to "stand by" while the Libyan regime of Colonel Gaddafi kills civilians. Unfortunately, the very same governments now taking military action in Libya have repeatedly stood by while Israel has carried out its own massacres of Palestinian civilians.

This double standard cannot be allowed to continue. Nobody is asking the EU to send fighter jets and cruise missiles to defend the Palestinians. By applying robust economic and diplomatic pressure on Israel, the European Union can make a decisive contribution to the long search for peace in the Middle East and help end a conflict that has spawned violence and instability for decades. The Irish Government must take the lead in demanding such action.

5.2 Practical Steps - Ireland

While pressing for such measures at a European level, the Irish Government can also take steps of its own without any need for EU consensus.

The IPSC urges the Irish Government to investigate companies operating from or trading in Ireland who may be involved with human rights abuses in occupied Palestine. The government could then bring pressure on these companies to cease their illegal activities by excluding them from government investments and public contracts.

One way to investigate alleged complicit companies is through the Joint Oireachtas Committees such as Foreign Affairs Committees or Enterprise, Trade and Innovation Committees. Their deliberations would be used to influence government policy.

Complaints against complicit companies could also be investigated by the National Contact Point of the OECD in Ireland. The OECD has guidelines for multinational businesses which include human rights.

The IPSC demands that the Irish Government excludes any company found to be complicit with Israel's violations of human rights from public procurement tender lists.

This would include companies such as Veolia who currently provide water services to county

¹⁹ <http://www.tribune.ie/news/international/article/2010/jun/27/geoghegan-quinn-to-decide-on-eu-grant-to-makers-of/>

²⁰ *ibid.*

and city councils and operate the Luas light rail in Dublin. They are also part of one of the consortia bidding for the lucrative multimillion Metro North project in Dublin. By excluding complicit companies the Irish government would send out a strong signal to multinationals that Ireland will not do business with companies involved with human rights abuses anywhere in the world.

This would also include Israeli Arms manufacturers who over the last number of years have won multi million euro contracts to supply assorted weaponry and technology to the Department for Defence. Many of these companies supply weaponry to the Israeli Defence Forces which are used in the illegal occupation of Palestine, the siege of Gaza, and are used directly to perpetuate the ongoing human rights abuses of the Palestinian people.

The Irish Government can also have a positive impact by developing a strong ethical and moral criteria for its investments. It should exclude any complicit company from the National Pension Reserve Fund. Currently the NPRF has no ethical or moral criteria for its investments. We urge the government to follow the lead of Norway whose pension fund has a strong ethical basis for its investments. The NPRF contains significant CRH equity. CRH have an unethical investment in Israel's sole cement producer. Given the International Court of Justice's ruling on the illegality of the Separation Wall and illegal settlements, CRH's unethical investment would be sufficient to exclude it from the pension fund.

If the Irish government were to take such a step it would provide a lead for other institutions such as the churches and trade unions to divest from CRH. The negative publicity arising from these divestments would likely bring sufficient investor pressure to bear on CRH to divest from its operations in Israel.

9th May 2011

*Daniel Finn,
Political Officer
Ireland-Palestine Solidarity Campaign*