



WOMEN FOR PALESTINE
MELBOURNE - AUSTRALIA

Is lasting peace in the Middle East achievable?

address by Gretta Duisenberg

to students of the University of Utrecht

October 2006

For me, personally, the defining moment was the 28th of September 2000. On that day, Ariel Scheidermann (also known as Ariel Sharon, 1928) paid a visit to the Temple Mount. It is home to the third most holy place of Islam. It is the site of the Dome of the Rocks and the Al-Aqsa mosque. He was accompanied by a police force of some strength. In this way, he deliberately provoked Palestinians. The provocation by this aggressive, 'non-negotiation' politician was well planned and the damage was done. The Second Intifada began.

This brutal act of aggression revealed beyond any doubt the real intentions of Israel: taking as much as possible of Palestinian territory. Destroying the Palestinian community and identity - though well disguised in shrewd propaganda - was the logical consequence. Untold misery was - and is - inflicted on these defenseless people. I am deeply

ashamed to admit: the Western world continues to condone, and even to actively support these misdeeds.

That is the reason why I got involved in active support of the Palestinian cause. That is how the movement *Stop the Occupation* was started. This goal, however, cannot be seen in isolation. It is part and parcel of a much wider context: how to make lasting peace in the Middle East a reality. And this is the very topic I would like to analyze and discuss with you today.

We are trying to grasp the essence of the conflict in the Middle East. It seems to be a highly complex problem. I hope to be able to convince you that it is not terribly complex and certainly not a confusing subject. I even hope to demonstrate that lasting peace is feasible.

Two themes take center stage. One is international law. The other is Israel. Both in Israel and beyond, more and more people understand what the main problem is. It is expansionistic Israel itself.

I would like to discuss three topics with you:

- Israel;
- international law; and
- a new, and different, roadmap towards lasting peace in the Middle East.

1. Israel

Let us try and have a hard, and a non-emotional, look at Israel. When we look at the facts, what does emerge?

Israel is, geographically speaking, a small country at the fringes of the Mediterranean. Its population is equally fragmented as it is notoriously fractious. Israel has been a migration destination in the aftermath of the Second World War for citizens of many European countries.

The democratic deficit is noteworthy. Considerable inequality in political, economic and social rights exists between Jewish groupings

of different geographical descent (Western Europe, Russia, the Arab world). Bedouins and the Arab Israelis are living in even worse conditions than the Israeli Jews dwelling in the lower segments of society. Israel does not separate church and state. Hence Jewish democracy, with exclusive rabbinical power over birth, marriage and death, is an impossible combination.

Economic activities rest on a well-developed military/industrial complex and a sophisticated services industry (although tourism lies in tatters). Agriculture is of limited importance. Israel does not possess mineral resources of any significance. Israel is highly dependent on external military and economic aid, mostly from private and official sources in the United States and, in the context of the Israeli-Palestinian conflict, directly and indirectly from Europe. One may assume that the country, without these inputs, should be considered a failed state.

From a foreign policy perspective, constant in Israel's aims has been the fulfilment of the Zionist ideal of creating a Jewish State, the Palestinian territories included. With this in mind, Israeli policies are aimed at systematically destroying the identity of the Palestinian people in a comprehensive and decades long strategy. All indicators show Israeli refusal to make peace with the Palestinians. That would mean the end of the Zionist dream. If allowed to continue, this aim will be achieved within some ten years.

The Palestinians will be permanently deprived of their present and their future.

However, it is widely believed - even in Israel - that this policy is unsustainable in the long run. Nonetheless, the United States actively supports this destructive regime and the European Union doggedly condones and even finances it.

Another constant feature in Israeli foreign policy is weakening surrounding Arab states and Iran, if perceived necessary, with military might. Just look at Israel's wars and be aware that Israeli historians see them now as provocations. In the recent past, Israel successfully rallied the USA and the European Union behind this bogus policy in the case of Iraq. The Lebanon was an easy target enough for the fourth military might and the second air force in the world to deal

with it on its own. The fate of Syria and Iran still hang in the balance. Needless to say that this kind of foreign policy - like its Zionist expansionist policies - is a blind alley as well.

The USA applies a doctrine. The US-administration labels selected countries as 'Rogue States'. These countries possess weapons of mass destruction illegally, suppress large populations, torture, keep people in detention on a large scale and commit murder outside their national borders. Presently, the USA considers Syria, Iran and North Korea to be in this category of the Axis of Evil.

Israel possesses weapons of mass destruction, including nuclear bombs illegally. It has adopted as a strategy the execution of land and water grabs, the destruction of Lebanese and Palestinian infrastructure (including in education and health), the carrying out of extraterritorial executions, torture, collective punishments and keeping thousands of Palestinians and Lebanese imprisoned indefinitely without charge or prosecution. An estimated 240 women and 130 children languish in Israeli prisons. They, too, are being tortured. On the basis of the definition developed by the USA, Israel has ever since its establishment been a monumental Rogue State and a highly active member of the Axis of Evil.

In conclusion, Israel is by far the most dangerous factor. In the post-Saddam era, Israel positions itself without any doubt first-place in violating international law in the Middle East region. It is unstable as a result of internal developments, is a danger to the region and a threat to worldwide political stability. Worse even, Israel's decades long regional policies may, ultimately, prove self-destructive.

No solution of the conflict of Israel with its Arab neighbours seems to be in sight. The most important reasons are the structural refusal to make peace on the Israeli side and lack of compliance of peace initiatives like Madrid, Oslo and Geneva, with international law.

2. Lasting peace in the Middle East?

Yet, I do not want to dwell too long on the negative aspects of the conflict. I rather want to say that the entire international community should take its responsibility and force Israel into civilized, peaceful

behaviour. I belong to the so-called Western world. So, logically, I try to influence politicians in this part of the world, especially in Europe. Also Europe has to answer the question if an Israel with this regime belongs to the community of civilized nations. If not - and of course it is not - what should the European Union do?

Now, I can zero in on the central question: is lasting peace in the Middle East feasible? You may be surprised: the answer is yes. But I hasten to add: *provided that*

- *provided that* the Western world comes to its senses;
- *provided that* core values and norms take center stage;
- *provided that* normal, objective analysis replaces European guilt-feelings for the Holocaust and punctures the hot-air balloon of Israeli propaganda in Israel itself and in our very own countries;
- *provided that* all countries of the European Union recognize the State of Palestine (as a number of them already did).

3. International Law

The most important "*provided that*" is summarized in just two words: international law.

The only yardstick for non-biased judgment of the Middle East conflict and the chances of lasting peace is international law in its many forms and shapes.

For a start, no less than 33 Security Council Resolutions have in vain tried to call Israel to order. The USA and Europe have limited themselves to empty gestures. The Western world allows Israel what it denies countries like Iraq, Iran and the Lebanon. Of particular importance is Resolution 242 of 1967, which instructs Israel to withdraw from all Arab territories and orders to respect the territorial integrity of nations (such as the Lebanon).

A multitude of other relevant international law is in force:

- the Preamble of the United Nations Charter (*attached to this paper*);

- the laws regarding wars emanating from the The Hague Conferences on peace in 1899 and 1907;
- humanitarian law as laid down in The Fourth Geneva Convention;
- many Treaties and Declarations on universal human rights and on the rights of children.

The International Court of Justice (ICJ) in The Hague - the supreme international authority administering justice - made history in its Advisory Opinion of the 9th of July 2004 on '*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*'. The Court authorized Palestine participation at the peace negotiations on an equal footing with Israel. In other words, it thus acknowledged Palestine as partner in the conflict. The Court rejects the argument that the Wall is necessary for self-protection as well as it is being established on Palestine territory, as argued by Israel. That country must demolish the Wall and pay compensations for damages inflicted. The Palestine territory is 'occupied' and not 'contested', as Israel advanced. The settlements constitute a violation of international law. This denies Israel the legal grounds to negotiate the annexations of the occupied territories, East Jerusalem included. The ICJ confirmed that the international treaties on universal human rights as well as conventions on humanitarian law apply.

This Opinion is not just an opinion. It states **existing international law**. It is devastating for Israel and the Security Council. According to the ICJ, the Council failed in its first and foremost duty: maintaining international peace and security. The Court is of the opinion that the UN should redouble its efforts towards a speedy solution, taking this Opinion into account. The ICJ thus reconfirmed the validity and applicability of the international rule of law.

The USA and Israel rejected the ICJ Opinion even before they knew its contents. Both countries have thereby acknowledged that international law is not on their side.

4. A new, and different, roadmap to lasting peace

As we saw, Israel is expansionist, disdains international law, occupies large sections of Palestine, Syrian and Lebanese territories unlawfully, robs water-supplies from Palestine and Jordan on a large scale, commits state terror on a daily basis and is - measured by the relevant US-definition - a picture-perfect rogue state. Moreover, the country constitutes a constant threat for its Arab neighbours and Iran.

The country, as the main problem in the Middle East, is more harmful to Europe than to the USA. It will not be easy for America to change tack on Israel, and certainly not in the short run. Moreover, heavily biased America is useless as an honest broker in this conflict.

Hence, Europe must ditch the dishonest broker. The EU must - and can - take the lead. It can make the difference between turmoil and peace in the Middle East, provided the political will and perseverance are there. The instruments to enforce peace are at hand.

Taking all the instruments of international law as the guiding principle, Israel is obliged to do the following.

Israel must immediately apply the The Hague rulings on war of 1899 and 1907 and the Fourth Geneva Convention. In this way, its military aggression will end and give the Palestinians the necessary protection against military violence and the constant abuse by heavily armed, illegal colonists. Israel must - on the basis of Security Council Resolution 242 of 1967 - give up all Arab occupied territories forthwith and fully honour the directives contained in the Advisory Opinion of the International Court of Justice.

In addition, under international law, Israel needs to:

- dismantle its weapons of mass destruction in a verifiable manner, receiving internationally guaranteed borders instead;
 - recognize the State of Palestine on all pre-1967 territory;
 - evacuate all settlements;
 - repatriate all illegal colonists forthwith to Israel;
 - dismantle the illegal wall and pay for damages inflicted;
 - free all Palestinian and Lebanese prisoners;

- stop the siege of Gaza on land, in the air and at sea completely;
- refrain from attacking Palestinian targets: human beings, buildings and other kinds of infrastructure;
- end the identification system for Palestinian citizens;
- refrain from any form and act of aggression and violation of the integrity of all neighbouring states.

Failing to do so promptly, Israel will have to face the consequences. The European Union should launch a massive, but peaceful set of sanctions. I just mention a selection of the most important measures:

- propose the suspension of Israel's membership of the United Nations;
- propose an Israel Tribunal in The Hague in the UN Security Council. Top-politicians (the key-decision makers in this criminal regime), top military brass (who instruct soldiers to kill Palestinian and Lebanese citizens where no declared state of war exists) and judges (who rule torture within the law), will be called to account on war crimes and crimes against humanity to the international community from a prison cell in The Hague. (The USA will veto it. Making the point is nonetheless of utmost importance.);
- these selected politicians, military top-brass and judges should also be prosecuted in the courts of those European member states that provide the legal base, such as France, Germany, Great Britain, The Netherlands, Spain and Sweden;
- in cases of dual nationality with European countries, Israeli citizens will be prosecuted in the International Criminal Court (ICC) in The Hague for offences against the universal human rights and humanitarian law, committed after the 1st of July 2002 (the date the ICC came into force.).
- as it is Israel's legal obligation, the EU stops financing Palestine, thus ending subsidizing Israel's mechanisms of suppression;
- Israel will be excluded from cooperation with NATO and other forms of military cooperation. A comprehensive weapons embargo will be enforced;

- the Association Treaty with the European Union will be suspended, commodities, services and capital barred from import and exportation into the EU;
- Israel will be denied access to the Galileo project, the European GPS-system. Israel will thus be denied access to highly sophisticated technology that would enable its Defence Forces to commit extra-territorial murder with even more precision;
- all Israeli deposits in the European Union will be frozen;
- all infrastructure and buildings in the Israeli settlements are to be handed over in excellent condition. These assets fall short by a long way for full compensation to the Palestinian people. These are considered to be a first installment for reparation payments.
- reparation payments of many billions of euros serve as compensation for material and immaterial damage inflicted on the Palestinian people since 1st January 1968, the date by which Israel could reasonably well have withdrawn from the occupied territories on the basis of Security Council Resolution 242 of 1967. Reparation payments in the billions of euros are also required in the case of the Lebanon;
- visas for Europe will be imposed on all Israeli citizens. These will be issued carefully and selectively. In this way, selected Israeli politicians, top military brass and judges will be denied access to the EU. Living in the occupied territories and seizing Palestinian properties constitute a war crime under the Fourth Geneva Convention. All Israeli citizens living in occupied territories are barred from entering Europe, also when in transit.

My forecast is:

Israel will listen and climb down within two years and lasting peace will come in sight.

5. The hard questions

And, finally, now the hard questions:

Is this scenario realistic?

It certainly is. But remember, essential are the many *provided that's*. As we saw, many conditions must be met in Europe from the outset: down-to-earth analysis, our values and our norms, political will and political determination.

Is this scenario likely to happen?

Yes, it is. If not in the short run, then in a somewhat more distant future. But certainly in our lifetime. The basic arguments are:

- that present Israeli policies are ultimately self-destructive;
- that the level of European tolerance with Israel is running dangerously low; dangerous for the present Israeli leadership; and
- that, ultimately, international law and justice will prevail.

After Israel has climbed down, has lasting peace been achieved?

No, certainly not. However, the most important step towards lasting peace is, and will be, *discipline Israel first*.

Am I a dreamer or a realist?

I am both. I have a dream of a Middle East, where Israel lives in harmony and in peace with its neighbours. I know for sure that the conditions will come to achieve just that. It solely depends on the wisdom and statesmanship of political leaders to grasp and hold on to that unique opportunity.

Thank you for your patience and for your attention.

Gretta Duisenberg is the wife of a prominent Dutch banker (who passed away recently). She had the courage to raise the Palestinian flag in her home which created quite a stir at the time. She is now being barred from entering the country.

Web link

<http://www.haaretz.com/hasen/spages/705215.html>