Seeking Peace Between Israel and the Palestinians through International Law

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What is wrong with this picture?
What kind of conflict is this?

Gaza Protest
Museumplein
Amsterdam
21 July 2014

More importantly ... how is it regarded abroad?
Occupied Territories
Are these the borders??

Golan (Syria)
West Bank and East Jerusalem
Gaza

A border conflict?
Home made Qassam rocket

Israeli F16s

A military conflict?
A religious conflict?

Al-Qassam Martyrs Brigades

Jewish Orthodox settlers (Kach, Kahane)

Orthodox Jewish Soldiers

Martyred fighter

Ezrah
Swimming pools in the settlements →
Settlers = 10%
Israel = 73%

A conflict over resources?
A political conflict?
A symmetrical conflict?
(there is violence by both sides, but...)

A ... symmetrical conflict?
448 Palestinian children in Gaza alone

Source: American educational trust
Outline

I. How did we get here?
II. How is international law relevant?
III. Why is context important?
IV. Comparisons with South Africa
V. How do we get out of this mess?
I. How did we get here?
Fragmentation ... viability of two state solution...?
Redrawing of borders

Path of the Separation Wall

Source: B’tselem
Closure of borders
Extending border closures

Gaza Occupation

Seam zone

and

Fishing limits
Concretising the borders

Situation in Jerusalem: Annexation and *The Wall*

Jerusalem municipality tears down Palestinian home, built without official permission
Latest ... 2018 Nation-State Law

© Olivier Fitoussi
II. Relevance of International Law?

International Court of Justice
Right to Self-Determination

Palestinians fleeing their homes in 1948

Arrival of new Jewish immigrants in 1949
Impasse

Aliyah
(construction of Jewish people)

Nakba
(massive dispossession of indigenous inhabitants)
Fragmentation ... two state solution...?
Hebron

Apartheid?
Apartheid? Adalah claims it is ...

South Africa in 1980s

West Bank in 2000s
Elements of the crime of apartheid

(1) inhumane acts
(2) institutionalized regime
(3) systematic oppression and domination
(4) one racial group over any other racial group(s)
(5) intention of maintaining that regime
III. Why is context important?

Palestinians fleeing violence in 1948
Settlements / Colonisation

Jewish-only settlements

(Since Oslo “accords” in 1993, settlements have TRIPLED, and continue ... “land for peace”?)
Settler Violence

Source: Rights Forum
Hebron

Protection for whom?

Road construction through centre of Old Hebron
Protests in Israel – we are all nationals

© Awad/Reuters
Refugees

... still refugees in 2012.

Refugees from 1948 ...

Shatilla camp, Lebanon
IV. Comparisons with South Africa

Passbook in South Africa (UN)

Passbook in Israel-Occupied Palestine (Markus Cuel)
Some comparisons between South Africa and Israel-Palestine

- Denial of basic human rights
- Forceful territorial occupation and annexation
- Systematic socio-economic marginalisation
- Planned assassinations
- Disregard for the rule of law
- Confrontation with an overwhelming police and military force
The Spectre of the Right-Wing

- Controlling the right-wing

*Must be involved in peace negotiations*

Afrikaaner Weerstaandsbeweging (AWB)

Jewish Settlers
Some distinctions to be made
Importance of Perspective

• Perspective of white South African different than a black South African’s

• Perspective of an Israeli different than a Palestinian’s

• Key to finding a successful political settlement involves:
  • understanding the true nature of the divide and
  • finding bases for compromise on both sides

• Do either of these factors exist ... ?
V. Future ... towards a just peace?
What led to change in South Africa?

- Building of trust (un-banning) and overcoming internal objections (those resistant to change)
- Mutual respect for international law
- Involvement of all parties (across spectrum)
- Negotiated process for peace negotiations, including mechanisms for breaking a deadlock, based on international law
- Keeping the spirit of change alive – struggle transferred to the negotiations process
Elements of SA Peace Process

Clear set of **principles** in force

Respect for **dignity** and **equality**

Addressing relative **imbalance in power** and **access to information**

**Accountability** encouraged, backed up by the international community

- *incentives* (donor assistance and political support)
- *disincentives* (reductions in donor assistance and sanctions)

- Palestinian people with right to self-determination
- Israel is occupying power with legal obligations
- Settlements / wall are illegal
- Numerous violations of international law / HR
ICJ Advisory Opinion

Court declared all states under obligation:

• not to recognize the illegal situation

• not to render aid or assistance to illegal situation

• to ensure compliance by Israel
Palestinian referral to ICC

Source: Coalition for the International Criminal Court
Corporate complicity

A Palestinian child wets himself as he is taken into custody by Israeli soldiers

Source: Defence for Children International
Other forms of Mobilizing International Law

© George Latuff
Awareness & Solidarity

Source: Boycott From Within (Israeli social movement)
Understanding the Palestinian Narrative

© Omar Sameer
People must determine ... their own future!

How to emerge from the impasse?

1) Learn from previous experiences

2) Better understanding / enforcement of international law

3) Look to other institutions

4) Consider who else may be responsible

5) Mobilize international law (can be creative!)

6) Generate awareness and solidarity

7) Understand Palestinian narrative (not just Israeli narrative)