

How to argue the case

General Points

- * The case is overwhelming that Israel is a “rogue state” that
 - has occupied militarily large swathes of territory not its own for more than forty years – the West Bank, including East Jerusalem, Gaza and the Syrian Golan Heights;
 - treats with contempt its obligations under international law and agreements it has signed, for example, UN Security Council resolutions, the Fourth Geneva Convention, the Euro-Mediterranean Partnership agreement (aka the Barcelona Declaration), the EU-Israel Association Agreement (aka the Euro-Med Agreement), the Road Map, and the Agreement on Movement and Access.

- * For example, Israel is in breach of more than 30 Security Council resolutions that require action by it and it alone, many more than any other UN member state. If Israel had implemented these resolutions, it would have
 - removed all Jewish settlements from the West Bank, including East Jerusalem,
 - reversed its annexations of East Jerusalem and the Golan Heights, and
 - allowed the International Atomic Energy Agency (IAEA) to inspect its secret nuclear facilities.

- * There is no need for exaggeration in making the case that Israel is a “rogue state”. The evidence is overwhelming. All that is necessary is to state basic facts, calmly and precisely, over and over and over again.

- * Generally speaking, tirades against Israel and/or its supporters are counterproductive for changing doubters into supporters. Tirades will be dismissed as coming from partisan opponents of Israel. There is a much better chance of convincing sceptics if you state basic facts about Israel’s behaviour, calmly and precisely.

- * If possible, try to back up statements by quoting from sources that are generally accepted as reliable. Israeli sources are especially good, because it is difficult to challenge their validity. Failing that, quote highly regarded public figures (eg Jimmy Carter or Mary Robinson or Richard Goldstone) or institutions (eg Human Rights Watch or Amnesty International or various UN organisations).

- * When responding to a protagonist, select the point or points that can be easily refuted and ignore the rest, even though they may be equally invalid. Keep it short and snappy.

- * A statement that merely makes general assertions about Israel’s innumerable breaches of international law is unlikely have any impact on doubters. As far as possible, try to be specific and describe the Israeli actions that constitute a breach and quote from the convention or resolution that has been breached.

- * Try to demonstrate that these breaches have a significant impact in Palestine. For example,

- if Israel wasn't in breach of any Security Council resolutions, there would be no Jewish settlements in Occupied Palestinian Territory, East Jerusalem wouldn't be annexed and Israel's secret nuclear facilities would be open to IAEA inspection;
- if Israel had implemented the Agreement on Movement and Access, there would be free movement of goods and people in and out of Gaza, bus and trucks convoys operating between Gaza and the West Bank, a functioning airport and seaport in Gaza and fewer barriers and checkpoints on the West Bank.

And finally

- * Always mention that the heart of the problem is Israel's military occupation of Palestinian territory for over 40 years
- * Stick to making the case against Israel and for Palestinians: don't be distracted on to any other issue.

Specific points

*** Friends of Israel frequently ask why is Israel demonised**

Answer: Israel is unique in this world in having been in military occupation of large swathes of territory not its own for more than forty years – the West Bank, including East Jerusalem, Gaza and the Syrian Golan Heights. Not only that, it has planted around half a million of its own citizens into the territory it occupies, contrary to Article 49 of the 4th Geneva Convention, and to Security Council resolutions 446, 452 and 465. And has annexed East Jerusalem and the Golan Heights, again contrary to a raft of Security Council resolutions.

No other state in this world has behaved in this manner. That's why it's demonised – but not half enough.

*** Israel the only democracy in the Middle East?**

Israel likes to describe itself as “the only democracy in the Middle East”. How can it possibly justify describing itself as a democracy when it has ruled over millions of Palestinians in the Occupied Territories since 1967, without according them any democratic rights? Jews who live in West Bank settlements can vote in elections to the Knesset, but Palestinians living in the West Bank can't.

That demonstrates a 40-year record of contempt for democracy rather than a commitment to it and is akin to the voting system that operated in apartheid South Africa.

Isn't it time for one person, one vote in the Knesset for everybody who lives between the Jordan and the Sea and is governed from the Knesset?

*** Palestine Legislative Council elections**

A great irony about Israel's claim to be the only democracy in the Middle East is that it has refused to accept the result of democratic election on its doorstep – the elections to the Palestinian Legislative Council in January 2006, elections that were widely agreed to

be free and fair, in which Hamas won 74 out of the 132 seats in the Council (and won a majority of the seats both in the West Bank and in Gaza).

*** Israel's failure to implement UN Security Council resolutions**

Israel's failure to implement more than 30 UN Security Council resolutions should be a prominent feature of propaganda in Ireland for a number of reasons:

- The UN is well regarded in Ireland and there is a general feeling that it should be obeyed.
- UN members are obliged under Article 25 of the UN Charter to "to accept and carry out the decisions of the Security Council", the UN's highest body. In other words, Security Council resolutions are binding on UN members (whereas General Assembly resolutions are not).
- The present Irish Government is committed in its Programme for Government to "continue Ireland's strong support for the primacy of the UN in international affairs" – which is impossible if UN members, such as Israel, refuse to obey Security Council resolutions.
- No politician in the Oireachtas would publicly disagree with the proposition that Security Council resolutions should be obeyed.
- Even the US Government wouldn't publicly disagree with the proposition that Security Council resolutions should be obeyed. President Bush told the UN General Assembly on 12 September 2002: "We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced."
- It is impossible for Israel to defend its failure to obey UN Security Council resolutions.
- The US/UK justified their invasion of Iraq in 2003 in part because, they said, Iraq was a "rogue state" which had failed to implement a mere nine Security Council resolutions demanding that it get rid of its "weapons of mass destruction" – as we now know, Iraq had got rid of its "weapons of mass destruction".

[See Sadaka Fact Sheets: *UN Security Council resolutions contravened by Israel and Correspondence with the Israeli Embassy in London on UN Security Council resolutions being violated by Israel*]

*** Jewish Settlements in the West Bank, including East Jerusalem**

The West Bank, including East Jerusalem, has been under Israeli military occupation since 1967. Article 49 of the Fourth Geneva Convention, to which Israel is a party, bans an Occupying Power from transferring its own civilian population into territory it occupies.

Despite this, Israel has transferred around 500,000 Jewish settlers into this territory and it is continuing to do so. The Security Council demanded in resolutions 446, passed in March 1979, that the transfer cease and the settlers be removed. Israel's failure to comply with this resolution prompted further resolutions – 452 on July 1979 and 465 on March 1980 – demanding compliance. Israel has refused to comply.

If Israel had carried out the decisions of the Security Council as it is supposed to do as a UN member, there would be no Jewish settlements in the West Bank, including East Jerusalem.

*** Nuclear facilities under IAEA safeguards**

In June 1981, the Security Council passed resolution 487, which demanded Israel open its nuclear facilities to inspection by the International Atomic Energy Authority (IAEA). Israel has refused to comply. Unlike Iran's nuclear facilities, which are open to international inspection, Israel's are cloaked in secrecy.

*** Annexation of East Jerusalem**

Israel annexed East Jerusalem in 1967. In May 1968, the Security Council passed resolution 252 demanding that Israel reverse this annexation. Israel's failure to comply with this resolution prompted further resolutions – 267 in July 1969, 271 in September 1969, 298 in September 1971, 476 in June 1980, and 478 in August 1980 – demanding the reversal of its annexation of East Jerusalem.

Israel has refused to comply as it is supposed to do as a UN member.

*** Annexation of the Golan Heights**

In December 1981, the Security Council passed resolution 497 demanding that Israel reverse its annexation of the Golan Heights, which were captured from Syria in June 1967.

Israel has refused to comply as it is supposed to do as a UN member.

*** Breaching the UN Charter**

Article 2.4 of the UN Charter states:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

Hardly a day passes by without Israel threatening to use force against some state or group in the Middle East. These days, Iran is the main target for its threats but Lebanon and Syria are also mentioned from time to time. Israeli war planes regularly enter Lebanese airspace contrary to Article 2.4 of the UN Charter.

[See Sadaka Fact Sheet: *Israel's contraventions of the UN Charter*]

*** The Wall**

In July 2004, the International Court of Justice ruled that the construction of the Wall is “contrary to international law” and ordered Israel to dismantle it. In August 2004, the UN General Assembly passed a resolution by 150 to 6 demanding that Israel comply with the Court's ruling. Ireland, and all other EU states, supported the resolution. Only Australia, Israel, Marshall Islands, Micronesia, Palau and the United States opposed.

Nevertheless, Israel refuses to comply with the Court's ruling and continues with the construction of the wall.

[See Sadaka Fact Sheet: *The Wall*]

*** Israel and the International Criminal Court**

Israel likes to describe itself as a country governed by the rule of law. But it doesn't accept the jurisdiction of the International Criminal Court. Why not?

The EU says its relations with Israel are based on "shared values". Given that all EU members accept the jurisdiction of the ICC, shouldn't the EU be pressing Israel to sign up to the ICC?

*** Systematic discrimination against Israeli Arabs**

Israel has engaged in systematic discrimination against its Arab minority since the foundation of the state. Former Israeli Prime Minister, Ehud Olmert, has also said so in respect of employment. Giving evidence to a parliamentary commission of inquiry on 11 November 2008, he said:

"We have not yet overcome the barrier of discrimination, which is a deliberate discrimination and the gap is insufferable"

He continued:

"... there are government agencies who employ a miniscule number of Israeli Arabs, among them the Bank of Israel and Israel Electric Company. There is no argument that there were ministries and offices that did not accept Arabs. It's terrible that there is not even one Arab employee at the Bank of Israel and at the Electric Company Arab workers represent less than one percent of all employees."

*** Gaza**

Despite its "disengagement" from Gaza in August 2005, Israel remains in "effective control" and is therefore the Occupying Power, within the meaning of the Fourth Geneva Convention.

Under Article 55 of the Convention, as the Occupying Power, it is supposed to look after the welfare of the people of Gaza. It doesn't.

Under Article 33 of the Convention, it's not supposed to engage in "collective punishment" of people under occupation. It does: the people of Gaza as whole, including political opponents of Hamas, are being punished in order to put pressure on Hamas.

In November 2005, Israel signed up to the Quartet-sponsored Agreement on Movement and Access. In it, Israel agreed the crossings on the Israel-Gaza border would "operate continuously". They haven't. Israel also agreed to the re-opening of the Gaza airport, the construction of a seaport in Gaza, bus and truck convoys between Gaza and the West Bank and fewer barriers and checkpoints in the West Bank. None of this has happened.

[See Sadaka Briefing Paper: *Gaza: Israel's obligations* and Sadaka Fact Sheet: *The Agreement on Movement and Access*]

*** Operation Cast Lead**

Israel told a big lie when it said that it had no alternative but to launch Operation Cast Lead against Gaza in December 2008, in order to stop rocket firing out of Gaza by Hamas. In fact, that problem had been solved by the Egyptian-brokered ceasefire,

which Hamas honoured to the letter from 19 June to 4 November 2008. Israel broke the ceasefire on 4 November 2008, when the world was watching the election of Barack Obama. To protect its citizens from rockets fired out of Gaza, all it needed to do was to observe the ceasefire.

[See Sadaka Briefing Paper: *The Israel-Hamas ceasefire (19 Jun 2008 – 4 Nov 2008)*]

* **The Road Map**

The Road Map is another agreement that Israel signed up to (in May 2003), but refuses to honour. This laid down three conditions that Israel had to fulfil before the start of negotiations about a two-state solution

- make a public commitment to an independent, viable, sovereign Palestinian state,
- dismantle all settlement outposts erected since March 2001, and
- freeze all settlement activity, including natural growth

Israel hasn't fulfilled any of these.

[See Sadaka Fact Sheet: *The Road Map*]

* **Israel accepted the UN partition plan in 1948?**

Israel constantly says that Jewish leaders accepted the UN General Assembly partition plan in 1948 and, had Arab leaders done likewise, a settlement would have been possible then.

In reality, Jewish leaders didn't accept the partition plan. Had they done so, Israel would now exist in the 56% of mandate Palestine that the plan allocated to a Jewish state (even though Jews made up around a third of the population and owned less than 6% of the land) and Jerusalem would be under international control.

Instead, the Jewish state was expanded by force to include 78% of Palestine, including western parts of Jerusalem. To ensure that Jews were numerically dominant in the expanded Jewish state, nearly all the Arabs — around 750,000 — were expelled from it into the rest of Palestine and the surrounding Arab states, where they and their descendants live today. Over 500 Arab villages were destroyed so that those expelled had no homes to return to.

[See Sadaka Fact Sheet: *The historic wrong against the Palestinian people*]

* **A two-state solution?**

Is a two-state solution possible? That depends on Israel. Since March 2002, the basis of a complete settlement between Israel and the Arab world has been on the table. Then, meeting in Beirut, the Arab League agreed that Arab states would normalise relations with Israel, providing an independent Palestinian state was established in the West Bank, including East Jerusalem, and Gaza (that is, the 22% of Palestine that Israel has occupied militarily since 1967). The Israeli government has never responded to this Arab proposal.

It is difficult to avoid the conclusion that Israel is simply unwilling to pay the price of achieving the settlement on offer in this Arab proposal, that is, the end of its occupation of the West Bank, including East Jerusalem, and Gaza and the creation of a Palestinian state on that territory.

It is often said, not least by Israel, that Hamas is committed to destroying the Israeli state and would therefore resist such a settlement that left an Israeli state in existence. In fact, there is good reason to believe that Hamas would be prepared to accept a settlement along these lines. Its leader, Khaled Meshaal, told the Wall Street Journal on 31 July 2009:

“We along with other Palestinian factions in consensus agreed upon accepting a Palestinian state on the 1967 lines. This is the national program. This is our program. This is a position we stand by and respect.”

The Wall Street Journal report continues:

“Khaled Meshaal ... said in a 90-minute interview at Hamas's Syrian headquarters that his political party and military wing would commit to an immediate reciprocal cease-fire with Israel, as well as a prisoner swap that would return Hamas fighters for kidnapped Israeli soldier Gilad Shalit.

“He also said his organization would accept and respect a Palestinian state based on 1967 borders as part of a broader peace agreement with Israel—provided Israeli negotiators accept the right of return for millions of Palestinian refugees and the establishment of a capital for the Palestinian state in East Jerusalem.”

So, it appears that, if Israel was prepared to withdraw to its 1967 borders, there would be a good chance of a comprehensive settlement between Israel and its Arab neighbours.

Note that the Arab League plan was endorsed by the Organisation of the Islamic Conference, which has 57 member states, including Iran.

[See Sadaka Briefing Paper: *Is a “two-state solution” still possible?*]

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