

Foreign Affairs Committee Enquiry

The Israeli-Palestinian conflict

Written submission by Jews for justice for Palestinians (IPC0026)

We are Jews for Justice for Palestinians. With some 2,750 members, we are the largest Jewish peace group in the UK or Europe. Our principles and range of advocacy work can be viewed on our website, jffjp.com. We are submitting evidence because we want our government to take a lead in mobilising the international community to end the Israeli occupation of Palestinian land so the Palestinians can exercise their right to self-determination.

Question 1

“What can – and should – the UK do, in cooperation with regional and international partners, to help bring about a ceasefire?”

1a. The UK should join with other Security Council members in crafting a ceasefire resolution in the UN Security Council.

1b. In order to be credible, that resolution will have to include a mechanism to govern Gaza after a ceasefire has been declared. The UK should, with other countries, support the Palestinian Authority in cooperating with Palestinian factions to oversee an administration of technocrats to govern Gaza until a unified Palestinian government over all the occupied territory can be achieved.

1c. There is common belief in Israel that the Israeli government, acting on the orders of Prime Minister Netanyahu against the wishes of the Israeli military leadership, has been the obstacle to a ceasefire agreement. Accordingly, the UK should cease granting export licenses for any weapons capable of being used for large scale offensive operations.

1c1. This primarily concerns components manufactured in the UK for the F-35 fighter aircraft. Allowing export to third countries which will allow onward export to Israel is not permissible. The government knows they do allow export to Israel.

1c2. That production of the components is part of the worldwide F-35 production program does not absolve the UK of its responsibility, pursuant to the ruling of the International Court of Justice on 26 January 2024, not to allow export of weapons that are the means of Israel plausibly committing genocide.

1d. The UK should immediately place sanctions on Israel until it agrees to a ceasefire. Two sanctions that could be applied immediately are suspension of the tariff concessions enjoyed by Israeli exports to the UK and suspension of import of any Israeli products emanating from the occupied Palestinian territories.

1e. The UK should unambiguously support the decisions of both the International Court of Justice (ICJ) and the International Criminal Court (ICC) relating to the Israeli-Palestinian conflict. Government policy so far has been mixed.

1e1. ICJ Advisory opinion: “Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”

1e1a. The previous government intervened on Israel's behalf in the ICJ case. The government stated that the two parties had agreed on a negotiating framework (the Oslo process) for resolving their conflict, and also that the core issues were not justiciable. Therefore, it claimed, ICJ should decline to exercise its jurisdiction.

1e1b. That claim was without merit because the negotiating framework had demonstrably failed. The PLO, in its intervention supporting the request to the ICJ, demonstrated that Israel had failed to honour the stated intentions of the negotiating framework, and therefore the applicants were well within their rights to apply for an Advisory Opinion and the Court to give it.

1e1c. The current government abstained on the UN General Assembly resolution welcoming the ICJ opinion. In explaining the abstention, our Ambassador said, "The United Kingdom has done so not because we do not support the central findings of the ICJ's Advisory Opinion but rather because the resolution does not provide sufficient clarity to effectively advance our shared aim of a peace premised on a negotiated two-state solution, a safe and secure Israel alongside a safe and secure Palestinian state."

1e1d. This explanation was unconvincing for three reasons. First, the double negative raises the question of whether the UK really does support "the central findings". Second, the Court's opinion concerned the legality, or otherwise, of what Israel has done, and the Palestinians legal rights to remedies. The Court was not asked to provide a negotiating blueprint, and could not have done so. Third, by prioritising negotiations over rights, law and accountability, the UK gave the false impression that the two parties were equally responsible for the conflict.

1e1e. Both the previous government's intervention in the case and the present government's unconvincing support of the advisory opinion will give the Israeli government confidence that, as far as the UK is concerned, it can continue flouting international law with impunity.

1e2. ICC arrest warrants for Netanyahu and Gallant

1e2a. On the positive side, the Prime Minister's official spokesman said "The government would fulfil its obligations under the act and indeed its legal obligations.", and would "always comply with its legal obligations as set out by domestic law and indeed international law".

1e2b. Also on the positive side, the current government did not take up the option requested by previous government to intervene in the case on Israel's behalf.

1e2c. On the negative side, when asked if the arrest warrants would be activated if either man came to the UK, the spokesman refused to comment on "hypotheticals". Both the Home Secretary, Yvette Cooper, and the Foreign Office minister, Hamish Falconer, declined to answer the question, referring instead to the UK having a domestic legal process to activate in that circumstance.

1e2d. Despite what is cited in 1e2a and 1e2b, the government's refusal to confirm that it would activate the arrest warrants will have the same effect on Israeli perceptions as the abstention on the ICJ opinion in the UN vote.

1f. Our government should recognise the State of Palestine, preferably jointly with other countries such as France and Australia.

1f1. The State of Palestine is now recognized as a sovereign state by 146 of the 193 member states of the United Nations. It is also a non-member state of the United Nations.

1f2. Most important in international relations is the recent recognition by EU member states, Sweden, Spain, Ireland and Slovenia, and recognition by Norway.

1f3. Recognition by more influential countries would send a further and much stronger signal to Israel that it cannot continue denying Palestinians their right to self-determination and flouting international law indefinitely.

1f4. The present government has said it is committed to recognition, but will do so at the time most conducive for the long-term prospects for peace. That time is sooner rather than later in order to strengthen the signals Israel.

Question 2

“What can be learned from the record of UK Government policies to date?”

2a. The UK’s policies on the Israeli-Palestinian conflict to date have been a mixture of the effective and the ineffective. The majority have been in the latter category.

2a1. Policies that have been effective

2a1a. Support for resolutions in the UN Security Council has largely been effective. In particular, the UK delegation was instrumental in drafting Resolution 2334 in December 2016, which reaffirmed the illegality of the settlements in every respect.

2a1b. Joining a number of EU member states and the United States for 20 years in issuing demarches to Israel was effective in preventing Israel from making strategic land seizures in the E1 area of the West Bank that would have foreclosed the possibility of creating a viable Palestinian state. As of now, the seizures have not taken place.

2a2. Policies that have been ineffective and harmful.

2a2a. The “2030 roadmap for UK-Israel bilateral relations“, produced by the previous government, was not only ineffective in advancing a solution to the conflict, it was positively harmful because it contributed to Israel’s sense that it can continue denying the Palestinians their rights and flouting international law, and at the same time continue enjoying extremely favourable treatment from the UK. It completely ignored the occupation, the settlements, and the suppression of Palestinian rights. It treated serious criticism of Israeli policies as “disproportionate” or proof of antisemitism. Its only reference to Palestine or Palestinians is this single sentence: “We will cooperate in improving Palestinian livelihoods and Palestinian economic development.”

2a2b. The “Economic Activity of Public Bodies (Overseas Matters)” bill, proposed by the previous government, would have had the same effect had it come into law. This Bill sought to remove the right of public bodies to make their own decisions on whether or how to take ethical considerations regarding foreign countries into account in purchasing and investment decisions. Moreover, it also sought to penalise advocacy for ethical decisions or any statement by an official that they would have taken a decision on ethical grounds had they been allowed to do so.

2a2c. Despite its generalised title, the Bill was obviously aimed at protecting the State of Israel from boycotts and divestments in protest against its prolonged occupation of Palestinian

territory and infringement of Palestinian rights. That was clear from the fact that the Secretary of State will be able to issue a derogation for any country except Israel, thereby giving Israel an unprecedented protection from civil society campaigning against human rights abuses, afforded to no other country.

2a3. With the exception of the two policies described in 2a1 above, UK policy has been to criticise Israel for certain policies which break international law so obviously that they cannot be ignored, such as settlement expansion and the continuing blockade of Gaza. The criticisms can be in strong terms but they are never accompanied by sanctions on Israel or even by suspension of preferential treatment. Most western and European Union countries have the same policy. The consequence has been that Israel continues to occupy the Palestinian territories and expand the settlements.

2b. The lesson from the record of UK policies is clear. Rhetorical criticism of Israeli policies, not backed up by action, has no effect. Criticism backed up by action can have an effect. Restraint was successfully imposed on Israel when a group of Important countries, including the UK, thought it important enough to make credible threats of consequences if Israel didn't desist. That difference is not surprising, considering that the Jewish Israeli political class, except for a very small party on the left, wants to keep the occupied Palestinian territories permanently.

2c. Israel is being incentivised to continue the occupation as long as the threats of consequences are only sporadic and only concern specific issues. While Israel continues to enjoy the benefits of preferential treatment in western countries, the occupation and its attendant violence will continue.

2d. Moreover, absent pressure from the US and other countries, the Jewish Israeli political class has historically shown itself willing to repeatedly avoid meaningful negotiations to end the occupation, despite Jewish Israeli casualties in the recurring violence that results from Palestinian resistance. In their eyes, those casualties have been acceptable. The much, much greater Palestinian casualties do not seem to trouble them.

2e. There have, however, been two instances of serious negotiations following prolonged hostilities with significant Jewish casualties as well as very high Palestinian casualties, coupled with US pressure on Israel. In both cases, a far-sighted Israeli Prime Minister was in office. Both instances are important as indications of a possible future willingness to negotiate an end to the occupation.

2e1. The first instance was Prime Minister Yitzhak Rabin and the two Oslo Accords.

2e1a. In Oslo 1, signed in 1993, Israel recognised the Palestinian Liberation Organisation as the "sole legitimate representative" of the Palestinian people, the PLO recognised Israel, and both sides pledged to end the conflict and create a Palestinian state.

2e1b. In Oslo 2, signed in 1995, Areas A, B and C were created in the West Bank, the Palestinian Authority was given some limited powers and responsibilities in areas A and B and, and a prospect of negotiations based on Security Council Resolutions 242 and 338 was agreed. The major issues of borders, the status of Jerusalem, the Israeli settlements and the refugee issue were left to "final status negotiations" in five years.

2e1c. Rabin was assassinated six days after he signed Oslo 2 by a member of the Jewish supremacist Kahanist group that was opposed to any concessions to the Palestinians. The Oslo Process was subsequently wrecked by the Israeli extremist terror attack in the Hebron

mosque, Hamas terrorist retaliation and, most of all, Netanyahu's bad faith on becoming Prime Minister in 1996. We can never know what would have happened if Rabin had lived.

2e2. The second instance was Prime Minister Ehud Olmert and the Annapolis process in 2007 and 2008.

2e2a. Israel and the PLO, led respectively by Olmert and PLO Chairman Abu Mazen, were negotiating an end to the conflict. The negotiations included the status of Jerusalem and a land swap to accommodate the built up-areas of the big Israeli settlements near the Green Line while maintaining the 78%-22% split of the land created by the ceasefire lines of 1967 and established in international law by Security Council Resolution 242.

2e2b. Olmert lost the Kadima Party leadership in September 2008 and resigned as Prime Minister. The Annapolis process was formally suspended in January 2009 when Israel invaded the Gaza strip. They were never resumed after Netanyahu's victory in the Israeli election in February 2009.

2f. Oslo occurred after the First Intifada and Annapolis occurred after the Second Intifada.

2f1. The First Intifada lasted from 1987 to 1991, and continued at lesser intensity until 1993.

2f1a. The First Intifada was a sustained series of protests, acts of civil disobedience and riots carried out by Palestinians in the Israeli-occupied Palestinian territories and Israel. Israel deployed some 80,000 soldiers in response. Israeli countermeasures, which initially included the use of live rounds in cases of riots, were criticized by Human Rights Watch as disproportionate and excessive in the use of lethal force.

2f1b. According to official Israeli statistics, during the whole six-years some 200 Israelis were killed, more than half being soldiers. 1,700 soldiers, and 1,400 civilians were injured. During the same period, according to B'tselem and Human Rights Watch, between 1,000 and 1,200 Palestinians were killed, of whom 240 were children. Some 120,000 were injured.

2f1c. The Madrid Conference that led to Oslo was held in 1991. In addition to the pressure on Israel resulting from the Intifada, the American Administration insisted on Israel agreeing to the conference before releasing an \$11 billion loan guarantee to Israel to help it absorb Russian immigrants.

2f2. The Second Intifada lasted from 2000 to 2005.

2f2a. The Second Intifada was a sustained, major uprising by Palestinians against Israel and its occupation. Palestinians engaged in gunfights, stone-throwing, rocket attacks and suicide bombings, mainly targeting Israeli civilians. Israel responded with massive repeated attacks on Palestinian towns and refuge camps.

2f2b. According to B'tselem, more than 1,000 Israelis were killed, some 70% of them civilians. Also according to B'tselem, nearly 5,000 Palestinians were killed. Some 35% were combatants and 46% non-combatants, with the status of the remaining 19% unknown.

2f2c. Pre-conference negotiations before the Annapolis Conference started in June 2007. Negotiations continued after the Annapolis conference itself on 27 November 2007 and continued for a year afterwards.

2f2d. In addition to the pressure on Israel resulting from the Second Intifada, the American Administration at the time had created the Quartet and the “Roadmap for Peace” in 2002 in response to the first two years of the Second Intifada.

2g. The horrendous violence of the Hamas attack on Israeli civilians on 7 October 2023 and Israel’s even more horrendous subsequent 15 months war on Gaza could conceivably lead to serious negotiations to end the occupation. That would require a far-sighted Israeli leader and Knesset to be elected, and the UK and other important countries insisting that Israel negotiates meaningfully to end the occupation.

Question 3

“How can the UK assure the resilience of efforts to bring about a lasting peace at a time of uncertainty caused by conflicts elsewhere and changes in leadership in the international community?”

3a. Ending the Israeli-Palestinian conflict will require ending the Israeli occupation so the Palestinians can exercise their right to self-determination. In view of the strong Israeli motivation to maintain the occupation and eventually create Greater Israel, determined pressure will have to be brought on Israel so that it negotiates meaningfully to end the occupation.

3b. In order to have an effect, the UK will have to make common cause with other willing states. For the next few years, those states are unlikely to include all EU member states or the United States.

3c. The European Union and the United States have always had the leverage to put substantial economic pressure on Israel. They each take about one-third of Israeli exports – tariff free. The UK, although much diminished because of leaving the EU, still takes Israeli exports tariff-free and is still an influential country in international relations. Suspending the tariff concessions until Israel agrees to end the occupation would be a powerful sanction.

3c1. However. The EU has never used its economic leverage because some member states have always refused to support applying pressure on Israel. That has rendered the EU unable to even consider applying the Human Rights clause (Clause 2) of the EU-Israel Association Agreement in order to suspend the tariff concessions.

3c2. That is not about to change because Italy, Hungary, Sweden and the Netherlands all now have either right-wing populist governments or coalition governments dominated by populist right-wing parties. They all support Israeli policies.

3c3. Donald Trump fully supported Israeli expansionism in his first term as President of the United States, and will no doubt do so again in his second term.

3d. The pressure will have to include recognition of the State of Palestine, commitment to implement of the ICC arrest warrants, support of strong Security Council resolutions, boycott of Israeli products from the oPT, and, if necessary, suspension of tariff concessions on imports from Israel itself.

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