

## Ending Impunity in the Holy Land

by Andrea Dessì

Simmering tensions in occupied East Jerusalem have thrust the over half-a-century old Israeli occupation back into the international limelight. After years of neglect and in the wake of a highly destabilising Trump administration, this latest explosion of violence was tragically predictable and largely preventable if only the international community would end double-standards and embrace international law when it comes to Israeli–Palestine.

The latest escalation will have important implications on internal Palestinian and Israeli politics as well as on broader efforts to de-escalate regional tensions. They have also damaged the credibility of the Biden administration, whose pledge to support multilateralism and human rights is difficult to reconcile with Washington's blocking of successive calls for an immediate ceasefire by the UN Security Council.<sup>1</sup> European

member states, meanwhile, also share responsibility for present circumstance and should not be let off the hook.<sup>2</sup>

The failures of a thirty-year "peace process" run by the US but effectively bankrolled by the EU<sup>3</sup> have been put on clear display by the fourth major Israeli military offensive on the besieged Gaza Strip since late 2008. As US Secretary of State Antony Blinken visited the region to consolidate a fragile ceasefire, the European Union and its member states were conspicuously absent from the scene. While this is not surprising, given the EU's traditional subservience a US-dominated "peace process",<sup>4</sup> sticking

<sup>1</sup> Fawaz A. Gerges, "Biden's Israel Problem", in *Project Syndicate*, 20 May 2021, <https://prosyn.org/0kaGnxH>.

<sup>2</sup> Andrea Dessì, "Europe and the Israel-Palestine Conflict: A Call for Coherence", in *IAI Commentaries*, No. 17|24 (November 2017), <https://www.iai.it/en/node/8480>.

<sup>3</sup> Dimitris Bouris, *The European Union and Occupied Palestinian Territories. State-Building Without a State*, London/New York, Routledge, 2014.

<sup>4</sup> Andrea Dessì, "The Trump Vision and the Israelization of US Middle East Policy", in *LSE USAPP Blog*, 28 February 2020, <https://wp.me/>

*Andrea Dessì is Head of the Italian Foreign Policy Programme, Senior Fellow within the Mediterranean and Middle East at the Istituto Affari Internazionali (IAI) and Director of the IAI Commentaries series.*

to a business as usual approach is fundamentally harmful to EU interests and will not advance peace in the Holy Land.

In a similar vein, utilising internal EU divisions as cover<sup>5</sup> for not having a political role is no longer credible.<sup>6</sup> This is particularly true considering Brussels's lofty ambitions for strategic autonomy and ongoing trends of US retrenchment from the Middle East, which inevitably will imply greater responsibilities for the EU in its direct neighbourhood.

Present conditions require a significant change of pace. Confronting the reality of occupation and Israel's matrix of legal mechanisms that promote state-sponsored discrimination of the Palestinians should be placed at the centre of any engagement. It is these policies that fuel the conflict and it is precisely these mechanisms that led Human Rights Watch<sup>7</sup> to join other Israeli<sup>8</sup> and international organisations<sup>9</sup>

p3I2YF-9Is.

<sup>5</sup> "Hungary Blocks EU Declaration on Israel-Palestine Ceasefire", in *Euractiv*, 19 May 2021, <https://www.euractiv.com/?p=1606114>.

<sup>6</sup> United Nations Human Rights Council, *Human Rights Council Establishes International Commission of Inquiry to Investigate Violations in the Occupied Palestinian Territory, including East Jerusalem, and in Israel*, 27 May 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27119&LangID=E>.

<sup>7</sup> Human Rights Watch, *A Threshold Crossed. Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, <https://www.hrw.org/node/378469>.

<sup>8</sup> B'Tselem, *A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid*, 12 January 2021, <http://www.btselem.org/node/213260>.

<sup>9</sup> Richard Falk and Virginia Q. Tilley, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, Beirut, United Nations,

in condemning Israeli practices as an apartheid-like system of domination over the Palestinians.

### *Apartheid exposed*

Just as Israel unilaterally extended the municipal boundaries of Jerusalem to exclude densely populated Arab-Palestinian neighbourhoods in 1967,<sup>10</sup> the ongoing forcible expulsion of Palestinian residents from Sheikh Jarrah, the Old City of Jerusalem, Silwan and many other neighbourhoods are grounded in the same political objective – illegal under international law – of diluting the Palestinian presence in the city to consolidate Jewish control.<sup>11</sup>

The same rationale explains the continued expansion of illegal Israeli settlements in the occupied West Bank, an effort to establish facts on the ground, colonise natural resources and separate "built-up Palestinian areas", thereby preventing the emergence of a viable Palestinian state.<sup>12</sup> Discriminatory tactics are also being deployed against Palestinian minority within Israel. Accounting for 20 per cent of the population, the Palestinian minority effectively live as second-class citizens compared to Jewish Israelis. As carefully documented by the Legal Center for Arab Minority Rights in Israel (Adalah),<sup>13</sup> and clearly

2017, [https://opencuic.lib.siu.edu/ps\\_pubs/9](https://opencuic.lib.siu.edu/ps_pubs/9).

<sup>10</sup> Ir Amin website: *Jerusalem as a Political Issue*, <https://www.ir-amim.org.il/en/node/640>.

<sup>11</sup> B'Tselem, *East Jerusalem*, updated 27 January 2019, <http://www.btselem.org/node/210511>.

<sup>12</sup> B'Tselem, *This Is Ours – And This, Too. Israel's Settlement Policy in the West Bank*, March 2021, <http://www.btselem.org/node/213343>.

<sup>13</sup> Katie Hesketh et al., *The Inequality Report. The Palestinian Arab Minority in Israel*, Haifa, Adalah, March 2011, <https://www.adalah.org/>

laid bare by the Netanyahu-backed "Nation-State Law", which formalises discrimination in Israel's quasi-constitution,<sup>14</sup> such practices are again geared towards preserving a regime of Jewish-Israeli domination in a not too subtle effort to encourage Palestinian emigration.

While differences do exist between the treatment of Palestinians in the occupied West Bank, Gaza, East Jerusalem and within Israel proper, it is growing increasingly hard to ignore the effective "one-state reality" of "Jewish supremacy from the Jordan River to the Mediterranean" highlighted by the Israeli human rights organisation B'Tselem.<sup>15</sup> It is this reality of discrimination, structural colonial violence and asymmetry that needs to be addressed.

### *Restoring international law*

Flimsy justifications for the "eviction" of Palestinian residents from occupied East Jerusalem, what Israeli officials seek to depict as a "property ownership dispute", can no longer hide the reality of Israel's policy of demographic engineering through state-sanctioned discrimination of the Palestinians. Thirty years of EU engagement on Israel–Palestine can similarly no longer hide Europe's de facto complicity in Israel's occupation.

[en/content/view/7404.](#)

<sup>14</sup> Peter Beaumont, "EU Leads Criticism After Israel Passes Jewish 'Nation State' Law", in *The Guardian*, 19 July 2018, <https://www.theguardian.com/p/92f9k>.

<sup>15</sup> B'Tselem, *A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea...*, cit., p. 1.

For over five decades, stateless Palestinians have been asked to trust the international community, abandon armed resistance in favour of diplomacy, cooperate with Israel and accept considerable concessions for a promise that their rights would someday be fulfilled via the establishment of an independent state. After three decades of "peace process" and rampant colonisation of the occupied West Bank and East Jerusalem, now home to about 700,000 Jewish settlers,<sup>16</sup> such promises are understandably hard to reconcile with reality.

Under such conditions, instances of locally-led resistance will continue. No amount of repression will deflate Palestinian struggles for collective and individual rights. Focussing on Hamas rocket fire from Gaza, rightfully condemned as a breach of international law, cannot excuse the abject silence that envelops the daily abuses suffered by Palestinians, the punitive bombing of Gaza or continuing provocations in occupied East Jerusalem.

European member states should understand that continued diplomatic cover for Israeli policies only serves encourage impunity, particularly given that much of the Israeli establishment, and definitely Benjamin Netanyahu, is not interested in a negotiated end to the occupation.<sup>17</sup>

<sup>16</sup> Mohammed Haddad, "Mapping Israeli Occupation", in *Al Jazeera*, 18 May 2021, <https://aje.io/fndjq>; Human Rights Watch, *A Threshold Crossed*, cit., p. 81 and 108.

<sup>17</sup> Marwan Bishara, "Why Netanyahu Thinks America Is Stupid", in *Al Jazeera*, 20 May 2021, <https://aje.io/sw426>.

Against this backdrop, the European Union or a key grouping of member states should proactively change course.<sup>18</sup> Efforts should promote democratic accountability in Palestine via support for elections and real intra-Palestinian reconciliation between the West Bank and Gaza. Such movement also implies revisiting the EU's no-contact policy with Hamas and enhancing pressure on the Palestinian Authority (and Israel, Egypt and the United Arab Emirates) who have all opposed such reconciliation.

The EU should further move towards demanding accountability for violations of UN Security Council resolutions, as well as internal EU laws and regulations. Rather than opposing the International Criminal Court's war crimes investigation targeting both Israel and Hamas,<sup>19</sup> Europe should utilise such means to strengthen accountability and the rules based order<sup>20</sup> that is fundamental to European interests and security.

Ultimately, there is a need to confront the reality of an Israeli establishment that has grown accustomed to impunity given that no costs are extracted for its expanding occupation. Sanctioning

Israel's settlement-industrial complex and its network of international supporters therefore emerges as an indispensable component of any engagement, particularly if the EU is serious in its avowed support for Palestinian rights and self-determination.

Regrettably, leaders in Europe are well behind the curve when to reviewing policies on the conflict.<sup>21</sup> The last weeks have made it abundantly clear however that a business as usual approach – precisely that which has guided the Biden administration and Europe during the recent escalation – will not make headway.

A fundamentally new approach is needed. One that is grounded in multilateralism and support for the United Nations and does not shy away from demanding accountability for flagrant violations of international law. Only in this way will Europe break free from its complicity in the occupation and add a degree of much needed coherence and credibility to its ambitions for strategic autonomy and peace and stability in the Middle East.

1 June 2021

<sup>18</sup> Daniela Huber, "A New Venice Declaration from a 'Coalition of the Lead Donors' on Israel/Palestine", in *IAI Commentaries*, No. 19|30 (April 2019), <https://www.iai.it/en/node/10253>.

<sup>19</sup> International Criminal Court, *Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine*, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>.

<sup>20</sup> Balkees Jarrah, "Gaza Hostilities Underscore ICC's Role", in *HRW News*, 20 May 2021, <https://www.hrw.org/node/378769>.

<sup>21</sup> Andrea Dessì, "Double Standards on Palestine Will Come Back to Haunt the EU", in *Social Europe*, 31 May 2021, <https://socialeurope.eu/double-standards-on-palestine-will-come-back-to-haunt-the-eu>.

### Istituto Affari Internazionali (IAI)

The Istituto Affari Internazionali (IAI) is a private, independent non-profit think tank, founded in 1965 on the initiative of Altiero Spinelli. IAI seeks to promote awareness of international politics and to contribute to the advancement of European integration and multilateral cooperation. Its focus embraces topics of strategic relevance such as European integration, security and defence, international economics and global governance, energy, climate and Italian foreign policy; as well as the dynamics of cooperation and conflict in key geographical regions such as the Mediterranean and Middle East, Asia, Eurasia, Africa and the Americas. IAI publishes an English-language quarterly (*The International Spectator*), an online webzine (*Affarinternazionali*), three book series (*Global Politics and Security*, *Quaderni IAI* and *IAI Research Studies*) and some papers' series related to IAI research projects (*Documenti IAI*, *IAI Papers*, etc.).

Via dei Montecatini, 17

I-00186 Rome, Italy

Tel. +39 066976831

[iai@iai.it](mailto:iai@iai.it)

[www.iai.it](http://www.iai.it)

## Latest IAI COMMENTARIES

Director: Andrea Dessì ([a.dessi@iai.it](mailto:a.dessi@iai.it))

- 21 | 27 Andrea Dessì, *Ending Impunity in the Holy Land*
- 21 | 26 Silvia Colombo and Dario Cristiani, *Libya as a Transatlantic Litmus Test for European Strategic Autonomy*
- 21 | 25 Nicolas J.A. Buchoud, *Re-synchronising Infrastructure Investment and Sustainable Development: Priorities for Italy's G20 Presidency*
- 21 | 24 Fabrizio Lobasso, *Italy and Africa: "Value Oriented Diplomacy" in Action*
- 21 | 23 Anahita Motazed Rad, *Can Negotiations and Diplomacy Break the US–Iran Impasse?*
- 21 | 22 Alice Politi, *How Green is China's Belt and Road Initiative?*
- 21 | 21 Nicoletta Pirozzi, *The Conference on the Future of Europe: Tackling Differentiated Integration*
- 21 | 20 Vedran Džihic and Paul Schmidt, *The Plight of the Western Balkans Is a Wake-up Call for Europe*
- 21 | 19 Lorenza Errighi, *COVID-19 and the Global Vaccine Race*
- 21 | 18 Flavia Fusco, *De-Securitising and Re-Prioritising EU-Iraq Relations*