

Session 2

Israel's War in Gaza: Humanitarian Crisis and Prospects for Peace?



Moderator

Imran Garda, Presenter, TRT World

Speakers

Gideon Levy, Journalist, Haaretz

Ambassador Dr. Husam Zomlot, Head, Palestinian Mission to the United Kingdom

John Dugard, Professor of Law; Former UN Special Rapporteur on Human Rights in Palestine

Evarist Bartolo, Former Minister for Foreign and European Affairs, Republic of Malta

Key Takeaways

- International law and institutions, including the International Criminal Court, have failed to effectively address the atrocities in Palestine and hold perpetrators accountable for war crimes and human rights violations.
- The United States, along with some European states, tends to prioritise its interpretation of a “rules-based international order” over adherence to established international law, particularly concerning Israel’s actions in Gaza.
- The narrative of self-defence used by Israel is challenged, with emphasis placed on the enforcement of occupation rather than genuine self-defence against Hamas.
- The United States’ refusal to recognise the jurisdiction of the International Criminal Court undermines accountability efforts and demonstrates a prioritisation of national interests over international justice.
- Criticism is directed towards the lack of meaningful action by the European Union in challenging harmful US policies and advocating for accountability regarding the atrocities in Palestine.
- Despite international efforts and legal mechanisms, the prospects for significant change or compliance from the United States and Israel remain uncertain, highlighting ongoing challenges in achieving justice and peace in the region.

Summary of the Session

The session titled “Israel’s War in Gaza: Humanitarian Crisis and Prospects for Peace?” engaged in a thorough examination of the Israeli-Palestinian conflict, shedding light on the multifaceted failures within the international community and legal institutions. Participants articulated the significant shortcomings of international law and institutions, notably the International Criminal Court, in effectively addressing and holding accountable those responsible for war crimes and egregious human rights violations in the context of the conflict. Criticism was levied against the United States and certain European states for prioritising their interpretation of a “rules-based international order” over the established norms of international law, particularly evident in their responses to Israel’s actions in Gaza.

Moreover, the narrative of self-defence employed by Israel faced scrutiny, as participants underscored the perceived emphasis on the enforcement of occupation rather than genuine

self-defence against Hamas. The United States’ refusal to recognise the jurisdiction of the International Criminal Court was highlighted as a significant obstacle to accountability efforts, signalling a prioritisation of national interests over international justice. Additionally, the European Union was criticised for its perceived inaction in challenging harmful US policies and advocating for accountability within the Israeli-Palestinian conflict.

Despite concerted international efforts and legal mechanisms, achieving justice and sustainable peace in the region remains elusive, with ongoing challenges persisting. The session underscored the urgent need for a re-evaluation of international responses and a renewed commitment to upholding the principles of justice, accountability, and human rights in resolving the Israeli-Palestinian conflict and advancing prospects for lasting peace in the region.

Gideon Levy

Journalist, Haaretz

Gideon Levy is an Israeli journalist and author in the newspaper Haaretz. Levy has received awards for his articles on human rights in the occupied areas, including Israel's prestigious Sokolov Award in 2021. Levy started his career in 1974 when he was drafted into the Israeli Defence Forces (IDF) and served as a reporter for Israel Army Radio. From 1978 to 1982, he worked as an aide and spokesman for Shimon Peres, the leader of the Israeli Labour Party at the time. In 1982, he began writing for the Israeli daily Haaretz, becoming a deputy editor from 1983 to 1987. Since 1988, he has written a column called "Twilight Zone," focusing on the hardships faced by Palestinians. In 2004, Levy published a compilation of articles titled "Twilight Zone – Life and Death under the Israeli Occupation." He also co-edited the documentary series "Whispering Embers" with Haim Yavin, exploring Russian Jewry after the fall of communism. In addition to his written work, Levy hosted a weekly talk show called "A Personal Meeting with Gideon Levy," broadcast on Israeli cable TV channel 3. He has also made periodic appearances on other television talk shows.



- This session is about to take an hour. In this hour, four Palestinian children will be killed in Gaza. Every 15 minutes there's a child killed in the last two months. In this hour, at least ten Palestinians will be killed in Gaza. At least 20 or 30 or 40 will lose their homes forever. It is now 6:10 in Gaza. Children, adults, old people, and sick people are looking for shelter for the night. We have to face it emotionally before anything else because all those political analyses, appreciations and legal questions are very important. But we have to remember that by the time that we are sitting here, a catastrophe is taking place.
- The Israeli public opinion is not exposed to most of the atrocities. You'll be amazed to see the Israeli agenda, the Israeli discourse now. TV, all commercials and private newspapers, no censorship, almost no censorship. They are showing day and night but only the Israeli agony and there is an Israeli agony. There are hostages, 1200 people were murdered, there were most probably rapes. There were horrible things with horrible victims who lived among us or in Gaza or in cemeteries. But Israel is concentrated only in them. None of the images from Gaza are exposed to an Israeli average to an average Israeli, nothing. For 55 years, they never showed the occupation and now they don't show the Bloodbaths in Gaza, which enabled us again, Israelis, to feel what we usually feel. First, we are the victims and the only victims. Secondly, the Israeli army is the most moral army in the world.
- At the end of the day, it's crucial to recognise that Israeli society largely aligns when it comes to issues of occupation and apartheid. This consensus transcends traditional left-right divides, encompassing figures like Smotrich, Ben-Gvir, Lapid, Netanyahu, and others. Regardless of political affiliations, most Israelis endorse the continuation of governing over others, albeit with variations in rhetoric and future projections. Ultimately, there's little deviation in this fundamental stance. Therefore, it's unrealistic to anticipate significant shifts from Israeli society on these matters.
- Don't expect the Israelis to wake up one morning, look out the window, and suddenly realise that apartheid and occupation are unjust. This epiphany won't occur spontaneously. Change will only come when Israelis are held accountable for their actions, when they face consequences for their crimes, and when they understand the connection between their policies, dehumanisation, brutality, and their comfortable lives in Israel. Only then might there be a chance for meaningful progress toward ending these injustices.

Husam S. Zomlot

Ambassador, PhD; Head, Palestinian Mission to the United Kingdom

Ambassador Dr Husam S. Zomlot is the Head of the Palestinian Mission to the United Kingdom. Prior to his appointment to the UK, Dr Zomlot served as Ambassador to the United States (Head of the PLO General Delegation to the United States), and Strategic Affairs Advisor to the Palestinian President. Dr Zomlot's previous official roles include serving as Ambassador-at-large for the Palestinian Presidency and Director of the Fatah Foreign Relations Commission.

Dr Zomlot holds a PhD in economics from the University of London, was a professor of strategy and Public Policy at Birzeit University, where he co-founded and chaired Birzeit School of Government, and held a number of teaching and research positions at Harvard University and University of London. His professional experiences include working as an economist at the United Nations and an Economic Researcher with the London School of Economics and the Palestine Policy Research Institute.

- The world has failed because the essence of the rules-based post-World War Two international order is premised on three things. Firstly, war should never be the first option. Secondly, hence comes the Security Council. Thirdly, if war becomes an option, there are rules for these conflicts. Number three, these conflicts and their rules should be followed by accountability, i.e. the ICC and the ICJ. However, Israel has made an absolute mockery of these three main provisions of international law. Not only has Israel violated international provisions, but it has also bombed the UN. More UN workers have been killed in Gaza over the last few weeks than in the entire history of the United Nations.
- You are all witnessing this global movement, a massive movement for Palestine and against Israel, calling for a ceasefire in London, New York, all over Brussels, Asia, Africa. Because people worldwide have seen in the last eight weeks or so that this is not just about oppressing the Palestinian people. It's affecting the security and stability of the entire region. It's undermining the very order we built together to sustain global peace and security. This is impacting the very principle of liberal democracies because now Israel is dragging the West into its immoral orbit.

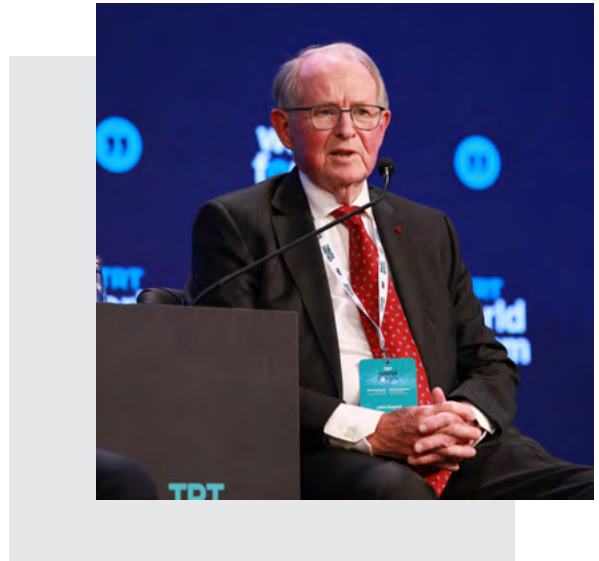


- This is the only military occupation, a repressive colonial occupation, that believes they are the victims in a way, in a way, the Israeli mindset. And I don't mean the entire people. It's the establishment, the government, and the military. "Oh, we have to occupy them. These Palestinians, they make us kill them." This sentiment is echoed in various statements.
- People are being slaughtered, primarily families, children, women, and grandparents. They are being starved and displaced, with nowhere to go and nowhere to return to. Israel has made it clear that this is a deliberate strategy to render Gaza uninhabitable. Our priority should be an immediate, permanent ceasefire to halt these atrocities. We must mobilise international will and pressure towards this goal. Additionally, we must unequivocally condemn the ethnic cleansing occurring on a large scale in Gaza and to a lesser extent in the West Bank.
- We need to redefine peace now. Peace cannot mean security for one side or the continuation of the status quo. Peace is challenging—it requires justice and political will. We need figures like De Clercq, not just Mandela, to achieve peace. But I believe peace is possible if it's based on justice. When I see the global movement rallying around the Palestinian flag's colours—red, white, green, black—as symbols of fighting injustice, and when I see Palestinian cultural symbols like coffee and scarves uniting people in the pursuit of justice, I feel hopeful. We have many sources of hope to turn this struggle towards justice.

John Dugard

Professor of Law; Former UN Special Rapporteur on Human Rights in Palestine

John Dugard is a professor of law who lived in South Africa during the apartheid era where he actively opposed apartheid. He now lives in The Netherlands. He was a member of the UN International Law Commission and has served as a Judge ad-hoc of the International Court of Justice. He chaired international fact-finding missions into the violation of human rights by Israel in the Second Intifada and in its attack on Gaza in 2008-9. From 2001 to 2008 he was UN Special Rapporteur on Human Rights in Palestine. Today he provides legal advice and publishes on Palestine.



- We should acknowledge that international law has also failed the international community. Firstly, the Security Council has failed significantly, and for this, we must hold the United States and to some extent, the United Kingdom accountable. Additionally, the General Assembly shares some responsibility, as it could have utilised its recommendation powers more effectively and broadly. When comparing resolutions and recommendations on apartheid South Africa with those on Israel, the disparity is evident. For instance, the General Assembly has yet to pass a resolution recommending an arms embargo against Israel, which should be a fundamental step forward.
- Another institution that has significantly failed the international community is the International Criminal Court (ICC). In 2014, Palestine attained non-member observer state status at the United Nations and became a party to the ICC. Subsequently, in 2018, Palestine filed a complaint against Israel before the ICC. In 2021, the court ruled that it has jurisdiction to consider the matter and should initiate an investigation. However, since then, the ICC has deliberately and regrettably failed to address the issue of Palestine, despite its legal obligations.
- Without hesitation, Israel has committed multiple war crimes and crimes against humanity. Furthermore, one must seriously consider the issue of genocide.

The statements made by Israeli officials and cabinet ministers indicate an incitement to genocide, demonstrating evidence of an intention to destroy a people in whole or in part. When examining the facts of the Gaza war, one can infer an intention to destroy a substantial part of the Palestinian population, constituting the crime of genocide. Therefore, it is imperative to start considering the crime of genocide more seriously in this context.

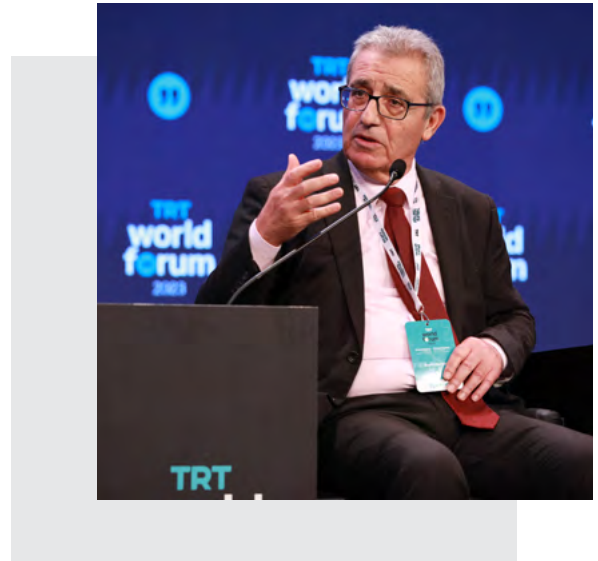
- We do face a problem today in that the United States and, to a lesser extent, the United Kingdom and some other European states no longer talk about international law. They say they are bound by something called the rules-based international order, which is essentially the American interpretation of international law. So, you find the Americans and the usual suspects saying Israel was entitled to use self-defence against Hamas and against the people of Gaza. But this is not a case of self-defence; it is simply an enforcement of the occupation. Hamas is a resistance movement in an occupied state. It is not entitled to use all means of force to pursue that resistance. So, Hamas has committed crimes in the process. Nevertheless, Hamas must be seen as a resistance movement. Israel is enforcing the occupation by suppressing that movement. It is not engaged in self-defence.

Evarist Bartolo

Former Minister for Foreign and European Affairs, Republic of Malta

Evarist Bartolo is a Maltese politician within the Labour Party, and until very recently, he has served as the Minister for Foreign and European Affairs. He previously served as Malta's Minister for Education and Employment.

In 1975 Bartolo graduated from the University of Malta with a B.A.(Hons) degree in English Literature. In 1984 he was awarded a scholarship for a diploma course in journalism at Stanford University. He read for a Master's in Education at the University of Cardiff, which he completed in 1986. Over the years, Evarist Bartolo has championed civil liberties as well as civil and social rights.



- What is happening now is that the United States, which often presents itself as a champion of human rights, the rule of law, and democracy, is being revealed for what it truly is. The emperor has no clothes. Similarly, the EU, whose acronym interestingly begins with "EU" as well, has been completely impotent in challenging the harmful policies of the United States.
- We must remember that the United States does not recognise the authority of the International Criminal Court, and neither does Israel. Hence, the Dutch joke about an act called the "Evade the Hague Act," referring to a US law that allows intervention to free any American brought before the International Criminal Court. Therefore, we should not expect the United States or Israel to comply with whatever decisions the International Criminal Court makes.

It's evident that the tone changes significantly when discussing Israel compared to Türkiye. For instance, when a matter concerning a UN resolution on Cyprus arises, the European Union is swift to adopt an aggressive stance, including sanctions and condemnation. However, when the focus shifts to Israel, there is a notable difference in approach. This contrast struck me profoundly.