

Will the British government respond to this new sense of realism and maturity?

The House of Commons Foreign Affairs Report on Israel and the Occupied Palestinian Territories - calls for dialogue with Hamas

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On 26 July 2009 the House of Commons Foreign Affairs Committee published a report into the situation in Israel and Palestine as part of its Global Security series. This report deals mainly with Israel’s attack on Gaza in December 2008 and its aftermath. While the report fails to condemn this attack in any meaningful way – it instead subjects itself to ridicule by calling the whole war a “disappointment” – and does not contain anything that might be construed as a major shift in policy, it does contain a call for dialogue with Hamas, which, were it to be implemented by the British government, would be a welcome change from the previous policy of boycotting that organisation.

In considering the war on Gaza, the report uses unequivocal language when it comes to Hamas. One sentence from the report’s conclusions begins: “We conclude that Hamas targets civilians in its armed actions...” Elsewhere, it calls this unacceptable noting, “the British government is correct to support Israel’s goal of bringing rocket fire from Gaza to an end”. However, like most other sources, the report says that ten Israeli soldiers and only three Israeli civilians were killed in the war. It does not take into account the inferiority of Hamas’s rockets compared to Israel’s weapons and the fact that these rockets cannot be targeted accurately and are incapable of killing anyone except by a direct hit. This conclusion comes at the end of a chapter (Chapter 2: The 2008/09 Gaza Conflict), which in fact has little if anything to say about Hamas’s alleged targeting of civilians, probably because there were so few civilian casualties from Hamas’s operations.



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By contrast the chapter catalogues Israel's indiscriminate use of weapons whose deadly effects and sheer cruelty are indisputable. These include white phosphorus, which burns its victims to death, tungsten based DIME bombs, which destroys a person's organs from the inside, and flechettes, which scatter thousands of darts on impact. This chapter also describes Gaza as suffering a profound humanitarian crisis, thanks to Israel's blockade. Quoting the United Nations, it gives the number of Palestinians killed as 1,441 (approximately one-third of whom were children) with 5,380 injured (It also quotes the Israeli military as saying that 1,166 Palestinians were killed). However at the end of this chapter which deals almost exclusively with Israel's actions during the war the conclusion has nothing substantial to say about them except that they were "disproportionate".

A previous report published in 2007, a year after the end of the war between Israel and Hezbollah in Lebanon, criticized the British government for not immediately calling for a ceasefire in that conflict. By contrast, this report praises the government's "speedier and more robust diplomatic action to try to halt the conflict in Gaza". However, the report also quotes independent Israeli researcher Nomi Bar-Yaacov as saying that the international response (including the UK response) was interpreted by the Israeli government as a "massive green light" because of its delayed arrival (blamed on the coinciding of the attack with the Christmas holiday) and its failure to condemn the Israeli action - some countries openly supported the Israeli attack. The UK government's response has in fact been described as "the roar of a poodle". It simply issued a few statements calling for a ceasefire without taking any meaningful steps to end the conflict. This response, like the response to the 2006 Israeli invasion of Lebanon, showed the UK's subservience to the United States. It contrasts unfavourably with that of French President Nicholas Sarkozy, who at least visited the region during the war against Gaza and tried to broker a plan to end the conflict. It appears that this praise of one branch of the British state by another is unwarranted.

Some of the report is given over to discussion of whether Israel committed war crimes in its assault on Gaza. The report uses evidence supplied by Iain Scobbie, Professor of Law at the School of Oriental and African Studies to assess whether this was the case. Scobbie notes that Israel's attack on police stations at the very beginning of the war, which killed hundreds of



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Palestinian policemen, was “probably a breach of the laws of war”, since policemen are considered to be civilians. However, in relation to the Israeli claim that Hamas used Palestinian civilians as human shields (a claim which Amnesty International has found no evidence for) the report cites Scobbie as saying that “civilians who take a direct part in hostilities are legitimate targets” at the same time noting that “there is no definition in customary international law of ‘direct participation in hostilities’”. This seems to be an attempt to excuse Israel’s actions, implying that civilians were being used as human shields and therefore “taking a direct part in hostilities”, thus making the legality of Israel’s killing of them at least open to debate, if not completely acceptable. Scobbie is also quoted as saying that none of the parties involved can claim that their actions constitute self-defence, because this does not apply in the context of an occupation that has been going on for 40 years. The report, while acknowledging that Gaza is still under Israeli occupation, ignores the fact that this occupation is illegal and that Palestinians have the right to resist it. Its conclusion to this section turns the matter of war crimes over to the Foreign Office, simply asking it to state whether it thinks that war crimes were committed, without specifying who may have committed them. This section is quite worrying because if its interpretations are anything to go by, international law has now become meaningless, leaving aggressive, occupying nations unaccountable for their crimes.

The report outlines some measures taken by the EU and the UK government against Israel in the wake of the Gaza war. It mentions that Israel is seeking an “upgrade” of its relations with the EU, that would allow it to participate in some EU programmes and to further integrate its market with that of the EU. The EU agreed to this upgrade in June 2008, but halted work on it after the attack on Gaza, saying that it would not resume until Israel halted settlement construction and clearly committed itself to negotiating with the Palestinians. The report is supportive of this EU policy, noting that other diplomatic efforts to make Israel comply with the above demands have been unsuccessful. The report also expresses regret that British-manufactured components were used in the war against Gaza and urges the government to make sure that this does not happen again. It welcomes a decision to revoke some export licences for components destined for Israel. However, these measures do not amount to anything more than a slap on the wrist. The Israelis are unlikely to lose any sleep over the



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halting of the upgrade – they already enjoy free trade relations with the EU under the EU-Israel Association Agreement. As for the British arms components, the report itself notes that Britain only accounts for 0.5% of Israeli arms imports – even a full British arms embargo would not trouble the Israelis.

One problem with the report is that it assigns priority to a relatively trivial issue – the damage sustained by one of the Commonwealth War Cemeteries in Gaza, as a result of Israel's aggression. It asks the government to demand compensation from Israel for this damage. In the light of the report's failure to condemn Israel's aggression against the people of Gaza in unequivocal language, one would be forgiven for thinking that the report's authors are more interested in the damage to the graves than in the plight of the Palestinian victims of the war, who seven months on are still living in tents because Israel refuses to allow building materials into Gaza, especially because there is no similar demand for Israel to pay them compensation.

This report made headlines when it came out, because of its call on the British government to seek a dialogue with Hamas, as it has done with Hezbollah, and its recognition that “a credible peace process” is not possible to achieve without cooperation from Hamas. Indeed, the report criticizes the decision not to talk to Hamas and not to remove sanctions on the Palestinian government after the signing of the Mecca Agreement in March 2007, which formed a short-lived unity government comprising members of Hamas and Fatah. The report thus hints that a change in UK policy towards Hamas and the Palestinians may take place soon. It admits, in effect, that the previous policy of the Quartet – one aiming to undercut Hamas by strengthening the position of those Palestinians willing to recognise Israel and prevent “terrorism” against it was a failure. Hamas has only become stronger after the war against Gaza, despite being subjected to a crippling siege and despite the aid given to its Fatah rivals. Such a conclusion reflects a new realism and maturity but it should be stressed that the UK government has so far shown no willingness to accept the Foreign Affairs' Committee's recommendation, and whether such a dialogue will go any way to an easing of the siege of Gaza or some form of restitution of the legitimate rights of the Palestinians is of course very questionable.

