

Is Israel an International Pariah?

Written by Carin Smaller

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CARIN SMALLER, APR 17 2013

“Since you took control, Israel has become a pariah country in the world”, declared Tzipi Livni to Prime Minister Netanyahu in March 2010 when she was opposition leader.[1] She currently serves as Minister of Justice in his cabinet. Is she right?

A pariah state is popularly understood to be:

a nation whose conduct is considered to be out of line with international norms of behaviour by either the rest of the international community, or by some of its most powerful states. It may face international isolation, sanctions or even an invasion by nations who find its policies or actions unacceptable.[2]

According to this popular definition, Israel cannot at present be considered an international pariah. First, Israel is not isolated nor facing sanctions from the international community, particularly the most powerful states. In fact, relations with the U.S. and Europe remain strong and are deepening. The U.S. and Europe are Israel’s largest trading partners. Trade with the U.S. totalled \$40 billion in 2010[3] and with the European Union (E.U.) \$38 billion in 2011.[4] Israel has bilateral agreements with both the U.S. and the E.U. on trade & investment, science & technology, cultural and environmental cooperation, among others. The European Parliament recently ratified a new agreement with Israel, the Agreement on Conformity Assessment and Acceptance of industrial products (ACAA), which will further deepen economic integration, particularly for Israel’s booming pharmaceutical industry. Israel also recently became a member of the group of wealthy nations, the Organisations for Economic Co-operation and Development (OECD).

Second, a number of powerful states, most notably the U.S., still provide important support for Israel at the United Nations. The U.S. votes with Israel at almost every instance. Take the recent UN vote for Palestinian statehood as an example. While the overwhelming majority of UN members voted in favour of the Palestinian resolution, a number of powerful countries did not. The U.S. and Canada voted against the resolution, while Germany, UK, Poland, and a bunch of other Eastern European states abstained, undermining hopes by the Palestinians that all of Europe would stand behind them.

And yet despite this support, Israel’s conduct, particularly the settlement project, cannot be considered in line with international norms of behaviour. In fact, there is complete consensus in the international community that Israeli settlements are in breach of international humanitarian law (the body of law which establishes principles that apply during war and occupation).

The Fourth Geneva Convention, for example, prohibits an occupying power from transferring citizens from its own territory to the occupied territory (Article 49).[5] The Hague Regulations prohibit an occupying power from undertaking permanent changes in the occupied area unless these are due to military needs in the narrow sense of the term, or unless they are undertaken for the benefit of the local population.[6]

Despite this unequivocal clarity in international law, and repeated denunciations from the entire international community regarding settlements, Israel has nevertheless facilitated the transfer of over half a million Israeli citizens into occupied territory. Between 1967 to mid-2011, consecutive Israeli governments have established 124 settlements in the West Bank (recognized by the Interior Ministry as “communities”) and 100 outposts (settlements

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built without official authorization but with support and assistance of government ministries). In East Jerusalem, the government established twelve neighbourhoods, which are deemed settlements under international law, even though Israel annexed this land in 1967. Sixteen settlements that had been established in the Gaza Strip and four settlements in the northern West Bank were dismantled in 2005 in the course of implementing Ariel Sharon's disengagement plan.

In addition, the settlements lead to infringements of international human rights law, including the right to self-determination, equality, property, an adequate standard of living, and freedom of movement. The settlements have resulted in a series of restrictions – checkpoints and other physical obstacles, restrictions on roads, a separation barrier that twists and winds deep inside the West Bank – all of which disrupt Palestinian movement and hinder access to jobs, hospitals, religious sites, and schools. Every day, they deny Palestinians access to land, water and other natural resources to which they are entitled.

The changes that Israel has made to the map of the West Bank threaten to prevent any real possibility to establish an independent and viable Palestinian state. And the international community, including the most powerful States, are growing increasingly weary of Israel's conduct. In this respect, Israel risks becoming an international pariah. Whether or not this frustration with Israeli settlement policies escalates to that point, it is a serious concern that Israel's closest allies have strongly condemned.

The European Union has already taken steps to exclude products made in the settlements from benefiting from its trade agreement with Israel. Since 2005, the EU operates a Technical Arrangement enabling European customs authorities to exclude settlement products from lower tariffs.[7] Individual member states have taken additional measures to ensure correct labelling of settlement products in supermarkets. In 2009, the UK government adopted labelling guidelines advising retailers that food products from settlements be labelled as "Produce of the West Bank (Israeli settlement produce)" instead of being labelled "Made in Israel." [8] In May 2012, Denmark issued similar labelling guidelines,[9] and in March 2013 the Netherlands did the same.[10] Ireland is considering banning settlement products altogether.

Furthermore, a recent E.U. Heads of Mission report on Jerusalem was particularly damning, and effectively calls on European governments and companies to withdraw any financial involvement with the settlements. They recommend European governments to "prevent, discourage and raise awareness about problematic implications of financial transactions including foreign direct investments, from within the EU in support of settlement activities, infrastructure and services." [11]

As an Israeli human rights group, we do not want to see Israel going down the path of an international pariah. In Israel, which is party to all the major human rights and international humanitarian law treaties, we work tirelessly to ensure the government upholds its international legally-binding obligations. Upholding international laws is also in Israel's best interests and a moral imperative.

Israel's settlement project must end, to ensure both Israel's respect for international law and its standing in the international community. The removal of Israeli settlers from the West Bank must be done in a way that respects the settlers' human rights, including the payment of compensation. It will be complex and take time, but there are intermediate steps that can be taken. For example, the government should cease new construction in the settlements – both the building of new settlements and the expansion of existing settlements. It must also freeze the planning and building of new bypass roads (roads reserved exclusively for Israelis) and must cease expropriating and seizing Palestinian land for the bypass roads. The government must return to Palestinian villages all the non-built-up land that was placed within the municipal jurisdiction of the settlements. Also, the government must cease the granting of incentives to encourage Israeli citizens to move to settlements and must make resources available to encourage settlers to move inside Israel's borders.

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Occupied Territories

[1] <http://www.haaretz.com/news/livni-to-netanyahu-with-you-in-power-israel-is-a-pariah-state-1.264081>

[2] http://en.wikipedia.org/wiki/Pariah_state

[3] <http://www.ustr.gov/countries-regions/europe-middle-east/middle-east/north-africa/israel>

[4] <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/israel/>

[5] <http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/77068f12b8857c4dc12563cd0051bdb0?OpenDocument>

[6] <http://www.lib.byu.edu/%7Erdh/wwi/hague/hague5.html>

[7] http://www.fidh.org/IMG/pdf/trading_away_peace_-_embargoed_copy_of_designed_report.pdf

[8] http://www.fidh.org/IMG/pdf/trading_away_peace_-_embargoed_copy_of_designed_report.pdf

[9] http://www.foedevarestyrelsen.dk/Foedevarer/Maerkning/Oprindelsesmaerkning_af_foedevarer/Maerkning%20af%20f%c3%b8devarer_fra_Israel_hhv_de_besatte_palaestinensiske_omraader/Sider/forside.aspx (in danish).

[10] <http://www.agentschapnl.nl/sites/default/files/Advies%20herkomstetikettering%20voor%20producten%20uit%20door%20Israël%20bezette%20gebieden.pdf>

[11] EU Heads of Mission Jerusalem Report 2012

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