



Together They Cannot be Defeated: UNHRC Vote a Victory for Civil Society

For OpEdNews: Bahija Reghai – Writer
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In spite of the geographic split between the West Bank and Gaza , and the rift between Fatah and Hamas, the unified response from all Palestinians – and internationals - to the Palestinian Authority's handling of Justice Goldstone's report was such that President Mahmoud Abbas was forced to backtrack. The vote at the Human Rights Council (HRC) on October 16 represents a victory for Palestinian civil society, and may not be the last if the Palestinian people's wish for national reconciliation is granted.

The HRC's endorsement and decision to send the report to the UN General Assembly (AG) gives the Goldstone recommendations a better chance of being implemented, either through the International Criminal Court, as in the case of Sudanese President Omar Al-Beshir, or through an Emergency Special Session (ESS) of the AG invoking UN Resolution 377A (V), the so-called “Uniting for Peace” resolution.

An ESS dealing with the Israeli occupation of Palestinian Territory was “temporarily adjourned”. The last meetings were held on 15 and 16 January 2009 at the request of the President of the General Assembly. After diplomatic wrangling, the AG adopted a weak resolution calling “on all parties to exert all efforts to ensure, in cooperation with the Council, full and urgent compliance with resolution 1860” and called on States to extend support to measures aimed at alleviating the humanitarian and economic situation.” Canada abstained.

In his closing remarks, President D'Escoto expressed his disappointment: “We will never make it if we don't act in a more decisive and affirmative manner.” Should the special session be resumed “upon request from Member States” the Goldstone report can indeed spur the AG into fulfilling its role, as D'Escoto understands it, by invoking Resolution 377A (V).

Up to now, Israel has ignored the calls to hold a public inquiry. Instead, Prime Minister Netanyahu has intensified a public relations campaign against the report. In his words: “[T]he most important arena where we need to act in this context is in the arena of public opinion, which is crucial in the democratic world. We must continue to debunk this lie that is spreading with the help of the Goldstone report.”

Siding with Israel, the US called the report unfair, a criticism that Justice Goldstone challenged publicly: "The Obama administration joined our recommendation calling for full and good-faith investigations, both in Israel and in Gaza (by Hamas), but said that the report was flawed". I have yet to hear from the Obama administration what the flaws in the report that they have identified are. I would be happy to respond to them, if and when I know what they are." He also rejected claims by Israel and the US that the



peace process would be harmed by the report, saying that there was no peace process at present and that Israel 's Foreign Minister did not want one.

A self declared long-time friend of Israel and member of the board of directors of Hebrew University of Jerusalem, Justice Goldstone has earned the right to be outraged at the criticism leveled against him personally – such as Israeli Finance Minister Yuval Steinitz calling him an “anti-Semite” - as well as against the Mission report. Justice Goldstone's long commitment to human rights and humanitarian law first manifested itself when he accepted a judgeship on the Transvaal High Court in 1980 and worked diligently to eliminate Apartheid legislation within South Africa 's legal system. He sat for 9 years on the Constitutional Court of South Africa; he was the first Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda; he chaired the International Independent Inquiry on Kosovo established in 1999; and, he was appointed by the Argentinian government to an international panel that monitored Nazi activity since 1938 in that country. All in all, he is someone whose legal opinion is difficult to dismiss.

Israel crossed lines in Operation Cast Lead which large numbers in the grassroots international community --and notably in Jewish communities as well--could not ignore. Urgency strengthened resolve to bring an end to injustice towards Palestinians. Recognition grew that Israeli impunity and exceptionalism are threats not only to Palestinians but to Israel 's very future and to global civil society.

Operation Cast Lead turned out to be too heavy for the Israeli PR apparatus to spin effectively. The visual impact of 100-ton bombs raining on a civilian population cannot be easily erased. Calls for an inquiry are increasing, even from within Israeli leadership. To be credible, the inquiry has to be conducted along the same lines as that of the Kahan Commission into the Sabra and Shatila massacre, or by international bodies that have the means to ensure follow-up and implementation.

As they did in the case of Apartheid South Africa (“as they did” puts it in the past, since it can no longer be called that), international grassroots movements are leading the fight to end the cycle of impunity in Israel and elsewhere. They understand, as Martin Luther King Jr. did, that: “[I]njustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

It is hoped that governments will catch up with their citizens and live up to their legal responsibilities towards Palestinians. This is the only way to ensure peace, freedom and security for all.

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