

The Goldstone Fallout

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Decades of violence between Israelis and Palestinians continues to mar relations between the two communities and has been a cause of concern for both the international community and the parties to the conflict. The history of violence which is marked by killings, demolition of homes and mass destruction of infrastructure, has been an obstacle to peace in the region. The conflict has often invited foreign intervention and mediation, which has not been effective so far. Although incidents of violence and unrest continue, the latest episode of the Gaza War, which is also known as Operation Cast Lead by the Israeli Defence Forces, was a three-week-long offensive. This war between Israel and Hamas took place in the Gaza Strip during the winter of 2008-2009.

The declaration by Hamas that ended the ceasefire is said to have been the primary factor leading to the intensification of tension between Israel and Hamas. The alleged rocket attacks on Israeli territory by Hamas were responded to by heavy air strikes by the Israeli Defence Forces. These air strikes led to an escalation of the conflict, resulting in heavy casualties and immense destruction of infrastructure in the Hamas-controlled Gaza Strip. As the conflict escalated, the result was death and destruction in enormous proportions, with the population in Gaza left with no running water.

This short but deadly war, which witnessed the deaths of hundreds of Palestinians, raised many questions about the disproportionate use of force. As the conflict drew to a close, residents of Gaza had suffered tremendous casualties and the effects on infrastructure were evident. Meanwhile, reports of Israeli soldiers' alleged misconduct, indiscriminate killing of civilians as well as the use of white phosphorous shells by the Israeli Defence Forces also began to circulate. In short, the conflict in Gaza again resulted in a massive humanitarian crisis, with people having lost their means of livelihoods and left with renewed dependence on humanitarian assistance for survival.

As facts began to unveil, the U.N. Security Council was heavily criticised for its inaction and sluggish response to the crisis. On the other hand, accusations of international humanitarian law violations were directed at both Israel and Hamas. In order to probe any excesses

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committed during the offensive, the United Nations Human Rights Council formed the United Nations Fact Finding Mission on the Gaza Conflict. That was done to investigate violations of international human rights and international humanitarian law. The mission was established in April 2009 and was headed by Richard Goldstone, a leading international jurist. The mission's report, released in September 2009, accused both Israeli Defence Forces and Palestinian militants of war crimes.

The Israeli government rejected the report outright, labelling it prejudiced. Hamas on the other hand initially rejected the Goldstone Report but later urged the international community to accept its findings. The report received mixed global reaction and was also criticized for an alleged anti-Israel bias. It may be noted that while the report condemned violations from both sides, it was more strongly critical of Israeli actions.

The Goldstone Report exposed that Israel had used disproportionate force against the Palestinian civilian population, resorting to indiscriminate attacks and imposing an economic blockade. Moreover, infrastructure was also targeted during the offensive, resulting in the destruction of schools, government buildings and Palestinian homes. The more serious findings included the firing of phosphorous shells and missiles. On the other hand, the report held Hamas responsible for using Palestinians as human shields and torturing detainees. The Israeli government termed the report biased, accusatory and one-sided, and also issued a formal response. Hamas, while justifying its actions as self-defence, pressed upon world powers to embrace the report and bring it to the United Nations Security Council so that the aggressors could be punished. However, the Palestinian Authority's handling of the Goldstone Report has been rather ambiguous and has reflected a lack of clarity.

As eager Palestinians were making preparations to move further on this issue, the Palestinian Authority invited severe criticism from the public and Hamas after it dropped its endorsement of the Goldstone Report. Originally, the Palestinians had planned to present the draft resolution in Geneva, demanding that the report be submitted for discussions in the U.N. Security Council, which has the power to ask the International Criminal Court to punish people for war crimes and unjust assault. As mentioned above, the Palestinian deferral of the report was seen as a very weak response and was widely viewed as being the result of pressure from the United States and Israel. The Palestinian Authority's decision to delay the endorsement of the report was harshly denounced by all Palestinian factions whose anger was demonstrated on the streets of Gaza, while also drawing strong criticism from Fatah.

The outcome of the Goldstone Report has been disappointing for many reasons - mainly its deferral by the Palestinian Authority and Israel's refusal to accept the report as objective. However, the report means a lot due to the fact that for the first time, despite Israeli efforts to conceal the happenings in Gaza, it has failed to do so and facts have started to surface. For the Palestinians, the report has resulted in a loss of credibility for Palestinian Authority President Mahmoud Abbas and has weakened his position, which can hamper efforts at a renewal of the peace process. Therefore, the negative fallout of the Goldstone Report is expected to have some impact on the future of Palestinian-Israeli relations.