



'The UK is not a banana republic'

By Dr Daud Abdullah

David Miliband, the UK's foreign secretary, has apologised to his Israeli counterpart, Avigdor Lieberman, after the humiliation and embarrassment caused by the issuing of a warrant for the arrest of Tzipi Livni, the former Israeli foreign minister.

The arrest warrant was issued over Livni's suspected war crimes role during Israel's war on Gaza, but was later withdrawn after she cancelled her visit to London.



More than half of the 1,400 Gazans killed during Operation Cast Lead were civilians [GALLO/GETTY]

Miliband also promised to begin work immediately to change UK laws to ensure that no such warrants would be issued for Israeli officials in the future. As an added sweetener to the act of contrition, Gordon Brown, the British prime minister, also personally called Livni to assure her she would always be welcomed to visit the UK.

All of this is easier said than done. Already there is a huge outcry in Britain over the mere thought of changing UK laws or reneging on treaty obligations simply to protect Israeli officials involved in the serial breach of international law.

In their deluded fantasy the Israelis claim that the judicial order in London will seriously impair bi-lateral relations between London and Tel Aviv, jeopardise the Middle East peace process and undermine Britain's image in the region.

Historic Middle East role

What a gross distortion. Britain's historic relationship and role in the Middle East is unquestioned. Even though it has on many occasions acted against the national interests of the people of the region and the Palestinians in particular, it would be wishful thinking

to suggest that it could be excluded from future negotiations.

Instead of being eternally grateful to Britain for creating their state in Palestine, Israeli officials are today attempting to bite the very hand that fed them.

To claim that Britain is in trouble or would be the loser because of the court order is disingenuous. Actually, the only losers are those who planned, commissioned and executed the war crimes committed in the Gaza Strip.

They are the ones in hot water, so to speak, and the greatest service Brown could make on behalf of universal jurisdiction is to leave them to stew in it.



Human rights groups have accused Livni of crimes against humanity

These sentiments were expressed by his former cabinet colleague Clare Short, a member of the Labour Party and an independent MP, while addressing a conference organised by the Palestinian Return Centre, in London.

A former minister for international development, Short said the crimes committed in Gaza during Israel's Operation Cast Lead last year marked a defining moment in the conflict. She criticised how Israel has undermined the international system by its cavalier breach of conventions and established norms in an apparent attempt to tell the world that there are special laws for certain states and that it is a state above the law.

She derided the hypocrisy of those who seek to prosecute Omar al-Bashir, the Sudanese president, while at the same time they refuse and obstruct efforts to investigate and prosecute Israeli criminals.

Violations of international law

The groveling apology to Israel, after the British ambassador was summoned for a reprimand by the Israeli foreign ministry, is the type of reaction expected from a banana republic, not from Great Britain.

Should the foreign secretary entertain Lieberman, a Jewish settler himself and a resident of Nokdim, a West Bank settlement considered illegal under international law? What a contradiction.

The official policy of the UK government is that all settlements in the lands occupied in 1967 are illegal and violate UN Security Council resolutions and the Fourth Geneva Convention.

It is poignant to point out that Livni's father and mother were regarded as "terrorists" by the British Mandate authorities in Palestine in the 1940s and were both captured and locked up. Under Article 146 of the Fourth Geneva Convention, Britain still has an obligation to "to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts".

What is at stake in this imbroglio is the independence of the British judiciary, an

institution that for hundreds of years has been a source of national pride and emulated by many nations.

It is for this reason there is anger and outrage over the government's declared intent to succumb to Israel. The implication, of course, is the fear that in future Britain would not be able to lay any claim to be a bastion and guardian of international law. The rhetoric of 'rule of law' will run hollow if there was any change of the law for no other reason except to protect war criminals who happen to be members of the club.

Compelling evidence

It must be recalled that these laws came into being because of the Nazi war crimes and crimes against humanity. Only last month there was great satisfaction and hubris when John Demjanjuk was brought before a German court more than 60 years after allegedly committing his crimes.

The message was clear: that war crimes and crimes against humanity are so repugnant that they must not go unpunished.

The case against the Israeli minister and her accomplices was made not by Richard Goldstone only.

A number of independent reports including the report of Independent Fact-Finding Committee on Gaza to the Arab League, the Martin Commission report to the UN secretary-general on attacks on UN premises, and reports by Human Rights Watch, Amnesty International, Physicians for Human Rights and the National Lawyers Guild, all support the conclusion that war crimes and crimes against humanity were committed by the Israeli military in its Operation Cast Lead.

It was because of this compelling evidence that a British judge issued the warrant for Livni's arrest. To present the matter as if it were a malicious witch hunt is simply beside the point. Surely it would be a travesty of justice if what occurred in Gaza was not investigated and prosecuted.

Peace in the region has remained elusive precisely because of this failure to be even-handed in the application of international law, always at the expense of Palestinian rights.

If Palestinians do not have recourse to the law, one wonders what other options are left to them when their legitimate grievances are ignored.

Daud Abdullah is the director of the Middle East Monitor, an independent media research institution founded in the United Kingdom to foster a fair and accurate coverage in the Western media of Middle Eastern issues and in particular the Palestine Question.

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial policy.



Palestinians run for cover after an Israeli air raid struck a UN school in Gaza [AFP]