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QI Panel:

Israel's Invasion of Gaza: One Year Later

October 15th, 2024

1:00-2:00 PM ET

Trita Parsi 0:35

Good afternoon and welcome to the Quincy Institute's panel titled Israel's invasion of Gaza one year later, my name is Trita Parsi. I'm the Executive Vice President of the Quincy Institute, a transpartisan think tank in Washington that promotes ideas that move US foreign policy away from endless war and toward rigorous diplomacy. We favor a national security strategy that is centered on military restraint and diplomacy, Israel began ground operations in Gaza almost exactly a year ago, less than a week after Hamas attacks on October 7. By now, Gaza has been reduced to rubble. 90% of the population is displaced. Over 42,000 people are confirmed dead, with 1000s more likely dead or dying under the rubble. Moreover, Israel has now also expanded the war into Lebanon, and the expectation is that there will be an attack forthcoming against Iran, which very well may lead the situation towards a larger regional war that also will pull in the United States. Where is the Middle East and US policy towards the middle east a year after October 7, is de escalation still possible? Or has a larger war become more or less inevitable at this point? And what does that? What does the past year tell us about the strength or lack thereof of international law, human rights conventions, as well as America's own regulations in terms of when it can and when it cannot, arm parties in conflict.

To address these important questions, we have a fantastic panel with starting off with Francesca Albanese, UN special rapporteur on human rights in Palestine, Noura Erakat, a university professor, legal scholar and human rights attorney, and Daniel Levy, a former advisor to the Israeli government. For those of you who are joining us via zoom, please use the Q and A function to ask your questions. I will try to get to those throughout the conversation. If you're watching this on Facebook, on Twitter or on YouTube. You can put in your questions in the comment section, and we will try to get to those as well. So with no further ado, let me introduce our esteemed panelist. Francesca Albanese, is an international lawyer serving as UN special rapporteur on human rights in the occupied Palestinian territory since May 2022 a former UN official. She's an affiliate scholar at the Institute for my institute of international migration at Georgetown University. A UN report that she published in March concluded that there were reasonable grounds to believe that Israel had committed acts of genocide in Gaza. Nura Erakat is a human rights attorney and professor at Rutgers University. She was co chair of an independent task force on the application of national security memorandum 20 to Israel, a report documenting how US arms to Israel have been used in violation of us as well as international law. And last but not least, Daniel Levy is the president of the US Middle East project. Daniel was a senior advisor to these Israeli Prime Minister's Office and to Justice Minister Yossi beylin During the government of Ehud Barak. And he was a member of the Israeli delegation to the peace talks at taba under Ehud Barak, as well as Oslo B under Yitzhak Rabin in 1994 to 95

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Francesca, I'm going to start off with you. In March, you released a report title, Anatomy of a Genocide. It was based on data of five months into the conflict, and you concluded, and I quote, there are reasonable grounds to believe that the threshold indicating Israel's commission of genocide is met. We are now 12 months into the conflict. Killings that made headlines back in February are now largely passing unnoticed, making almost no headlines. How has the conflict in Israel's conduct evolved in the last couple of months since your report, and has it amended or intensified your confidence in your conclusion in the March report.

Francesca Albanese 4:46

Thank you very much. Trita, I salute the other co panelists and those who have organized this event at Quincy Institute, and those are following. I think that if I had to choose one word to express what I feel vis a vis the past 12 months, or six months since I investigated and presented a report building on the work of others, documenting in a very precise way how the genocide was being committed. And six months forward, I will answer your question, and I will tell you what I've seen and how it also qualifies under international law. And there is something extremely this topic right now in looking at what happens on the ground and having to rationalize it explain to the world in terms of international law so that it can stop. But however, the feeling the better describes what I what I have right now inside me is, is dismay. If after 12 months, we're still talking of conflict, we have a problem. This is not in an assault of an indigenous people who has tried all he could to exist on that piece of land. And you know, to indigenous people, this is something that we Westerners do not understand.

But for indigenous people, the land is nowhere they live. The land is who they are, and this is why you understand the torment that the Palestinians live, and as naked by survivors they have always lived, when you realize the disconnect that has happened between the people on the land and now continues to happen and while the people are being genocided through acts of killing members of the Palestinians, those in Gaza through acts of enormous suffering, physical and mental. And do I need to explain the mental suffering of being exterminated or having your home, your school, your baker, your church, your mosque, whatever it was yours leveled? This is the trauma, the psychological trauma and the amputated children and the orphans and the tortured all across Palestine, not just in Gaza. The majority of the people who have been tortured and even raped are from the West Bank and East Jerusalem. On top of all the horrors those from Gaza went, went through and, of course, destruction conditions of life leading to the to the destruction of a people in total, in part, no hospitals, no food anymore, no fuel, nothing to resist. Well, everything is being bought. This is a genocide we already knew. And this is the last thing I wanted to say over the past six months the goals to stop this genocide have multiplied. There have been other two sets of preliminary provisional measures from the ICJ, and then there was even a Security Council resolution for a ceasefire. Nothing has been implemented even now, when we know that because of the ICJ has even confirmed that there is no reason to to assume that member states are really responsible toward an unlawful occupation that has to result into annexation, racial discrimination, racial segregations and apartheid.

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Trita Parsi 8:13

Thank you, Francesca, I want to get back to the ICJ ruling as well as the UN General Assembly resolution, and what the implications and impact can be expected of that. But I want to go to Nora first and talk a little bit about the American side of the law. You have written extensively on US regulations on lawfare, and several US officials have, of course, resigned in objection not only to the larger policy, but more specifically, because of their accusation that the Biden administration is actually ignoring US law itself, particularly provision 620 i of the Foreign Assistance Act, which stipulates that countries that block humanitarian aid are also ineligible to receive American weapons or security assistance. The State Department's own investigation concluded that Israel was blocking aid, yet Tony Blinken, Secretary of State, proceeded with providing those weapons. Could you put this in context? Because obviously this is not the first time that the United States or any other government has set aside its own laws under certain circumstances. We saw in Iraq how, for instance, torture was being conducted. We just renamed it enhanced interrogation. But given what's happened in the last year, can you give us an idea of if this is on par with previous setting aside of American law, if this goes way beyond it, how would he assess it?

Noura Erakat 9:42

Thank you Trita, and thank you to my fellow panelists, and thank you for your energies and continued labor in this moment to stem what has become a colonial genocide in the 21st century that has been live streamed to us in grotesque nature that has only become more cruel. Uh, to watch, and more cruel even in the tactics of elimination and annihilation. I want to take a step back and just say to both bridge what Francesca saying and what I'm about to say, that both the US relationship to Israel as well as Israel's. You know, elimination is relationship to a native people has been something that we've known on the theoretical level, and that we as scholars and activists have very much been advancing on the theoretical level, to say this is what the end outcome would look like. And what you know our intellectual, our intellectual Palestinian intellectual tradition and political tradition has also emphasized. And yet, what we're seeing in this moment, and why it's different than any other moment, is that everything that we've said on the theoretical level has now come in to an absolute, undeniable manifestation on the ground that, you know, when we say that Israel's relationship to Palestinians is eliminatory, they want to, you know, remove them in order to take their place. They're literally doing that. They're explicitly doing that. They're making it and if it's not explicit, explicit across all of Gaza and all of Palestine in the north right now, we're watching it happen by burning Palestinians alive in a bid to fulfill what they you know the general's plan, which is to resettle that area.

In the case of the United States, it's what we've known since the United States has assumed the position of being Israel's primary ally, taking the place of Britain and France since 1967 not that they weren't before, but since 1967 and specifically in the context of a US Cold War, whereby in the course of the 1967 war, the Lyndon B Johnson administration identifies in Israel a significant Cold War ally that displaces the logic of maintaining a no peace, no war, situation of

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allyship with Arab monarchies and allyship with Israel. After Israel's defeat of the Arab you know, armies, the Johnson administration displaces that logic and assumes Israel as its primary ally in the Middle East, and initiates a two part policy that still remains in place. The first is to ensure Israel's qualitative military edge so that it can defeat any single military in the Middle East, or all of them put together, hence the support for, you know, a secretive, a so called secretive nuclear Israeli capacity. And the second is to initiate that this will be resolved politically, so that there will be a land for peace framework that obviates and in fact, situates international law as an impediment to achieving that outcome. And so this has been the theoretical situation that we've seen. It's why the United States has provided Israel with unequivocal military, financial diplomatic support, and is able to talk out of both sides of its mouth to simultaneously say that they support, for example, a Palestinian, you know, Palestinian independence, and simultaneously Expand Israel's, you know, settlement enterprise, and subject them to a negotiating a bilateral negotiations process where Palestinians have no leverage whatsoever and are basically asked to submit that you can surrender or you can continue to go on suffering, right? So this is the theoretical framework that we've provided, and it's one that's been bipartisan. No party has broken out of this mold. In fact, the only time that we've seen any kind of break from this mode, it's been a Republican break when Reagan imposes, you know, sanctions on the sale of cluster munitions to Israel after the 1982 invasion, when the Bush administ the first Bush administration actually conditions us support financial support based on a moratorium on settlement expansion. But in the Democratic administrations, it's been the exact opposite, and especially under the Obama administration, I think that this, you know, so called contradictions come comes into full bloom when we see the Obama administration use its first veto in the Security Council to veto a resolution that would have put a timetable on the dismantlement of settlements that the US for so long said that it had opposed, and by the end of that administration, when it actually abstained on resolution, 2334, right that found that the settlements were illegal, simultaneously increasing us support, financial support to Israel, from \$3 billion a year to \$3.8 billion a year over a 10 year period, right?

And so when the Trump administration comes in, frankly, they're accelerating and making playing with the US had been doing during the duration of that. Relationship. And in fact, you know, all the things that we bemoan about what the Trump administration did, from the moving of of the, you know, the apartheid plan, the Abraham accords to, you know, provide peace without the land. That's supposed to be part of that equation. The the worst part for most people, was the moving of the US embassy from Tel Aviv to Jerusalem, the end of the Iranian rapprochement agreement and so on and so forth. The Biden administration, and frankly, the entire Democratic platform, not just Biden, but the entire Democratic platform, didn't oppose a single one of those policy changes, and they remain in place. And so in this moment, now, what we've seen that at the moment that it manifests where, you know, Israel is in fact violating US laws that it had been in severe violation of, from the Leahy amendment, the arms export control act, the Foreign Assistance Act, Section 620, I, that conditions the provision of us, military support on the access of us, humanitarian aid. Now we see the US blatantly, blatantly say that it will not abide by its own laws. It will not defer to its experts, four out of the seven State Department bureaus on the question of the national security memorandum, where Israel had to provide assurances that it was actually in compliance with that memorandum that assured that

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Israel was in compliance with us and international law, and thus could be eligible to receive ongoing military aid. Four out of the seven bureaus refused to provide that assurance. We've since found out that Blinken knew that the US human I mean, I don't know how you can deny it, but now we have on record that Blinken knew that US humanitarian aid was being that he knew it was being denied and lied anyway. And so we see before us again, a manifestation of the theory that we've been provided about the US, you know, being a part of this now coming to full and you know, it's undeniable to the point this is why so many of us insist that this is not merely us complicity in genocide, but that this is also a US genocide against Palestinians.

Trita Parsi 17:22

Thank you, Nora, Daniel. What Nora said earlier on in the answer was also that, you know, she laid out the the theory that there actually is a plan. And what we hear, oftentimes, a critique of the Netanyahu government is that he actually doesn't have a strategy, doesn't have a plan. Gantz left the cabinet demanding a plan for the day after. None was forthcoming. He also did not provide one himself. So essentially, a picture emerges in which, you know, Israel is just blindly waging and escalating a war without an exit plan, without a plan for the day after, without an achievable definition of success. But you have, on the other hand, Nora saying that, look, when it comes to annexation and just removal of Palestinians, there seems to be a systematic effort. You have Yossi Alfred, former Israeli Defense Intelligence Officer, who argues that, because the Israelis now view this as an existential fight, strategic aims beyond surviving are not necessary, and as a result, that's why Netanyahu can continue to do what he's doing without at least publicly articulating such a plan or strategy. Again, can you react to that? And where do you land between where Nora described it and where Yosi Alfred describes it?

Daniel Levy 18:40

Yeah, I'm first let me give credit to you and the work you do at Quincy, and thank you for having us, and it's an honor to be with Francesca and Nora. And look, a government, any government, the Israeli government included, has not just a responsibility, but a duty, to provide security to its citizens, and that's a relevant thing to bring into the picture after the October 7 attack. It does not have the right to violate international law at will. That's why you land up getting the urgent provisional measures called for by the International Court of Justice in the South Africa case of violations of the Genocide Convention, and that's where you get the chief prosecutor at the International Criminal Court requesting arrest warrants for Netanyahu and Defense Minister Gallant for the commission of war crimes. So this is where one has to ask what? What is the plan here? And I think it would be wrong, and I think people would be not paying attention if they think this is simply, certainly not just defense, but revenge, and it's existential. I mean. Really, does anyone think that Israel's existence is threatened by anything that's going to come out of Gaza? That's not serious. So here, I think what you have is an alignment of the political and the ideological. I think there is a political plan from Netanyahu. He was in serious trouble after October 7, as any leader who is in charge when something like that happens would be expected to be right. So the failure of intelligence, the failure of initial response, the hubris that leads you there in the first place. I mean, let's face it, you had a system whereby everyone thought, we've

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got the Palestinians managed. We got it controlled. Apartheid is working. They're done with we can move on. We can normalize with the Saudis. That's the agenda of the Biden administration adopted from the Trump administration, as Nora set out for us earlier. The hubris was to think that you could do that in perpetuity, full stop, the criminal hubris was perhaps the thing that you could put arsonists into government positions, carry on provocation after provocation. We were reading headlines about pogroms in the West Bank. We saw the continuous provocations at Al Aqsa and that that wasn't going to blow up in your face, right? It happens. Netanyahu is looking shaky politically, and I think a decision was made relatively early, that the path to political revival lay as being the indispensable wartime leader who would brook no compromise, who could stare down the world carry the support of who he needed the support of. And so that's the political revitalizing of the Netanyahu project, staying in power, endless war, I think, or at least war for an awfully long time, horizon.

But there's an ideology here, and it's again, it's hardly like breaking news Israel displaces Palestinians, breaking news from 76 years ago. Okay, so there is nothing new to this. But what is new? I think that under these circumstances, with this government, with the International complicity and indifference and failure to hold them accountable. And with the mood that has been generated inside Israel, it has transitioned to an operational phase, the level of destruction the scorched earth. And it's not just the West Bank pay attention to what's being done. Sorry, it's not just Gaza. Pay attention to what's being done in the West Bank as well. Making this uninhabitable for Palestinians doesn't make sense unless it's seen against the backdrop of and here, like so many things to do with these actions, the self incrimination is coming from the transparent designs of the Israeli side itself. We know that government ministries put forward flat plans to force the Palestinian population of Gaza into Egypt. We know that members of the government have plans to ethnically cleanse these areas of Palestinians. So that's, that's the missing piece here to understand that this, this, this has, in the Israeli Palestinian expanse, an ideology behind it. Then there's the regional piece right here. I think there's been a degree of of making it up on the hoof, as we say, there's been a degree of, okay, a regional front opened immediately that was managed in a calibrated way for several months. In other words, this escalation on the Lebanese side was met with that escalation on the Israeli side, Houthi involvement, even direct Iranian involvement, following the Israeli killing of the of the Iranian officer in the Damascus embassy compound. So That's April. I think Netanyahu sees that he has not succeeded in restoring deterrence or the mythological Israeli military power, and it's not going well for him. He knows he has this infiltration of Hezbollah comms up his sleeve. We don't know whether these stories of that was about to be detected are accurate or not.

But then there is a decision with the Fuad shukr assassination in Beirut, with the Hania extrajudicial killing in Tehran, there is a decision to escalate regionally and so where we are now, and it ties back into things that Nora talked about as well. I think where we are now is that for the US and in terms of what Israel is looking to achieve here, it increasingly looks to me like there are folks in the administration who weren't convinced on the regional escalation front. They allowed the events, the destruction, the devastation in Gaza to continue with impunity. They weren't necessarily looking in fact, they were probably actively trying to prevent a regional escalation, but they see now an opportunity geopolitically, to take the Axis of Resistance down

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several pegs, perhaps more than that, that they feel would act as a block on Russia and China. It could put a dent in the Russia Iran axis, which they've talked an awful lot about. So it feels to me like they're seeing some geopolitical benefit here for the US, given that things aren't going well for them in Ukraine and elsewhere, and we're back hearing this language that we haven't heard for a while in the Middle East, these fantasies of how we can reshape the Middle East region. They tried to do it away in a way with the Abraham accords and with the Saudi thing. But now we're back to that Condi Iraq War. Oh, three. Netanyahu going to Congress in 2002 I'm looking to get the exact quote he said. There would be enormously positive reverberations across the region that old 1996 strategy for a clean break paper. I think that's where we're we're at.

And just to end with this thought, some people may be listening to us having just read, and I, myself just read it, this apparent letter that has been sent by Austin and Blinken to their Israeli equivalents, saying, 30 days to get your act together with the humanitarian provision. I I don't know whether I'm terribly naive. I still have the capacity to be shocked, but the degree of cynicism to set a 30 day limit, which coincidentally, Trita that gets you past the election date. Did you notice that minor detail?

Trita Parsi 27:13

Yeah, right, that calendar coincidence

Daniel Levy 27:15

This level of cynicism you haven't done this throughout. So yes, I am still able to be shocked.

Trita Parsi 27:27

Which also suggests, as one of my colleagues Annette Sheline pointed out, that there is an implicit admission by the administration that the Israelis are violating provision 620, I given this letter. Want to shift to you. Francesca, on a point on international you mentioned it earlier on, Germany is one of the country's most outspoken in favor of Israel and Israel's conduct of the war, a country that otherwise is quite known for its putting a rather high premium on international law. Today, we see a lot more aggressive efforts to reinterpret law or actually fudge it into meaninglessness. And German Foreign Minister Annalena Baerbock, for instance, just said in the Bundestag that civilian places lose their protected status if terrorists use them, which I'll let you explain it, but I think it would be very valuable, given your expertise on international law and your authority on this issue, does this German argument presented by the foreign minister, would it hold up in a court of law? Francesca? Can you hear me? I think we lost Francesca. So Noura, I'm gonna, I'm gonna give that question to you.

Noura Erakat 28:39

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Oh no, yeah, power to Francesca, she's been carrying so much, and I know that she was joining us from a place where her connection was not strong. So I'm really glad that you brought that up. I also appreciate this. You know, the fact that this, you know, this letter, is an admittance of violation of the Foreign Assistance Act. But this other point, for the folks who didn't see it, this German stance that Israel can target civilians if, in fact, you know they have, you know Hamas happens to be in those areas. So one of the things that's going on here is the way that Palestine Gaza certainly out of context. But even Palestine has been completely lifted out of geographic and historical context, so that what's lost in this moment is that this remains an anti colonial struggle for liberation, and one in that is, is part of a global anti colonial struggle for liberation that defined. What we now refer to as third world revolt that basically crystallizes in 1955 in Bandung and last throughout the 1970s into the early 80s, we see what we might describe the end of it as the fall of apartheid in South Africa and the Palestinian treaty, their Treaty of Versailles by Mahmoud Darwish and entering, excuse me, Edward Said, and entering into Oslo.

And so what I want to point out for people is that since the Second World War, the primary form of warfare had not been conventional war between two states, but has been a war between state and non state actors, one in which that has been insufficient, was insufficiently regulated until the 1949 Geneva Conventions the laws of war that would allow us to, you know that that regulated warfare conventionally, because of that lacuna, and because of the rise of National Liberation wars, which are guerrilla warfare in their you know, by by structure, right? It became clear that there wasn't enough law that regulated guerrilla warfare. Either we had to admit that there the there were no combatants, they were all terrorists, or you had to accept that there were no civilians because a war of the people or war of the masses, so to speak, made them all part of the part of the war and less legitimate targets. It was precisely this lacuna which led the group of 77 to initiate the drafting of new treaties in the late 19 in the late 1960s and then catalyze the Red Cross in order to lead that drafting process between 1973 and 1977 so that in 1977 we get the additional protocols to the Geneva Conventions that basically recognize guerrilla combat and national wars of liberation as international in character as international armed conflict that gave the guerrillas the right to fight, that recognized them as combatants, and that recognized the civilians as having civilian status in AP one this is already anticipated. Guerrillas cannot fight. You know, standing right in front of the army, they don't have war planes, they don't have tanks. Asking them to do that is asking them to be slaughtered. So obviously this was incorporated into the drafting of the additional protocols, and it's anticipated that there are civilians, as defined in Article 50 of AP One, that there will be that there is a duty upon the guerrillas in order to protect those civilians and not to put them in harm's way, as well as duties on to the other power in order to not harm them and to in for example, in Article 57 they are the colonial powers or the states that are at war, have the duty to verify an attack, to provide precaution, to refrain from attack, to suspend it altogether, when either they cannot tell if these are combatants or civilians, or if the civilian harm is excessive to the military advantage. All of this has been anticipated.

What Israel and its allies, Western allies, colonial powers, and formal colonial powers want to tell us is that this is unprecedented, and so they have to create new laws of war. That's just not true. They just do not want to apply this anti colonial regulation to what is an anti colonial war,

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and in this case, has become a full on genocide because of its displacement, and what matters is that the US and Israel never, never ratified the additional protocols remain outstanding objectors, and rather than hold them to account, instead, what we see now is a green light for the massacring of civilians.

Trita Parsi 33:58

But Germany did sign it, yes?

Noura Erakat 34:01

Yes, but, but what we're seeing, what we're seeing them say is they just do not want to recognize this. And this changing in the laws of war is something that Israel has been at the forefront of in order to insist that their that, you know, their condition is in the language of law sui generis, unlike anything else where there's no analogy and precedent, giving them the latitude to create no law, where they insist no law exists. That's how we you know, extrajudicial assassinations become targeted killings, right? And so through a series of violations, they want to create new law, and that's what we're seeing. But the US has also joined, and has been part of that in its so called War on Terror, so as not to exceptionalize Israel, this is actually what powerful states who have relative military power insist on doing. They're using the law alongside propaganda, alongside their military dominance, in order to achieve their stated goals. So.

Trita Parsi 35:00

Thank you so much. Nora and Francesca, you are back now. I think Can you hear us? So? Did you want to add anything to that?

Francesca Albanese 35:22

Yeah, I would like to comment on, just on, on your emphasis on Germany, because I think Germany epitomizes the schism that Europeans are living looking at Germany and being led by Germany, because it's a very influential country in Europe and Germany. Look at the paradox. It has two, two *raison d'etat*, one national law. And this is a breaking point. This is a breaking point not just in in history, in the internet. Yet another clash, and it's breaking, as Nora saying, it was forced to change by change by itself.

Yes, I was saying Germany, in some ways, represents an emblematic like an emblematic phase in which Europeans find themselves this and this key is there is between civil society or society at large. But I would say civil society and the governments, because Germany has like two days on the top. One is the compliance within international, and the other is the security of of Israel. There shouldn't be confirmed conflict between the two, because the security of ensuring security of actually ensuring compliance with international would also mean in the long term, security for the State of Israel. But this is not the point here. This is why the the Germany is not only in breach of international law, it's in breach of its own, all of its own, its own foundational principles,

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and the society has not realized yet what, except in happening, but in all our democracies that do not stand against the system, there is a level of complicity that shows how much the system is correct.

Trita Parsi 38:07

Very interesting, very interesting. We have a question. Sorry, Daniel, you want to go get into this?

Daniel Levy 38:11

I just wanted to jump in on this because it struck me as Nora was talking. But what we're seeing is this phantasmagoric combination of what Nora described, which is this attempt to decontextualize something that should be so familiar to everyone I'm talking to you from Brussels. I just come from the European Parliament. Someone came to me at the end of the session we did there and said they just can't wrap their heads around the colonial nature of this. It's it's the thing that they find most difficult to relate to. So on the one hand, we've got something which is incredibly familiar from history. On the other hand, we've got something which is horribly new. So when I was referring to the US and the geopolitics and this idea of Israel being the hegemon with the backing of us, Allied Arab states, and putting domestic US politics to one side, there's something else going on here, which is the advantage, I think we can't ignore that the US and other Western powers see in testing the horrendous battlefield of the future. And that battlefield of the future is here today. And what you hear from Palestinians and what you hear from Lebanese is this, AI, automated weapons, robotics, drones everywhere in the sky the whole time. The way this war is being conducted should terrify everyone in terms of what the future, which is here today, for Palestinians, looks like. And there's one, but for me, there's a there's the the flip side to that, which is something. That again, nor a broader which is the G 77 the group of 77 the non aligned movement. I don't want to suggest that's coming together again. We live in a different world, but in a way, in some measure, it is how the global south sees what so many don't see. Who can't, can't get into their heads, what's going on here, or refused to do so, and how that translated and played out in the international arena, with the case that South Africa took with the other states that joined that with some of the states that have downgraded their relations, that have challenged the impunity, and what we saw with the advisory opinion ruling of the International Court of Justice, and how that played out in those who made submissions to the ICJ and that 19th of July ruling, which is now UN General Assembly, 126 26 and I insist on telling people wrap your heads around that read that ruling, Read that resolution. This is how we have to relate to the Palestine Israel reality today. That's the ruling that says the occupation in its entirety is illegal, and here are the responsibilities of every third party state in order not to be complicit in that illegality.

Trita Parsi 41:20

Thank you so much, Daniel, it raises the question of the power of international there's a question I want to get to in just a second. But since Nora mentioned that, what we're seeing

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here is a systematic effort to actually hollow out international law, we have a question from journalist Branko marcich That is asking, mindful of the fact that we so often in Washington here, that we are the defenders of the international order, and then you have countries such as Russia, China, Iran, that are the challengers of the status quo, the challengers of the so called rules based international Order. Branko asked, is there any precedent for a stage waiting this kind of broad, sustained assault on the international order, not just the way many war crimes committed against civilians, but the seemingly deliberate targeting of protected classes, like medics, journalists, aid workers, coupled with verbal and literal attacks on the UN itself, in the form of killing UN workers, bombing un facilities and now attacking peacekeepers. Do we have any precedent of any state having engaged in this type of a conduct, particularly with the explicit support of western states? Anyone wants to take that?

Noura Erakat 42:41

Yes, please, yeah, I'm very happy to take the question and the answer is a straight No, and even an under. Relations could answer that question, which simply no because in 12 months, there has never been the United Nations represent on the ground in terms of hampering the humanitarian convoys, humanitarians and Tetra whatever Israel has done against Israel, I'm sorry. I'm sorry.

Trita Parsi 43:32

Nora, if you could come in?

Noura Erakat 43:35

I'm happy to do that. I also, Francesca, I'm typing to if you want to call me, and I can put your audio here so people can hear, but let me I just want to echo what Francesca is saying. I'm like, racking my brain, right? Who's ever done this? And even in the worst human rights abuses, it's never been this blatant right, like I'm very much thinking about the US Bush administration and its war on terror, right? It flagrantly taking up, you know, extrajudicial assassinations, which didn't become acceptable until Obama came into office, right? Or the outright torture of detainees and their kidnapping in Guantanamo Bay, the CIA black sites, right? This insistence that the US gets to be the world police force and therefore above the law, but even the Bush administration right try to try to frame it very squarely within the language of law, so that they never said, we torture and we have a right to torture. I mean, we get that in the torture memos, but explicitly they were saying, We're just, we're just practicing enhanced interrogation techniques, right? So even, even when they were the idea of there's no jurisdiction that applies to Guantanamo Bay, I mean, they were trying to, they also tried to square that very much within a legal argument, but they didn't necessarily, and even when they said that they had. The right to invade Iraq. They didn't say that the UN was a problem. They actually made an argument about preemptive self defense, in a way that they tried to get around the prohibitions that are imposed by the charter definition, the UN Charter definition of self defense. This is, in fact, I want to agree with Francesca here the first time where we see a direct attack on the UN, a

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block. We obviously, Francesca has been blocked from entering and other special rapporteurs, but now a block on the Secretary General from entering, Antonio Guterres, we also see a direct attack on the UN, trying to call them, you know, anti semitic, and attack on the ICC as practicing blood libel, and attack on the ICJ as also being anti semitic. So I think in this way, it very much is unprecedented that they're ready to take down the entire system with them, and that's literally what's at stake.

And you know, looking around, they're and they're challenging. They're provoking the rest of the world through these attacks. There's a red line that's placed after the second provisional order that was issued, or the third provisional order in May that was issued, with the comma debacle around Rafa being a red line. That's when the first tent massacre happened, of attacking Palestinians, displaced Palestinians in tents, where those children burned to death before their flesh melted off their bodies. They're provoking us. They're telling us, we're going to attack the UN we're going to challenge the system, and then we're going to make it even worse, and you will do nothing. So I don't, I don't know that we've ever seen this before.

Trita Parsi 46:47

Daniel?

Daniel Levy 46:51

I can only understand to the extent to which I'm able to this in the context of the degree of criminality because of the degree of impunity, I don't think we could be where we are today without that impunity. And for all my criticism of Israeli government's past, this feels like qualitatively different, because they can get away with it, but they've been putting this in place. So predating all of this with the threats that we are now aware of to the former ICC chief prosecutor Ben Souter, because she was ruling on the Justice ability of the Palestinian territories for the ICC, and we saw the thing that I feel very strongly about, if I can be parochial and personal for one moment on the IHRA definition of anti-Semitism, This putting in place, this effort to totally distort and be able to abuse what constitutes anti semitism in ways that I think are terribly dangerous. When Netanyahu gets up in front of the UN General Assembly and calls the UN General Assembly a swamp of anti semitic bile, I mean this. This is a rogue actor now, and let's not forget, it's a rogue actor with nuclear weapons that's digging itself deeper and deeper into a zero sum equation in a part of the world that is not going to accept this behavior ultimately. So I kind of want to also acknowledge just how dangerous this is.

Trita Parsi 48:44

Francesca said earlier on that she, a year into this, feels quite dismayed, mindful of how things have been progressing. And I think in some ways, we're experienced a bit of a contradiction. On the one hand, South Africa has taken Israel to the ICJ on genocide charges, even though many were skeptical that that institution would really ever effectively address potential crimes committed by allies or states belonging to the west, the mere fact that ICJ took it up, however,

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already had a chilling effect on Israel in terms of its international isolation. However, at the same time, despite all the UN resolutions and the second ruling by the ICJ, we have not seen any of this having any meaningful impact on Israel's conduct so far. And the question then is, rather than moving towards a world in which these institutions such as the ICJ, ICC and international law actually become more influential in terms of setting the parameters of international law. Are we actually moving in the opposite direction in which these institutions are actually becoming more hollowed out in face of raw power? Francesca, is your internet better?

Francesca Albanese 50:04

I don't know. Can you hear me? Can you hear me? Thank you. I will respond to this one because, in fact, I was, I was listening to the question. I was wondering, what was what were we being asked? Because I personally in front of such a question in my fellow panelists might feel differently, but I feel that I should have the crystal ball to know where we are going. I but I do see clearly and with a clarity that almost scares me, but I do see that we are at the moment of transition. That is, it's a crossroad. I do see what Nura is saying. I mean, she was reading for us how the colonial system and mindset has survived throughout the years and throughout the UN system. And today, everyone sees its face, and it's not acceptable anymore, because there is one important passage of that that was implicit in most what Noura said, but I think it's critical. It's the decolonization era that brought to the adoption of the sorry, the Additional Protocol to the genocide, to the Geneva Convention that Nora was mentioning there was the decolonization, the movement, the decolonial movement, that gained a power that then has been sort of torn down. I still, I'm still wrapping my mind around what has produced this incapacity, this to react to injustice that the global south should have also brought more deeply into into the system, not just at the United Nations, but to the trade and political relations that it has with the Global North. And I do see that this system is evident now, and I do see that there are forces opposing it, and these are the the ordinary citizens who cannot stomach anymore the killing of of children and react to this. Can you hear me? Can you still hear me?

And then there is, there is the the movement that the Palestinians have built up, because this is another important feature to recognize. I know that many Palestinians feel really defeated at this time, because this is what happens to a body. A people is like a body. When you chop one part, the rest of the body suffers, and this is happening to the Palestinian right now. I know that we might feel defeated, but for me, the fact that they brought the they they've been shaking the ground for so long that their struggle has not been defeated. They're still there prominent, and they have mobilized global conscience around the question of Palestine, the students, again, the BDS movement that has grown internationally and massively against all odds, the fact that there are millions of ordinary citizens protecting they continue, and it seems useless, and then they provoke a change that looked impossible until it become possible. I know it's very, very slow, and I note it has not stopped the genocide, but we need to see the movement that has been created, because if we see that, we will go, we will move on in the face of processing grief that we are in. I know it's not very lawyer language, but we are human beings who are shattered by what happened, and we need to recognize that we are grieving collectively. There is a sense of denial that is moved by rage and then turns into feeling depressed. This is where we are right

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now. We need to get out of this mode and use all the power and might we have to challenge the system and legally we can both at the international level and also at the domestic level. There is a desperate need for strategic, strategic litigations at every state level against all government authorities who have contributed, participated, provided assistance and aid to to Israel while he was committing atrocities and also private entities. This is the challenge all of us have in each country where we live. Thank you. I'm glad I could contribute in the end.

Trita Parsi 54:29

Thank you so much, Francesca, since your connection seems to be strong and I'm going to ask a last question, I want you to start answering what I want to give everyone else a chance to answer as well. And it's regards to something that we at the Quincy Institute care a lot about, which is how all of this has affected America's global standing. We're now in a situation in which, when the UN resolution passed that Daniel mentioned earlier on, only 14 countries voted against it. The US included 141 voted in favor out of the 13 countries outside of the US. That voted against it. Five of them are Polynesian island states that are completely dependent on the United States. It appears to me that the US is as isolated, or more isolated on this issue at the UN than Russia is on Ukraine. On top of that, you have the United States not running for a second term on the UN Geneva, the Human Rights Council in Geneva fearing, according to Ken Roth, the former head of Human Rights Watch, they would actually lose the election because of international anger towards America's role in all of this. Francesca, if I can start with you, how do you assess how America's global standing and influence has been impacted in the last 12 months and what can be done to rectify it?

Francesca Albanese 55:44

Yeah, look, let me start by your consideration on that carries a lot of symbolism, but I'm afraid my carry more symbolism than substance, and it's the US decision not to participate in not to run for a next term in as a represent represented country in the Human Rights Council. Because I really think that had the composition of the Human Rights Council being different and judging the odds the US might have run for it, but of course, it would have been confronted with the role it has played at the international level. But excuse me if member states have so much anger toward the US, do they need to wait for the Human Rights Council to exert that leverage and pressure that it's needed at international level? Cannot this be reflected in the economic, political and diplomatic dealing they have with the United Nations, first and foremost, and with Israel? So again, it seems to me that we are this is the run of those who hide behind the finger. And this is how I see Member States today, which is not a very neither sophisticated, not a very commendable image, but this is how I see the system right now, because no one takes responsibility for what is called the collective responsibility by by definition. So this is where we where we are right now, and in order to change it, I think that again, we need to make the people stronger than they've always thought to be with the with international system, this can be an opportunity for a really positive and peaceful revolution that that asks for global democracy against what Some scholars call global apartheid, a system of domination, whether where, where one sort of racial group dominates over the others, it could be another racial group. This

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is why I'm not saying that people in other regions are necessarily better, but this is what's happening. The West is dominating the rest with the US. At the top of the Imperial design in order we can fight it, and we must fight it this from within, using the law as it stands. Noura was talking about both domestic law and international law. And again, we need, we must make sure that this aligns the politics align with the law as much as possible, otherwise we are going to face a massive conflagration that will

Trita Parsi 58:36

Thank you so much. We are out of time right now, So I want to give Daniel and Nora 30 seconds each to reflect on the issue of where US Global standing is, and what can be done about it, Daniel?

Daniel Levy 58:56

I think what you see is, I don't even want to use the word residual, because it is so much more significant than that. American power, hard power, power to bully, power to use its relations, all in order to advance now, we've talked about the US interest there as well. But in order to advance this, what Israel is doing to run cover for what Israel is doing. But I think if you go beyond that, then so much has been lost, and it will have to rely so much on that brute power and bullying and putting all those efforts because people just don't want to hear it anymore, the anger at the US, the anger in places that you wouldn't expect, the popular boycotts of companies that may even not be involved, but are considered maybe they're a Western company complicit in parts of the world, not just in in the Middle East, but in other parts of the world. The reception that Prime Minister Netanyahu received on both sides of the aisle in Congress, one should not underestimate how that played out. Is. In the rest of the world. So I think it's done. I actually think the US is done now in terms of any notion of soft power for an awfully long period of time. That doesn't mean that the US isn't a problem because it's willing to deploy many other things, and that doesn't, as Francesca implied, excuse anyone else from taking responsibility for their own actions.

Noura Erakat 1:00:23

Now I'm going to echo my esteemed co panelists and just lift up a couple things, that the highest form of power is that form of hegemonic power, where, through some sort of ethical and moral persuasion, we also participate in our own domination and yet the US, right? All of that, the ethical and moral edge that it may have had, that it even had towards Palestinians, when, in the aftermath of the Second World War and the Anglo American commission, Palestinians wanted the Americans to be their mandatory power, right? They saw them as the as the most fair. And now fast forward, we're over 100 years later. They are literally the the enemy of the world. They are Empire. They are a source of so much violence. They have their military base, 750 military bases across the globe, and what they're offering to people is basically outright threats, coercion through direct attacks, or through the deprivation of privileges or financial support, which, you know, this is just, this is just a lid of pressure and a lid waiting to be blown

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off. So I agree it's a matter of time, but in that time, it's going to be what others have described. You know, the darkest time of the end of Empire is also the most violent and dark, and that's, that's what we've entered into. So when we think about, how does the US regain this, I think it's through the people who live here, who are beneficiaries of empire, who have a responsibility in order to name that unearned privilege that we have by living in its center and by practicing an incredible amount of humility and shattering American exceptionalism and where we are and who we are to the world.

Trita Parsi 1:02:16

Thank you so much Nora, Daniel, Francesca for what cannot be described as anything else but a very sobering conversation that probably is quite appropriate, given where we are. So thank you for that. Thank you for all of you who have watched and participated before. I let you go. Let me just mention our next webinar, which will be held on October 17, at 1pm Eastern Time, is titled US China, science and technology, exclusion, pressure toward building toward conflict. For those of you are not subscribed to the Quincy mailing list, please go to [Quincy inst.org](https://quincyinst.org) sign up for our newsletter so that you get email notifications and invitations to all of our events, physical as well as webinars, as well as receiving our reports and other products. Thank you again for participating, and hope to see you all on the 17th. Thank you so much. And thank you Nora. Thank you Daniel. Thank you Francesca, thank you Francisco for trying so hard despite the very difficult connectivity issues. But I'm sure we will do this again.