

"How Can We Help The Palestinian Cause?"

Norman Finkelstein

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Intro:

Finkelstein: First of all I want to thank — your name? (reply: "Sumayyah") — Sumayyah for inviting me here and that's usually a pro forma thank you, but this is also an authentic thank you, because in correspondence with her over the email, it was clear to me that she was serious — not just about talking about Palestine, but actually doing something concrete to affect people's lives for the better. It was clear to me from the proposals she was making in our email correspondence that this was a person who is sincerely committed to action, which is my preference as well.

Finkelstein: I've just had a small conversation with her prior to walking into this room about exactly what we will discuss. Sumayya's preference was to try to give some background to the current unfoldings in Palestine and to give some sense in accordance with the title: what you can do. And I think that's a good idea; that seem to me a reasonable approach. And so what I want to do is kind of combine the two: namely give some sense of what the actual picture looks like. And by conveying the actual picture, I think also conveying what I think is the most effective approach to trying to *convince people* about what's wrong and how we should go about it. And then, we're going to open it up for discussion. I suspect there's going to be a significant amount of disagreement with some of the things I have to say and this is as good a place as any to try to have our open debate and see whose approach is more effective — who's approach is more and who's approach is less effective.

Preliminary remarks:

[2:52]

Finkelstein: Let me begin with some preliminary remarks. My own view is after lots of experience — I could say a reasonable amount of experience over a significant number of years of being involved in the topic — that the most effective approach to trying to reach people on the Israel-Palestine conflict is to stick to the most conventional mainstream

record of what's happening: use the most uncontroversial sources and steer as much away as possible from slogans and sloganeering and just stick hard and fast to the factual record, the documentary record, the United Nations record, the human rights record, the judicial record. To stick to those sources which are irrefutable, and are *overwhelmingly*, overwhelmingly — in fact we can almost say unanimously — in support of a reasonable resolution of the conflict. Now, that's going to mean for our purposes — it's going to mean two things, and we should sort of .. I'm not saying mine is the answer, but I want to be upfront as it were about what my views are on the topic.

[4:30]

Finkelstein: Number 1: it's going to mean steering clear of ideological debates and discussions. As Sumayyah mentioned in her introductory remarks, I did write a doctoral thesis on Zionism. However, whenever I speak on the topic — recent years when I've written on the topic — I never mentioned the word Zionism because I do not want to get involved in ideological debate about whether or not you are a Zionist. Frankly, I couldn't care less whether you are or you aren't. It's an interesting intellectual topic, *maybe*, but it's of exactly in my opinion — it's of exactly zero *political* importance. So I'm going to recommend, and you'll see in the course of my remarks, I'm going to recommend steering clear of any ideological debates about the nature of the Israel-Palestine conflict.

[5:44]

Finkelstein: Number 2: I'm going to recommend that if you're seriously committed to trying to resolve the conflict, that the only way in my opinion to resolve the conflict at this point is to bring to bear the consensus of the international community on how to resolve the conflict — not to try to *defy* the international community with more radical radical slogans. (noise) .. OK, not to try to defy the international community with your own or someone else's more radical slogans, but rather to bring to bare the weight of international public opinion: bring to bare the weight of the United Nations resolutions, the world court — the International Court of Justice — decision and so on and so forth in trying to resolve the conflict. For some of you in this room, and maybe for the majority of you in this room, that's not going to be a satisfying answer. You're going to tell me you want to go out and advocate a one state solution, or you want to go out and advocate a democratic secular or whatever Palestine. And my answer is going to be to you, in my opinion, that's a dead-end strategy. It may be very satisfying for you in your little group; it may be satisfying for you in your living room, and maybe satisfying for you in your little club or grouplet. But if you're seriously committed — as I assume was my mandate from Sumayyah — if you're seriously committed to trying to lessen the suffering of the Palestinian people, to bring a little bit of sunshine into an otherwise very gray life of forty years and more, then that's not in my view the strategy. Because there's exactly zero support in the international community for a one state, democratic state, of whatever you want to call Palestine. On the other hand, there's a huge amount of international support for a two-state settlement, and it's that which we have to bring to the attention of People.

[8:34]

Finkelstein: OK, those are my introductory remarks which have probably already alienated a significant portion of this room. And someone of you are thinking "ooh that's so boring: Two states! we've heard that already so long", and you want something more exciting. Well, I'm not into excitement: I'm into the real world, and trying to effect change. It's not the Oxford Union where they debate silly resolutions among unserious people. We're serious, and I want to be serious.

Zionism victories and lost Palestinian victories:

[9:13]

Finkelstein: Let me begin with a couple of illustrations of the general remarks that I've made. Now everyone in this room I assume — because you came here — everybody in this room has heard of the Balfour Declaration. Raise your hand if you've heard the Balfour declaration; raise it up high. OK, you haven't heard it?

Attendant: No I haven't.

Finkelstein: Oh, OK, cause I have assumed people had basic background. I was mistaken?

Same attendant: Actually I'm not a student, I come over because I'm interested.

Organizer: We'd like everybody to know.

Another attendant: Tony Blair hasn't heard of it either.

Finkelstein: Excuse me?

Same last attendant: Tony Blair hasn't heard of it.

Audience: (laughter)

Finkelstein: Tony Blair is still looking for those weapons of mass destruction. Don't distract him.

[10:08]

Finkelstein: And almost all of you also — how many people have heard the Balfour declaration? Raise your hand; I just want to have a sense of the audience I'm speaking to. Good, and I assume most of you have heard of that 1947 partition resolution: namely the resolution United Nations General Assembly dividing Palestine between what they called back then, an Arab state and a Jewish state. How many people know the partition resolution? Good. Now one of the tragedies of the Israel-Palestine conflict in its contemporary — in its current form — because that's my mandate to speak about today; One of the tragedies is everybody knows the Balfour declaration; that was a huge victory for the Zionist movement. Everyone knows the partition resolution; it was another huge victory. Abba Eban called it — Israel's former foreign minister, or first foreign minister — Abba Eban called it Israel's birth certificate; another huge victory.

[11:21]

Finkelstein: The tragedy is the Palestinian side had a Balfour Declaration and a UN partition resolution wrapped in one. They had a huge victory also, but I'm almost certain that nobody in this room is aware that the Palestinian side also had a huge victory, and it's the equivalent of that Balfour declaration and that partition resolution. Now, you're all wondering — OK, what I am referring to? — and the answer I'm going to give you is the July 2004: the International Court of Justice — the highest judicial body in the world — the International Court of Justice, it rendered a landmark advisory opinion on the wall that Israel has been building in the West Bank. Now, some of you in this room are aware that the world court decision, or advisory opinion to stick to technicalities, the world court advisory opinion concluded that the wall Israel is building in the west bank is illegal under international law; that Israel has to dismantle the wall and it has to pay compensation for the damages caused by the Wall.

[13:04]

Finkelstein: In fact, if you read the decision, that's the least significant part of the decision and I'll try to illustrate now why. Why I think it's a Balfour declaration and a partition resolution wrapped in one, and why I think if we're serious about trying to solve this problem, we have to make that decision as well-known to the public as the Balfour declaration and the partition resolution. It's been our *failure* that we have not taken our paper victories and turn them into a political force, because that's what the Zionists did. They took a paper victory: a few words by a foreign minister — very few words as it

happens — and turn them into a political force. They took a UN general assembly resolution which was just a recommendation by the general assembly and turned that recommendation into a political force; they mobilized around it; they organized around it. And Now we have that victory; unfortunately because of a dreadful leadership, but also because of our own inadequacy and incompetency, we haven't taken advantage of our victory, but what is the victory?

Highlights on the July 2004 World Court advisory opinion:

[14:56]

Finkelstein: Let me try to go over it, you know, in not great detail but giving you the highlights which are crucial for our purposes. Many of you know that the so called peace process — they keep using this expression: "the final status issues" of the peace process. Who knows what the final status issues refers to — anyone? Good. Go ahead.

Attendant: Jerusalem ..

Finkelstein (interrupting): Maybe since we're a smaller group, state your name so we can get to know each other.

Attendant: Saeed. Jerusalem, the settlements, and defined border.

Finkelstein: Excellent. The final status issues of the so-called peace process are usually — they are five, of which Saeed named three main ones. The five issues usually named are settlements, borders, Jerusalem — it's rarely mentioned but it should be there: water and the refugee question. And these five issues are said to be so complicated, so complex, so controversial that they have to be put off deferred to the final stage of negotiations because it's going to be so difficult to resolve them. You have to take all of these preliminary — what they sometimes call "confidence building" — steps before we get to these "tough" issues. Now, as it happens, the world court (noise for 18 seconds) ..

Finkelstein (laughing): There's a limit ..

Audience: (laughter)

Finkelstein: As it happens, the world court in order to render its decision on the legality of the wall, it had to first address those final status issues. Exactly the ones that Saeed mentioned as it happens. The borders, the settlements, and Jerusalem. They've *rendered* a decision; the highest judicial body in the world has decided on those issues. Well what did they decide?

[17:39]

Finkelstein: Well, as you know, it's Israel's positions that those territories — the West Bank and Gaza. it's Israel's position that those territories are, to use their lexicon, those are what, you're gonna say? (reply:"disputed"). Good, very good; your name? (reply:"Sorry, Eva"). Eva says correctly, according to Israel those are *disputed* territories. And if you read a lot of the mainstream press — pretending to be fair and balanced — they say they are not taking the Israeli side and they are not taking the Palestinian side. They agree the territories are "disputed", but not so — says the World Court.

[18:38]

Finkelstein: These are *not disputed territories*; the world court ruled that a fundamental principle of international law, which you should lock in your brain — your memory banks — is that it's inadmissible to acquire territory by war under international law. You can't change borders by virtue of having acquired them (territory) in war. It's a fundamental principle; to use the fancy international law lingo, it's a "peremptory norm of international law". That means it's a fundamental principle; it's a tenet of international law. Well, says the world court, how did Israel acquire the West Bank and Gaza? how did they acquire them — you? (reply:"by force"). Yeah, they acquired'em in the June 1967 war: they acquired the territory by war. The world court says "acquired by war; you have no title to that territory". And the

world court says that those territories — bare in mind everything I'm saying to you now is not coming from some radical scandal sheet; it's coming from a very conservative world court. They say all of those territories, and they repeatedly say it in their decision, all of those territories are "Occupied Palestinian Territories"; capital O, capital P, capital T. That's their terminology: those are Occupied Palestinian Territories. The bottomline: those are *not* disputed territories. And everytime you see that in a newspaper or in a periodical, you should be writing them a letter and saying that's not what the world court said: the world court said those are "Occupied Palestinian Territories" to which Israel has exactly and precisely *zero title*.

[21:22]

Finkelstein: Number 2, the question of — as Saeed pointed out — the settlements; what is the legal status of the settlements under international law? The world court ruled on that: the world court stated that under article 49 of the Fourth Geneva Convention, it's illegal for an occupying power to transfer its population to occupied territory. The West Bank and Gaza are occupied territory under international law, therefore all the settlements — every single one; they are not controversial, the settlements: they are illegal under international law; that's what the world court said. In fact, the world court quoted the UN Security Council as stating the settlements constitute a "flagrant violation" of international law. Period; full stop. There is no controversy whatsoever regarding those settlements: they are all — from first to last — illegal under international law.

[22:58]

Finkelstein: Number 3, Saeed mentioned the status of Jerusalem; we're told that Jerusalem is — apart from the refugees — the most controversial question of all. Israel's official position East Jerusalem is part of its "eternal and undivided capital". Israel and Israelis regrettably overwhelmingly say "under no circumstances will we give up any of East Jerusalem". But what did the world court say? The world court said "No". How did Israel acquire East Jerusalem? (reply: "by war"). It acquired East Jerusalem the course of 1967 war; it's inadmissible to acquire territory by war; East Jerusalem is Occupied Palestinian Territory. It's not my terminology and that's one important point I'm gonna keep hammering home this afternoon. We're not talking about my opinion or your opinion, and you'll never win any argument in the court of public opinion if you assert that this is what "I" think. Because what you think, regrettably or not, is completely irrelevant. If you turned it into "that's what I feel", the other person with equal force can say "well, this is what *I* feel". That's not the argument, the question is what is the opinion of the most respected and the highest judicial body in the world, and the world court throughout its decision refers to the West Bank, comma, including East Jerusalem, comma, and Gaza as Occupied Palestinian Territories. So the first point you should bare in mind: all of these so called *complicated controversial* final status questions; they are not complicated or controversial at all: they have been *decided* by the highest judicial body in the world.

The perceived controversy:

[25:50]

Finkelstein: Number 2: to illustrate just how uncontroversial these so-called controversial issues are, all you have to do is look at the vote in the world court. World court decisions are often quite close; so to take one example, 1996 the world court — the International Court of Justice — had to rule whether or not nuclear weapons were legal under international law. Because nuclear weapons can't discriminate between civilians and combatants, and so the question was whether they are legal. No point in going into the details; the only point I want to make is it was a close vote: it ended up being 8 to 7. And if I go through other world court decisions, I can equally illustrate votes are often close. But

what's striking about the Israel-Palestine conflict is here we have before us what are said to be the most controversial issues; there was no controversy at all: the vote was 14 to 1. The one dissenting vote being the American Thomas Buergenthal to whom I'll return in a moment.

[27:26]

Finkelstein: It was not a close vote; the British member, or I should say the judge in the court from the UK — who knows who the judge in the court is in the UK, anyone? I'm curious whether you know. It's a woman named Rosalyn Higgins, and Rosalyn Higgins — she happens to be Jewish by birth; she's married to an Irishman and in her legal writings, which I've read, she often tends to be very pro-Israel. But on this particular case, she went with the majority. And you know why she went with the majority? Because it's not controversial; these are basic principles of international law: inadmissibility of acquiring territory by war; inadmissibility of transferring your population to occupied territory. These are not complicated principles; they are bedrock principles of international law. So the vote was 14 to 1. And even the one dissent — namely Thomas Buergenthal from the US — he was very cautious; he did not call his statement a "dissent": he called it a "declaration" using more neutral language. And he said — he begins his declaration by saying that "there's much in the majority opinion with which I agree". And then he says — and try to remember this; lock it away in your memory banks — he says "on the basic most elementary question of the conflict, those settlements .." because if there were no problem with the settlements, there wouldn't be a problem there now; he says "I agree with the majority: under article 49, those settlements are illegal under international law". So what you have then is in effect 15 to zero on the basic questions of the Israel-Palestine conflict.

[30:00]

Finkelstein: Now having said that, I have to reiterate two points, and I will be reiterating them to the point of tedium in the course of the next four hours. Number one: you don't have to cite obscure sources to defend that position anymore. You think East Jerusalem belongs to the Palestinians; you don't have to cite a PLO publication; you don't have to cite your grandmother: you can cite the World Court, and you can insist this is not a controversial question; not because my mother was born there, but because the world court said it's not controversial. But number two — and you'll have to listen up, and we can argue about it — if you want to use the world court decision in your argument, then you're going to have to accept that under the current state of international law it's the West Bank and Gaza and Jerusalem that are occupied, not Israel. The whole premise of the world court decision is that these are occupied territories because they were acquired during the June 1967 war; It does not refer to 1948. If you want to argue they are *all* occupied territories, I'm not going to tell you whether I think you're right or wrong; I'm not gonna go there. I told you already I'm not gonna go into ideological arguments or historical arguments; I'm simply going to tell you flat out you lose the world court; you lose it as a weapon in your argument; you lose that equivalent of the Balfour Declaration and the partition resolution. And it just makes your case in my opinion — it makes your case impossible. Because as I'll illustrate again in a moment, if you start arguing — and I'm not arguing whether it's right or wrong, I'm not gonna go there, and I could see the arguments on the other side; I'm not gonna pretend to be blind to them. But the purpose of this workshop is as I understand it to present a strategy so that Palestinians — at least those living under occupation — the misery can in some way be lessened. That's what I understand the purpose here to be, and I say I don't think there's any other strategy than to go with the consensus of international opinion and try to force it on those who don't know it or who are trying to obscure it. The reason none of you *know* — how many people knew that's what the world court ruled? On all those points? Well, that's an unusual audience; that's an unusual audience. How many did not know? OK, so we say up to the activists half did not know.

Golan Heights, Shebaa farms, and the media:

[33:40]

Finkelstein: The reason most people — cause this is obviously not a cross section — most people don't know is because on the one hand the other side has done everything to make sure it's not known, and our side has done nothing to publicize it. The Zionists always ran with their victories; our victories I'm afraid get lost in the wastepaper basket, which is what I think happened with this victory. Well, that was the world court decision — yes?

Attendant: Just a quick question, did they rule on Golan heights and Shebaa farms?

Finkelstein: No, because the only mandate was — and, you know, please— .. I'm lecturing for the next five days to the point where my brain is turning to mashed potatoes. So please feel free to interject comment; I will get a discussion going. I'll just say again just name yourself so we can get to know each other — assuming you want to be known and you're not working for The Jewish Chronicle. OK, go ahead.

Audience: (laughter)

Attendant: (inaudible) Is it the media that's fought with not publicizing this?

Finkelstein: You know, I'm always of the opinion when I have questions like this is God helps those who help themselves. The media may have its own agenda; the media maybe lazy. I don't know what the motive is, but regardless of what their motive is, the bottomline is nobody knows. And then we have to do our work to make it known and to be forceful about it. And as I said to keep reiterating it's not your or my opinion; when you make these claims, you're reiterating Israeli propaganda, not the opinion of the highest judicial body of the world. When you use the term "disputed territories", you're not being neutral: that's Israeli propaganda. Neutral is what the highest judicial body in the world ruled in its decision; that's neutral. That's neither pro-Israel, nor pro-Palestine; that's pro-justice. That's why we have a judicial body: to render justice. And you're not being neutral, you're being partisan.

Technicalities of the World Court opinion:

[36:22]

Simon Moore: Has Israel ratified a new treaties relating to international law or the world vote court?

Finkelstein: OK, let me just give you the technicalities. I'm no expert in international law, but I've read enough about it where I can give reasonable answers. There are two kinds of international law: one is called customary international law; the second is called conventional international law. It simply means this: customary international law is the law which everybody has to follow because it's become the general custom of human kind; it doesn't have to be written; it's the unwritten law but which we all kind of have internalized as being the law; that's customary law. And a second kind of law — it's called conventional law — and conventional law means conventions that you have signed onto it. Conventions means like agreements: formal agreements that you have signed. So for example, on the current state of international law with our called the Hague Regulations and the Geneva Conventions, even though the Geneva Convention is called a convention, it's generally assumed that's the current state of customary international law. And then there are other laws on which you have to sign an agreement and say I'm on board: I support it.

[38:05]

Finkelstein: As to the question of the world court, there are two aspects to look at. Number 1: there is a slight technical question; the world court in this case did not actually render a decision: it rendered what's called an advisory opinion. That means the general assembly voted to ask the world court to render its opinion — just give us your legal opinion

— "Is this wall legal or not?". It wasn't like two parties came before the world court and said one party said X another party said Y and said "OK world court, you decide who's right and who's wrong". That's what's called a contentious opinion: two people contend and the world court decides. This was an advisory opinion: the general assembly says "OK, tell us what's your professional opinion as justices; is this legal or not?". Now exactly what its standing is in international law — you know, international lawyers blather a lot and there's enough books to fill this room whether an advisory opinion is the same as actual decision or not. We don't have to worry about that; it was their opinion and I think it's the most important point for us to consider.

The wasted victory:

[39:46]

Finkelstein: It's interesting what happened with Israel, because it illustrates our own failures as a movement. When the case went before the international court, Israel panicked; it didn't know what to do. Should it send a representative, or shouldn't it send a representative? Should it argue its case, or shouldn't it argue its case? There are many aspects which time doesn't allow me to cause they are little details, but Israel really worried. Do you know why it worried? Because it feared that Palestinians would do with that world court opinion what they had done with the Balfour Declaration and the partition resolution; little that they know how monumentally incompetent and corrupt the Palestinian leadership was; that like every other one of their victories, they did nothing with it. It just became another piece of wastepaper deposited in the basket, but they were *shredding* that decision. Just to give you an amusing sidenote — as I said I won't get too much into the details — a week before the ICJ (the International Court) rendered its decision, the Israel high court rendered a decision. And it looked like a pretty liberal — on the wall; on the wall — and you know why they did that? Everybody understood it: they were hoping the International Court would say "OK, the liberal Israeli high court has rendered not a terrible decision, so maybe we shouldn't say anything". But the world court still spoke, but the whole Israeli society was preparing for this disaster at the world court. And you know what the truth is? It was a *complete and total disaster for Israel*; I was shocked when I read it. On every single point they lost everything. Do you know for forty years — forty years from July 1967 they said Jerusalem is ours; they start annexing it in July 67; they began the process of annexation. And the world court nullified all forty years: it said in this devastating sentence — I was shocked — "The West Bank" comma, "including East Jerusalem" comma; everything Israel lost. It was a huge victory. It was frankly a breathtaking victory when you consider the world court judges in general; like law in general: very conservative. And you have Rosalyn Higgins sitting on the court, and you have some others who are — if you read their separate opinions — they bend over backwards trying to support Israel. But on the crucial questions, it was a across the board defeat for the Israelis and complete total vindication of the Palestinian position *assuming a two state settlement*, assuming a two state settlement.

[43:54]

Paili Kiyan: Just a quick point. In fact the international court decision is implied to be grounded in the United Nations concept. In other words, this (inaudible) against occupying forces is the very definition of United Nations; that's why United Nations was formed precisely to bring into international politics non-aggressive peaceful resolution.

Finkelstein: That's an important point that a large amount of the world court decision referred back to the UN resolutions. These resolutions are not garbage resolutions; they are not to be discarded like wastepaper the way Israel does. No, they repeated those resolutions; 242 — the most famous — says in its first paragraphs "emphasizing the inadmissibility of acquiring territory by war". They repeat that; that's the UN position, and that's an important point because now the world court is upholding all of those UN

resolutions which Israel says have no value. No, the world court says they have a lot of value. Yes?

"Facts on the ground":

[45:25]

Yusrah: Sorry to interrupt you

Finkelstein: No, you're not interrupting. I'm not lecturing today; I'm giving introductory remarks not a talk.

Yusrah: My question is related to the central point of the strategy that you're proposing. It's not necessarily my opinion or (inaudible) my opinion, but I can imagine many people ..

Finkelstein: Wait a second

Audience: (laughter)

Finkelstein: I asked for a cup, but .. (laughter). Thank you so much, go ahead.

Yusrah: I can (inaudible) into feeling this way; that what you're proposing might work in an ideal world where facts are what dictate the way we behave. But in this world in which we live, it's not like that. We don't live in a world where, as you say, UN resolutions should not be discarded. We do live in a world where they are discarded by Israel with complete impunity. Also you're saying that we should only appeal to facts, not to your opinion or your feelings or where your mother was born, etc, but Israel hasn't. Israel has been successful, and they haven't relied on facts. They have appealed to manipulation of people's fears and guilt, and to impose facts on the ground. So how could one respond to that? You know the attraction to just forget about facts and international law and do what Israel has done successfully.

Finkelstein: Well, I don't want to be glib, and I don't want to give easy answers to serious questions. I'll try to engage, you know, your question in an honest fashion. In part my answer to you is I think Israel and the Zionist movement which preceded it were largely successful in their aims. And given their success, we should think about a little how they achieved what they did. And one of the things they did was they took those paper victories, and turned them into political forces. It's true they've relied on facts on the ground, but it's also true they've heavily relied on this historical and legal record for their claims. They will constantly refer to the Balfour Declaration; they will constantly refer to the partition resolution. Those paper resolutions gave them a legitimacy in international public opinion. And it's exactly that kind of legitimacy which I think Palestinians haven't been able to secure because Israel has successfully convinced people that the questions baring on Palestinians are "controversial"; that we don't know really; we have to wait till negotiations, or we need president Bush's *vision* in order to clarify what's right and what's wrong. We don't need his *visions*; actually we don't even need any of his *lucid* statements ..

Audience: (laughter)

Finkelstein: .. which don't interest me in the very least. There's no topic on God's earth that interest me less than what George Bush thinks about anything. We have the decisions already on what is right and what is wrong. And it's taking that morality of right and wrong and appealing to people on that basis. You see, my rule of thumb has always been if Israel invests so much — and its supporters — in trying to obscure the truth; if they panicked so much at the prospect of the world court opinion, they probably have a good reason: they don't want people to know the truth; they don't want a negative opinion from the world court and we should think about that. If they are investing so much in obscuring the truth, then maybe there's some value — political value — to be had in broadcasting the truth. Otherwise, why would they do it? Why invest all of this energy and considerable money in trying to propagate the lies unless they were fearful of what would happen if the truth came out?

Violations against all of us:

[50:50]

Attendant: (inaudible) I'm the coordinator of the (inaudible) Network for Just Settlement of the Arab-Israeli Conflict. I'd like to take your argument a little bit further. The decision of the court has made it clear that the settlements are illegal under article 49 of the fourth Geneva convention. Now, another article of that convention requires the high contracting parties — of which the United Kingdom is one — to take *measures* to suppress violations of the convention. Therefore we should be asking our government what measures it is taking to suppress violations. In fact, that was a question which I got my MP to put officially to the foreign secretary and he got his Minister of State to reply (inaudible) lots of other things, but he carefully avoided replying to that one.

Finkelstein: Oh, that's an absolutely crucial point, because part of the world court decision was at the end that the entire international community has an obligation to see that that wall is dismantled. It's not just an Israel-Palestine issue, it's said this is — they used the technical term "erga omnes" meaning violations against all of us, and we all have an obligation to see that that wall is dismantled.

Tear down the Wall:

[52:38]

Finkelstein: Allow me just on that point people often ask me what could the Palestinians do? And haven't they tried everything. And my opinion has been that they've actually not tried anything apart from the first intifada 1987-1989, which I think was a real effort. In my opinion, a mostly successful one to force Israel out of the occupied territories. They haven't tried anything; so what can you do? Let me give you an example: first of all, I think what they did last night was more important — and I'm saying it not rhetorically, I mean it factually. I think what they did last night was more important than those 10,000 peace conferences and the meetings and everything else. They just blew up the wall — that's exactly right; the wall on Gaza: "We're not gonna be rats trapped in this hole; You're not gonna treat us like garbage": no water, no fuel, no light, no food, and the whole world just gonna stand there, and do nothing. *No*, they blew up the wall: "we're going to Egypt". That's right; "let my people go". And, that was exactly the right thing to do; God only knows it took so long.

[54:32]

Finkelstein: And it's the same principle with the West Bank: they have an international court decision that says that wall is illegal, and if they had any leadership, *any leadership* — and not just a gang of thieves who are stuffing away money in their Swiss bank accounts. If they had any leadership, they would have taken one million Palestinians, armed them with picks and hammers — no rifles, and no suicide belts; just picks and hammers — and each of them carries that world court decision, go to the wall and say that decision says the wall has to be dismantled: that's what it says. "We're dismantling it. We're doing what the highest judicial body in the world told us to do". I don't think Israel could have answered that. Yes, at the beginning, it would have shot Palestinians. And believe me, I cling to life; I'm not telling anyone to give up their life. But remember: forty six hundred Palestinians have already died since September 29th 2000 for nothing; they got nothing. If you're going to die, I'm not gonna tell you to die. But if you want to put your life on the line, at least put it on the line for something which can work. And I think, yes, they may have shot twenty, and they may have shot thirty, but they would've had a huge problem, because then people will say "but wait, that's what the world court said. The world court said 'the wall has to be dismantled'". And we could have gone to the world court and say "world court, isn't it?"

didn't you tell them to do that? You said the international community had an obligation, exactly what you said, the high contracting parties had an obligation to tear down the wall, that's what you said". So, we're just doing what the court told us to do. Israel would have had — it would've been a *catastrophe* for Israel, and it could have been a real victory just as last night was a huge victory, and it was.

[56:54]

Finkelstein: And I'm hoping, I'm hoping somebody will get the idea. Not to blow up the wall in the West Bank as that won't work, but let's knock down that wall too. It's God helps those who help themselves. But it's going back to what you said a moment ago Yusrach: It's knocking down the wall — "creating facts". You see, that's what the Zionists do: creating facts, but you have the law on your side. Remember when the Zionists created those facts in Palestine, they always claimed they were implementing the Balfour Declaration. They would say "the Balfour Declaration said we're allowed to create a homeland here". They created facts, but the facts always had a piece of paper to justify them. Without the paper, they couldn't do it. They always had to say it was the Balfour declaration. And now, you have — when I say "you", the Palestinians have — they've the same thing. That's why you'd say it's the same as the Balfour and the partition resolution: they can knock down the wall holding up that paper. You can't imagine what a huge victory that was; it's completely squandered — wasted. But now maybe — I'm hoping — they'll get the idea. The Palestinians gonna say "you know, take you Annapolis, and your Oslo, and your Camp David, and you know what you can do with it" (laughter) "You know, we're gonna act on our own and we're going to act on international legitimacy: the international law". I think that has possibilities. In fact, I've felt this a long time. I think they could win it; I really do. I'm pretty certain of that because they have so many weapons now. I have the time — which is good, you know, to wind up or shut up as .. (laughter) — but I can go through a huge record for hours showing you how many weapons they have now to win their cause, to win their case and to finally end it. And, you know, I think we maybe — let's hope — at a historic moment, where the Palestinians finally again like they did in the 1987. They said "take the Arab League, go to hell with it. I don't wanna hear for peace conferences anymore, we're acting on our own". Just blow up the wall and end it; that was the smartest thing they ever did. Yes?

Arab leaders deficiencies:

[59:38]

Attendant: My name is Kashado from the socialist street society. You said that the Palestinian Authority squandered and they did nothing about what the highest authority — legal authority of the world — decide or advised to do. We know that the greatest tragedy of the world also is that governments or representatives of the people do not really represent their own people. And the fact is that yesterday as you said the people decided to do something *against* their own governments. Now also in Israel, they know that they had an interest to disinform their own public about the decision of the —. Now why did the Palestinian Authority — are they ignorant, stupid, inhuman, that they did not do what they have to do? And it's a very important thing.

Finkelstein: because it requires work

Kashado: Is it only because of work?

Finkelstein: They enjoy being diplomats and they all have titles. One's the foreign minister Maliki; foreign minister of what?. One's president; a president of what? They have their titles, their limousines, their VIP passes ..

Kashado: and bank accounts

Finkelstein: and bank accounts. Why'd they care about the people? I mean the level of wretchedness of these people is just — it's beyond belief. You're too young to remember — most of you of in this room, not all of you. I remember when the 1995 interim agreement in

Oslo came out, most of you won't remember it, but the 1995 agreement was called Oslo two. It was a very thick book: there was three hundred and fourteen pages on all of the details of how we gonna manage this peace process. They had 12 pages, *12 pages*, big pages, on VIP passes. Yes they did; a very complicated system: VIP A, VIP B, VIP C. The last page — go look yourself, it's on the web. The very last page, page 314, three quarters of a page — you know what it was? The last page, three quarters: *prisoners*. That's how much they cared about prisoners: last page, three quarters of one page. They don't think about prisoners; they're thinking about their VIP passes. It's disgusting, you know. Arafat did one great thing in his life, one great achievement: he left behind a leadership so disgusting, so wretched, that makes him look good in retrospect. That's a real achievement. I mean — really, for those who remember those days, to actually look back on them fondly; that's a real achievement.

Audience: (laughter)

Attendant: and a beautiful moustache, you know .. Stalinist's type, you know, huge moustache

End of part 1 — Introductory Remarks:

[1:02:55]

Organizer: I'm sorry, can I just .. (Finkelstein:"sure") because we do have a questions and answer session at the end and we're gonna have to give people fifteen-minute break before we come back for the workshops. So I'm really sorry: we're going to have to wrap it up here for the time being. Thank you

Audience: (clapping)

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