My deep thanks for the opportunity to discuss the Israel/Palestine conflict, and what action we in the United Kingdom can take to advance the prospect of peace with justice and democracy in the Holy Land. As the title of my talk suggests, I believe in the two state solution which has been the basis of policy for the international community for over 25 years, which has yet to come into being, and which is in very severe danger of disappearing before our eyes. The best interest of both peoples, Israeli and Palestinian, lies in peaceful coexistence between the state of Israel and the state of Palestine, on the basis of land for peace.

I believe that recognition now of both Palestine and Israel can make a positive difference to the prospect of attaining two states living side by side. I will outline a framework for genuine negotiations between Palestine and Israel under the auspices of the United Nations Security Council, in accordance with international law. I will touch upon illegal settlement activity, Gaza and the role of the International Criminal Court, and the consequences that can follow grave breaches of international law, given the political will. I will cover the regional context, the vital roles of Jordan and Egypt, and the continuing relevance of the Arab Peace Initiative. I conclude with the varying approaches of our own political parties in the United Kingdom, and with a request for political action by you, if you agree with what follows.

The difference recognition makes

Before assessing what difference recognition makes to the two parties to this conflict, let’s consider what difference it makes to us – to the United Kingdom, and to the other international players. Starting with Israel, recognised as a state by the United Kingdom Government in 1950, and by the United States two years earlier. Today, Israel is recognised by the vast majority of the world community, de jure or de facto. With recognition comes parity of esteem between the recogniser and the recognised – and normally, mutual respect, acceptance, permanence. It is worth noting that in 1950, the British Government recognised Israel without agreeing its capital or its borders. For us, and for the rest of the international community, the status of the city of Jerusalem remains to be determined – which is why all foreign Embassies to Israel are in Tel Aviv, not in West Jerusalem. That situation will not change until there is a comprehensive final status agreement negotiated by Israel and Palestine, and endorsed by the world community. That remains the goal.
Back to us. Recognition of Israel has meant that we accord rights and responsibilities to that state, we maintain diplomatic relations with it, and it is permanent. Palestine has the right to the same treatment, the same rights and responsibilities, the same permanence. Recognition of Palestine will make our approach to these two states more even handed, more equitable. This is hardly a new concept. The Berlin European Council of 1999 “reaffirms the continuing and unqualified Palestinian right to self-determination including the option of a state, and looks forward to the early fulfilment of this right... which is not subject to any veto”.

There is a moral as well as a political aspect to this issue, which is why Muslim, Christian and other faith communities in the United Kingdom have taken a clear public stand. The Church of Scotland and the Quakers are prime movers. On the occasion of the Commons debate on recognising Palestine on 13 October last, Anglicans and the Catholics in the UK signalled their support for recognition of Palestine, in a joint statement by Catholic Bishop Declan Lang and Anglican Bishop Christopher Cocksworth. These clear signals matter, and their positive impact elsewhere in Europe and America will only grow. We need to change a situation where, politically, we are willing to give much needed help with building state institutions such as the Palestinian judiciary, plus development assistance to the West Bank, and desperately needed humanitarian assistance to Gaza through UNRWA, but are not yet willing to endorse the legal, non violent aspirations to statehood of the Palestinians. Instead, we spend time and effort telling them what not to do – in my time, not to go to the United Nations, not to join the International Criminal Court, etc.

The formal position of the Foreign and Commonwealth Office is that Palestinian statehood is a matter of timing and judgment, not disputed in principle. On 9 November 2011 William Hague, then Foreign Secretary, told the House of Commons “The United Kingdom judges that the Palestinian Authority largely fulfils the criteria for UN membership, including statehood.... We reserve the right to recognise a Palestinian state at a moment of our choosing and when it can best help to bring about peace”. More than 3 years on, we are still waiting. It is time to choose.

Sweden has set an example to follow. Last October the Swedish Government recognised Palestine, for the following reasons –

- to make the parties to the conflict less unequal
- to support the voices of moderation in Palestine
- to sustain hope in both countries at a time of increasing tensions, when no peace talks are taking place.

Sweden’s declared aim is to see Israel and Palestine living side by side in peace and security, with recognition creating more hope and belief in the future among young Palestinians and Israelis.

Over 130 of the 193 states belonging to the UN have recognised the state of Palestine. Their votes enabled Palestine to gain the status of statehood at the United Nations in 2012 via the UN General Assembly, and paved the way for Palestine to assert itself in the field of international law by signing the 4th Geneva Convention and, from this coming April, joining the International Criminal Court. There are two major European powers who have yet to recognise Palestine. Recognition by either of these two will persuade many more European
states to follow suit. The two are the United Kingdom and France, who matter as foreign policy players in the European Union, and as Permanent Members of the UN Security Council. The impact of recognition by either will be increased if they recognise together. In addition to bringing with them like minded states – Italy, Spain, Ireland, Belgium, the Nordic states and others - they change the dynamic in the decisive area of the UN Security Council, where this issue truly belongs. With recognition, 4 of the 5 Permanent Members will take the same view of Palestinian self determination, since China and Russia recognised Palestine long ago. Arguably France is further down the road to recognition than the UK. Foreign Minister Laurent Fabius says that if there are no negotiations, or failed negotiations, France will “assume her responsibilities”, ie recognise Palestine.

What difference does recognition make to Palestinians? Quite a lot. It confirms the permanence, the inevitability, of their state. It confirms the wisdom of the PLO’s 1988 declaration of Statehood, in parallel with recognition of Israel, repeated in 1993 at Oslo. It strengthens the non violent PLO’s hand in the negotiations with Israel which must happen, for recognition of itself will not end the Occupation. It levels the ground somewhat for negotiations, but does not do the job of negotiations.

What of Israel? Israel is more than Mr Netanyahu’s fractious caretaker government, now in full election campaign mode against itself. I speak here with caution, since my work experience of 3 years in the Holy Land was focused on Palestinians. So what follows is more aspirational: I hope most Israelis will see recognition of Palestine for what it is: recognition that Palestinians and Israelis have equal rights, and equal need of security for their families, across a shared border, with an agreed end to the Occupation. An acknowledgment that illegal settlement construction, the closure of Gaza, house demolitions, the Wall etc have taken Israel away from Europe, and away from international law – a trend which needs to be reversed. The 17 March Israeli elections matter greatly.

A framework for genuine negotiations

For us, recognition of Palestine is necessary, but not sufficient. It is necessary, now, for our self-respect and the confidence to assert our values as well as for its positive impact on the negotiations which must follow. Israel will not be forced out of Palestine. A majority of Israelis need to see a better, safer life for their children when Palestine’s children achieve freedom with responsibilities in East Jerusalem, Gaza and the West Bank. The right peace-loving people on both sides of the border need to win.

Just like recognition, the United States is necessary, but not sufficient. President Obama and Secretary Kerry are working for a peaceful solution, which will entail Palestinian sovereignty in Gaza, the West Bank and East Jerusalem, and the full phased withdrawal of the Israeli Defence Forces from the territories occupied in 1967. Almost two years ago, John Kerry launched an exhausting personal marathon negotiating process, but the finishing line was not clear from the start. Mr Netanyahu sought to move the goalposts (sorry for the mixed sporting metaphor), and succeeded to the extent that we now speak less of the 2003 Roadmap and Palestinian statehood than we should – and less of the Arab Peace Initiative than it deserves. That is remediable – through a consensus UN Security Council Resolution,
launched or endorsed by the U.S., setting out what is currently the European Union’s vision of a just peace:

a safe and secure Israel alongside a viable, secure and sovereign Palestinian state based on 1967 borders with agreed land swaps of equivalent size and value, with Jerusalem as the shared capital of both states, and a just, fair and agreed resolution of the plight of refugees.

The outcome for Palestine should be a democratic, demilitarised state spanning Gaza, the West Bank and East Jerusalem where the Palestinian people control their own destiny, fulfil their potential and take their rightful place in the family of nations. That means economic development, rebuilding Gaza, strong Palestinian institutions throughout their country and, yes, strong security and economic cooperation with Israel, on an equitable basis. It does not mean an ongoing Israeli Defence Force presence, which only prolongs the Occupation. It means the full, phased withdrawal of the IDF from Palestinian soil, as President Obama made clear in a speech in May 2011. With Palestinian rights come responsibilities – rigorous implementation of the rule of law throughout the state, non-violence, zero tolerance of incitement to violence, and fair, free elections, with an advance commitment from the world community this time to respect the verdict of the Palestinian people. Today, all Palestinian elected politicians are time-expired. Palestinian politics is broken; it is for Palestinians to make it good again. We should encourage them by every available means.

Of Israel, the world should ask for acceptance of the inevitability, the necessity of the two state solution on a basis of equity, respecting international law. The best guarantee of Israeli wellbeing and international repute is the wellbeing of their Palestinian neighbour, free to work the land which is theirs, doing unto others as they would be done by. The vicious circle of deterrence, retaliation, violence and repression has to be broken, by mutual agreement. The alternatives are worse for all of us, including for Israel. The status quo, which I have just described, means chronic violence across borders and the inexorable decline in Israel’s international standing. The one state outcome, towards which we are drifting fast, internalises the inevitable violence inside that one state, with no way out.

It does not have to be like that. The rockets from Gaza can cease for good. Recognition of Israel by over 50 Arab and Muslim states can open new horizons for trade, investment, tourism and communication. The European Union offer of an “unprecedentedly deep partnership with both Palestine and Israel” is real. Security is needed by both peoples, Israeli and Palestinian. Israel reserves the right to defend itself, by itself – but can first test US/NATO/EU security guarantees, backed by the state of Palestine and by peace treaty partners Egypt and Jordan – and will not find them wanting. The European Union can and will play a bigger role – High Representative Federica Mogherini rightly has high ambitions to see a Palestinian state during her term of office. With political will, it can be done.

The Israel/Palestine conflict harms the region, and it harms us here. There is an argument – with which I agree – that to solve this issue you have to make it bigger: to make the end result more attractive to Israel and to make it last, you need to engage the regional powers – Jordan, Egypt, Saudi Arabia, Turkey… This brings us back to the central importance of the Arab (and Muslim) Peace Initiative, endorsed by over 50 member states of the Organisation of Islamic Cooperation, including all the Arab states.
Settlements and the rule of law

Such changes will take time, and political courage on all sides. There is urgency. A major, rapidly growing challenge to a just peace is the illegal settler enterprise in East Jerusalem and the West Bank, now 600,000-700,000 strong – among them a powerful minority of ideologically driven individuals and groups who want to force the Arabs to leave the land owned by the Arabs. Successive Israeli governments have encouraged settler ambitions. This must stop. The incoming Israeli administration must be asked to stop the settlement at Givat Hamatos, dividing Bethlehem from Jerusalem, and to remove settlements. Outposts must go, as foreseen in the Roadmap. Failure to do so must bring consequences, starting from Europe – though the US knows the illegality of settlements better than most. The EU logic of distinguishing rigorously between Green Line Israel and the illegal settler enterprise needs to be reinforced and extended. It is not just the settlements themselves which are illegal, pending a successful comprehensive negotiated agreement – the settlers themselves are present illegally, in the wrong place at the wrong time, and anything they produce on Palestinian soil belongs not to them but to Palestine. What is made in Palestine – be it the stones hewn in Palestinian quarries near Bethlehem, or the dates grown in the Jordan Valley – is Palestinian, and should be taxed, branded and marketed as such. I accept that we are a long way from that today. We need to work towards it.

The International Criminal Court

While I strongly favour genuine negotiation between honest partners over litigation, which is usually only good for lawyers, I have to say that the illegal settler enterprise is a clear source of concern for the International Criminal Court – setting aside the debate about the latest Gaza fighting. Israel has signed the 4th Geneva Convention, which bans the Occupying Power from transferring any of its population on to Occupied land. That is precisely what the Israeli settlements in East Jerusalem and the West Bank are. The drafters of the statutes of the ICC incorporated Article 49.6 of the 4th Geneva Convention into the ICC remit, adding the words “directly or indirectly” for good measure. There need to be agreed consequences for the buildings, for the settlers, for their products and for their political sponsors. To give one example: already we advise European companies not to engage with settlements, to avoid criminal association. The same applies to European companies having dealings with Israeli entities which, in turn, sustain illegal settlements - illegality at one remove, but still bound to tarnish the good repute of any EU firm engaging indirectly with illegal settlements in this way and serving to perpetuate illegality.

The UK role, actual and potential
Today, the United Kingdom can take a lead in the three areas I have described – recognition of Palestine, re setting the goals for a genuine negotiation under UN auspices, and serious consequences for the illegal settler enterprise. All three require a good dose of political will.

We British have a say in the ending of this conflict, just as we had a say in its beginning. It may not have begun with the 1917 Balfour Declaration, but that promise was decisive – and I pay tribute here to the Balfour Project, working hard between now and November 2017 to explain the relevance of the past to the present, to illuminate dark corners, and to educate our young about the unfinished business initiated by our Government back then. Unfinished business in that there is now in Israel “a national home for the Jewish people”, but there is still the second part of the Balfour Declaration to consider: “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine”. Unfinished business indeed. The business can and must be completed - by statehood for Palestine alongside Israel.

What are we British doing? We are doing quite a lot of waiting - and we are doing some good. Let’s focus on the good. The British Government spends a quantity of British taxpayers’ money through the Department for International Development to keep the West Bank functioning – teachers, doctors, nurses, police – and through the UN Relief Works Agency to address the humanitarian tragedy of Gaza, where homeless children have died of cold this winter. We should spend more – the need is great, particularly in Gaza, and particularly in the medical field. The British Council, a great force for good in the field of education, including university ties between the UK and Palestine, does much - but can do more, and more effectively, with more resources. I am very glad that students of Arabic from this university are perfecting their language skills at the University of Al-Najah in Nablus, Palestine. I hope that this link, those ties, will prosper.

Israel is currently compounding the crisis both in the West Bank and Gaza by holding on to Palestinian tax receipts to punish the PLO for joining the ICC. This is illegal, collective punishment, pure and simple. It is criminal, like the 7 year closure of Gaza by Israel. Egypt should reopen the Rafah Crossing permanently for legitimate, innocent travel. The British Government seeks to restore the Palestinians’ own money to the Palestinian Authority, presses diligently for lifting the blockade of Gaza, and protests immediately against new West Bank settlements. I know that the effort put into this by my former colleagues is immense. The effort far exceeds the results. The same applies to our partners in the European Union. This has to change.

As for waiting – we await the results of the 17 March Israeli elections, and politicians are careful not to disturb the Israeli internal debate. But we have an interest in the wise Israeli electorate choosing leaders who will not build illegal settlements and who will negotiate in a fair way with the Palestinians, acting in Israel’s own best long-term interests. That is self evident, but I see every reason to make what should be clear, even clearer. After 17 March, we will await Secretary Kerry’s return to the region. But there are things we can do that Mr Kerry cannot do – UK action, or UK-led EU action, in the interests of both Israelis and Palestinians. Not to cut across the USA, but to do what needs doing, not least when the USA cannot act for domestic political reasons. We should do the right thing, consistent with the
international law which we helped to create and which we are proud to say we uphold. We should do what we say.

Finally, the political action you might take. We are in an election year in the UK, and politicians seek your vote in an election which is now very hard to call. On Israel/Palestine, and specifically on recognition of Palestine, the two main political parties have differing views, though individuals in each may buck the Party whip. Labour broadly voted for recognition on 13 October, as a contribution to a negotiated peace – the only way that peace will come. Many Conservatives absented themselves from the vote, as the Party allowed them to do, albeit with several honourable exceptions. The Tory Party is a broad church, as they say, and is not monolithic on this subject – but the current leadership is. The Lib Dems, SNP and Greens voted for recognition. So, my request of you – if you conclude that UK recognition of Palestine will do good, as I believe, then please ask your candidates for MP what they will do if elected – and please make it very clear that their answer will guide your voting decision.

There is more to say – about the tragedy of Gaza, about the nihilism of violence, about the need for statesmanship by the politicians of the region, and by our own leaders. But to conclude: this conflict has lasted too long. It harms the people of the Holy Land. It harms us, and challenges our values. It can be resolved. For me, the key lies in parity of esteem, mutual respect, respect for the dignity and the narrative of the other. That means equity and reason in all manner of ways. We can start by according to Palestine the very same recognition we have accorded to Israel.

Vincent Fean
UK Consul-General, Jerusalem, 2010-2014 (retired)