
Bienville House Center for Peace and Justice

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Israel's legal framework for Gaza strikes

The license that Israel has given itself to strike at will in the Gaza Strip and attack the civilian population and infrastructure in the ferocious manner that it has done during the last two weeks and frequently before indicates that it is not bound by the normal restrictions of an occupying power.

Israel allows itself to strike at will by air and, if necessary, by ground invasion, because it ceded effective control of the Gaza territory in 2005 and declared Gaza a “sui generis” entity.

With the continued resistance by the people of Gaza, Israel considered that the sui generis territory of Gaza is a “belligerent entity.” This deliberate legal vagueness in describing and subsequently treating Gaza as a “belligerent entity” enables Israel to use these unilateral interpretations and optimum levels of siege and aggression — particularly through its air force — never abiding by the obligatory avoidance of attacks on a civilian population.

In other words, Israel, by extricating itself from the constraints of the Fourth Geneva Convention and treating Gaza as a “belligerent entity sui generis” — through reckless and ruthless airstrikes and now deployment of troops inside Gaza — is declaring war on Gaza as a belligerent sui generis entity.

What has taken place in the last few days of intense airstrikes has led to the loss of more than 600 civilian lives. This was definitely an act of war against Gaza and its population, as Israel no longer claims that it occupies Gaza’s territories.

With Israel's own definition of Gaza as a “belligerent entity sui generis,” the disproportionality of civilian population casualties,

including men, women and children, makes it clear that Prime Minister Benjamin Netanyahu’s government has been seeking an opportune moment to put in jeopardy the reconciliation that has taken place between the authorities of West Bank and Gaza.

US Secretary of State John Kerry, in talks with Egypt’s foreign minister, said, “There is a framework ... to end the violence and that framework is the Egyptian initiative.” Kerry’s term “framework” is unfortunately associated with failure, as it was used often during the fruitless “negotiations” between the Palestine Liberation Organization and Israel.

While it is hoped that the Egyptian initiative will constitute a fair solution for the people of Gaza and defuse the present violence, it is imperative that Egypt not equivocate on the Gaza tragedy and the ruthless and reckless ferocious attacks on Gaza population.

While Egypt is the most important Arab state with an undoubtedly strong influence, one would hope that it will not allow the restrictions imposed by its peace treaty with Israel and its traditional skepticism of Hamas to weaken its peace efforts to anything less than a strong condemnation of Israel’s attacks on civilians. If this is not done, a position that equivocates on the suffering of the Gazan people and the extraordinary ferociousness of Israeli airstrikes will be disappointing if not lead to disillusionment.

The outrage of the Arab people throughout the Middle East and the international community must be taken into serious consideration, or this description of Gaza as “the belligerent entity sui generis” will provide a license for Israel to

continue penalizing not only Hamas but the entire Arab population of Palestine, by justifying and continuing its use the peace and unity between Gaza and the West Bank as a pretext to further its conquest of the West Bank and East Jerusalem and its ruthless oppression of Gaza.

Egypt, the beloved and canonical Arab country, should in its intervention in this matter overcome the residual constraints of the past few months and act as it has historically done: be the country that articulates the legitimate demands of the Arab people in general and their commitment to Palestinian liberation in particular.

Equally important is that the United States must allow its humanitarian traditions and policies to actively deter Israel's disproportionate aggression against the people of Palestine, especially the people of Gaza.

Finally, I quote a July 22 Haaretz editorial: "Foreign Minister Avigdor Liberman's call to boycott Arab businesses that shut their doors to protest Operation Protective Edge is another act of dangerous and cynical incitement by the chairman of Yisrael Beitenu, which proves that he won't hesitate to exploit these days of tension and fear to score political points among the extreme right wing." The column went on, "The racist

incitement disseminated by Liberman — and not for the first time — is part of an ugly wave that threatens Israel's image. Cabinet members, first and foremost Prime Minister Benjamin Netanyahu, ought to unequivocally condemn such statements and renounce the foreign minister's dangerous initiative."

Finally, as an example for members of the constituency of conscience, I quote what Brent Sasley wrote in Haaretz, also July 22: "A society that cannot generate sorrow for civilians being killed elsewhere becomes inured to violence against its own members, and more sympathetic to and excusing of it. It will produce many more Yigal Amirs, Baruch Goldsteins and La Familias. That's not the meaning of a Jewish and democratic state."

Clovis Maksoud

C. Maksoud (2014) *Israel's legal framework for Gaza strikes*. Originally published July 22, 2014 on Al-monitor.com and reprinted here with the author's permission.

Clovis Maksoud is a former ambassador and permanent observer of the League of Arab States at the United Nations and its chief representative in the United States for more than 10 years.

Dr. Clovis Maksoud

*Emeritus professor of International Relations at American University
Arab League Ambassador to the U.S. and UN, 1979-1990
Former editor of leading Arabic-language newspapers and magazines*

Louisiana State University, Thursday, November 13th, at 6:00pm
at Nicholson Hall, Room 130

Dr. Maksoud will be speaking on U.S. policy in the Middle East,
the chances of an emerging independent Palestinian state, and the Arab Spring.

Op-Ed

It seems that since the inception of humanity the vast majority aspires to peace and prosperity and a small minority aspires to vulturism - sowing the seeds of war. And that is basically the structure of the world we exist in today. No matter where you look in our world, you see the majority working

hard trying to scratch out an existence that would feed, shelter and educate their families and secure them a better future. At the same time, you see a small minority that assumes to themselves a hollow moral standard that they hide behind and use as a shield to steal what they can and amass

fortunes snatched from the mouths of the starving people.

The reach of the war mongers used to be limited and confined by geographical and physical limitations. Unfortunately with the rise of modern technological advancements, all barriers seem to have been removed and a set of moral standards introduced that glorifies the mighty and vilifies the weak and the poor. What President Eisenhower so prophetically predicted in the middle of the last century has become today's reality.

Democracy has been subverted by the power of the tycoons and the multinational corporations and the military industrial complex - basically a tiny minority exercising a choking hegemony over the heart and soul of the government.

We often find ourselves marching into the election both to vote for what we perceive to be the least of the presented evils - hoping against hope that we are affecting a change only to find out after the elections that even the flimsiest of promises have been forgotten and the vulturism keeps marching on.

Now we are going back to square one of the Vietnam War - we send advisers to where they do not belong and when the indigenous people react, we send armies to protect the advisers. It seems like we specialize in creating conflicts in order to achieve hegemony.

To understand what is going on in the Middle East today it would help to remember the recommendations of the British prime minister's commission's in 1906 about the Arab world and

shortly after that the emergence of the Balfour Declaration, the Sykes-Picot agreements, the travesty of the Arab revolution, Lawrence of Arabia, the defeat of the Ottoman Empire and the colonization by the West of the Arab world - laying the foundation for the Zionist settlers in Palestine.

The colonialists established a copy of the plantation system in the Middle East and placed its lackeys in charge so we ended up with a slavery system that controls a major portion of the world's energy resources - and it is run by plantation masters that represent a handful of feudal families while the overwhelming majority of the people are excluded and fenced off and doomed to a life of poverty.

These plans are the seeds of the disaster that is destroying the fabric and the mosaic of the societies of the Middle East.

What we have seen so far of the destruction of Palestine, Iraq, Sudan, Somalia, Yemen, Libya, Syria and the continuing undermining of the rest of the Middle East through lies and deceptions culminates in decimation and destruction. Instead of helping the people fix and improve their deficiencies, the actions of the West tell us that either ignorance or a hidden agenda lurks in the shadows. We all must pray for peace and that the Almighty will open the eyes of those who only see solutions thru war-making and are blind to the blow-back it can engender.

Ma'Moun Sukkar

Winners of the 2013-2014 Reich-Henderson Writing Competition

We were thrilled to receive over two dozen entries in our writing competition, which was established by Bienville House to honor the memories of Dr. Robert "Doc" Reich and Ms. Paula Henderson. Doc and Paula were tireless advocates for the disenfranchised members of our community, and the essay contest honors their lifelong dedication to promoting peace and justice. The winners were awarded cash prizes and the first place winner has been invited to read her essay at the Wade Mackie Award Dinner, which will be held at the Unitarian Church of Baton Rouge on October 25th (see note below).

This year's winners are:

- 1st Place: Lena Kelly (Lafayette High School, Lafayette)
- 2nd Place: Ashton Kennedy (Central High School, Baton Rouge)
- 3rd Place: Jakeyla Chavis (Northside High School, Lafayette)

Another September, another war

It's September, that time of year when Americans once again indulge in our national pastime, a muscular display of power, patriotism, and competitiveness ... bombing the Middle East. Last September, the White House was ready to attack Syria but had the football yanked away from them at the last minute by a combination of partisan small-mindedness, popular revulsion, and dissent within the U.S. military leadership. This September, the game is back on, with Congressional authorization for escalated American military intervention in Iraq and Syria. Not that the President needed anyone's permission, as he informed Congress in citing the same post-9/11 Authorization for the Use of Military Force he recently called on Congress to revoke, proving his point that the Authorization provides an eternal, infinitely malleable permission slip for American presidents to attack any country, anywhere, nullifying the already weak Congressional role in war making embodied in the 1973 War Powers Resolution.

The debate on the new American campaign in Iraq/Syria, like the one last year, has been informative on a number of fronts. There are, for one, the demonstrably false rationales for action and arguments about the Islamic State's emergence offered by the administration and the Democratic and Republican leadership. President Obama named Yemen and Somalia as templates for new military action in Iraq and Syria. He could hardly have chosen more unstable, fractured, dangerous quagmires where American covert action, air-power, and proxy armies have further destabilized the political landscape, propped up unpopular governments, and/or encouraged foreign intervention. U.S. involvement in Yemen and Somalia, which began before but escalated under Obama, has failed to destroy Al-Qaeda's affiliates in either country and done little to rebuild their failed, or failing, states. The two other countries he might have mentioned, Libya and Pakistan, are no better. Libya has become an arms warehouse supplying insurgencies across North Africa and is rapidly imploding as rival militias besiege Benghazi and Tripoli. The Federally Administered Tribal Areas

in Pakistan, the original shooting gallery in the Bush/Obama 'light footprint' doctrine of containment from the air – the resuscitation of the British Empire's 'Air Control' strategy for pacifying these same places in the 1920s and 1930s – are just as disaffected and marginalized as before 2001.

The Obama doctrine finds its strategic (il)logic mirrored in the Israeli justification for the Gaza War this summer, the periodic necessity of 'mowing the lawn' in areas where the occupying power does not exercise direct control on the ground. The proliferation of chaos, internal wars, breakdown of central government control – what Pentagon planners call 'ungoverned spaces' – arcing from Libya to Egypt's Sinai, thence to Syria and Iraq, across Yemen and Somalia, and along the Pakistan/Afghanistan border – is a geography that roughly coincides with the weight of U.S. military and political intervention in recent decades. In a vicious spiral, that instability opens the door for terrorist organizations to insinuate themselves, which provokes further U.S. escalation, leading to more instability ... and so it goes. The Al-Qaeda strategy document 'The Management of Savagery' lays this out in detail, and makes the reasons for ISIS' very public and cruel murders of American and British hostages abundantly clear. Contrary to what President Obama was reported to have said to policy experts and journalists before making his speech on Syria and Iraq, ISIS didn't make a strategic error when it killed Americans and invited U.S. military retaliation. Drawing Western armies into the Middle East, reaping the propaganda victory of fighting them, and exploiting the instability that follows their withdrawal has been the growth strategy of Al Qaeda from Afghanistan in the 1980s to Iraq in the 2000s.

The Republican critique of Obama's new war footing – namely that it's likely to be ineffective in achieving the stated goal of destroying ISIS – draws a fair conclusion, as did Republican skepticism about attacking the Syrian government last year. The issue is the Right's basis for their criticism, and the alternative foreign policy they offer. Obama's Mideast policy has been the slow,

measured containment of problem areas without offering any solution or positive alternative, just a lot of hollow, hypocritical, idealistic talk, and certainly not any material shift in core U.S. policies towards the region. The pro-intervention faction of the Republicans would like to replace this with more explicit, aggressive, overt support for pro-U.S. autocracies like Saudi Arabia and Egypt, angling for a shot at more regime change (Syria and Iran being the prime targets), and the military rollback and destruction of groups like ISIS through as yet mostly vague and undefined means.

This being an election year, almost all politicians have refrained from advocating sending an American army back into Iraq, and maybe next into Syria. While being short on specific alternatives, the president's opponents have been long on recent history, especially the withdrawal of American forces from Iraq. Their argument is essentially that pulling out the troops led to the disintegration of the Iraqi Army before ISIS' advance in August. I question both the U.S.' ability to control events in Iraq even when it had a massive army on the ground, as well as the ability of any amount of American assistance to hold together an Iraqi state the U.S. dismantled in 2003 and never effectively put back together again. Remember that Nouri al-Maliki, the former Iraqi Prime Minister responsible for the recent sectarian repression and violence against Sunni Iraqis that turned them against the government, was strongly backed by the U.S. for the post in 2006. Even with more than 100,000 ground troops in Iraq, America could not prevent, and one can argue helped enact, the bloodbath of sectarian cleansing in Baghdad, before 2003 a mixed city, into hostile Sunni and Shi'a enclaves. Pouring tens of billions of dollars into rebuilding the Iraqi army and government, after abolishing the country's institutions, amounted to a huge windfall of corruption and yielded a weak, sectarian, and brittle Iraqi state, ready for any shock to break it apart. Firing and arresting the former insurgents the U.S. brought temporarily onto the government's side in the 2007 surge didn't help, nor did the Iraqi army and police killing of dozens of civilians while breaking up anti-government protests in 2013 in the same

regions where ISIS almost effortlessly swept away the Iraqi army this summer. I don't see how 10,000 or 20,000 Americans remaining in Iraq would have made up for divisions in Iraqi society amplified by the American occupation in the prior decade, antagonisms the U.S. helped to bring about and could only barely contain at enormous human and financial cost with an army ten times the size of the force envisioned to stay behind. Even if Americans could have stiffened the Iraqi army's fight against ISIS, we would have been in the same fundamental problem, with many more Americans on the ground: Iraqi society brutalized by war, its ethnic and sectarian rivalries intensified by ISIS/Al-Qaeda on one hand and the Maliki government on the other, with America militarily bolstering a corrupt, divisive Iraqi government but unable to resolve the country's political problems, problems the U.S.' decades-long interventions in the country have gravely aggravated.

Particularly disturbing in the conversation about America's new Long War in the Mideast, one stretching at least three years into the future when conveniently another president will be in office, is the return of the neo-conservatives to the foreign policy arena. In short, they smell the blood in the water and they're circling again. In the Senate Armed Services Committee on September 16th, John McCain repeatedly pushed Secretary Kerry if the U.S. would attack Syria's army if they fired on the Syrian rebels now being trained to fight ISIS. Louisiana representative John Fleming, quoted after a briefing by—cue the *Star Wars* imperial march here—Dick Cheney, considered the appropriate policy for Iraq and Syria a repeat of the 1991 and 2003 Gulf Wars, with a huge U.S. troop buildup, 'shock and awe' bombing, and ground invasion, adding that "...we leave a stay-behind force to keep our friends up and going, and also maybe a no-fly zone in Syria over the area Assad controls."

Fleming also noted the former Vice President claimed President Obama "has actually done things that have supported the Muslim Brotherhood... the beginning of all the Islamist groups that we're dealing with now like Hamas and ISIS." Alabama representative Brad Byrne, referencing that same meeting, even included

Hizbollah among the groups stemming from the Muslim Brotherhood, never mind that Hizbollah is fighting with Syria's government against the dozens of Jihadist insurgent groups there. The painful irony is that the 1980s Arab *Mujahedeen* the Reagan administration, Pakistan, and Saudi Arabia organized to fight the Soviets in Afghanistan, not the Muslim Brotherhood, were the historical root that nourished and popularized the Al Qaeda/ISIS phenomenon more than anything else. Moreover, time and again in the Middle East, the repression of secular Arab nationalism and leftist parties by the region's governments has left only political Islam as an alternative political vision, one sometimes cynically manipulated such as in the encouragement of Hamas in the 1980s to further factionalize Palestinians and weaken the PLO. To be fair, early Islamist political theorists like Sayyid Qutb were influential for both the Muslim Brotherhood and Al Qaeda, but in countries like Egypt the Brotherhood is the Islamist organization that has stayed within the political process, unlike Islamic Jihad or Al Qaeda. Its reward has been decades of repression by the Egyptian military and police, now returned to power following the coup against Morsi in 2013. Whatever Morsi's mistakes and unpopularity, the killing of hundreds of Brotherhood supporters in the coup and the arrest of tens of thousands of activists from all political persuasions afterwards are unjustifiable and can only encourage Egyptians to despair or to believe violence is the only path to social change. Obama has a funny way of supporting the Muslim Brotherhood by refusing to condemn, or even name the 2013 Egyptian coup as a coup, and to quickly return American military and economic aid to the reconstituted military regime in Cairo as it inflicts jails and brutalizes all political opposition.

Further fanciful interpretations of the Middle East worthy of the tales of the Arabian Nights

have come from the recent Iraq and Syria debate, like that of Joint Chiefs of Staff Chairman Martin Dempsey, who declared ISIS' objectives to be reconstituting the 'ancient kingdom of Al-Sham,' which he said included Israel and Kuwait, as if any conceivable combination of forces in the region could overwhelm the strongest military power in the Mideast or America's Gulf oil dependencies. Henry Kissinger, who with a straight face claims to be a 'realist' foreign policy thinker, said ISIS was not the real threat to America, but rather Iran was, because, "There has come into being a kind of a Shia belt from Tehran through Baghdad to Beirut. And this gives Iran the opportunity to reconstruct the ancient Persian Empire — this time under the Shia label." So while America's leaders conjure up Oriental empires their imaginations place in the minds of our adversaries, the very serious and calculated argument is being reasserted along the lines Donald Rumsfeld said the afternoon of 9/11: "Sweep it all up. Things related and not." Before any shots are fired into Syria, Obama has already won himself and any future president expanded authority to unilaterally declare war against anybody, and quietly the case is being made for a rebooted long-term and expansive American war in the Mideast against not just ISIS, but possibly Syria and eventually maybe Iran. One of the huge ironies of such an approach is that the same problem facing the U.S. in 2001, which it botched then and may again if the war lobby prevails, is that the lumping of Iran and Syria into an Axis of Evil-like 'enemies list' along with Al Qaeda and ISIS will kill any chance for the kind of grand bargain for a normalized U.S.-Iran relationship, a negotiated settlement of the Syrian civil war, or anti-terrorism cooperation as Iran provided the U.S. against the Taliban before 2003.

Brian Marks

September 21, 2014

The Bienville House Center for Peace and Justice is online!

Check out our website:

<http://www.bienvillehousecenter.org>

And find us on Facebook:

www.facebook.com/BienvilleHouseCenter

Fr. Roy Bourgeois to Receive the 2014 Wade Mackie Peacemaking Award

This year, Bienville House will award the Wade Mackie Peacemaking Award to Father Roy Bourgeois. The award celebration will be held on October 25th at the Unitarian Church of Baton Rouge, followed by a catered banquet.

A Louisiana native, Father Bourgeois was born in Litcher and attended the University of Louisiana at Lafayette, where he obtained a degree in Geology. He then spent four years in the U. S. Navy, including two tours of duty in Vietnam, where he was injured and received the Purple Heart. Following his military service, he entered the Maryknoll Order and was ordained a Catholic priest in 1972. He worked with the poor in Bolivia for five years, where he was arrested for his work in human rights and forced to leave the country. After returning to the United States, he became an outspoken critic of U. S. foreign policy in Latin America, and in 1990 he founded the School of the Americas Watch (SOA Watch). The School of the Americas (now called the Western Hemisphere Institute for Security Cooperation) is a U. S. Department of Defense Institute at Fort Benning, Georgia, that provides military training to government personnel from Latin American countries. Father Bourgeois has spent over four years in federal prison for his nonviolent protests against the SOA.

In 1995, Father Bourgeois produced a documentary film about the School of the Americas titled *School of Assassins*, which received an Academy Award nomination. In 1997 he received the Pax Christi USA Teacher of Peace Award, and in 2010 he was nominated for the Nobel Peace Prize. In 2012, after serving as a Roman Catholic Priest for 40 years, Father Bourgeois was expelled from the priesthood because of his public support for the ordination of women.

Father Bourgeois continues his work for peace, justice and equality, and we look forward to honoring and the Wade Mackie Peacemaking Award celebration.

The Bienville House Center for Peace & Justice

cordially invites you to a dinner in honor of

Father Roy Bourgeois

recipient of this year's

Wade Mackie Peacemaking Award

6 p.m., Saturday, October 25th

Unitarian Church of Baton Rouge

8470 Goodwood Boulevard, Baton Rouge

A buffet dinner will be served.

RSVP or for more information: bienvillehousecenter@gmail.com

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