

At AIPAC, Biden Disappoints (Part 2)

by Hugh Fitzgerald



Jordan remained the illegal “occupier” of the West Bank from 1948 to 1967; its only claim was that of military occupation. The “Palestinian people” had not yet been invented, so Amman made no move to hand the West Bank over to the non-existent Palestinians. The juridical situation was quite different for Israel, its claim to the West Bank is based not on its “occupation” of the territory since 1967, but on the Mandate for Palestine itself. But, someone might object, hadn’t the Mandates system expired when the League of Nations, which had created the many mandates, ceased to operate in 1946 and was soon replaced by the United Nations?

No, because by its own charter, the United Nations recognized the continued relevance of the Mandates system. The UN Charter, and specifically Article 80 of that Charter, implicitly recognize the “Mandate for Palestine” of the League of Nations. This Mandate granted Jews the irrevocable right to settle in the area of Palestine, anywhere between the Jordan

River and the Mediterranean Sea. Professor Eugene Rostow, then Dean of Yale Law School, has explained:

This right [of settlement] is protected by Article 80 of the United Nations Charter. The Mandates of the League of Nations have a special status in international law, considered to be trusts, indeed "sacred trusts."

Under international law, neither Jordan nor the recently-invented "Palestinian" Arab people of the West Bank and the Gaza Strip have a substantial claim to the sovereign possession of the West Bank.

To sum up: the Jewish claim to the "West Bank" is based clearly on the Palestine Mandate of the League of Nations, which gave Jews the right to settle anywhere between the Jordan and the Mediterranean, and from the Golan in the north to the Red Sea in the south. That right was not extinguished when the League of Nations came to an end. Article 80 of the U.N. Charter recognized the continuing relevance of the Mandate's provisions. The West Bank always formed part of the territory assigned to the Jewish National Home, where the British were to "facilitate Jewish immigration" and to "encourage close settlement by Jews on the land." Jordan was an "illegal occupier" of the West Bank from 1948 to 1967; in 1967, through its military victory, Israel at last became able to enforce the claim it had never relinquished.

Biden is almost certainly unaware that the Mandate for Palestine assigned all of the territory from the Jordan River to the Mediterranean to the Jewish state. Such ignorance is widespread; few among the political and media elites in the Western world have bothered to read the Mandate, or Article 80 of the U.N. Charter. If they did, they would understand that the Mandate itself gives Israel the right to build settlements – which then naturally grow to become villages and cities – all over the West Bank. Biden's remarks to AIPAC's annual

Policy Conference in Washington, DC strongly criticized what appears to be growing momentum toward unilateral Israeli annexation of large parts of the West Bank.

“Israel has to stop the threats of annexation and settlement activity,” he said. “That’s going to choke off any hope for peace.”

Biden has things all wrong. First of all, it is insulting to describe Israel’s people and government discussing the merits of annexation of part or all of the West Bank as constituting “threats.” Israel does not intend to “threaten” anyone in debating the question of how much of the West Bank to annex at first, and according to what timetable. No threats have been uttered or implied. It’s the Arabs and Iranians who have a long history of “threatening” about one thing or another if they do not get their way. Some, like Iran, threaten to wipe out Israel or to attack America. In October 1973, the Gulf Arabs threatened to decrease their deliveries of oil so as to destroy the economies of the West. Iran has repeatedly threatened to shut down the shipping lanes in the Straits of Oman and to hit American bases in the Middle East; Turkey has threatened to close the American base at Incirlik and threatened the leaders of Germany and the Netherlands for not allowing Erdogan’s men to campaign among the Turks in both countries.

Biden believes the very opposite of the real situation. He thinks Israel is “choking off any hope for peace” with its settlement-and-annexation policy. Hopes for peace have been repeatedly dashed not by Israel, but by the Palestinian leaders – first Arafat and then Abbas – who came to Washington, were offered deals by Israeli negotiators that gave them 95%, and then 97%, of the West Bank, but the Palestinians disdained to even consider such offers. They wanted a total Israeli withdrawal and a “return” to the 1949 armistice lines, which the Arabs, who refused an Israeli offer

in 1949 to make those armistice lines into internationally-recognized borders, now want to do so. It's too late. The offer no longer stands. The train left that particular station 70 years ago. And even today, it's Mahmoud Abbas who is "choking off any hope for peace" by refusing even to discuss the Trump peace initiative.

What keeps the peace between Israel and the Arabs, including both the Palestinians living in the West Bank and Gaza, and the neighboring Arab states, is precisely the deterrent power of the IDF. And a critical, even indispensable component of that deterrence is Israel's continued possession of the West Bank. It needs to have some minimal strategic depth on its eastern flank, so that the IDF can hold off a potential invasion force from the east while Israel reservists are still being mobilized. If Israel were forced to surrender the West Bank – as Biden implicitly thinks it should – it would be all of eight miles wide at its narrowest point, from Qalqilya to the Mediterranean.

Biden warns that such moves –any expansion of settlements, an, a formal annexation of some or all of the West Bank settlements that exist – are damaging Israel's cause in the US:

To be frank, those moves are taking Israel further from its democratic values, undermining support for Israel in the United States, especially among young people of both political parties. That's dangerous. We can't let that happen.

Israel is not moving "further from its democratic values." In Israel itself, a thriving democracy treats Israeli Jews and Arabs equally. Arabs serve in the Knesset, sit on the Supreme Court, are high-ranking diplomats, and are even officers in the IDF. They study, live, and work beside Jews. There is no apartheid, contrary to the claims of pathological Israel-

haters. As for the Palestinians in the West Bank, Israel has welcomed the Trump Plan, which not only contemplates an independent Palestinian state, but also hopes to raise some \$50 billion in aid for that new state, a colossal sum that would do much to increase the prosperity among Palestinians. Abbas turned down flat the Trump Plan even before reading it. Nor did he wish to discuss that potential aid of \$50 billion for the Palestinians that had been mentioned in the meeting in Manama, Bahrain – a meeting that Abbas refused to attend or to send representatives. Now that Mahmoud Abbas and his sons have amassed a family fortune of \$400 million, they don't appear too concerned about the people, many of them living on the edge, whose interests the Palestinian leadership is supposed to further.

Israel has no desire to rule over Palestinians in the West Bank; it wants them to have a separate state, where they have full control over their own domestic destinies. Israel only wants to ensure that such a state would be sufficiently demilitarized – as, for example, by not having an air force – so as to not be able to threaten Israel. But otherwise, Israel is ready to accept a state of “Palestine,” even on land that Israelis know belongs to them, as long as it will lack the wherewithal to militarily threaten Israel. This readiness of Israel to yield land on the West Bank so that it might become most of “Palestine” has gotten Israel no credit; Biden should give recognize that sacrifice and give the Israelis the credit they deserve.

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